

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 60th Legislature (2026)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3586

By: Harris and **Duel** of the
House

and

Thompson of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to children; enacting the Right to
12 Raise Act; amending 10 O.S. 2021, Section 7503-1.1,
13 which relates to adoption; modifying eligibility
14 provisions; amending 10A O.S. 2021, Section 1-1-105,
15 as amended by Section 1, Chapter 375, O.S.L. 2025
16 (10A O.S. Supp. 2025, Section 1-1-105), which relates
17 to the Oklahoma Children's Code; providing that
18 raising or referring to juvenile based on biological
19 sex shall not constitute abuse or neglect; amending
20 21 O.S. 2021, Sections 843.5, as last amended by
21 Section 8, Chapter 486, O.S.L. 2025 (21 O.S. Supp.
22 2025, Section 843.5) and 852.1, as amended by Section
23 187, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025,
24 Section 852.1), which relate to crimes and
 punishments; providing that raising or referring to
 juvenile based on biological sex shall not constitute
 child endangerment; providing for noncodification;
 and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

1 This act shall be known and may be cited as the "Right to Raise
2 Act".

3 SECTION 2. AMENDATORY 10 O.S. 2021, Section 7503-1.1, is
4 amended to read as follows:

5 Section 7503-1.1. A. The following persons are eligible to
6 adopt a child:

7 1. A husband and wife jointly if both spouses are at least
8 twenty-one (21) years of age;

9 2. Either the husband or wife if the other spouse is a parent
10 or a relative of the child;

11 3. An unmarried person who is at least twenty-one (21) years of
12 age; or

13 4. A married person at least twenty-one (21) years of age who
14 is legally separated from the other spouse.

15 B. No person shall be denied the opportunity to become an
16 adoptive parent and the placement of a child for adoption shall not
17 be denied nor delayed on the basis of the adoptive parent's refusal,
18 unwillingness, or lack of support to enable the child to engage in a
19 gender transition.

20 SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-1-105, as
21 amended by Section 1, Chapter 375, O.S.L. 2025 (10A O.S. Supp. 2025,
22 Section 1-1-105), is amended to read as follows:

23 Section 1-1-105. When used in the Oklahoma Children's Code,
24 unless the context otherwise requires:

1 1. "Abandonment" means:

- 2 a. the willful intent by words, actions, or omissions not
3 to return for a child,
4 b. the failure to maintain a significant parental
5 relationship with a child through visitation or
6 communication in which incidental or token visits or
7 communication are not considered significant, or
8 c. the failure to respond to notice of deprived
9 proceedings;

10 2. "Abuse" means harm or threatened harm to the health, safety,
11 or welfare of a child by a person responsible for the child's
12 health, safety, or welfare, including, but not limited to,
13 nonaccidental physical or mental injury, sexual abuse, or sexual
14 exploitation. Provided, however, that nothing contained in the
15 Oklahoma Children's Code shall prohibit any parent from using
16 ordinary force as a means of discipline including, but not limited
17 to, spanking, switching, or paddling~~-,~~ and raising a juvenile
18 consistent with the juvenile's biological sex or referring to a
19 juvenile consistent with the juvenile's biological sex shall not
20 constitute abuse under this act:

- 21 a. "Harm or threatened harm to the health, safety, or
22 welfare of a child" means any real or threatened
23 physical, mental, or emotional injury or damage to the
24 body or mind that is not accidental including, but not

1 limited to, sexual abuse, sexual exploitation,
2 neglect, or dependency~~-,~~

3 b. "Sexual abuse" includes but is not limited to rape,
4 incest, and lewd or indecent acts or proposals made to
5 a child, as defined by law, by a person responsible
6 for the health, safety, or welfare of the child~~-,~~ and

7 c. "Sexual exploitation" includes but is not limited to
8 allowing, permitting, encouraging, or forcing a child
9 to engage in prostitution, as defined by law, by any
10 person eighteen (18) years of age or older or by a
11 person responsible for the health, safety, or welfare
12 of a child, or allowing, permitting, encouraging, or
13 engaging in the lewd, obscene, or pornographic, as
14 defined by law, photographing, filming, or depicting
15 of a child in those acts by a person responsible for
16 the health, safety, and welfare of the child;

17 3. "Adjudication" means a finding by the court that the
18 allegations in a petition alleging that a child is deprived are
19 supported by a preponderance of the evidence;

20 4. "Adjudicatory hearing" means a hearing by the court as
21 provided by Section 1-4-601 of this title;

22 5. "Age-appropriate or developmentally appropriate" means:

23 a. activities or items that are generally accepted as
24 suitable for children of the same age or level of

1 maturity or that are determined to be developmentally
2 appropriate for a child, based on the development of
3 cognitive, emotional, physical, and behavioral
4 capacities that are typical for an age or age group,
5 and

- 6 b. in the case of a specific child, activities or items
7 that are suitable for that child based on the
8 developmental stages attained by the child with
9 respect to the cognitive, emotional, physical, and
10 behavioral capacities of the specific child.

11 In the event that any age-related activities have implications
12 relative to the academic curriculum of a child, nothing in this
13 paragraph shall be construed to authorize an officer or employee of
14 the federal government to mandate, direct, or control a state or
15 local educational agency, or the specific instructional content,
16 academic achievement standards and assessments, curriculum, or
17 program of instruction of a school;

18 6. "Assessment" means a comprehensive review of child safety
19 and evaluation of family functioning and protective capacities that
20 is conducted in response to a child abuse or neglect referral that
21 does not allege a serious and immediate safety threat to a child;

22 7. "Behavioral health" means mental health, substance abuse, or
23 co-occurring mental health and substance abuse diagnoses, and the
24

1 continuum of mental health, substance abuse, or co-occurring mental
2 health and substance abuse treatment;

3 8. "Child" means any unmarried person under eighteen (18) years
4 of age;

5 9. "Child advocacy center" means a center and the
6 multidisciplinary child abuse team of which it is a member that is
7 accredited by the National Children's Alliance or that is completing
8 a sixth year of reaccreditation. Child advocacy centers shall be
9 classified, based on the child population of a district attorney's
10 district, as follows:

11 a. nonurban centers in districts with child populations
12 that are less than sixty thousand (60,000), and

13 b. mid-level nonurban centers in districts with child
14 populations equal to or greater than sixty thousand
15 (60,000), but not including Oklahoma and Tulsa
16 Counties;

17 10. "Child with a disability" means any child who has a
18 physical or mental impairment which substantially limits one or more
19 of the major life activities of the child, or who is regarded as
20 having such an impairment by a competent medical professional;

21 11. "Child-placing agency" means an agency that arranges for or
22 places a child in a foster family home, family-style living program,
23 group home, adoptive home, or a successful adulthood program;

24

1 12. "Children's emergency resource center" means a community-
2 based program that may provide emergency care and a safe and
3 structured homelike environment or a host home for children
4 providing food, clothing, shelter and hygiene products to each child
5 served; after-school tutoring; counseling services; life-skills
6 training; transition services; assessments; family reunification;
7 respite care; transportation to or from school, doctors'
8 appointments, visitations and other social, school, court or other
9 activities when necessary; and a stable environment for children in
10 crisis who are in custody of the Department of Human Services if
11 permitted under the Department's policies and regulations, or who
12 have been voluntarily placed by a parent or custodian during a
13 temporary crisis;

14 13. "Community-based services" or "community-based programs"
15 means services or programs which maintain community participation or
16 supervision in their planning, operation, and evaluation.
17 Community-based services and programs may include, but are not
18 limited to, emergency shelter, crisis intervention, group work, case
19 supervision, job placement, recruitment and training of volunteers,
20 consultation, medical, educational, home-based services, vocational,
21 social, preventive and psychological guidance, training, counseling,
22 early intervention and diversionary substance abuse treatment,
23 sexual abuse treatment, transitional living, independent living, and
24 other related services and programs;

1 14. "Concurrent permanency planning" means, when indicated, the
2 implementation of two plans for a child entering foster care. One
3 plan focuses on reuniting the parent and child; the other seeks to
4 find a permanent out-of-home placement for the child with both plans
5 being pursued simultaneously;

6 15. "Court-appointed special advocate" or "CASA" means a
7 responsible adult volunteer who has been trained and is supervised
8 by a court-appointed special advocate program recognized by the
9 court, and when appointed by the court, serves as an officer of the
10 court in the capacity as a guardian ad litem;

11 16. "Court-appointed special advocate program" means an
12 organized program, administered by either an independent, not-for-
13 profit corporation, a dependent project of an independent, not-for-
14 profit corporation or a unit of local government, which recruits,
15 screens, trains, assigns, supervises and supports volunteers to be
16 available for appointment by the court as guardians ad litem;

17 17. "Custodian" means an individual other than a parent, legal
18 guardian or Indian custodian, to whom legal custody of the child has
19 been awarded by the court. As used in this title, the term
20 custodian shall not mean the Department of Human Services;

21 18. "Day treatment" means a nonresidential program which
22 provides intensive services to a child who resides in the child's
23 own home, the home of a relative, a group home, a foster home, or a
24

1 residential child care facility. Day treatment programs include,
2 but are not limited to, educational services;

3 19. "Department" means the Department of Human Services;

4 20. "Dependency" means a child who is homeless or without
5 proper care or guardianship through no fault of his or her parent,
6 legal guardian, or custodian;

7 21. "Deprived child" means a child:

8 a. who is for any reason destitute, homeless, or
9 abandoned,

10 b. who does not have the proper parental care or
11 guardianship,

12 c. who has been abused or neglected or is dependent,

13 d. whose home is an unfit place for the child by reason
14 of depravity on the part of the parent or legal
15 guardian of the child, or other person responsible for
16 the health or welfare of the child,

17 e. who is a child in need of special care and treatment
18 because of the child's physical or mental condition,
19 and the child's parents, legal guardian, or other
20 custodian is unable or willfully fails to provide such
21 special care and treatment. As used in this
22 paragraph, a child in need of special care and
23 treatment includes, but is not limited to, a child who
24 at birth tests positive for alcohol or a controlled

1 dangerous substance and who, pursuant to a drug or
2 alcohol screen of the child and an assessment of the
3 parent, is determined to be at risk of harm or
4 threatened harm to the health, safety, or welfare of a
5 child,

6 f. who is a child with a disability deprived of the
7 nutrition necessary to sustain life or of the medical
8 treatment necessary to remedy or relieve a life-
9 threatening medical condition in order to cause or
10 allow the death of the child if such nutrition or
11 medical treatment is generally provided to similarly
12 situated children without a disability or children
13 with disabilities; provided that no medical treatment
14 shall be necessary if, in the reasonable medical
15 judgment of the attending physician, such treatment
16 would be futile in saving the life of the child,

17 g. who, due to improper parental care and guardianship,
18 is absent from school as specified in Section 10-106
19 of Title 70 of the Oklahoma Statutes, if the child is
20 subject to compulsory school attendance,

21 h. whose parent, legal guardian or custodian for good
22 cause desires to be relieved of custody,

23 i. who has been born to a parent whose parental rights to
24 another child have been involuntarily terminated by

1 the court and the conditions which led to the making
2 of the finding, which resulted in the termination of
3 the parental rights of the parent to the other child,
4 have not been corrected, or

- 5 j. whose parent, legal guardian, or custodian has
6 subjected another child to abuse or neglect or has
7 allowed another child to be subjected to abuse or
8 neglect and is currently a respondent in a deprived
9 proceeding.

10 Nothing in the Oklahoma Children's Code shall be construed to
11 mean a child is deprived for the sole reason the parent, legal
12 guardian, or person having custody or control of a child, in good
13 faith, selects and depends upon spiritual means alone through
14 prayer, in accordance with the tenets and practice of a recognized
15 church or religious denomination, for the treatment or cure of
16 disease or remedial care of such child.

17 Evidence of material, educational or cultural disadvantage as
18 compared to other children shall not be sufficient to prove that a
19 child is deprived; the state shall prove that the child is deprived
20 as defined pursuant to this title.

21 Nothing contained in this paragraph shall prevent a court from
22 immediately assuming custody of a child and ordering whatever action
23 may be necessary, including medical treatment, to protect the
24 child's health or welfare;

1 22. "Dispositional hearing" means a hearing by the court as
2 provided by Section 1-4-706 of this title;

3 23. "Drug-endangered child" means a child who is at risk of
4 suffering physical, psychological or sexual harm as a result of the
5 use, possession, distribution, manufacture or cultivation of
6 controlled substances, or the attempt of any of these acts, by a
7 person responsible for the health, safety or welfare of the child,
8 as defined in this section. This term includes circumstances
9 wherein the substance abuse of the person responsible for the
10 health, safety or welfare of the child interferes with that person's
11 ability to parent and provide a safe and nurturing environment for
12 the child;

13 24. "Emergency custody" means the custody of a child prior to
14 adjudication of the child following issuance of an order of the
15 district court pursuant to Section 1-4-201 of this title or
16 following issuance of an order of the district court pursuant to an
17 emergency custody hearing, as specified by Section 1-4-203 of this
18 title;

19 25. "Facility" means a place, an institution, a building or
20 part thereof, a set of buildings, or an area whether or not
21 enclosing a building or set of buildings used for the lawful custody
22 and treatment of children;

23 26. "Failure to protect" means failure to take reasonable
24 action to remedy or prevent child abuse or neglect, and includes the

1 conduct of a nonabusing parent or guardian who knows the identity of
2 the abuser or the person neglecting the child, but lies, conceals or
3 fails to report the child abuse or neglect or otherwise take
4 reasonable action to end the abuse or neglect;

5 27. "Family-style living program" means a residential program
6 providing sustained care and supervision to residents in a homelike
7 environment not located in a building used for commercial activity;

8 28. "Foster care" or "foster care services" means continuous
9 twenty-four-hour care and supportive services provided for a child
10 in foster placement including, but not limited to, the care,
11 supervision, guidance, and rearing of a foster child by the foster
12 parent;

13 29. "Foster family home" means the private residence of a
14 foster parent who provides foster care services to a child. Such
15 term shall include a nonkinship foster family home, a therapeutic
16 foster family home, or the home of a relative or other kinship care
17 home;

18 30. "Foster parent eligibility assessment" includes a criminal
19 background investigation including, but not limited to, a national
20 criminal history records search based upon the submission of
21 fingerprints, home assessments, and any other assessment required by
22 the Department of Human Services, the Office of Juvenile Affairs, or
23 any child-placing agency pursuant to the provisions of the Oklahoma
24 Child Care Facilities Licensing Act;

1 31. "Guardian ad litem" means a person appointed by the court
2 pursuant to the provisions of Section 1-4-306 of this title having
3 those duties and responsibilities as set forth in that section. The
4 term guardian ad litem shall refer to a court-appointed special
5 advocate as well as to any other person appointed pursuant to the
6 provisions of Section 1-4-306 of this title to serve as a guardian
7 ad litem;

8 32. "Guardian ad litem of the estate of the child" means a
9 person appointed by the court to protect the property interests of a
10 child pursuant to Section 1-8-108 of this title;

11 33. "Group home" means a residential facility licensed by the
12 Department to provide full-time care and community-based services
13 for more than five but fewer than thirteen children;

14 34. "Harm or threatened harm to the health or safety of a
15 child" means any real or threatened physical, mental, or emotional
16 injury or damage to the body or mind that is not accidental
17 including, but not limited to, sexual abuse, sexual exploitation,
18 neglect, or dependency;

19 35. "Heinous and shocking abuse" includes, but is not limited
20 to, aggravated physical abuse that results in serious bodily,
21 mental, or emotional injury. "Serious bodily injury" means injury
22 that involves:

- 23 a. a substantial risk of death,
- 24 b. extreme physical pain,

- c. protracted disfigurement,
- d. a loss or impairment of the function of a body member, organ, or mental faculty,
- e. an injury to an internal or external organ or the body,
- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,
- i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

36. "Heinous and shocking neglect" includes, but is not limited

to:

- a. chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child which results in harm to the child,

- 1 b. neglect that has resulted in a diagnosis of the child
2 as a failure to thrive,
3 c. an act or failure to act by a parent that results in
4 the death or near death of a child or sibling, serious
5 physical or emotional harm, sexual abuse, or sexual
6 exploitation, or presents an imminent risk of serious
7 harm to a child, or
8 d. any other similar aggravating circumstance;

9 37. "Individualized service plan" means a document written
10 pursuant to Section 1-4-704 of this title that has the same meaning
11 as "service plan" or "treatment plan" where those terms are used in
12 the Oklahoma Children's Code;

13 38. "Infant" means a child who is twelve (12) months of age or
14 younger;

15 39. "Institution" means a residential facility offering care
16 and treatment for more than twenty residents;

17 40. a. "Investigation" means a response to an allegation of
18 abuse or neglect that involves a serious and immediate
19 threat to the safety of the child, making it necessary
20 to determine:

- 21 (1) the current safety of a child and the risk of
22 subsequent abuse or neglect, and
23
24

1 (2) whether child abuse or neglect occurred and
2 whether the family needs prevention- and
3 intervention-related services.

4 b. Investigation results in a written response stating
5 one of the following findings:

6 (1) "substantiated" means the Department has
7 determined, after an investigation of a report of
8 child abuse or neglect and based upon some
9 credible evidence, that child abuse or neglect
10 has occurred. When child abuse or neglect is
11 substantiated, the Department may recommend:

12 (a) court intervention if the Department finds
13 the health, safety, or welfare of the child
14 is threatened, or

15 (b) child abuse and neglect prevention- and
16 intervention-related services for the child,
17 parents or persons responsible for the care
18 of the child if court intervention is not
19 determined to be necessary,

20 (2) "unsubstantiated" means the Department has
21 determined, after an investigation of a report of
22 child abuse or neglect, that insufficient
23 evidence exists to fully determine whether child
24 abuse or neglect has occurred. If child abuse or

1 neglect is unsubstantiated, the Department may
2 recommend, when determined to be necessary, that
3 the parents or persons responsible for the care
4 of the child obtain child abuse and neglect
5 prevention- and intervention-related services, or

6 (3) "ruled out" means a report in which a child
7 protective services specialist has determined,
8 after an investigation of a report of child abuse
9 or neglect, that no child abuse or neglect has
10 occurred;

11 41. "Kinship care" means full-time care of a child by a kinship
12 relation;

13 42. "Kinship guardianship" means a permanent guardianship as
14 defined in this section;

15 43. "Kinship relation" or "kinship relationship" means
16 relatives, stepparents, or other responsible adults who have a bond
17 or tie with a child or to whom has been ascribed a family
18 relationship role with the child's parents or the child; provided,
19 however, in cases where the Indian Child Welfare Act applies, the
20 definitions contained in 25 U.S.C., Section 1903 shall control;

21 44. "Mental health facility" means a mental health or substance
22 abuse treatment facility as defined by the Inpatient Mental Health
23 and Substance Abuse Treatment of Minors Act;

1 45. "Minor" means the same as the term child as defined in this
2 section;

3 46. "Minor in need of treatment" means a child in need of
4 mental health or substance abuse treatment as defined by the
5 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

6 47. "Multidisciplinary child abuse team" means any team
7 established pursuant to Section 1-9-102 of this title of three or
8 more persons who are trained in the prevention, identification,
9 investigation, prosecution, and treatment of physical and sexual
10 child abuse and who are qualified to facilitate a broad range of
11 prevention- and intervention-related services and services related
12 to child abuse. For purposes of this definition, "freestanding"
13 means a team not used by a child advocacy center for its
14 accreditation;

15 48. "Near death" means a child is in serious or critical
16 condition, as certified by a physician, as a result of abuse or
17 neglect;

18 49. a. "Neglect" means:

19 (1) the failure or omission to provide any of the
20 following:

21 (a) adequate nurturance and affection, food,
22 clothing, shelter, sanitation, hygiene, or
23 appropriate education,

24 (b) medical, dental, or behavioral health care,

1 (c) supervision or appropriate caretakers to
2 protect the child from harm or threatened
3 harm of which any reasonable and prudent
4 person responsible for the child's health,
5 safety or welfare would be aware, or

6 (d) special care made necessary for the child's
7 health and safety by the physical or mental
8 condition of the child,

9 (2) the failure or omission to protect a child from
10 exposure to any of the following:

11 (a) the use, possession, sale, or manufacture of
12 illegal drugs,

13 (b) illegal activities, or

14 (c) sexual acts or materials that are not age-
15 appropriate, or

16 (3) abandonment.

17 b. Neglect shall not mean:

18 (1) a child who engages in independent activities,
19 except if the person responsible for the child's
20 health, safety or welfare willfully disregards
21 any harm or threatened harm to the child, given
22 the child's level of maturity, physical condition
23 or mental abilities. Such independent activities
24 include but are not limited to:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

~~(1)~~

(a) traveling to and from school including by walking, running or bicycling,

~~(2)~~

(b) traveling to and from nearby commercial or recreational facilities,

~~(3)~~

(c) engaging in outdoor play,

~~(4)~~

(d) remaining at home unattended for a reasonable amount of time,

~~(5)~~

(e) remaining in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold, except under the conditions described in Section 11-1119 of Title 47 of the Oklahoma Statutes, or

~~(6)~~

(f) engaging in similar activities alone or with other children, or

(2) raising a juvenile consistent with the juvenile's biological sex or referring to a juvenile consistent with the juvenile's biological sex.

1 Nothing in this paragraph shall be construed to mean a child is
2 abused or neglected for the sole reason the parent, legal guardian
3 or person having custody or control of a child, in good faith,
4 selects and depends upon spiritual means alone through prayer, in
5 accordance with the tenets and practice of a recognized church or
6 religious denomination, for the treatment or cure of disease or
7 remedial care of such child. Nothing contained in this paragraph
8 shall prevent a court from immediately assuming custody of a child,
9 pursuant to the Oklahoma Children's Code, and ordering whatever
10 action may be necessary, including medical treatment, to protect the
11 child's health or welfare;

12 50. "Permanency hearing" means a hearing by the court pursuant
13 to Section 1-4-811 of this title;

14 51. "Permanent custody" means the court-ordered custody of an
15 adjudicated deprived child when a parent-child relationship no
16 longer exists due to termination of parental rights or due to the
17 death of a parent or parents;

18 52. "Permanent guardianship" means a judicially created
19 relationship between a child, a kinship relation of the child, or
20 other adult established pursuant to the provisions of Section 1-4-
21 709 of this title;

22 53. "Person responsible for a child's health, safety, or
23 welfare" includes a parent; a legal guardian; custodian; a foster
24 parent; a person eighteen (18) years of age or older with whom the

1 child's parent cohabitates or any other adult residing in the home
2 of the child; an agent or employee of a public or private
3 residential home, institution, facility or day treatment program as
4 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or
5 an owner, operator, or employee of a child care facility as defined
6 by Section 402 of Title 10 of the Oklahoma Statutes;

7 54. "Plan of safe care" means a plan developed for an infant
8 with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum
9 Disorder upon release from the care of a health care provider that
10 addresses the health and substance use treatment needs of the infant
11 and mother or caregiver;

12 55. "Protective custody" means custody of a child taken by a
13 law enforcement officer or designated employee of the court without
14 a court order;

15 56. "Putative father" means an alleged father as that term is
16 defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

17 57. "Qualified residential treatment program" means a program
18 that:

19 a. has a trauma-informed treatment model that is designed
20 to address the needs including clinical needs as
21 appropriate, of children with serious emotional or
22 behavioral disorders or disturbances and, with respect
23 to a child, is able to implement the treatment
24 identified for the child from a required assessment,

1 b. has registered or licensed nursing staff and other
2 licensed clinical staff who:

3 (1) provide care within the scope of their practice
4 as defined by the laws of this state,

5 (2) are on-site according to the treatment model
6 referred to in subparagraph a of this paragraph,
7 and

8 (3) are available twenty-four (24) hours a day and
9 seven (7) days a week,

10 c. to the extent appropriate, and in accordance with the
11 child's best interest, facilitates participation of
12 family members in the child's treatment program,

13 d. facilitates outreach to the family members of the
14 child including siblings, documents how the outreach
15 is made including contact information, and maintains
16 contact information for any known biological family of
17 the child,

18 e. documents how family members are integrated into the
19 treatment process for the child including post-
20 discharge, and how sibling connections are maintained,

21 f. provides discharge planning and family-based aftercare
22 support for at least six (6) months post-discharge,
23 and

24

1 g. is licensed and accredited by any of the following
2 independent, not-for-profit organizations:

- 3 (1) the Commission on Accreditation of Rehabilitation
4 Facilities (CARF),
- 5 (2) the Joint Commission,
- 6 (3) the Council on Accreditation (COA), or
- 7 (4) any other federally approved independent, not-
8 for-profit accrediting organization;

9 58. "Reasonable and prudent parent standard" means the standard
10 characterized by careful and sensible parental decisions that
11 maintain the health, safety, and best interests of a child while at
12 the same time encouraging the emotional and developmental growth of
13 the child. This standard shall be used by the child's caregiver
14 when determining whether to allow a child to participate in
15 extracurricular, enrichment, cultural, and social activities. For
16 purposes of this definition, the term "caregiver" means a foster
17 parent with whom a child in foster care has been placed, a
18 representative of a group home where a child has been placed or a
19 designated official for a residential child care facility where a
20 child in foster care has been placed;

21 59. "Relative" means a grandparent, great-grandparent, brother
22 or sister of whole or half blood, aunt, uncle or any other person
23 related to the child;

1 60. "Residential child care facility" means a twenty-four-hour
2 residential facility where children live together with or are
3 supervised by adults who are not their parents or relatives;

4 61. "Review hearing" means a hearing by the court pursuant to
5 Section 1-4-807 of this title;

6 62. "Risk" means the likelihood that an incident of child abuse
7 or neglect will occur in the future;

8 63. "Safety threat" means the threat of serious harm due to
9 child abuse or neglect occurring in the present or in the very near
10 future and without the intervention of another person, a child would
11 likely or in all probability sustain severe or permanent disability
12 or injury, illness, or death;

13 64. "Safety analysis" means action taken by the Department in
14 response to a report of alleged child abuse or neglect that may
15 include an assessment or investigation based upon an analysis of the
16 information received according to priority guidelines and other
17 criteria adopted by the Department;

18 65. "Safety evaluation" means evaluation of a child's situation
19 by the Department using a structured, evidence-based tool to
20 determine if the child is subject to a safety threat;

21 66. "Secure facility" means a facility which is designed and
22 operated to ensure that all entrances and exits from the facility
23 are subject to the exclusive control of the staff of the facility,
24 whether or not the juvenile being detained has freedom of movement

1 within the perimeter of the facility, or a facility which relies on
2 locked rooms and buildings, fences, or physical restraint in order
3 to control behavior of its residents;

4 67. "Sibling" means a biologically or legally related brother
5 or sister of a child. This includes an individual who satisfies at
6 least one of the following conditions with respect to a child:

- 7 a. the individual is considered by state law to be a
8 sibling of the child, or
- 9 b. the individual would have been considered a sibling
10 under state law but for a termination or other
11 disruption of parental rights, such as the death of a
12 parent;

13 68. "Specialized foster care" means foster care provided to a
14 child in a foster home or agency-contracted home which:

- 15 a. has been certified by the Developmental Disabilities
16 Services Division of the Department of Human Services,
- 17 b. is monitored by the Division, and
- 18 c. is funded through the Home and Community-Based Waiver
19 Services Program administered by the Division;

20 69. "Successful adulthood program" means a program specifically
21 designed to assist a child to enhance those skills and abilities
22 necessary for successful adult living. A successful adulthood
23 program may include, but shall not be limited to, such features as
24 minimal direct staff supervision, and the provision of supportive

1 services to assist children with activities necessary for finding an
2 appropriate place of residence, completing an education or
3 vocational training, obtaining employment, or obtaining other
4 similar services;

5 70. "Temporary custody" means court-ordered custody of an
6 adjudicated deprived child;

7 71. "Therapeutic foster family home" means a foster family home
8 which provides specific treatment services, pursuant to a
9 therapeutic foster care contract, which are designed to remedy
10 social and behavioral problems of a foster child residing in the
11 home;

12 72. "Time-limited reunification services" means reunification
13 services provided only during the period of fifteen (15) months that
14 begins on the date the child is considered to have entered foster
15 care;

16 73. "Trafficking in persons" means sex trafficking or severe
17 forms of trafficking in persons as described in Section 7102 of
18 Title 22 of the United States Code:

19 a. "sex trafficking" means the recruitment, harboring,
20 transportation, provision, obtaining, patronizing or
21 soliciting of a person for the purpose of a commercial
22 sex act, and

23 b. "severe forms of trafficking in persons" means:
24

- 1 (1) sex trafficking in which a commercial sex act is
2 induced by force, fraud, or coercion, or in which
3 the person induced to perform such act has not
4 attained eighteen (18) years of age, or
5 (2) the recruitment, harboring, transportation,
6 provision, obtaining, patronizing or soliciting
7 of a person for labor or services, through the
8 use of force, fraud, or coercion for the purpose
9 of subjection to involuntary servitude, peonage,
10 debt bondage, or slavery;

11 74. "Transitional living program" means a residential program
12 that may be attached to an existing facility or operated solely for
13 the purpose of assisting children to develop the skills and
14 abilities necessary for successful adult living. The program may
15 include, but shall not be limited to, reduced staff supervision,
16 vocational training, educational services, employment and employment
17 training, and other appropriate independent living skills training
18 as a part of the transitional living program; and

19 75. "Voluntary foster care placement" means the temporary
20 placement of a child by the parent, legal guardian or custodian of
21 the child in foster care pursuant to a signed placement agreement
22 between the Department or a child-placing agency and the child's
23 parent, legal guardian or custodian.

1 SECTION 4. AMENDATORY 21 O.S. 2021, Section 843.5, as
2 last amended by Section 8, Chapter 486, O.S.L. 2025 (21 O.S. Supp.
3 2025, Section 843.5), is amended to read as follows:

4 Section 843.5. A. Any person who shall willfully or
5 maliciously engage in child abuse, as defined in this section,
6 shall, upon conviction, be guilty of a Class A3 felony offense
7 punishable by imprisonment in the custody of the Department of
8 Corrections not exceeding life imprisonment, or by imprisonment in a
9 county jail not exceeding one (1) year, or by a fine of not less
10 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
11 Dollars (\$5,000.00), or both such fine and imprisonment.

12 B. Any person responsible for the health, safety or welfare of
13 a child who shall willfully or maliciously engage in enabling child
14 abuse, as defined in this section, shall, upon conviction, be guilty
15 of a Class A3 felony offense and shall be punished by imprisonment
16 in the custody of the Department of Corrections not exceeding life
17 imprisonment, or by imprisonment in a county jail not exceeding one
18 (1) year, or by a fine of not less than Five Hundred Dollars
19 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
20 such fine and imprisonment.

21 C. Any person responsible for the health, safety or welfare of
22 a child who shall willfully or maliciously engage in child neglect,
23 as defined in this section, shall, upon conviction, be guilty of a
24 Class B1 felony offense and shall be punished by imprisonment in the

1 custody of the Department of Corrections not exceeding life
2 imprisonment, or by imprisonment in a county jail not exceeding one
3 (1) year, or by a fine of not less than Five Hundred Dollars
4 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
5 such fine and imprisonment.

6 D. Any parent or other person who shall willfully or
7 maliciously engage in enabling child neglect shall, upon conviction,
8 be guilty of a Class B1 felony offense and shall be punished by
9 imprisonment in the custody of the Department of Corrections not
10 exceeding life imprisonment, or by imprisonment in a county jail not
11 exceeding one (1) year, or by a fine of not less than Five Hundred
12 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
13 or both such fine and imprisonment.

14 E. Any person responsible for the health, safety or welfare of
15 a child who shall willfully or maliciously engage in child sexual
16 abuse, as defined in this section, shall, upon conviction, be guilty
17 of a Class A3 felony offense and shall be punished by imprisonment
18 in the custody of the Department of Corrections not exceeding life
19 imprisonment, or by imprisonment in a county jail not exceeding one
20 (1) year, or by a fine of not less than Five Hundred Dollars
21 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
22 such fine and imprisonment, except as provided in Section 51.1a of
23 this title or as otherwise provided in subsection F of this section
24 for a child victim under twelve (12) years of age. Except for

1 persons sentenced to life or life without parole, any person
2 sentenced to imprisonment for two (2) years or more for a violation
3 of this subsection shall be required to serve a term of post-
4 imprisonment supervision pursuant to subparagraph f of paragraph 1
5 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
6 under conditions determined by the Department of Corrections. The
7 jury shall be advised that the mandatory post-imprisonment
8 supervision shall be in addition to the actual imprisonment.

9 F. Any person responsible for the health, safety or welfare of
10 a child who shall willfully or maliciously engage in child sexual
11 abuse, as defined in this section, to a child under twelve (12)
12 years of age shall, upon conviction, be guilty of a Class A1 felony
13 offense and shall be punished by imprisonment in the custody of the
14 Department of Corrections for not less than twenty-five (25) years
15 nor more than life imprisonment, and by a fine of not less than Five
16 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
17 (\$5,000.00).

18 G. Any parent or other person who shall willfully or
19 maliciously engage in enabling child sexual abuse shall, upon
20 conviction, be guilty of a Class A3 felony offense and shall be
21 punished by imprisonment in the custody of the Department of
22 Corrections not exceeding life imprisonment, or by imprisonment in a
23 county jail not exceeding one (1) year, or by a fine of not less
24

1 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
2 Dollars (\$5,000.00), or both such fine and imprisonment.

3 H. Any person who shall willfully or maliciously engage in
4 child sexual exploitation, as defined in this section, shall, upon
5 conviction, be guilty of a Class A3 felony offense and shall be
6 punished by imprisonment in the custody of the Department of
7 Corrections not exceeding life imprisonment, or by imprisonment in a
8 county jail not exceeding one (1) year, or by a fine of not less
9 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
10 Dollars (\$5,000.00), or both such fine and imprisonment, except as
11 provided in subsection I of this section for a child victim under
12 twelve (12) years of age. Except for persons sentenced to life or
13 life without parole, any person sentenced to imprisonment for two
14 (2) years or more for a violation of this subsection shall be
15 required to serve a term of post-imprisonment supervision pursuant
16 to subparagraph f of paragraph 1 of subsection A of Section 991a of
17 Title 22 of the Oklahoma Statutes under conditions determined by the
18 Department of Corrections. The jury shall be advised that the
19 mandatory post-imprisonment supervision shall be in addition to the
20 actual imprisonment.

21 I. Any person who shall willfully or maliciously engage in
22 child sexual exploitation, as defined in this section, of a child
23 under twelve (12) years of age shall, upon conviction, be guilty of
24 a Class A1 felony offense and shall be punished by imprisonment in

1 the custody of the Department of Corrections for not less than
2 twenty-five (25) years nor more than life imprisonment, and by a
3 fine of not less than Five Hundred Dollars (\$500.00) nor more than
4 Five Thousand Dollars (\$5,000.00).

5 J. Any person responsible for the health, safety or welfare of
6 a child who shall willfully or maliciously engage in enabling child
7 sexual exploitation, as defined in this section, shall, upon
8 conviction, be guilty of a Class A3 felony offense and shall be
9 punished by imprisonment in the custody of the Department of
10 Corrections not exceeding life imprisonment, or by imprisonment in a
11 county jail not exceeding one (1) year, or by a fine of not less
12 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
13 Dollars (\$5,000.00), or both such fine and imprisonment.

14 K. Notwithstanding any other provision of law, any person
15 convicted of forcible anal or oral sodomy, rape, rape by
16 instrumentation, or lewd molestation of a child under fourteen (14)
17 years of age subsequent to a previous conviction for any offense of
18 forcible anal or oral sodomy, rape, rape by instrumentation, or lewd
19 molestation of a child under fourteen (14) years of age shall be
20 guilty of a Class A1 felony offense and shall be punished by death
21 or by imprisonment for life without parole.

22 L. Provided, however, that nothing contained in this section
23 shall prohibit any parent or guardian from using reasonable and
24 ordinary force pursuant to Section 844 of this title.

1 M. Consent shall not be a defense for any violation provided
2 for in this section.

3 N. Notwithstanding the age requirements of other statutes
4 referenced within this section, this section shall apply to any
5 child under eighteen (18) years of age.

6 O. As used in this section:

7 1. "Child abuse" means:

8 a. the willful or malicious harm or threatened harm or
9 failure to protect from harm or threatened harm to the
10 health, safety or welfare of a child under eighteen
11 (18) years of age by a person responsible for a
12 child's health, safety or welfare, or

13 b. the act of willfully or maliciously injuring,
14 torturing or maiming a child under eighteen (18) years
15 of age by any person;

16 2. "Child neglect" means the willful or malicious neglect, as
17 defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of
18 a child under eighteen (18) years of age by a person responsible for
19 a child's health, safety or welfare;

20 3. "Child sexual abuse" means the willful or malicious sexual
21 abuse of a child under eighteen (18) years of age by a person
22 responsible for a child's health, safety or welfare and includes,
23 but is not limited to:

24 a. sexual intercourse,

- b. penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse,
- c. sodomy,
- d. incest, or
- e. a lewd act or proposal, as defined in this section;

4. "Child sexual exploitation" means the willful or malicious sexual exploitation of a child under eighteen (18) years of age by another and includes, but is not limited to:

- a. human trafficking, as provided for in Section 748 of this title, if the offense involved child trafficking for commercial sex,
- b. trafficking in children, as provided for in Section 866 of this title, if the offense was committed for the sexual gratification of any person,
- c. procuring or causing the participation of a minor in child pornography, as provided for in Section 1021.2 of this title,
- d. purchase, procurement or possession of child pornography, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child sex trafficking,

- 1 f. publication, distribution or participation in the
2 preparation of obscene material, as provided for in
3 Section 1040.8 of this title, if the offense involved
4 child pornography,
- 5 g. aggravated possession of child pornography, as
6 provided for in Section 1040.12a of this title,
- 7 h. sale or distribution of obscene material, as provided
8 for in Section 1040.13 of this title,
- 9 i. soliciting sexual conduct or communication with a
10 minor by use of technology, as provided for in Section
11 1040.13a of this title,
- 12 j. offering or transporting a child for purposes of child
13 sex trafficking, as provided for in Section 1087 of
14 this title, and
- 15 k. child sex trafficking, as provided for in Section 1088
16 of this title;

17 5. "Enabling child abuse" means the causing, procuring or
18 permitting of child abuse by a person responsible for a child's
19 health, safety or welfare;

20 6. "Enabling child neglect" means the causing, procuring or
21 permitting of child neglect by a person responsible for a child's
22 health, safety or welfare;

1 7. "Enabling child sexual abuse" means the causing, procuring
2 or permitting of child sexual abuse by a person responsible for a
3 child's health, safety or welfare;

4 8. "Enabling child sexual exploitation" means the causing,
5 procuring or permitting of child sexual exploitation by a person
6 responsible for a child's health, safety or welfare;

7 9. "Incest" means marrying, committing adultery or fornicating
8 with a child by a person responsible for the health, safety or
9 welfare of a child;

10 10. "Lewd act or proposal" means:

- 11 a. making any oral, written or electronic or computer-
12 generated lewd or indecent proposal to a child for the
13 child to have unlawful sexual relations or sexual
14 intercourse with any person,
- 15 b. looking upon, touching, mauling or feeling the body or
16 private parts of a child in a lewd or lascivious
17 manner or for the purpose of sexual gratification,
- 18 c. asking, inviting, enticing or persuading any child to
19 go alone with any person to a secluded, remote or
20 secret place for a lewd or lascivious purpose,
- 21 d. urinating or defecating upon a child or causing,
22 forcing or requiring a child to defecate or urinate
23 upon the body or private parts of another person for
24 the purpose of sexual gratification,

- 1 e. ejaculating upon or in the presence of a child,
2 f. causing, exposing, forcing or requiring a child to
3 look upon the body or private parts of another person
4 for the purpose of sexual gratification,
5 g. causing, forcing or requiring any child to view any
6 obscene materials, child pornography or materials
7 deemed harmful to minors as such terms are defined in
8 Sections 1024.1 and 1040.75 of this title,
9 h. causing, exposing, forcing or requiring a child to
10 look upon sexual acts performed in the presence of the
11 child for the purpose of sexual gratification, or
12 i. causing, forcing or requiring a child to touch or feel
13 the body or private parts of the child or another
14 person for the purpose of sexual gratification;

15 11. "Permit" means to authorize or allow for the care of a
16 child by an individual when the person authorizing or allowing such
17 care knows or reasonably should know that the child will be placed
18 at risk of the conduct or harm proscribed by this section;

19 12. "Person responsible for a child's health, safety or
20 welfare" for purposes of this section shall include, but not be
21 limited to:

- 22 a. the parent of the child,
23 b. the legal guardian of the child,
24 c. the custodian of the child,

- 1 d. the foster parent of the child,
- 2 e. a person eighteen (18) years of age or older with whom
- 3 the parent of the child cohabitates, who is at least
- 4 three (3) years older than the child,
- 5 f. any other person eighteen (18) years of age or older
- 6 residing in the home of the child, who is at least
- 7 three (3) years older than the child,
- 8 g. an owner, operator, agent, employee or volunteer of a
- 9 public or private residential home, institution,
- 10 facility or day treatment program, as defined in
- 11 Section 175.20 of Title 10 of the Oklahoma Statutes,
- 12 that the child attended,
- 13 h. an owner, operator, agent, employee or volunteer of a
- 14 child care facility, as defined in Section 402 of
- 15 Title 10 of the Oklahoma Statutes, that the child
- 16 attended,
- 17 i. an intimate partner of the parent of the child, as
- 18 defined in Section 60.1 of Title 22 of the Oklahoma
- 19 Statutes, or
- 20 j. a person who has voluntarily accepted responsibility
- 21 for the care or supervision of a child;

22 13. "Sexual intercourse" means the actual penetration, however

23 slight, of the vagina or anus by the penis; and

24 14. "Sodomy" means:

- 1 a. penetration, however slight, of the mouth of the child
2 by a penis,
- 3 b. penetration, however slight, of the vagina of a person
4 responsible for a child's health, safety or welfare,
5 by the mouth of a child,
- 6 c. penetration, however slight, of the mouth of the
7 person responsible for a child's health, safety or
8 welfare by the penis of the child, or
- 9 d. penetration, however slight, of the vagina of the
10 child by the mouth of the person responsible for a
11 child's health, safety or welfare.

12 P. Raising a juvenile consistent with the juvenile's biological
13 sex or referring to a juvenile consistent with the juvenile's
14 biological sex shall not constitute child abuse or child neglect
15 under this act.

16 SECTION 5. AMENDATORY 21 O.S. 2021, Section 852.1, as
17 amended by Section 187, Chapter 486, O.S.L. 2025 (21 O.S. Supp.
18 2025, Section 852.1), is amended to read as follows:

19 Section 852.1. A. A person who is the parent, guardian, or
20 person having custody or control over a child as defined in Section
21 1-1-105 of Title 10A of the Oklahoma Statutes, commits child
22 endangerment when the person:

- 23 1. Knowingly permits physical or sexual abuse of a child;
24

1 2. Knowingly permits a child to be present at a location where
2 a controlled dangerous substance is being manufactured or attempted
3 to be manufactured as defined in Section 2-101 of Title 63 of the
4 Oklahoma Statutes;

5 3. Knowingly permits a child to be present in a vehicle when
6 the person knows or should have known that the operator of the
7 vehicle is impaired by or is under the influence of alcohol or
8 another intoxicating substance; or

9 4. Is the driver, operator, or person in physical control of a
10 vehicle in violation of Section 11-902 of Title 47 of the Oklahoma
11 Statutes while transporting or having in the vehicle such child or
12 children.

13 However, it is an affirmative defense to this paragraph if the
14 person had a reasonable apprehension that any action to stop the
15 physical or sexual abuse or deny permission for the child to be in
16 the vehicle with an intoxicated person would result in substantial
17 bodily harm to the person or the child.

18 Provided, however, that raising a juvenile consistent with the
19 juvenile's biological sex or referring to a juvenile consistent with
20 the juvenile's biological sex shall not constitute child
21 endangerment under this act.

22 Nothing in this subsection shall prohibit the prosecution of a
23 person pursuant to the provisions of Section 11-902 or 11-904 of
24 Title 47 of the Oklahoma Statutes.

1 B. The provisions of this section shall not apply to any
2 parent, guardian or other person having custody or control of a
3 child for the sole reason that the parent, guardian or other person
4 in good faith selects and depends upon spiritual means or prayer for
5 the treatment or cure of disease or remedial care for such child.
6 This subsection shall in no way limit or modify the protections
7 afforded said child in Section 852 of this title or Section 1-4-904
8 of Title 10A of the Oklahoma Statutes.

9 C. Any person convicted of violating any provision of this
10 section shall be guilty of a Class B6 felony offense punishable by
11 imprisonment in the custody of the Department of Corrections for a
12 term of not more than four (4) years, or by a fine not exceeding
13 Five Thousand Dollars (\$5,000.00), or by both such fine and
14 imprisonment.

15 SECTION 6. This act shall become effective November 1, 2026.
16

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
18 OVERSIGHT, dated 03/03/2026 - DO PASS, As Amended and Coauthored.
19
20
21
22
23
24