

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1100

By: Woolley

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2021,
8 Sections 1-1-105, 1-4-203, 1-4-601, and 1-4-807,
9 which relate to the Oklahoma Children's Code;
10 modifying term; directing court to conduct hearing;
11 providing information the court may receive;
12 directing court to make determination; directing
13 court to order immediate release of child if facts do
14 not demonstrate child is in need of immediate
15 protection or in imminent danger; providing that
16 individual shall be guilty of a felony upon
17 conviction for failure to comply with court order;
18 modifying evidentiary standard; providing for the
19 release of child under certain circumstances;
20 providing that individual shall be guilty of a felony
21 upon conviction for failure to comply with statute;
22 and providing an effective date.

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

24 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-1-105, is
amended to read as follows:

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

1. "Abandonment" means:

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

9 2. "Abuse" means harm or threatened harm to the health, safety,
10 or welfare of a child by a person responsible for the child's
11 health, safety, or welfare, including but not limited to
12 nonaccidental physical or mental injury, sexual abuse, or sexual
13 exploitation. Provided, however, that nothing contained in the
14 Oklahoma Children's Code shall prohibit any parent from using
15 ordinary force as a means of discipline including, but not limited
16 to, spanking, switching, or paddling.

- 17 a. "Harm or threatened harm to the health or safety of a
18 child" means any real or threatened physical, mental,
19 or emotional injury or damage to the body or mind that
20 is not accidental including but not limited to sexual
21 abuse, sexual exploitation, neglect, or dependency.
22 b. "Sexual abuse" includes but is not limited to rape,
23 incest, and lewd or indecent acts or proposals made to
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1 a child, as defined by law, by a person responsible
2 for the health, safety, or welfare of the child.

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

13 3. "Adjudication" means a finding by the court that the
14 allegations in a petition alleging that a child is deprived are
15 supported by ~~a preponderance of the~~ clear and convincing evidence;

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

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

19 a. activities or items that are generally accepted as
20 suitable for children of the same age or level of
21 maturity or that are determined to be developmentally
22 appropriate for a child, based on the development of
23 cognitive, emotional, physical, and behavioral

1 capacities that are typical for an age or age group,
2 and

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

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

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

19 7. "Behavioral health" means mental health, substance abuse, or
20 co-occurring mental health and substance abuse diagnoses, and the
21 continuum of mental health, substance abuse, or co-occurring mental
22 health and substance abuse treatment;

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

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

- 7 a. nonurban centers in districts with child populations
8 that are less than sixty thousand (60,000), and
- 9 b. midlevel nonurban centers in districts with child
10 populations equal to or greater than sixty thousand
11 (60,000), but not including Oklahoma and Tulsa
12 Counties;

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

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

20 12. "Children's emergency resource center" means a community-
21 based program that may provide emergency care and a safe and
22 structured homelike environment or a host home for children
23 providing food, clothing, shelter and hygiene products to each child
24 served; after-school tutoring; counseling services; life-skills

1 training; transition services; assessments; family reunification;
2 respite care; transportation to or from school, doctors'
3 appointments, visitations and other social, school, court or other
4 activities when necessary; and a stable environment for children in
5 crisis who are in custody of the Department of Human Services if
6 permitted under the Department's policies and regulations, or who
7 have been voluntarily placed by a parent or custodian during a
8 temporary crisis;

9 13. "Community-based services" or "community-based programs"
10 means services or programs which maintain community participation or
11 supervision in their planning, operation, and evaluation.

12 Community-based services and programs may include, but are not
13 limited to, emergency shelter, crisis intervention, group work, case
14 supervision, job placement, recruitment and training of volunteers,
15 consultation, medical, educational, home-based services, vocational,
16 social, preventive and psychological guidance, training, counseling,
17 early intervention and diversionary substance abuse treatment,
18 sexual abuse treatment, transitional living, independent living, and
19 other related services and programs;

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

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

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

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

16 18. "Day treatment" means a nonresidential program which
17 provides intensive services to a child who resides in the child's
18 own home, the home of a relative, group home, a foster home or
19 residential child care facility. Day treatment programs include,
20 but are not limited to, educational services;

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

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

1 21. "Deprived child" means a child:

- 2 a. who is for any reason destitute, homeless, or
3 abandoned,
- 4 b. who does not have the proper parental care or
5 guardianship,
- 6 c. who has been abused, neglected, or is dependent,
- 7 d. whose home is an unfit place for the child by reason
8 of depravity on the part of the parent or legal
9 guardian of the child, or other person responsible for
10 the health or welfare of the child,
- 11 e. who is a child in need of special care and treatment
12 because of the child's physical or mental condition,
13 and the child's parents, legal guardian, or other
14 custodian is unable or willfully fails to provide such
15 special care and treatment. As used in this
16 paragraph, a child in need of special care and
17 treatment includes, but is not limited to, a child who
18 at birth tests positive for alcohol or a controlled
19 dangerous substance and who, pursuant to a drug or
20 alcohol screen of the child and an assessment of the
21 parent, is determined to be at risk of harm or
22 threatened harm to the health or safety of a child,
- 23 f. who is a child with a disability deprived of the
24 nutrition necessary to sustain life or of the medical

1 treatment necessary to remedy or relieve a life-
2 threatening medical condition in order to cause or
3 allow the death of the child if such nutrition or
4 medical treatment is generally provided to similarly
5 situated children without a disability or children
6 with disabilities; provided that no medical treatment
7 shall be necessary if, in the reasonable medical
8 judgment of the attending physician, such treatment
9 would be futile in saving the life of the child,

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

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

16 i. who has been born to a parent whose parental rights to
17 another child have been involuntarily terminated by
18 the court and the conditions which led to the making
19 of the finding, which resulted in the termination of
20 the parental rights of the parent to the other child,
21 have not been corrected, or

22 j. whose parent, legal guardian, or custodian has
23 subjected another child to abuse or neglect or has
24 allowed another child to be subjected to abuse or

1 neglect and is currently a respondent in a deprived
2 proceeding.

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

10 Evidence of material, educational or cultural disadvantage as
11 compared to other children shall not be sufficient to prove that a
12 child is deprived; the state shall prove that the child is deprived
13 as defined pursuant to this title.

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

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

20 23. "Drug-endangered child" means a child who is at risk of
21 suffering physical, psychological or sexual harm as a result of the
22 use, possession, distribution, manufacture or cultivation of
23 controlled substances, or the attempt of any of these acts, by a
24 person responsible for the health, safety or welfare of the child,

1 as defined in this section. This term includes circumstances
2 wherein the substance abuse of the person responsible for the
3 health, safety or welfare of the child interferes with that person's
4 ability to parent and provide a safe and nurturing environment for
5 the child;

6 24. "Emergency custody" means the custody of a child prior to
7 adjudication of the child following issuance of an order of the
8 district court pursuant to Section 1-4-201 of this title or
9 following issuance of an order of the district court pursuant to an
10 emergency custody hearing, as specified by Section 1-4-203 of this
11 title;

12 25. "Facility" means a place, an institution, a building or
13 part thereof, a set of buildings, or an area whether or not
14 enclosing a building or set of buildings used for the lawful custody
15 and treatment of children;

16 26. "Failure to protect" means failure to take reasonable
17 action to remedy or prevent child abuse or neglect, and includes the
18 conduct of a nonabusing parent or guardian who knows the identity of
19 the abuser or the person neglecting the child, but lies, conceals or
20 fails to report the child abuse or neglect or otherwise take
21 reasonable action to end the abuse or neglect;

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

1 28. "Foster care" or "foster care services" means continuous
2 twenty-four-hour care and supportive services provided for a child
3 in foster placement including, but not limited to, the care,
4 supervision, guidance, and rearing of a foster child by the foster
5 parent;

6 29. "Foster family home" means the private residence of a
7 foster parent who provides foster care services to a child. Such
8 term shall include a nonkinship foster family home, a therapeutic
9 foster family home, or the home of a relative or other kinship care
10 home;

11 30. "Foster parent eligibility assessment" includes a criminal
12 background investigation including, but not limited to, a national
13 criminal history records search based upon the submission of
14 fingerprints, home assessments, and any other assessment required by
15 the Department of Human Services, the Office of Juvenile Affairs, or
16 any child-placing agency pursuant to the provisions of the Oklahoma
17 Child Care Facilities Licensing Act;

18 31. "Guardian ad litem" means a person appointed by the court
19 pursuant to the provisions of Section 1-4-306 of this title having
20 those duties and responsibilities as set forth in that section. The
21 term "guardian ad litem" shall refer to a court-appointed special
22 advocate as well as to any other person appointed pursuant to the
23 provisions of Section 1-4-306 of this title to serve as a guardian
24 ad litem;

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

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

7 34. "Harm or threatened harm to the health or safety of a
8 child" means any real or threatened physical, mental, or emotional
9 injury or damage to the body or mind that is not accidental
10 including, but not limited to, sexual abuse, sexual exploitation,
11 neglect, or dependency;

12 35. "Heinous and shocking abuse" includes, but is not limited
13 to, aggravated physical abuse that results in serious bodily,
14 mental, or emotional injury. "Serious bodily injury" means injury
15 that involves:

- 16 a. a substantial risk of death,
- 17 b. extreme physical pain,
- 18 c. protracted disfigurement,
- 19 d. a loss or impairment of the function of a body member,
20 organ, or mental faculty,
- 21 e. an injury to an internal or external organ or the
22 body,
- 23 f. a bone fracture,
- 24 g. sexual abuse or sexual exploitation,

- 1 h. chronic abuse including, but not limited to, physical,
- 2 emotional, or sexual abuse, or sexual exploitation
- 3 which is repeated or continuing,
- 4 i. torture that includes, but is not limited to,
- 5 inflicting, participating in or assisting in
- 6 inflicting intense physical or emotional pain upon a
- 7 child repeatedly over a period of time for the purpose
- 8 of coercing or terrorizing a child or for the purpose
- 9 of satisfying the craven, cruel, or prurient desires
- 10 of the perpetrator or another person, or
- 11 j. any other similar aggravated circumstance;

12 36. "Heinous and shocking neglect" includes, but is not limited
13 to:

- 14 a. chronic neglect that includes, but is not limited to,
- 15 a persistent pattern of family functioning in which
- 16 the caregiver has not met or sustained the basic needs
- 17 of a child which results in harm to the child,
- 18 b. neglect that has resulted in a diagnosis of the child
- 19 as a failure to thrive,
- 20 c. an act or failure to act by a parent that results in
- 21 the death or near death of a child or sibling, serious
- 22 physical or emotional harm, sexual abuse, sexual
- 23 exploitation, or presents an imminent risk of serious
- 24 harm to a child, or

1 d. any other similar aggravating circumstance;

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

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

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

10 40. a. "Investigation" means a response to an allegation of
11 abuse or neglect that involves a serious and immediate
12 threat to the safety of the child, making it necessary
13 to determine:

14 (1) the current safety of a child and the risk of
15 subsequent abuse or neglect, and

16 (2) whether child abuse or neglect occurred and
17 whether the family needs prevention- and
18 intervention-related services.

19 b. "Investigation" results in a written response stating
20 one of the following findings:

21 (1) "substantiated" means the Department has
22 determined, after an investigation of a report of
23 child abuse or neglect and based upon some
24 credible evidence, that child abuse or neglect

1 has occurred. When child abuse or neglect is
2 substantiated, the Department may recommend:

3 (a) court intervention if the Department finds
4 the health, safety, or welfare of the child
5 is threatened, or

6 (b) child abuse and neglect prevention- and
7 intervention-related services for the child,
8 parents or persons responsible for the care
9 of the child if court intervention is not
10 determined to be necessary,

11 (2) "unsubstantiated" means the Department has
12 determined, after an investigation of a report of
13 child abuse or neglect, that insufficient
14 evidence exists to fully determine whether child
15 abuse or neglect has occurred. If child abuse or
16 neglect is unsubstantiated, the Department may
17 recommend, when determined to be necessary, that
18 the parents or persons responsible for the care
19 of the child obtain child abuse and neglect
20 prevention- and intervention-related services, or

21 (3) "ruled out" means a report in which a child
22 protective services specialist has determined,
23 after an investigation of a report of child abuse
24

1 or neglect, that no child abuse or neglect has
2 occurred;

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

5 42. "Kinship guardianship" means a permanent guardianship as
6 defined in this section;

7 43. "Kinship relation" or "kinship relationship" means
8 relatives, stepparents, or other responsible adults who have a bond
9 or tie with a child and/or to whom has been ascribed a family
10 relationship role with the child's parents or the child; provided,
11 however, in cases where the Indian Child Welfare Act applies, the
12 definitions contained in 25 U.S.C., Section 1903 shall control;

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

16 45. "Minor" means the same as the term "child" as defined in
17 this section;

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

21 47. "Multidisciplinary child abuse team" means any team
22 established pursuant to Section 1-9-102 of this title of three or
23 more persons who are trained in the prevention, identification,
24 investigation, prosecution, and treatment of physical and sexual

1 child abuse and who are qualified to facilitate a broad range of
2 prevention- and intervention-related services and services related
3 to child abuse. For purposes of this definition, "freestanding"
4 means a team not used by a child advocacy center for its
5 accreditation;

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

9 49. a. "Neglect" means:

10 (1) the failure or omission to provide any of the
11 following:

12 (a) adequate nurturance and affection, food,
13 clothing, shelter, sanitation, hygiene, or
14 appropriate education,

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

16 (c) supervision or appropriate caretakers to
17 protect the child from harm or threatened
18 harm of which any reasonable and prudent
19 person responsible for the child's health,
20 safety or welfare would be aware, or

21 (d) special care made necessary for the child's
22 health and safety by the physical or mental
23 condition of the child,

24

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

3 (a) the use, possession, sale, or manufacture of
4 illegal drugs,

5 (b) illegal activities, or

6 (c) sexual acts or materials that are not age-
7 appropriate, or

8 (3) abandonment.

9 b. "Neglect" shall not mean a child who engages in
10 independent activities, except if the person
11 responsible for the child's health, safety or welfare
12 willfully disregards any harm or threatened harm to
13 the child, given the child's level of maturity,
14 physical condition or mental abilities. Such
15 independent activities include but are not limited to:

16 (1) traveling to and from school including by
17 walking, running or bicycling,

18 (2) traveling to and from nearby commercial or
19 recreational facilities,

20 (3) engaging in outdoor play,

21 (4) remaining at home unattended for a reasonable
22 amount of time,

23 (5) remaining in a vehicle if the temperature inside
24 the vehicle is not or will not become dangerously

1 hot or cold, except under the conditions
2 described in Section 11-1119 of Title 47 of the
3 Oklahoma Statutes, or

4 (6) engaging in similar activities alone or with
5 other children.

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

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

19 51. "Permanent custody" means the court-ordered custody of an
20 adjudicated deprived child when a parent-child relationship no
21 longer exists due to termination of parental rights or due to the
22 death of a parent or parents;

23 52. "Permanent guardianship" means a judicially created
24 relationship between a child, a kinship relation of the child, or

1 other adult established pursuant to the provisions of Section 1-4-
2 709 of this title;

3 53. "Person responsible for a child's health, safety, or
4 welfare" includes a parent; a legal guardian; custodian; a foster
5 parent; a person eighteen (18) years of age or older with whom the
6 child's parent cohabitates or any other adult residing in the home
7 of the child; an agent or employee of a public or private
8 residential home, institution, facility or day treatment program as
9 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or
10 an owner, operator, or employee of a child care facility as defined
11 by Section 402 of Title 10 of the Oklahoma Statutes;

12 54. "Plan of safe care" means a plan developed for an infant
13 with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum
14 Disorder upon release from the care of a health care provider that
15 addresses the health and substance use treatment needs of the infant
16 and mother or caregiver;

17 55. "Protective custody" means custody of a child taken by a
18 law enforcement officer or designated employee of the court without
19 a court order;

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

22 57. "Qualified residential treatment program" means a program
23 that:
24

- 1 a. has a trauma-informed treatment model that is designed
2 to address the needs including clinical needs as
3 appropriate, of children with serious emotional or
4 behavioral disorders or disturbances and, with respect
5 to a child, is able to implement the treatment
6 identified for the child from a required assessment,
- 7 b. has registered or licensed nursing staff and other
8 licensed clinical staff who:
- 9 (1) provide care within the scope of their practice
10 as defined by the laws of this state,
11 (2) are on-site according to the treatment model
12 referred to in subparagraph a of this paragraph,
13 and
14 (3) are available twenty-four (24) hours a day and
15 seven (7) days a week,
- 16 c. to the extent appropriate, and in accordance with the
17 child's best interest, facilitates participation of
18 family members in the child's treatment program,
- 19 d. facilitates outreach to the family members of the
20 child including siblings, documents how the outreach
21 is made including contact information, and maintains
22 contact information for any known biological family of
23 the child,
24

- 1 e. documents how family members are integrated into the
2 treatment process for the child including post-
3 discharge, and how sibling connections are maintained,
4 f. provides discharge planning and family-based aftercare
5 support for at least six (6) months post-discharge,
6 and
7 g. is licensed and accredited by any of the following
8 independent, not-for-profit organizations:
- 9 (1) The Commission on Accreditation of Rehabilitation
10 Facilities (CARF),
 - 11 (2) The Joint Commission on Accreditation of
12 Healthcare Organizations (JCAHO),
 - 13 (3) The Council on Accreditation (COA), or
 - 14 (4) any other federally approved independent, not-
15 for-profit accrediting organization;

16 58. "Reasonable and prudent parent standard" means the standard
17 characterized by careful and sensible parental decisions that
18 maintain the health, safety, and best interests of a child while at
19 the same time encouraging the emotional and developmental growth of
20 the child. This standard shall be used by the child's caregiver
21 when determining whether to allow a child to participate in
22 extracurricular, enrichment, cultural, and social activities. For
23 purposes of this definition, the term "caregiver" means a foster
24 parent with whom a child in foster care has been placed, a

1 representative of a group home where a child has been placed or a
2 designated official for a residential child care facility where a
3 child in foster care has been placed;

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

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

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

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

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

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

24

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

4 66. "Secure facility" means a facility which is designed and
5 operated to ensure that all entrances and exits from the facility
6 are subject to the exclusive control of the staff of the facility,
7 whether or not the juvenile being detained has freedom of movement
8 within the perimeter of the facility, or a facility which relies on
9 locked rooms and buildings, fences, or physical restraint in order
10 to control behavior of its residents;

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

- 14 a. the individual is considered by state law to be a
15 sibling of the child, or
- 16 b. the individual would have been considered a sibling
17 under state law but for a termination or other
18 disruption of parental rights, such as the death of a
19 parent;

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

- 22 a. has been certified by the Developmental Disabilities
23 Services Division of the Department of Human Services,
- 24 b. is monitored by the Division, and

1 c. is funded through the Home- and Community-Based Waiver
2 Services Program administered by the Division;

3 69. "Successful adulthood program" means a program specifically
4 designed to assist a child to enhance those skills and abilities
5 necessary for successful adult living. A successful adulthood
6 program may include, but shall not be limited to, such features as
7 minimal direct staff supervision, and the provision of supportive
8 services to assist children with activities necessary for finding an
9 appropriate place of residence, completing an education or
10 vocational training, obtaining employment, or obtaining other
11 similar services;

12 70. "Temporary custody" means court-ordered custody of an
13 adjudicated deprived child;

14 71. "Therapeutic foster family home" means a foster family home
15 which provides specific treatment services, pursuant to a
16 therapeutic foster care contract, which are designed to remedy
17 social and behavioral problems of a foster child residing in the
18 home;

19 72. "Trafficking in persons" means sex trafficking or severe
20 forms of trafficking in persons as described in Section 7102 of
21 Title 22 of the United States Code:

22 a. "sex trafficking" means the recruitment, harboring,
23 transportation, provision, obtaining, patronizing or
24

1 soliciting of a person for the purpose of a commercial
2 sex act, and

3 b. "severe forms of trafficking in persons" means:

4 (1) sex trafficking in which a commercial sex act is
5 induced by force, fraud, or coercion, or in which
6 the person induced to perform such act has not
7 attained eighteen (18) years of age, or

8 (2) the recruitment, harboring, transportation,
9 provision, obtaining, patronizing or soliciting
10 of a person for labor or services, through the
11 use of force, fraud, or coercion for the purpose
12 of subjection to involuntary servitude, peonage,
13 debt bondage, or slavery;

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

22 74. "Voluntary foster care placement" means the temporary
23 placement of a child by the parent, legal guardian or custodian of
24 the child in foster care pursuant to a signed placement agreement

1 between the Department or a child-placing agency and the child's
2 parent, legal guardian or custodian.

3 SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-4-203, is
4 amended to read as follows:

5 Section 1-4-203. A. Within the next two (2) judicial days
6 following the child being taken into protective or emergency
7 custody, the court shall conduct an emergency custody hearing. At
8 the hearing, information may be provided to the court in the form of
9 oral or written reports, affidavits or testimony. Any information
10 having probative value may be received by the court regardless of
11 its admissibility under the Oklahoma Evidence Code. At the hearing
12 the court shall:

13 1. Determine whether facts exist that are sufficient to
14 demonstrate to the court there is reasonable suspicion that the
15 child is in need of immediate protection due to abuse or neglect, or
16 that the circumstances or surroundings of the child are such that
17 continuation of the child in the child's home or in the care or
18 custody of the parent, legal guardian, or custodian would present an
19 imminent danger to the child;

20 2. Advise the parent, legal guardian, or custodian of the child
21 in writing of the following:

22 a. any right of the parent, legal guardian, or custodian
23 to testify and present evidence at court hearings,
24

- b. the right to be represented by an attorney at court hearings,
- c. the consequences of failure to attend any hearings which may be held, and
- d. the right to appeal and procedure for appealing an order of the court;

3. Determine custody of the child and order one of the following:

- a. release of the child to the custody of the child's parent, legal guardian, or custodian from whom the child was removed under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or
- b. placement of the child in the custody of a responsible adult or licensed child-placing agency under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or
- c. whether to continue the child in or to place the child into the emergency custody of the Department of Human Services;

4. Order the parent, legal guardian, or custodian to complete an affidavit listing the names, addresses, and phone numbers of any parent, whether known or alleged, grandparent, aunt, uncle, brother,

1 sister, half-sibling, and first cousin and any comments concerning
2 the appropriateness of the potential placement of the child with the
3 relative. If no such relative exists, the court shall require the
4 parent, legal guardian, or custodian to list any other relatives or
5 persons with whom the child has had a substantial relationship or
6 who may be a suitable placement for the child;

7 5. Direct the parent, legal guardian, or custodian to furnish
8 the Department with a copy of the child's birth certificate within
9 fifteen (15) days from the hearing if a petition is filed, unless
10 otherwise extended by the court; and

11 6. In accordance with the safety or well-being of any child,
12 determine whether reasonable efforts have been made to:

- 13 a. place siblings, who have been removed, together in the
14 same foster care, guardianship, or adoptive placement,
15 and
- 16 b. provide for frequent visitation or other ongoing
17 interaction in the case of siblings who have been
18 removed and who are not placed together.

19 B. The office of the State Court Administrator shall create an
20 affidavit form and make it available to each court responsible for
21 conducting emergency custody hearings. The affidavit form shall
22 contain a notice to the parent, legal guardian, or custodian that
23 failure to identify a parent or relative in a timely manner may
24 result in the child being permanently placed outside of the home of

1 the child's parent or relative. The affidavit form shall also
2 advise the parent, legal guardian, or custodian of the penalties
3 associated with perjury and contempt of court. The original
4 completed affidavit shall be filed with the court clerk no later
5 than five (5) days after the hearing or as otherwise directed by the
6 court and a copy shall be provided to the Department.

7 C. 1. The Department shall, within thirty (30) days of the
8 removal of a child, exercise due diligence to identify relatives.
9 Notice shall be provided by the Department to the following adult
10 relatives: all grandparents, all parents of a sibling of the child,
11 where the parent has legal custody of the sibling, and other adult
12 relatives of the child, including relatives suggested by the
13 parents, as the court directs. The notice shall advise the
14 relatives:

- 15 a. the child has been or is being removed from the
16 custody of the parent or parents of the child,
- 17 b. of the options under applicable law to participate in
18 the care and placement of the child, including any
19 options that may be lost by failing to respond to the
20 notice, and
- 21 c. of the requirements to become a foster family home and
22 the additional services and supports available for
23 children placed in the home.

24

1 2. Relatives shall not be notified if notification would not be
2 in the best interests of a child due to past or current family or
3 domestic violence. The Department may promulgate rules in
4 furtherance of the provisions of this subsection.

5 D. 1. After fifteen (15) days following the child being taken
6 into protective or emergency custody, the court shall conduct a
7 review hearing. At the hearing, information shall be provided to
8 the court and may be in the form of oral or written reports,
9 affidavits, or testimony. All discussions or exchanges within the
10 hearing shall be recorded, documented, and kept by the court unless
11 the records of the accused are expunged. Any information having
12 probative value shall be received by the court regardless of its
13 admissibility under the Oklahoma Evidence Code. At the hearing, the
14 court shall determine whether facts exist that are proven to be true
15 with clear and convincing evidence, not opinion or hearsay, and that
16 are sufficient to demonstrate to the court there is clear and
17 convincing evidence that the child is in need of continued
18 protection due to abuse or neglect, or that the circumstances or
19 surroundings of the child are such that continuation of the child in
20 the child's home or in the care or custody of the parent, legal
21 guardian, or custodian would present an imminent danger to the
22 child.

23 2. If the court determines that facts do not demonstrate there
24 is clear and convincing evidence of abuse and that the child is not

1 in need of continued protection due to abuse or neglect, or that
2 there is clear and convincing evidence that the circumstances or
3 surroundings of the child are such that continuation of the child in
4 the child's home or in the care or custody of the parent, legal
5 guardian, or custodian would not present an imminent danger to the
6 child, the court shall order the release of the child to the custody
7 of the child's parent, legal guardian, or custodian from whom the
8 child was removed under any conditions the state can prove with
9 clear and convincing evidence is necessary to protect the health,
10 safety, or welfare of the child within forty-eight (48) hours. The
11 court shall also order that all records, in any form, of all alleged
12 complaints or crimes be expunged from the accused's record.

13 E. If the court orders the release of the child to the custody
14 of the child's parent, legal guardian, or custodian from whom the
15 child was removed, pursuant to paragraph 2 of subsection D of this
16 section, and the Department fails to release the child, the employee
17 who was responsible for the release of that child shall be guilty of
18 a felony upon conviction, pursuant to Section 741 of Title 21 of the
19 Oklahoma Statutes.

20 SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-4-601, is
21 amended to read as follows:

22 Section 1-4-601. A. The court shall hold an adjudication
23 hearing following the filing of a petition alleging that a child is
24 deprived. The hearing shall be held not more than ninety (90)

1 calendar days following the filing of the petition. The child and
2 the child's parents, guardian, or other legal custodian shall be
3 entitled to not less than twenty (20) days' prior notice of the
4 hearing.

5 B. 1. The child shall be released from emergency custody in
6 the event the adjudication hearing is delayed beyond ninety (90)
7 days from the date the petition is filed unless the court issues a
8 written order with findings of fact supporting a determination that:

9 a. there exists reasonable suspicion that the health,
10 safety, or welfare of the child would be in imminent
11 danger if the child were returned to the home, and

12 b. there exists either an exceptional circumstance to
13 support the continuance of the child in emergency
14 custody or the parties and the guardian ad litem, if
15 any, agree to such continuance.

16 2. If the adjudicatory hearing is delayed pursuant to this
17 subsection, the emergency custody order shall expire unless the
18 hearing on the merits of the petition is held within one hundred
19 eighty (180) days after the actual removal of the child.

20 C. The release of a child from emergency custody due to the
21 failure of an adjudication hearing being held within the time frame
22 prescribed by this section shall not deprive the court of
23 jurisdiction over the child and the parties or authority to enter
24 temporary orders the court deems necessary to provide for the

1 health, safety, and welfare of the child pending the hearing on the
2 petition.

3 D. At the adjudication hearing, if the court finds that it is
4 in the best interest of the child, the court shall:

5 1. Accept a stipulation by the child's parent, guardian, or
6 other legal custodian that the facts alleged in the petition are
7 true and correct;

8 2. Accept a stipulation by the child's parent, guardian, or
9 other legal custodian that if the state presented its evidence
10 supporting the truth of the factual allegations in the petition to a
11 court of competent jurisdiction, such evidence would be sufficient
12 to meet the state's burden of proving by a ~~preponderance of the~~
13 clear and convincing evidence that the factual allegations are true
14 and correct; or

15 3. Conduct a nonjury trial to determine whether the state has
16 met its burden of proving by a ~~preponderance of the~~ clear and
17 convincing evidence that the factual allegations in the petition are
18 true and correct.

19 E. 1. A decision determining a child to be deprived in a
20 nonjury trial shall be based on sworn testimony.

21 2. The child, as a party to the proceeding, shall be given the
22 opportunity to cross-examine witnesses and to present a case in
23 chief if desired.

24

1 SECTION 4. AMENDATORY 10A O.S. 2021, Section 1-4-807, is
2 amended to read as follows:

3 Section 1-4-807. A. 1. Every case regarding a child alleged
4 or adjudicated to be deprived shall be reviewed by the court at a
5 hearing no later than six (6) months from the date of the child's
6 removal from the home and at least once every six (6) months
7 thereafter until permanency is achieved or the court otherwise
8 terminates jurisdiction except as otherwise set forth in paragraph 2
9 of this subsection. A review hearing may be held concurrently with
10 a permanency hearing.

11 2. When the Department of Human Services has documented a
12 compelling reason why a petition to terminate parental rights to a
13 child is not in the best interests of the child that is based upon a
14 consideration that the child is presently not capable of functioning
15 in a family setting, the court shall reevaluate the status of the
16 child every ninety (90) days until there is a final determination
17 that the child cannot be placed in a family setting.

18 3. At any time during the pendency of the case, any party may
19 request the court to review the case. If granted, the requesting
20 party shall serve notice on all parties of the date and time of the
21 hearing.

22 B. If a foster parent, group home, preadoptive parent, or
23 relative is currently providing care for a child, the Department
24 shall give the foster parent, group home, preadoptive parent, or

1 relative notice of a proceeding concerning the child. A foster
2 parent, group home representative, preadoptive parent, or relative
3 providing care for a child has the right to be heard at the
4 proceeding. Except when allowed to intervene, the foster parent,
5 group home, preadoptive parent, or relative providing care for the
6 child is not considered a party to the juvenile court proceeding
7 solely because of notice and the right to be heard at the
8 proceeding.

9 C. The court shall receive all evidence helpful in deciding the
10 issues before the court including, but not limited to, oral and
11 written reports, which may be admitted and relied upon to the extent
12 of their probative value, even though not competent for purposes of
13 an adjudicatory hearing. All service provider progress reports and
14 critical incident reports shall be submitted to the court and shall
15 also be delivered to the district attorney, the attorney or
16 attorneys representing the parents or group home, the child's
17 attorney and guardian ad litem, if applicable, and the relevant
18 tribe or tribes, if applicable.

19 D. At each review hearing the court shall:

20 1. Determine and include the following in its orders:

21 a. whether the individualized service plan, services, and
22 placement meet the special needs and best interests of
23 the child with the child's health, safety, and
24 educational needs specifically addressed,

- 1 b. whether there is a need for the continued placement of
2 the child,
- 3 c. whether the current permanency plan for the child
4 remains the appropriate plan to meet the health,
5 safety, and best interests of the child,
- 6 d. whether the services set forth in the individualized
7 service plan and the responsibilities of the parties
8 need to be clarified or modified due to the
9 availability of additional information or changed
10 circumstances or as the court determines to be in the
11 best interests of the child and necessary for the
12 correction of the conditions that led to the
13 adjudication of the child,
- 14 e. whether the terms of visitation need to be modified,
15 including the visitation with siblings if separated,
- 16 f. the time frame that should be followed to achieve
17 reunification or other permanent plan for the child,
- 18 g. whether reasonable efforts have been made to provide
19 for the safe return of the child to the child's own
20 home. If the court determines or has previously
21 determined that reasonable efforts are not required
22 pursuant to the provisions of Section 1-4-809 of this
23 title, or that continuation of reasonable efforts to
24 reunite the child with the child's family is

1 inconsistent with the permanency plan for the child,
2 the court shall determine if reasonable efforts are
3 being made to place the child in a timely manner in
4 accordance with the permanency plan and determine the
5 steps necessary to finalize permanency for the child,

6 h. where appropriate, when the child is fourteen (14)
7 years of age or older, whether services are being
8 provided that will assist the child in making the
9 transition from foster care to a successful adulthood.
10 The court shall inquire or cause inquiry to be made of
11 the child regarding any proposed independent living
12 plan,

13 i. whether the nature and extent of services being
14 provided the child and parent or parents of the child
15 are adequate and shall order that additional services
16 be provided or studies, assessments, or evaluations be
17 conducted, if necessary, to ensure the safety of the
18 child and to protect the child from further physical,
19 mental, or emotional harm, or to correct the
20 conditions that led to the adjudication,

21 j. whether, in accordance with the safety or well-being
22 of any child, reasonable efforts have been made to:

1 (1) place siblings, who have been removed, together
2 in the same foster care, guardianship, or
3 adoptive placement, and

4 (2) provide for frequent visitation or other ongoing
5 interaction in the case of siblings who have been
6 removed and who are not placed together, and

7 k. whether, during the ninety-day period immediately
8 prior to the date on which the child in the custody of
9 the Department will attain eighteen (18) years of age,
10 the Department and, as appropriate, other
11 representatives of the child are providing the child
12 with assistance and support in developing an
13 appropriate transition plan that is personalized at
14 the direction of the child, that includes specific
15 options on housing, health insurance, education, local
16 opportunities for mentors and continuing support
17 services, and work force supports and employment
18 services, and is as detailed as the child may elect;

19 2. Consider in-state and out-of-state placement options for the
20 child; and

21 3. Determine the safety of the child and consider fully all
22 relevant prior and current information including, but not limited
23 to, the report or reports submitted pursuant to Sections 1-4-805 and
24 1-4-808 of this title.

1 E. In making its findings, the court shall consider the
2 following:

3 1. Whether compliance with the individualized service plan has
4 occurred, including whether the Department has provided care that is
5 consistent with the health, safety, and educational needs of the
6 child while in an out-of-home placement;

7 2. Whether the Department is taking appropriate steps to ensure
8 that the foster family follows the reasonable and prudent parent
9 standard and whether the child has regular opportunities to engage
10 in age-appropriate or developmentally appropriate activities;

11 3. The extent of progress that has been made toward alleviating
12 or correcting the conditions that caused the child to be adjudicated
13 deprived;

14 4. Whether the child should be returned to a parent or parents
15 and whether or not the health, safety, and welfare of the child can
16 be protected by a parent or parents if returned home; and

17 5. An appropriate permanency plan for the child, including
18 concurrent planning when applicable, pursuant to Section 1-4-706 of
19 this title; provided, a permanency plan for a planned alternative
20 permanent placement shall be limited to a child age sixteen (16) or
21 older.

22 F. If the court fails to conduct a review hearing at least once
23 every six (6) months from the date of the child's removal from the
24 home, pursuant to subsection A of this section, the child shall be

1 released to the custody of the child's parent, legal guardian, or
2 custodian from whom the child was removed.

3 G. Any employee of the Department who fails to comply with
4 subsection F of this section shall be guilty of a felony upon
5 conviction, pursuant to Section 741 of Title 21 of the Oklahoma
6 Statutes.

7 SECTION 5. This act shall become effective November 1, 2025.

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