

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3484

By: Woolley

AS INTRODUCED

An Act relating to children; amending 10A O.S. 2021, Sections 1-1-105, as amended by Section 1, Chapter 375, O.S.L. 2025 (10A O.S. Supp. 2025, Section 1-1-105), 1-4-203, 1-4-601, and 1-4-807, which relate to the Oklahoma Children's Code; modifying term; directing court to conduct hearing; providing information the court may receive; directing court to make determination; directing court to order immediate release of child if facts do not demonstrate child is in need of immediate protection or in imminent danger; modifying evidentiary standard; providing for the release of child under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-1-105, as amended by Section 1, Chapter 375, O.S.L. 2025 (10A O.S. Supp. 2025, 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 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.

- 18 a. "Harm or threatened harm to the health, safety, or
- 19 welfare of a child" means any real or threatened
- 20 physical, mental, or emotional injury or damage to the
- 21 body or mind that is not accidental including, but not
- 22 limited to, sexual abuse, sexual exploitation,
- 23 neglect, or dependency.

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

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

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

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

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

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

1 cognitive, emotional, physical, and behavioral
2 capacities that are typical for an age or age group,
3 and

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

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

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

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

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

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

- 9 a. nonurban centers in districts with child populations
10 that are less than sixty thousand (60,000), and
11 b. mid-level nonurban centers in districts with child
12 populations equal to or greater than sixty thousand
13 (60,000), but not including Oklahoma and Tulsa
14 Counties;

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

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

22 12. "Children's emergency resource center" means a community-
23 based program that may provide emergency care and a safe and
24 structured homelike environment or a host home for children

1 providing food, clothing, shelter and hygiene products to each child
2 served; after-school tutoring; counseling services; life-skills
3 training; transition services; assessments; family reunification;
4 respite care; transportation to or from school, doctors'
5 appointments, visitations and other social, school, court or other
6 activities when necessary; and a stable environment for children in
7 crisis who are in custody of the Department of Human Services if
8 permitted under the Department's policies and regulations, or who
9 have been voluntarily placed by a parent or custodian during a
10 temporary crisis;

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

22 14. "Concurrent permanency planning" means, when indicated, the
23 implementation of two plans for a child entering foster care. One
24 plan focuses on reuniting the parent and child; the other seeks to

1 find a permanent out-of-home placement for the child with both plans
2 being pursued simultaneously;

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

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

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

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

23 19. "Department" means the Department of Human Services;
24

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

4 21. "Deprived child" means a child:

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

1 threatened harm to the health, safety, or welfare of a
2 child,

- 3 f. who is a child with a disability deprived of the
4 nutrition necessary to sustain life or of the medical
5 treatment necessary to remedy or relieve a life-
6 threatening medical condition in order to cause or
7 allow the death of the child if such nutrition or
8 medical treatment is generally provided to similarly
9 situated children without a disability or children
10 with disabilities; provided that no medical treatment
11 shall be necessary if, in the reasonable medical
12 judgment of the attending physician, such treatment
13 would be futile in saving the life of the child,
- 14 g. who, due to improper parental care and guardianship,
15 is absent from school as specified in Section 10-106
16 of Title 70 of the Oklahoma Statutes, if the child is
17 subject to compulsory school attendance,
- 18 h. whose parent, legal guardian or custodian for good
19 cause desires to be relieved of custody,
- 20 i. who has been born to a parent whose parental rights to
21 another child have been involuntarily terminated by
22 the court and the conditions which led to the making
23 of the finding, which resulted in the termination of
24

1 the parental rights of the parent to the other child,
2 have not been corrected, or

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

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

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

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

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

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

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

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

21 26. "Failure to protect" means failure to take reasonable
22 action to remedy or prevent child abuse or neglect, and includes the
23 conduct of a nonabusing parent or guardian who knows the identity of
24 the abuser or the person neglecting the child, but lies, conceals or

1 fails to report the child abuse or neglect or otherwise take
2 reasonable action to end the abuse or neglect;

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

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

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

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

23 31. "Guardian ad litem" means a person appointed by the court
24 pursuant to the provisions of Section 1-4-306 of this title having

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44. "Mental health facility" means a mental health or substance abuse treatment facility as defined by the Inpatient Mental Health 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 a child who engages in
18 independent activities, except if the person
19 responsible for the child's health, safety or welfare
20 willfully disregards any harm or threatened harm to
21 the child, given the child's level of maturity,
22 physical condition or mental abilities. Such
23 independent activities include but are not limited to:
24

- (1) traveling to and from school including by walking, running or bicycling,
- (2) traveling to and from nearby commercial or recreational facilities,
- (3) engaging in outdoor play,
- (4) remaining at home unattended for a reasonable amount of time,
- (5) 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) engaging in similar activities alone or with other children.

Nothing in this paragraph shall be construed to mean a child is abused or neglected for the sole reason the parent, legal guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever

1 action may be necessary, including medical treatment, to protect the
2 child's health or welfare;

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

5 51. "Permanent custody" means the court-ordered custody of an
6 adjudicated deprived child when a parent-child relationship no
7 longer exists due to termination of parental rights or due to the
8 death of a parent or parents;

9 52. "Permanent guardianship" means a judicially created
10 relationship between a child, a kinship relation of the child, or
11 other adult established pursuant to the provisions of Section 1-4-
12 709 of this title;

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

22 54. "Plan of safe care" means a plan developed for an infant
23 with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum
24 Disorder upon release from the care of a health care provider that

1 addresses the health and substance use treatment needs of the infant
2 and mother or caregiver;

3 55. "Protective custody" means custody of a child taken by a
4 law enforcement officer or designated employee of the court without
5 a court order;

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

8 57. "Qualified residential treatment program" means a program
9 that:

- 10 a. has a trauma-informed treatment model that is designed
11 to address the needs including clinical needs as
12 appropriate, of children with serious emotional or
13 behavioral disorders or disturbances and, with respect
14 to a child, is able to implement the treatment
15 identified for the child from a required assessment,
- 16 b. has registered or licensed nursing staff and other
17 licensed clinical staff who:
- 18 (1) provide care within the scope of their practice
19 as defined by the laws of this state,
- 20 (2) are on-site according to the treatment model
21 referred to in subparagraph a of this paragraph,
22 and
- 23 (3) are available twenty-four (24) hours a day and
24 seven (7) days a week,

- c. to the extent appropriate, and in accordance with the child's best interest, facilitates participation of family members in the child's treatment program,
- d. facilitates outreach to the family members of the child including siblings, documents how the outreach is made including contact information, and maintains contact information for any known biological family of the child,
- e. documents how family members are integrated into the treatment process for the child including post-discharge, and how sibling connections are maintained,
- f. provides discharge planning and family-based aftercare support for at least six (6) months post-discharge, and
- g. is licensed and accredited by any of the following independent, not-for-profit organizations:
 - (1) the Commission on Accreditation of Rehabilitation Facilities (CARF),
 - (2) the Joint Commission,
 - (3) the Council on Accreditation (COA), or
 - (4) any other federally approved independent, not-for-profit accrediting organization;

58. "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that

1 maintain the health, safety, and best interests of a child while at
2 the same time encouraging the emotional and developmental growth of
3 the child. This standard shall be used by the child's caregiver
4 when determining whether to allow a child to participate in
5 extracurricular, enrichment, cultural, and social activities. For
6 purposes of this definition, the term "caregiver" means a foster
7 parent with whom a child in foster care has been placed, a
8 representative of a group home where a child has been placed or a
9 designated official for a residential child care facility where a
10 child in foster care has been placed;

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

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

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

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

21 63. "Safety threat" means the threat of serious harm due to
22 child abuse or neglect occurring in the present or in the very near
23 future and without the intervention of another person, a child would
24

1 likely or in all probability sustain severe or permanent disability
2 or injury, illness, or death;

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

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

11 66. "Secure facility" means a facility which is designed and
12 operated to ensure that all entrances and exits from the facility
13 are subject to the exclusive control of the staff of the facility,
14 whether or not the juvenile being detained has freedom of movement
15 within the perimeter of the facility, or a facility which relies on
16 locked rooms and buildings, fences, or physical restraint in order
17 to control behavior of its residents;

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

- 21 a. the individual is considered by state law to be a
22 sibling of the child, or
- 23 b. the individual would have been considered a sibling
24 under state law but for a termination or other

1 disruption of parental rights, such as the death of a
2 parent;

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

- 5 a. has been certified by the Developmental Disabilities
- 6 Services Division of the Department of Human Services,
- 7 b. is monitored by the Division, and
- 8 c. is funded through the Home and Community-Based Waiver
- 9 Services Program administered by the Division;

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

19 70. "Temporary custody" means court-ordered custody of an
20 adjudicated deprived child;

21 71. "Therapeutic foster family home" means a foster family home
22 which provides specific treatment services, pursuant to a
23 therapeutic foster care contract, which are designed to remedy
24

1 social and behavioral problems of a foster child residing in the
2 home;

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

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

10 a. "sex trafficking" means the recruitment, harboring,
11 transportation, provision, obtaining, patronizing or
12 soliciting of a person for the purpose of a commercial
13 sex act, and

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

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

19 (2) the recruitment, harboring, transportation,
20 provision, obtaining, patronizing or soliciting
21 of a person for labor or services, through the
22 use of force, fraud, or coercion for the purpose
23 of subjection to involuntary servitude, peonage,
24 debt bondage, or slavery;

1 74. "Transitional living program" means a residential program
2 that may be attached to an existing facility or operated solely for
3 the purpose of assisting children to develop the skills and
4 abilities necessary for successful adult living. The program may
5 include, but shall not be limited to, reduced staff supervision,
6 vocational training, educational services, employment and employment
7 training, and other appropriate independent living skills training
8 as a part of the transitional living program; and

9 75. "Voluntary foster care placement" means the temporary
10 placement of a child by the parent, legal guardian or custodian of
11 the child in foster care pursuant to a signed placement agreement
12 between the Department or a child-placing agency and the child's
13 parent, legal guardian or custodian.

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

16 Section 1-4-203. A. Within the next two (2) judicial days
17 following the child being taken into protective or emergency
18 custody, the court shall conduct an emergency custody hearing. At
19 the hearing, information may be provided to the court in the form of
20 oral or written reports, affidavits or testimony. Any information
21 having probative value may be received by the court regardless of
22 its admissibility under the Oklahoma Evidence Code. At the hearing
23 the court shall:
24

1 1. Determine whether facts exist that are sufficient to
2 demonstrate to the court there is reasonable suspicion that the
3 child is in need of immediate protection due to abuse or neglect, or
4 that the circumstances or surroundings of the child are such that
5 continuation of the child in the child's home or in the care or
6 custody of the parent, legal guardian, or custodian would present an
7 imminent danger to the child;

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

- 10 a. any right of the parent, legal guardian, or custodian
11 to testify and present evidence at court hearings,
- 12 b. the right to be represented by an attorney at court
13 hearings,
- 14 c. the consequences of failure to attend any hearings
15 which may be held, and
- 16 d. the right to appeal and procedure for appealing an
17 order of the court;

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

- 20 a. release of the child to the custody of the child's
21 parent, legal guardian, or custodian from whom the
22 child was removed under any conditions the court finds
23 reasonably necessary to protect the health, safety, or
24 welfare of the child, or

1 b. placement of the child in the custody of a responsible
2 adult or licensed child-placing agency under any
3 conditions the court finds reasonably necessary to
4 protect the health, safety, or welfare of the child,
5 or

6 c. whether to continue the child in or to place the child
7 into the emergency custody of the Department of Human
8 Services;

9 4. Order the parent, legal guardian, or custodian to complete
10 an affidavit listing the names, addresses, and phone numbers of any
11 parent, whether known or alleged, grandparent, aunt, uncle, brother,
12 sister, half-sibling, and first cousin and any comments concerning
13 the appropriateness of the potential placement of the child with the
14 relative. If no such relative exists, the court shall require the
15 parent, legal guardian, or custodian to list any other relatives or
16 persons with whom the child has had a substantial relationship or
17 who may be a suitable placement for the child;

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

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

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

B. The office of the State Court Administrator shall create an affidavit form and make it available to each court responsible for conducting emergency custody hearings. The affidavit form shall contain a notice to the parent, legal guardian, or custodian that failure to identify a parent or relative in a timely manner may result in the child being permanently placed outside of the home of the child's parent or relative. The affidavit form shall also advise the parent, legal guardian, or custodian of the penalties associated with perjury and contempt of court. The original completed affidavit shall be filed with the court clerk no later than five (5) days after the hearing or as otherwise directed by the court and a copy shall be provided to the Department.

C. 1. The Department shall, within thirty (30) days of the removal of a child, exercise due diligence to identify relatives. Notice shall be provided by the Department to the following adult relatives: all grandparents, all parents of a sibling of the child, where the parent has legal custody of the sibling, and other adult relatives of the child, including relatives suggested by the

1 parents, as the court directs. The notice shall advise the
2 relatives:

3 a. the child has been or is being removed from the
4 custody of the parent or parents of the child,

5 b. of the options under applicable law to participate in
6 the care and placement of the child, including any
7 options that may be lost by failing to respond to the
8 notice, and

9 c. of the requirements to become a foster family home and
10 the additional services and supports available for
11 children placed in the home.

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

16 D. 1. After fifteen (15) days following the child being taken
17 into protective or emergency custody, the court shall conduct a
18 review hearing. At the hearing, information shall be provided to
19 the court and may be in the form of oral or written reports,
20 affidavits, or testimony. All discussions or exchanges within the
21 hearing shall be recorded, documented, and kept by the court unless
22 the records of the accused are expunged. Any information having
23 probative value shall be received by the court regardless of its
24 admissibility under the Oklahoma Evidence Code. At the hearing, the

1 court shall determine whether facts exist that are proven to be true
2 with clear and convincing evidence, not opinion or hearsay, and that
3 are sufficient to demonstrate to the court there is clear and
4 convincing evidence that the child is in need of continued
5 protection due to abuse or neglect, or that the circumstances or
6 surroundings of the child are such that continuation of the child in
7 the child's home or in the care or custody of the parent, legal
8 guardian, or custodian would present an imminent danger to the
9 child.

10 2. If the court determines that facts do not demonstrate there
11 is clear and convincing evidence of abuse and that the child is not
12 in need of continued protection due to abuse or neglect, or that
13 there is clear and convincing evidence that the circumstances or
14 surroundings of the child are such that continuation of the child in
15 the child's home or in the care or custody of the parent, legal
16 guardian, or custodian would not present an imminent danger to the
17 child, the court shall order the release of the child to the custody
18 of the child's parent, legal guardian, or custodian from whom the
19 child was removed under any conditions the state can prove with
20 clear and convincing evidence is necessary to protect the health,
21 safety, or welfare of the child within forty-eight (48) hours. The
22 court shall also order that all records, in any form, of all alleged
23 complaints or crimes be expunged from the accused's record.

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

3 Section 1-4-601. A. The court shall hold an adjudication
4 hearing following the filing of a petition alleging that a child is
5 deprived. The hearing shall be held not more than ninety (90)
6 calendar days following the filing of the petition. The child and
7 the child's parents, guardian, or other legal custodian shall be
8 entitled to not less than twenty (20) days' prior notice of the
9 hearing.

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

- 14 a. there exists reasonable suspicion that the health,
15 safety, or welfare of the child would be in imminent
16 danger if the child were returned to the home, and
17 b. there exists either an exceptional circumstance to
18 support the continuance of the child in emergency
19 custody or the parties and the guardian ad litem, if
20 any, agree to such continuance.

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

1 C. The release of a child from emergency custody due to the
2 failure of an adjudication hearing being held within the time frame
3 prescribed by this section shall not deprive the court of
4 jurisdiction over the child and the parties or authority to enter
5 temporary orders the court deems necessary to provide for the
6 health, safety, and welfare of the child pending the hearing on the
7 petition.

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

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

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

20 3. Conduct a nonjury trial to determine whether the state has
21 met its burden of proving by ~~a preponderance of the~~ clear and
22 convincing evidence that the factual allegations in the petition are
23 true and correct.
24

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

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

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

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

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

23 3. At any time during the pendency of the case, any party may
24 request the court to review the case. If granted, the requesting

1 party shall serve notice on all parties of the date and time of the
2 hearing.

3 B. If a foster parent, group home, preadoptive parent, or
4 relative is currently providing care for a child, the Department
5 shall give the foster parent, group home, preadoptive parent, or
6 relative notice of a proceeding concerning the child. A foster
7 parent, group home representative, preadoptive parent, or relative
8 providing care for a child has the right to be heard at the
9 proceeding. Except when allowed to intervene, the foster parent,
10 group home, preadoptive parent, or relative providing care for the
11 child is not considered a party to the juvenile court proceeding
12 solely because of notice and the right to be heard at the
13 proceeding.

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

24 D. At each review hearing the court shall:

1. Determine and include the following in its orders:

- a. whether the individualized service plan, services, and placement meet the special needs and best interests of the child with the child's health, safety, and educational needs specifically addressed,
- b. whether there is a need for the continued placement of the child,
- c. whether the current permanency plan for the child remains the appropriate plan to meet the health, safety, and best interests of the child,
- d. whether the services set forth in the individualized service plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances or as the court determines to be in the best interests of the child and necessary for the correction of the conditions that led to the adjudication of the child,
- e. whether the terms of visitation need to be modified, including the visitation with siblings if separated,
- f. the time frame that should be followed to achieve reunification or other permanent plan for the child,
- g. whether reasonable efforts have been made to provide for the safe return of the child to the child's own

1 home. If the court determines or has previously
2 determined that reasonable efforts are not required
3 pursuant to the provisions of Section 1-4-809 of this
4 title, or that continuation of reasonable efforts to
5 reunite the child with the child's family is
6 inconsistent with the permanency plan for the child,
7 the court shall determine if reasonable efforts are
8 being made to place the child in a timely manner in
9 accordance with the permanency plan and determine the
10 steps necessary to finalize permanency for the child,

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

18 i. whether the nature and extent of services being
19 provided the child and parent or parents of the child
20 are adequate and shall order that additional services
21 be provided or studies, assessments, or evaluations be
22 conducted, if necessary, to ensure the safety of the
23 child and to protect the child from further physical,
24

1 mental, or emotional harm, or to correct the
2 conditions that led to the adjudication,

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

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

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

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

23 2. Consider in-state and out-of-state placement options for the
24 child; and

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

5 E. In making its findings, the court shall consider the
6 following:

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

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

15 3. The extent of progress that has been made toward alleviating
16 or correcting the conditions that caused the child to be adjudicated
17 deprived;

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

21 5. An appropriate permanency plan for the child, including
22 concurrent planning when applicable, pursuant to Section 1-4-706 of
23 this title; provided, a permanency plan for a planned alternative
24

1 permanent placement shall be limited to a child age sixteen (16) or
2 older.

3 F. If the court fails to conduct a review hearing at least once
4 every six (6) months from the date of the child's removal from the
5 home, pursuant to subsection A of this section, the child shall be
6 released to the custody of the child's parent, legal guardian, or
7 custodian from whom the child was removed.

8 SECTION 5. This act shall become effective November 1, 2026.

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