

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2331  
Page 2 Section 1 Lines 14 and 17  
Of the printed Bill  
Of the Engrossed Bill

By inserting before the word "foster" the word "kinship"

And Page 3, Section 1, Line 5 by inserting after "home at" the words "up to"

And Page 3, Section 1, Line 16 by inserting after the word "Department" the words "and the Oklahoma Health Care Authority"

And Pages 3-5, Section 2, Lines 18-24 by deleting Section 2 from the bill in its entirety and inserting the following [SEE ATTACHED] and by renumbering subsequent sections of the bill.

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Chelsey Branham

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-8-113 of Title 10A, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. This section shall be known and may be cited as the  
5 "Children Belong With Families Act".

6 B. The Department of Human Services shall create and promulgate  
7 rules for a unit within the Department which shall be known as the  
8 "Unit for Runaway, Homeless and At-Risk Youth". If the Department  
9 employs additional staff for the unit, at least one person hired by  
10 the Department shall specialize in the prevention of child human  
11 trafficking.

12 C. If a child is determined to be homeless by someone  
13 including, but not limited to, an employee of the Department, a  
14 children's emergency resource center (CERC), a community-based  
15 program, a group home or any other person the Department, court, a  
16 court-appointed special advocate or a guardian ad litem would  
17 consider a credible witness and who is knowledgeable about the  
18 referral, this determination may be sufficient evidence to establish  
19 deprivation and enter the child into voluntary custody through a  
20 hearing. Nothing in this subsection shall be construed to mean the  
21 child shall enter custody solely for being homeless. The court  
22 shall maintain authority in the case and make a final determination  
23 of the status of the child.

1 D. If a hearing is held pursuant to subsection C of this  
2 section and the child is found to be a deprived child, the  
3 Department shall investigate the referral.

4 E. If a child has a referral made as a result of subsection C  
5 of this section, the Department may provide or refer the child for  
6 voluntary services pursuant to subsection F of Section 1-2-105 of  
7 Title 10A of the Oklahoma Statutes. The child shall be provided the  
8 right to counsel upon a determination to provide or refer the child  
9 for voluntary services.

10 F. For the purposes of voluntary custody, if the child requests  
11 the case to be closed, the case shall only be closed if the court  
12 finds the child is not under duress and the Department or person  
13 advocating for the child has stated for the court it is in the best  
14 interests of the child to close the case. The case may be reopened  
15 only once more in a single calendar year if the child is more than  
16 fourteen (14) years of age.

17 G. To ensure the intent of the Children Belong With Families  
18 Act, the Department shall exhaust all options to ensure the  
19 appearance of the child at each hearing.

20 H. If the child is not excused from appearing at a hearing by  
21 either the Department or the court and fails to appear, the child  
22 may enter into a probationary period. If the child is given notice  
23 but does not appear at the next hearing, the court may close the  
24 case.

1 I. A child who has entered into voluntary custody shall not be  
2 prohibited from remaining in a former place of residence unless it  
3 is in the best interests of the child and deemed necessary by the  
4 court as part of an individualized service plan; provided, that the  
5 Department has approved and secured a residence that will be in the  
6 least restrictive environment for the child.

7 J. The Department shall not close the case of a child in its  
8 custody if, at the time of closure, the child is both dually  
9 adjudicated as a deprived child and as a juvenile delinquent or  
10 youthful offender and residing in a placement through the Office of  
11 Juvenile Affairs.

12 K. If a child is considered absent from care (AFC), absent  
13 without leave (AWOL), missing from care (MFC) or is being considered  
14 for a form of alternative placement that has a semblance of  
15 permanency while the child remains in the custody of the Department,  
16 the case shall not be closed unless approved by the Department of  
17 Human Services Office of Client Advocacy and the Oklahoma Commission  
18 on Children and Youth.

19 L. If the child is considered AFC, AWOL or MFC the case shall  
20 not be closed solely due to the inability to find the child.

21 M. The Department shall promulgate rules to implement the  
22 provisions of this section.  
23  
24

1       SECTION 3.       AMENDATORY       10A O.S. 2011, Section 1-1-105, as  
2 last amended by Section 1, Chapter 256, O.S.L. 2018 (10A O.S. Supp.  
3 2018, Section 1-1-105), is amended to read as follows:

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

6       1. "Abandonment" means:

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

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

- 23           a. "Harm or threatened harm to the health or safety of a  
24          child" means any real or threatened physical, mental,

1 or emotional injury or damage to the body or mind that  
2 is not accidental including but not limited to sexual  
3 abuse, sexual exploitation, neglect, or dependency.

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

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

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

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

23 5. "Age-appropriate or developmentally appropriate" means:  
24

- 1           a.   activities or items that are generally accepted as  
2               suitable for children of the same age or level of  
3               maturity or that are determined to be developmentally  
4               appropriate for a child, based on the development of  
5               cognitive, emotional, physical, and behavioral  
6               capacities that are typical for an age or age group,  
7               and  
8           b.   in the case of a specific child, activities or items  
9               that are suitable for that child based on the  
10              developmental stages attained by the child with  
11              respect to the cognitive, emotional, physical, and  
12              behavioral capacities of the specific child.

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

20           6.   "Assessment" means a comprehensive review of child safety  
21           and evaluation of family functioning and protective capacities that  
22           is conducted in response to a child abuse or neglect referral that  
23           does not allege a serious and immediate safety threat to a child;  
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1       7. "Behavioral health" means mental health, substance abuse, or  
2 co-occurring mental health and substance abuse diagnoses, and the  
3 continuum of mental health, substance abuse, or co-occurring mental  
4 health and substance abuse treatment;

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

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

- 13           a. nonurban centers in districts with child populations  
14           that are less than sixty thousand (60,000), and
- 15           b. midlevel nonurban centers in districts with child  
16           populations equal to or greater than sixty thousand  
17           (60,000), but not including Oklahoma and Tulsa  
18           counties;

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



1        11. "Child-placing agency" means an agency that arranges for or  
2 places a child in a foster family home, group home, adoptive home,  
3 or a successful adulthood program;

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

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

1 early intervention and diversionary substance abuse treatment,  
2 sexual abuse treatment, transitional living, independent living, and  
3 other related services and programs;

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

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

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

20 17. "Custodian" means an individual other than a parent, legal  
21 guardian or Indian custodian, to whom legal custody of the child has  
22 been awarded by the court. As used in this title, the term  
23 "custodian" shall not mean the Department of Human Services;  
24

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

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

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

10 21. "Deprived child" means a child:

- 11 a. who is for any reason destitute, homeless, or  
12 abandoned. For the purpose of this subparagraph,  
13 "homeless" shall include but is not limited to minors  
14 without a fixed or regularly accompanying adult who  
15 have a primary nighttime residence that is a public or  
16 private place not designed for or ordinarily used as a  
17 regular sleeping accommodation for human beings or who  
18 are living in cars, parks, public places, abandoned  
19 buildings, substandard housing, bus or train stations  
20 or similar settings,  
21 b. who does not have the proper parental care or  
22 guardianship,  
23 c. who has been abused, neglected, or is dependent,

- 1           d.    whose home is an unfit place for the child by reason  
2               of depravity on the part of the parent or legal  
3               guardian of the child, or other person responsible for  
4               the health or welfare of the child,
- 5           e.    who is a child in need of special care and treatment  
6               because of the child's physical or mental condition,  
7               and the child's parents, legal guardian, or other  
8               custodian is unable or willfully fails to provide such  
9               special care and treatment. As used in this  
10              paragraph, a child in need of special care and  
11              treatment includes, but is not limited to, a child who  
12              at birth tests positive for alcohol or a controlled  
13              dangerous substance and who, pursuant to a drug or  
14              alcohol screen of the child and an assessment of the  
15              parent, is determined to be at risk of harm or  
16              threatened harm to the health or safety of a child,
- 17          f.    who is a child with a disability deprived of the  
18               nutrition necessary to sustain life or of the medical  
19               treatment necessary to remedy or relieve a life-  
20               threatening medical condition in order to cause or  
21               allow the death of the child if such nutrition or  
22               medical treatment is generally provided to similarly  
23               situated children without a disability or children  
24               with disabilities; provided that no medical treatment

- 1 shall be necessary if, in the reasonable medical  
2 judgment of the attending physician, such treatment  
3 would be futile in saving the life of the child,  
4 g. who, due to improper parental care and guardianship,  
5 is absent from school as specified in Section 10-106  
6 of Title 70 of the Oklahoma Statutes, if the child is  
7 subject to compulsory school attendance,  
8 h. whose parent, legal guardian or custodian for good  
9 cause desires to be relieved of custody,  
10 i. who has been born to a parent whose parental rights to  
11 another child have been involuntarily terminated by  
12 the court and the conditions which led to the making  
13 of the finding, which resulted in the termination of  
14 the parental rights of the parent to the other child,  
15 have not been corrected, or  
16 j. whose parent, legal guardian, or custodian has  
17 subjected another child to abuse or neglect or has  
18 allowed another child to be subjected to abuse or  
19 neglect and is currently a respondent in a deprived  
20 proceeding.

21 Nothing in the Oklahoma Children's Code shall be construed to  
22 mean a child is deprived for the sole reason the parent, legal  
23 guardian, or person having custody or control of a child, in good  
24 faith, selects and depends upon spiritual means alone through

1 prayer, in accordance with the tenets and practice of a recognized  
2 church or religious denomination, for the treatment or cure of  
3 disease or remedial care of such child.

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

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

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

20 24. "Emergency custody" means the custody of a child prior to  
21 adjudication of the child following issuance of an order of the  
22 district court pursuant to Section 1-4-201 of this title or  
23 following issuance of an order of the district court pursuant to an  
24

1 emergency custody hearing, as specified by Section 1-4-203 of this  
2 title;

3 25. "Facility" means a place, an institution, a building or  
4 part thereof, a set of buildings, or an area whether or not  
5 enclosing a building or set of buildings used for the lawful custody  
6 and treatment of children;

7 26. "Failure to protect" means failure to take reasonable  
8 action to remedy or prevent child abuse or neglect, and includes the  
9 conduct of a non-abusing parent or guardian who knows the identity  
10 of the abuser or the person neglecting the child, but lies, conceals  
11 or fails to report the child abuse or neglect or otherwise take  
12 reasonable action to end the abuse or neglect;

13 27. "Foster care" or "foster care services" means continuous  
14 twenty-four-hour care and supportive services provided for a child  
15 in foster placement including, but not limited to, the care,  
16 supervision, guidance, and rearing of a foster child by the foster  
17 parent;

18 28. "Foster family home" means the private residence of a  
19 foster parent who provides foster care services to a child. Such  
20 term shall include a nonkinship foster family home, a therapeutic  
21 foster family home, or the home of a relative or other kinship care  
22 home;

23 29. "Foster parent eligibility assessment" includes a criminal  
24 background investigation including, but not limited to, a national

1 criminal history records search based upon the submission of  
2 fingerprints, home assessments, and any other assessment required by  
3 the Department of Human Services, the Office of Juvenile Affairs, or  
4 any child-placing agency pursuant to the provisions of the Oklahoma  
5 Child Care Facilities Licensing Act;

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

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

16 32. "Group home" means a residential facility licensed by the  
17 Department to provide full-time care and community-based services  
18 for more than five but fewer than thirteen children;

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



1        34. "Heinous and shocking abuse" includes, but is not limited  
2 to, aggravated physical abuse that results in serious bodily,  
3 mental, or emotional injury. "Serious bodily injury" means injury  
4 that involves:

- 5            a. a substantial risk of death,
- 6            b. extreme physical pain,
- 7            c. protracted disfigurement,
- 8            d. a loss or impairment of the function of a body member,  
9                organ, or mental faculty,
- 10           e. an injury to an internal or external organ or the  
11                body,
- 12           f. a bone fracture,
- 13           g. sexual abuse or sexual exploitation,
- 14           h. chronic abuse including, but not limited to, physical,  
15                emotional, or sexual abuse, or sexual exploitation  
16                which is repeated or continuing,
- 17           i. torture that includes, but is not limited to,  
18                inflicting, participating in or assisting in  
19                inflicting intense physical or emotional pain upon a  
20                child repeatedly over a period of time for the purpose  
21                of coercing or terrorizing a child or for the purpose  
22                of satisfying the craven, cruel, or prurient desires  
23                of the perpetrator or another person, or  
24            j. any other similar aggravated circumstance;

1        35. "Heinous and shocking neglect" includes, but is not limited  
2 to:

- 3            a. chronic neglect that includes, but is not limited to,  
4            a persistent pattern of family functioning in which  
5            the caregiver has not met or sustained the basic needs  
6            of a child which results in harm to the child,
- 7            b. neglect that has resulted in a diagnosis of the child  
8            as a failure to thrive,
- 9            c. an act or failure to act by a parent that results in  
10           the death or near death of a child or sibling, serious  
11           physical or emotional harm, sexual abuse, sexual  
12           exploitation, or presents an imminent risk of serious  
13           harm to a child, or
- 14           d. any other similar aggravating circumstance;

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

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

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

23        39. a. "Investigation" means a response to an allegation of  
24            abuse or neglect that involves a serious and immediate

1 threat to the safety of the child, making it necessary  
2 to determine:

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

5 (2) whether child abuse or neglect occurred and  
6 whether the family needs prevention- and  
7 intervention-related services.

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

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

16 (a) court intervention if the Department finds  
17 the health, safety, or welfare of the child  
18 is threatened, or

19 (b) child abuse and neglect prevention- and  
20 intervention-related services for the child,  
21 parents or persons responsible for the care  
22 of the child if court intervention is not  
23 determined to be necessary,  
24

1 (2) "unsubstantiated" means the Department has  
2 determined, after an investigation of a report of  
3 child abuse or neglect, that insufficient  
4 evidence exists to fully determine whether child  
5 abuse or neglect has occurred. If child abuse or  
6 neglect is unsubstantiated, the Department may  
7 recommend, when determined to be necessary, that  
8 the parents or persons responsible for the care  
9 of the child obtain child abuse and neglect  
10 prevention- and intervention-related services, or

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

16 40. "Kinship care" means full-time care of a child by a kinship  
17 relation;

18 41. "Kinship guardianship" means a permanent guardianship as  
19 defined in this section;

20 42. "Kinship relation" or "kinship relationship" means  
21 relatives, stepparents, or other responsible adults who have a bond  
22 or tie with a child and/or to whom has been ascribed a family  
23 relationship role with the child's parents or the child; provided,  
24

1 however, in cases where the Indian Child Welfare Act applies, the  
2 definitions contained in 25 U.S.C., Section 1903 shall control;

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

6 44. "Minor" means the same as the term "child" as defined in  
7 this section;

8 45. "Minor in need of treatment" means a child in need of  
9 mental health or substance abuse treatment as defined by the  
10 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

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

20 47. "Near death" means a child is in serious or critical  
21 condition, as certified by a physician, as a result of abuse or  
22 neglect;

23 48. "Neglect" means:  
24

- 1           a.    the failure or omission to provide any of the  
2                following:
- 3                (1)   adequate nurturance and affection, food,  
4                clothing, shelter, sanitation, hygiene, or  
5                appropriate education,  
6                (2)   medical, dental, or behavioral health care,  
7                (3)   supervision or appropriate caretakers, or  
8                (4)   special care made necessary by the physical or  
9                mental condition of the child,
- 10          b.   the failure or omission to protect a child from  
11                exposure to any of the following:
- 12                (1)   the use, possession, sale, or manufacture of  
13                illegal drugs,  
14                (2)   illegal activities, or  
15                (3)   sexual acts or materials that are not age-  
16                appropriate, or
- 17          c.   abandonment.

18 Nothing in this paragraph shall be construed to mean a child is  
19 abused or neglected for the sole reason the parent, legal guardian  
20 or person having custody or control of a child, in good faith,  
21 selects and depends upon spiritual means alone through prayer, in  
22 accordance with the tenets and practice of a recognized church or  
23 religious denomination, for the treatment or cure of disease or  
24 remedial care of such child. Nothing contained in this paragraph

1 shall prevent a court from immediately assuming custody of a child,  
2 pursuant to the Oklahoma Children's Code, and ordering whatever  
3 action may be necessary, including medical treatment, to protect the  
4 child's health or welfare;

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

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

11 51. "Permanent guardianship" means a judicially created  
12 relationship between a child, a kinship relation of the child, or  
13 other adult established pursuant to the provisions of Section 1-4-  
14 709 of this title;

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

1        53. "Plan of safe care" means a plan developed for an infant  
2 with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum  
3 Disorder upon release from the care of a health care provider that  
4 addresses the health and substance use treatment needs of the infant  
5 and mother or caregiver;

6        54. "Protective custody" means custody of a child taken by a  
7 law enforcement officer or designated employee of the court without  
8 a court order;

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

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



1        57. "Relative" means a grandparent, great-grandparent, brother  
2 or sister of whole or half blood, aunt, uncle or any other person  
3 related to the child;

4        58. "Residential child care facility" means a twenty-four-hour  
5 residential facility where children live together with or are  
6 supervised by adults who are not their parents or relatives;

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

9        60. "Risk" means the likelihood that an incident of child abuse  
10 or neglect will occur in the future;

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

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

21       63. "Safety evaluation" means evaluation of a child's situation  
22 by the Department using a structured, evidence-based tool to  
23 determine if the child is subject to a safety threat;

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

8        65. "Sibling" means a biologically or legally related brother  
9 or sister of a child. This includes an individual who satisfies at  
10 least one of the following conditions with respect to a child:

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

17        66. "Specialized foster care" means foster care provided to a  
18 child in a foster home or agency-contracted home which:

- 19            a. has been certified by the Developmental Disabilities  
20                Services Division of the Department of Human Services,
- 21            b. is monitored by the Division, and
- 22            c. is funded through the Home- and Community-Based Waiver  
23                Services Program administered by the Division;

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

10       68. "Temporary custody" means court-ordered custody of an  
11 adjudicated deprived child;

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

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

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

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

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

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

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