

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1392

By: Dills of the House

and

7                   **Newhouse** of the Senate

8  
9  
10                   COMMITTEE SUBSTITUTE

11                   An Act relating to children; amending 10A O.S. 2011,  
12                   Section 1-1-105, as last amended by Section 1,  
13                   Chapter 256, O.S.L. 2018 (10A O.S. Supp. 2018,  
14                   Section 1-1-105), which relates to the Oklahoma  
15                   Children's Code; modifying definition of group home;  
16                   adding definition for qualified residential treatment  
17                   program; and providing an effective date.

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

19                   SECTION 1.           AMENDATORY           10A O.S. 2011, Section 1-1-105, as  
20                   last amended by Section 1, Chapter 256, O.S.L. 2018 (10A O.S. Supp.  
21                   2018, Section 1-1-105), is amended to read as follows:

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

24                   1.   "Abandonment" means:

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

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

- a. "Harm or threatened harm to the health or safety of a child" means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including but not limited to sexual abuse, sexual exploitation, neglect, or dependency.
- b. "Sexual abuse" includes but is not limited to rape, incest, and lewd or indecent acts or proposals made to

1 a child, as defined by law, by a person responsible  
2 for the health, safety, or welfare of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       21. "Deprived child" means a child:

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



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

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

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

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

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

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

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

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

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

16 23. "Drug-endangered child" means a child who is at risk of  
17 suffering physical, psychological or sexual harm as a result of the  
18 use, possession, distribution, manufacture or cultivation of  
19 controlled substances, or the attempt of any of these acts, by a  
20 person responsible for the health, safety or welfare of the child,  
21 as defined in this section. This term includes circumstances  
22 wherein the substance abuse of the person responsible for the  
23 health, safety or welfare of the child interferes with that person's  
24

1 ability to parent and provide a safe and nurturing environment for  
2 the child;

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

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

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

19 27. "Foster care" or "foster care services" means continuous  
20 twenty-four-hour care and supportive services provided for a child  
21 in foster placement including, but not limited to, the care,  
22 supervision, guidance, and rearing of a foster child by the foster  
23 parent;

1        28. "Foster family home" means the private residence of a  
2 foster parent who provides foster care services to a child. Such  
3 term shall include a nonkinship foster family home, a therapeutic  
4 foster family home, or the home of a relative or other kinship care  
5 home;

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

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

20       31. "Guardian ad litem of the estate of the child" means a  
21 person appointed by the court to protect the property interests of a  
22 child pursuant to Section 1-8-108 of this title;  
23  
24

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

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

9        34. "Heinous and shocking abuse" includes, but is not limited  
10 to, aggravated physical abuse that results in serious bodily,  
11 mental, or emotional injury. "Serious bodily injury" means injury  
12 that involves:

- 13            a. a substantial risk of death,
- 14            b. extreme physical pain,
- 15            c. protracted disfigurement,
- 16            d. a loss or impairment of the function of a body member,  
17                organ, or mental faculty,
- 18            e. an injury to an internal or external organ or the  
19                body,
- 20            f. a bone fracture,
- 21            g. sexual abuse or sexual exploitation,
- 22            h. chronic abuse including, but not limited to, physical,  
23                emotional, or sexual abuse, or sexual exploitation  
24                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;

35. "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, sexual exploitation, or presents an imminent risk of serious harm to a child, or
- d. any other similar aggravating circumstance;

36. "Individualized service plan" means a document written pursuant to Section 1-4-704 of this title that has the same meaning

1 as "service plan" or "treatment plan" where those terms are used in  
2 the Oklahoma Children's Code;

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

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

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

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

13 (2) whether child abuse or neglect occurred and  
14 whether the family needs prevention- and  
15 intervention-related services.

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

18 (1) "substantiated" means the Department has  
19 determined, after an investigation of a report of  
20 child abuse or neglect and based upon some  
21 credible evidence, that child abuse or neglect  
22 has occurred. When child abuse or neglect is  
23 substantiated, the Department may recommend:  
24

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

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

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

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



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

3       41. "Kinship guardianship" means a permanent guardianship as  
4 defined in this section;

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

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

14       44. "Minor" means the same as the term "child" as defined in  
15 this section;

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

19       46. "Multidisciplinary child abuse team" means any team  
20 established pursuant to Section 1-9-102 of this title of three or  
21 more persons who are trained in the prevention, identification,  
22 investigation, prosecution, and treatment of physical and sexual  
23 child abuse and who are qualified to facilitate a broad range of  
24 prevention- and intervention-related services and services related

1 to child abuse. For purposes of this definition, "freestanding"  
2 means a team not used by a child advocacy center for its  
3 accreditation;

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

7 48. "Neglect" means:

8 a. the failure or omission to provide any of the  
9 following:

- 10 (1) adequate nurturance and affection, food,  
11 clothing, shelter, sanitation, hygiene, or  
12 appropriate education,  
13 (2) medical, dental, or behavioral health care,  
14 (3) supervision or appropriate caretakers, or  
15 (4) special care made necessary by the physical or  
16 mental condition of the child,

17 b. the failure or omission to protect a child from  
18 exposure to any of the following:

- 19 (1) the use, possession, sale, or manufacture of  
20 illegal drugs,  
21 (2) illegal activities, or  
22 (3) sexual acts or materials that are not age-  
23 appropriate, or

24 c. abandonment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22       f.    provides discharge planning and family-based aftercare  
23       support for at least six (6) months postdischarge, and  
24

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

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

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

22        ~~57.~~ 58.   "Relative" means a grandparent, great-grandparent,  
23        brother or sister of whole or half blood, aunt, uncle or any other  
24        person related to the child;

~~58.~~ 59. "Residential child care facility" means a twenty-four-

hour residential facility where children live together with or are supervised by adults who are not their parents or relatives;

~~59.~~ 60. "Review hearing" means a hearing by the court pursuant to Section 1-4-807 of this title;

~~60.~~ 61. "Risk" means the likelihood that an incident of child abuse or neglect will occur in the future;

~~61.~~ 62. "Safety threat" means the threat of serious harm due to child abuse or neglect occurring in the present or in the very near future and without the intervention of another person, a child would likely or in all probability sustain severe or permanent disability or injury, illness, or death;

~~62.~~ 63. "Safety analysis" means action taken by the Department in response to a report of alleged child abuse or neglect that may include an assessment or investigation based upon an analysis of the information received according to priority guidelines and other criteria adopted by the Department;

~~63.~~ 64. "Safety evaluation" means evaluation of a child's situation by the Department using a structured, evidence-based tool to determine if the child is subject to a safety threat;

~~64.~~ 65. "Secure facility" means a facility which is designed and operated to ensure that all entrances and exits from the facility are subject to the exclusive control of the staff of the facility, whether or not the juvenile being detained has freedom of

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

4 ~~65.~~ 66. "Sibling" means a biologically or legally related  
5 brother or sister of a child. This includes an individual who  
6 satisfies at least one of the following conditions with respect to a  
7 child:

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

14 ~~66.~~ 67. "Specialized foster care" means foster care provided to  
15 a child in a foster home or agency-contracted home which:

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

21 ~~67.~~ 68. "Successful adulthood program" means a program  
22 specifically designed to assist a child to enhance those skills and  
23 abilities necessary for successful adult living. A successful  
24 adulthood program may include, but shall not be limited to, such



1 features as minimal direct staff supervision, and the provision of  
2 supportive services to assist children with activities necessary for  
3 finding an appropriate place of residence, completing an education  
4 or vocational training, obtaining employment, or obtaining other  
5 similar services;

6 ~~68.~~ 69. "Temporary custody" means court-ordered custody of an  
7 adjudicated deprived child;

8 ~~69.~~ 70. "Therapeutic foster family home" means a foster family  
9 home which provides specific treatment services, pursuant to a  
10 therapeutic foster care contract, which are designed to remedy  
11 social and behavioral problems of a foster child residing in the  
12 home;

13 ~~70.~~ 71. "Trafficking in persons" means sex trafficking or  
14 severe forms of trafficking in persons as described in Section 7102  
15 of Title 22 of the United States Code:

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

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

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

1 (2) the recruitment, harboring, transportation,  
2 provision, obtaining, patronizing or soliciting  
3 of a person for labor or services, through the  
4 use of force, fraud, or coercion for the purpose  
5 of subjection to involuntary servitude, peonage,  
6 debt bondage, or slavery;

7 ~~71.~~ 72. "Transitional living program" means a residential  
8 program that may be attached to an existing facility or operated  
9 solely for the purpose of assisting children to develop the skills  
10 and abilities necessary for successful adult living. The program  
11 may include, but shall not be limited to, reduced staff supervision,  
12 vocational training, educational services, employment and employment  
13 training, and other appropriate independent living skills training  
14 as a part of the transitional living program; and

15 ~~72.~~ 73. "Voluntary foster care placement" means the temporary  
16 placement of a child by the parent, legal guardian or custodian of  
17 the child in foster care pursuant to a signed placement agreement  
18 between the Department or a child-placing agency and the child's  
19 parent, legal guardian or custodian.

20 SECTION 2. This act shall become effective November 1, 2019.  
21

22 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY  
23 SERVICES, dated 02/21/2019 - DO PASS, As Amended and Coauthored.  
24