

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 4130

By: Swope

AS INTRODUCED

An Act relating to children and the Juvenile Code; amending 10A O.S. 2021, Sections 1-1-105 and 1-4-205, which relate to deprived children; defining terms; requiring parents to submit letter of intent when requesting a change in educational instruction; requiring certain information in letter of intent; requiring submission of letter of intent when changing school districts; directing the Department of Human Services to perform background check; directing the Department to maintain system; directing the Department to conduct biannual checks; prohibiting instruction in the home if there is abuse, neglect, or violence; directing the Department to explain reason for denial; 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, is amended to read as follows:

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

1. "Abandonment" means:

- a. the willful intent by words, actions, or omissions not to return for a child, or

- 1 b. the failure to maintain a significant parental
2 relationship with a child through visitation or
3 communication in which incidental or token visits or
4 communication are not considered significant, or
5 c. the failure to respond to notice of deprived
6 proceedings;

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

- 15 a. "Harm or threatened harm to the health or safety of a
16 child" means any real or threatened physical, mental,
17 or emotional injury or damage to the body or mind that
18 is not accidental including but not limited to sexual
19 abuse, sexual exploitation, neglect, or dependency.
20 b. "Sexual abuse" includes but is not limited to rape,
21 incest, and lewd or indecent acts or proposals made to
22 a child, as defined by law, by a person responsible
23 for the health, safety, or welfare of the child.
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1 c. "Sexual exploitation" includes but is not limited to
2 allowing, permitting, encouraging, or forcing a child
3 to engage in prostitution, as defined by law, by any
4 person eighteen (18) years of age or older or by a
5 person responsible for the health, safety, or welfare
6 of a child, or allowing, permitting, encouraging, or
7 engaging in the lewd, obscene, or pornographic, as
8 defined by law, photographing, filming, or depicting
9 of a child in those acts by a person responsible for
10 the health, safety, and welfare of the child;

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

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

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

17 a. activities or items that are generally accepted as
18 suitable for children of the same age or level of
19 maturity or that are determined to be developmentally
20 appropriate for a child, based on the development of
21 cognitive, emotional, physical, and behavioral
22 capacities that are typical for an age or age group,
23 and
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1 b. in the case of a specific child, activities or items
2 that are suitable for that child based on the
3 developmental stages attained by the child with
4 respect to the cognitive, emotional, physical, and
5 behavioral capacities of the specific child.

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

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

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

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

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

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

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

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

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

1 appointments, visitations and other social, school, court or other
2 activities when necessary; and a stable environment for children in
3 crisis who are in custody of the Department of Human Services if
4 permitted under the Department's policies and regulations, or who
5 have been voluntarily placed by a parent or custodian during a
6 temporary crisis;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 j. whose parent, legal guardian, or custodian has
22 subjected another child to abuse or neglect or has
23 allowed another child to be subjected to abuse or
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1 neglect and is currently a respondent in a deprived
2 proceeding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 44. "Learning pod" means a voluntary association of parents
14 choosing to group their children together to participate in their
15 elementary or secondary academic studies as an alternative to
16 enrolling in a public school, private school, homeschool, or
17 microschool, including participation in an activity or service
18 provided to the children in exchange for payment;

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

22 46. "Microschool" means a school initiated by one or more
23 teachers or an entity created to operate a school that charges
24 tuition for the students who enroll and is an alternative to
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1 enrolling in a public school, private school, homeschool, or
2 learning pod;

3 ~~45.~~ 47. "Minor" means the same as the term "child" as defined
4 in this section;

5 ~~46.~~ 48. "Minor in need of treatment" means a child in need of
6 mental health or substance abuse treatment as defined by the
7 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

8 ~~47.~~ 49. "Multidisciplinary child abuse team" means any team
9 established pursuant to Section 1-9-102 of this title of three or
10 more persons who are trained in the prevention, identification,
11 investigation, prosecution, and treatment of physical and sexual
12 child abuse and who are qualified to facilitate a broad range of
13 prevention- and intervention-related services and services related
14 to child abuse. For purposes of this definition, "freestanding"
15 means a team not used by a child advocacy center for its
16 accreditation;

17 ~~48.~~ 50. "Near death" means a child is in serious or critical
18 condition, as certified by a physician, as a result of abuse or
19 neglect;

20 ~~49.~~ 51. a. "Neglect" means:

- 21 (1) the failure or omission to provide any of the
22 following:
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- 1 (a) adequate nurturance and affection, food,
2 clothing, shelter, sanitation, hygiene, or
3 appropriate education,
4 (b) medical, dental, or behavioral health care,
5 (c) supervision or appropriate caretakers to
6 protect the child from harm or threatened
7 harm of which any reasonable and prudent
8 person responsible for the child's health,
9 safety or welfare would be aware, or
10 (d) special care made necessary for the child's
11 health and safety by the physical or mental
12 condition of the child,

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

- 15 (a) the use, possession, sale, or manufacture of
16 illegal drugs,
17 (b) illegal activities, or
18 (c) sexual acts or materials that are not age-
19 appropriate, or

20 (3) abandonment.

21 b. "Neglect" shall not mean a child who engages in
22 independent activities, except if the person
23 responsible for the child's health, safety or welfare
24 willfully disregards any harm or threatened harm to
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1 the child, given the child's level of maturity,
2 physical condition or mental abilities. Such
3 independent activities include but are not limited to:

- 4 (1) traveling to and from school including by
5 walking, running or bicycling,
- 6 (2) traveling to and from nearby commercial or
7 recreational facilities,
- 8 (3) engaging in outdoor play,
- 9 (4) remaining at home unattended for a reasonable
10 amount of time,
- 11 (5) remaining in a vehicle if the temperature inside
12 the vehicle is not or will not become dangerously
13 hot or cold, except under the conditions
14 described in Section 11-1119 of Title 47 of the
15 Oklahoma Statutes, or
- 16 (6) engaging in similar activities alone or with
17 other children.

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
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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 ~~50.~~ 52. "Permanency hearing" means a hearing by the court
6 pursuant to Section 1-4-811 of this title;

7 ~~51.~~ 53. "Permanent custody" means the court-ordered custody of
8 an 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 ~~52.~~ 54. "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 ~~53.~~ 55. "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 ~~54.~~ 56. "Plan of safe care" means a plan developed for an
2 infant 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 ~~55.~~ 57. "Protective custody" means custody of a child taken by
7 a law enforcement officer or designated employee of the court
8 without a court order;

9 ~~56.~~ 58. "Putative father" means an alleged father as that term
10 is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

11 ~~57.~~ 59. "Qualified residential treatment program" means a
12 program that:

- 13 a. has a trauma-informed treatment model that is designed
14 to address the needs including clinical needs as
15 appropriate, of children with serious emotional or
16 behavioral disorders or disturbances and, with respect
17 to a child, is able to implement the treatment
18 identified for the child from a required assessment,
- 19 b. has registered or licensed nursing staff and other
20 licensed clinical staff who:
- 21 (1) provide care within the scope of their practice
22 as defined by the laws of this state,

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

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

6 c. to the extent appropriate, and in accordance with the
7 child's best interest, facilitates participation of
8 family members in the child's treatment program,

9 d. facilitates outreach to the family members of the
10 child including siblings, documents how the outreach
11 is made including contact information, and maintains
12 contact information for any known biological family of
13 the child,

14 e. documents how family members are integrated into the
15 treatment process for the child including post-
16 discharge, and how sibling connections are maintained,

17 f. provides discharge planning and family-based aftercare
18 support for at least six (6) months post-discharge,
19 and

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

22 (1) The Commission on Accreditation of Rehabilitation
23 Facilities (CARF),
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- (2) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO),
- (3) The Council on Accreditation (COA), or
- (4) any other federally approved independent, not-for-profit accrediting organization;

~~58.~~ 60. "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard shall be used by the child's caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities. For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care has been placed, a representative of a group home where a child has been placed or a designated official for a residential child care facility where a child in foster care has been placed;

~~59.~~ 61. "Relative" means a grandparent, great-grandparent, brother or sister of whole or half blood, aunt, uncle or any other person related to the child;

~~60.~~ 62. "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;

1 ~~61.~~ 63. "Review hearing" means a hearing by the court pursuant
2 to Section 1-4-807 of this title;

3 ~~62.~~ 64. "Risk" means the likelihood that an incident of child
4 abuse or neglect will occur in the future;

5 ~~63.~~ 65. "Safety threat" means the threat of serious harm due to
6 child abuse or neglect occurring in the present or in the very near
7 future and without the intervention of another person, a child would
8 likely or in all probability sustain severe or permanent disability
9 or injury, illness, or death;

10 ~~64.~~ 66. "Safety analysis" means action taken by the Department
11 in response to a report of alleged child abuse or neglect that may
12 include an assessment or investigation based upon an analysis of the
13 information received according to priority guidelines and other
14 criteria adopted by the Department;

15 ~~65.~~ 67. "Safety evaluation" means evaluation of a child's
16 situation by the Department using a structured, evidence-based tool
17 to determine if the child is subject to a safety threat;

18 ~~66.~~ 68. "Secure facility" means a facility which is designed
19 and operated to ensure that all entrances and exits from the
20 facility are subject to the exclusive control of the staff of the
21 facility, whether or not the juvenile being detained has freedom of
22 movement within the perimeter of the facility, or a facility which
23 relies on locked rooms and buildings, fences, or physical restraint
24 in order to control behavior of its residents;

1 ~~67.~~ 69. "Sibling" means a biologically or legally related
2 brother or sister of a child. This includes an individual who
3 satisfies at least one of the following conditions with respect to a
4 child:

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

11 ~~68.~~ 70. "Specialized foster care" means foster care provided to
12 a child in a foster home or agency-contracted home which:

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

18 ~~69.~~ 71. "Successful adulthood program" means a program
19 specifically designed to assist a child to enhance those skills and
20 abilities necessary for successful adult living. A successful
21 adulthood program may include, but shall not be limited to, such
22 features as minimal direct staff supervision, and the provision of
23 supportive services to assist children with activities necessary for
24 finding an appropriate place of residence, completing an education
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1 or vocational training, obtaining employment, or obtaining other
2 similar services;

3 70. "Temporary custody" means court-ordered custody of an
4 adjudicated deprived child;

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

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

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

17 b. "severe forms of trafficking in persons" means:
18 (1) sex trafficking in which a commercial sex act is
19 induced by force, fraud, or coercion, or in which
20 the person induced to perform such act has not
21 attained eighteen (18) years of age, or
22 (2) the recruitment, harboring, transportation,
23 provision, obtaining, patronizing or soliciting
24 of a person for labor or services, through the
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1 use of force, fraud, or coercion for the purpose
2 of subjection to involuntary servitude, peonage,
3 debt bondage, or slavery;

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

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

17 SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-4-205, is
18 amended to read as follows:

19 Section 1-4-205. A. The office of the district attorney and
20 the Department of Human Services shall maintain records concerning a
21 child in protective custody who is released prior to the emergency
22 custody hearing. The records shall describe the reason for such
23 release.

1 B. 1. A petition for a deprived child proceeding shall be
2 filed and a summons issued within seven (7) judicial days from the
3 date the child is taken into custody unless, upon request of the
4 district attorney at the emergency custody hearing, the court
5 determines there are compelling reasons to grant additional time for
6 the filing of the petition for a period of time not to exceed
7 fifteen (15) calendar days from the assumption of custody.

8 2. If a petition is not filed as required by this subsection,
9 the emergency custody order shall expire. The district attorney
10 shall submit for filing in the court record a written record
11 specifying the reasons why the petition was not filed and specifying
12 to whom the child was released.

13 C. The court may hold additional hearings at such intervals as
14 may be determined necessary by the court to provide for the health,
15 safety, or welfare of the child.

16 D. In scheduling hearings, the court shall give priority to
17 proceedings in which a child is in emergency custody.

18 E. An order of the court providing for the removal of a child
19 alleged to be deprived from the home of the child shall not be
20 entered unless the court makes a determination:

21 1. That continuation of the child in the child's home is
22 contrary to the health, safety, or welfare of the child; and

23 2. As to whether or not reasonable efforts were made to prevent
24 the need for the removal of the child from the child's home; or
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1 3. As to whether or not an absence of efforts to prevent the
2 removal of the child from the child's home is reasonable because the
3 removal is due to an alleged emergency and is for the purpose of
4 providing for the health, safety, or welfare of the child; or

5 4. That reasonable efforts to provide for the return of the
6 child to the child's home are not required pursuant to Section 1-4-
7 809 of Title 10A of the Oklahoma Statutes; provided, however, upon
8 such determination, the court shall inform the parent that a
9 permanency hearing will be held within thirty (30) days from the
10 determination.

11 F. On or before the school district start date, parents making
12 the decision to choose homeschooling, podscooling, or
13 microschooling shall submit a letter of intent to the Department of
14 Human Services. The letter of intent shall include the parent's or
15 parents' names and Social Security number, the child's or children's
16 names, the home address, the names of any other individuals living
17 within the home, the names of any associated individuals or
18 organizations assisting with the child's or children's schooling,
19 and a brief statement for the decision of schooling.

20 G. Any change to or from the decision to homeschool, podscool,
21 microschool, or change school districts, whether a result of a move
22 or otherwise, shall require a subsequent letter of intent containing
23 the information outlined in subsection F of this section.

1 H. When the Department of Human Services receives a letter of
2 intent, it shall perform an initial background check on parents,
3 other adults within the home, and any adults assisting in the
4 children's schooling.

5 I. The Department shall maintain a system to conduct biannual
6 checks of the database and compile a database of individuals,
7 facilities, and organizations that perform and assist with
8 homeschooling, podschooling, or microscooling.

9 J. Requests to pursue instruction in the home shall not be
10 authorized if there is a pending child abuse or neglect
11 investigation against either custodial parent or a person
12 instructing the child, or if either custodial parent or a person
13 instructing the child has ever been convicted of domestic violence
14 or child abuse or neglect.

15 K. If the request for home-based educational instruction is
16 denied by the Department, an explanation for the denial shall be
17 furnished in writing to the applicant by the Department.

18 SECTION 3. This act shall become effective November 1, 2024.

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