

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1965 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Danny Williams _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1965

By: Williams

7 PROPOSED POLICY COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10A O.S. 2021,
9 Sections 1-1-105, Section 1-4-502, as amended by
10 Section 1, Chapter 363, O.S.L. 2023 (10A O.S. Supp.
11 2024, Section 1-4-502), Section 1-4-704, as amended
12 by Section 1, Chapter 31, O.S.L. 2023 (10A O.S. Supp.
13 2024, Section 1-4-704), 1-4-902, and 1-4-904, which
14 relate to the Oklahoma Children's Code; defining
15 term; providing procedure if jury trial is waived;
16 requiring consideration of circumstances when
17 preparing an individualized service plan; providing
18 for filing petition or motion for termination of
19 parental rights by the district attorney in certain
20 circumstances; providing circumstance in which a
21 court may terminate the rights of a parent to a
22 child; providing exceptions; amending 10A O.S. 2021,
23 Section 2-2-104, which relates to the Oklahoma
24 Juvenile Code; providing when informal adjustments
shall be provided; directing the Office of Juvenile
Affairs to conduct assessment; 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:

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

3 1. "Abandonment" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 a. nonurban centers in districts with child populations
10 that are less than sixty thousand (60,000), and

11 b. midlevel nonurban centers in districts with child
12 populations equal to or greater than sixty thousand
13 (60,000), but not including Oklahoma and Tulsa
14 Counties;

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

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

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

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

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

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

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

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

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

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

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

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

24

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

4 21. "Deprived child" means a child:

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

- 1 parent, is determined to be at risk of harm or
2 threatened harm to the health or safety of a child,
3 f. who is a child with a disability deprived of the
4 nutrition necessary to sustain life or of the medical
5 treatment necessary to remedy or relieve a life-
6 threatening medical condition in order to cause or
7 allow the death of the child if such nutrition or
8 medical treatment is generally provided to similarly
9 situated children without a disability or children
10 with disabilities; provided that no medical treatment
11 shall be necessary if, in the reasonable medical
12 judgment of the attending physician, such treatment
13 would be futile in saving the life of the child,
14 g. who, due to improper parental care and guardianship,
15 is absent from school as specified in Section 10-106
16 of Title 70 of the Oklahoma Statutes, if the child is
17 subject to compulsory school attendance,
18 h. whose parent, legal guardian or custodian for good
19 cause desires to be relieved of custody,
20 i. who has been born to a parent whose parental rights to
21 another child have been involuntarily terminated by
22 the court and the conditions which led to the making
23 of the finding, which resulted in the termination of
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1 the parental rights of the parent to the other child,
2 have not been corrected, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

- d. a loss or impairment of the function of a body member,
organ, or mental faculty,
- e. an injury to an internal or external organ or the
body,
- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical,
emotional, or sexual abuse, or sexual exploitation
which is repeated or continuing,
- i. torture that includes, but is not limited to,
inflicting, participating in or assisting in
inflicting intense physical or emotional pain upon a
child repeatedly over a period of time for the purpose
of coercing or terrorizing a child or for the purpose
of satisfying the craven, cruel, or prurient desires
of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

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

to:

- a. chronic neglect that includes, but is not limited to,
a persistent pattern of family functioning in which
the caregiver has not met or sustained the basic needs
of a child which results in harm to the child,

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

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

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

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

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

- 21 (1) the current safety of a child and the risk of
22 subsequent abuse or neglect, and
23
24

1 (2) whether child abuse or neglect occurred and
2 whether the family needs prevention- and
3 intervention-related services.

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

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

12 (a) court intervention if the Department finds
13 the health, safety, or welfare of the child
14 is threatened, or

15 (b) child abuse and neglect prevention- and
16 intervention-related services for the child,
17 parents or persons responsible for the care
18 of the child if court intervention is not
19 determined to be necessary,

20 (2) "unsubstantiated" means the Department has
21 determined, after an investigation of a report of
22 child abuse or neglect, that insufficient
23 evidence exists to fully determine whether child
24 abuse or neglect has occurred. If child abuse or

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

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

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

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

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

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

1 45. "Minor" means the same as the term "child" as defined in
2 this section;

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

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

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

18 49. a. "Neglect" means:

19 (1) the failure or omission to provide any of the
20 following:

21 (a) adequate nurturance and affection, food,
22 clothing, shelter, sanitation, hygiene, or
23 appropriate education,

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

1 (c) supervision or appropriate caretakers to
2 protect the child from harm or threatened
3 harm of which any reasonable and prudent
4 person responsible for the child's health,
5 safety or welfare would be aware, or

6 (d) special care made necessary for the child's
7 health and safety by the physical or mental
8 condition of the child,

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

11 (a) the use, possession, sale, or manufacture of
12 illegal drugs,

13 (b) illegal activities, or

14 (c) sexual acts or materials that are not age-
15 appropriate, or

16 (3) abandonment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 c. to the extent appropriate, and in accordance with the
2 child's best interest, facilitates participation of
3 family members in the child's treatment program,
- 4 d. facilitates outreach to the family members of the
5 child including siblings, documents how the outreach
6 is made including contact information, and maintains
7 contact information for any known biological family of
8 the child,
- 9 e. documents how family members are integrated into the
10 treatment process for the child including post-
11 discharge, and how sibling connections are maintained,
- 12 f. provides discharge planning and family-based aftercare
13 support for at least six (6) months post-discharge,
14 and
- 15 g. is licensed and accredited by any of the following
16 independent, not-for-profit organizations:
- 17 (1) The Commission on Accreditation of Rehabilitation
18 Facilities (CARF),
 - 19 (2) The Joint Commission on Accreditation of
20 Healthcare Organizations (JCAHO),
 - 21 (3) The Council on Accreditation (COA), or
 - 22 (4) any other federally approved independent, not-
23 for-profit accrediting organization;
- 24

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

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

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

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

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

23 63. "Safety threat" means the threat of serious harm due to
24 child abuse or neglect occurring in the present or in the very near

1 future and without the intervention of another person, a child would
2 likely or in all probability sustain severe or permanent disability
3 or injury, illness, or death;

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

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

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

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

22 a. the individual is considered by state law to be a
23 sibling of the child, or
24

1 b. the individual would have been considered a sibling
2 under state law but for a termination or other
3 disruption of parental rights, such as the death of a
4 parent;

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

7 a. has been certified by the Developmental Disabilities
8 Services Division of the Department of Human Services,

9 b. is monitored by the Division, and

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

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

21 70. "Temporary custody" means court-ordered custody of an
22 adjudicated deprived child;

23 71. "Therapeutic foster family home" means a foster family home
24 which provides specific treatment services, pursuant to a

1 therapeutic foster care contract, which are designed to remedy
2 social and behavioral problems of a foster child residing in the
3 home;

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

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

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

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

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

20 (2) the recruitment, harboring, transportation,
21 provision, obtaining, patronizing or soliciting
22 of a person for labor or services, through the
23 use of force, fraud, or coercion for the purpose

24

1 of subjection to involuntary servitude, peonage,
2 debt bondage, or slavery;

3 ~~73.~~ 74. "Transitional living program" means a residential
4 program that may be attached to an existing facility or operated
5 solely for the purpose of assisting children to develop the skills
6 and abilities necessary for successful adult living. The program
7 may include, but shall not be limited to, reduced staff supervision,
8 vocational training, educational services, employment and employment
9 training, and other appropriate independent living skills training
10 as a part of the transitional living program; and

11 ~~74.~~ 75. "Voluntary foster care placement" means the temporary
12 placement of a child by the parent, legal guardian or custodian of
13 the child in foster care pursuant to a signed placement agreement
14 between the Department or a child-placing agency and the child's
15 parent, legal guardian or custodian.

16 SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-4-502, as
17 amended by Section 1, Chapter 363, O.S.L. 2023 (10A O.S. Supp. 2024,
18 Section 1-4-502), is amended to read as follows:

19 Section 1-4-502. A. A parent entitled to service of summons,
20 the state or a child shall have the right to demand a trial by jury
21 on the sole issue of termination of parental rights only in the
22 following circumstances:

23 1. When the initial petition to determine if a child is
24 deprived also contains a request for termination of parental rights

1 in which case the court shall determine if the child should be
2 adjudicated deprived and, if so, the jury shall determine if
3 parental rights should be terminated; or

4 2. When, following a hearing in which the child is adjudicated
5 deprived, a request for termination of parental rights is filed by
6 the state or the child.

7 B. The demand for a jury trial shall be granted unless waived,
8 or the court on its own motion may call a jury to try any
9 termination of parental rights case.

10 C. 1. If the jury trial to determine whether parental rights
11 should be terminated is waived, the court shall issue a scheduling
12 order within thirty (30) days. A bench trial shall commence within
13 three (3) months of the issuance of the scheduling order unless the
14 court issues a written order with findings of fact supporting a
15 determination that there exists an exceptional circumstance to
16 support the delay or that the parties and the guardian ad litem, if
17 any, agree to such continuance.

18 2. Upon a demand for a trial by jury, the court shall issue a
19 scheduling order within thirty (30) days. A jury trial shall
20 commence within six (6) months of the issuance of the scheduling
21 order unless the court issues a written order with findings of fact
22 supporting a determination that there exists an exceptional
23 circumstance to support the delay or that the parties and the
24 guardian ad litem, if any, agree to such continuance. The jury

1 shall consist of six (6) persons. A party who requests a jury trial
2 and fails to appear in person for such trial, after proper notice
3 and without good cause, may be deemed by the court to have waived
4 the right to such jury trial, and the termination of parental rights
5 shall be by nonjury trial unless another party demands a jury trial
6 or the court determines on its own motion to try the case to a jury.

7 SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-4-704, as
8 amended by Section 1, Chapter 31, O.S.L. 2023 (10A O.S. Supp. 2024,
9 Section 1-4-704), is amended to read as follows:

10 Section 1-4-704. A. The Department of Human Services or
11 licensed child-placing agency shall prepare and maintain a written
12 individualized service plan for any child that has been adjudicated
13 to be a deprived child.

14 B. The plan shall be furnished to the court within thirty (30)
15 days after the adjudication of the child and shall be made available
16 to counsel for the parties and any applicable tribe by the
17 Department or the licensed child-placing agency having custody of
18 the child or responsibility for the supervision of the case.

19 C. 1. The individualized service plan shall be based upon a
20 comprehensive assessment and evaluation of the child and family and
21 shall be developed with the participation of the parent, legal
22 guardian, or legal custodian of the child, the attorney for the
23 child, the guardian ad litem for the child, if any, the child's
24

1 tribe, and the child, if appropriate. The health and safety of the
2 child shall be the paramount concern in the development of the plan.

3 2. If any part of the plan is disputed or not approved by the
4 court, an evidentiary hearing may be held and at its conclusion, the
5 court shall determine the content of the individualized service plan
6 in accord with the evidence presented and the best interests of the
7 child.

8 3. When approved by the court, each individualized service plan
9 shall be incorporated and made a part of the dispositional order of
10 the court.

11 4. The plan shall be signed by:

- 12 a. the parent or parents or legal guardian of the child,
- 13 b. the attorney for the parent or parents or legal
14 guardian of the child,
- 15 c. the child's attorney,
- 16 d. the guardian ad litem of the child, which may be a
17 court-appointed special advocate,
- 18 e. a representative of the child's tribe,
- 19 f. the child, if possible, and
- 20 g. the Department or other responsible agency.

21 D. 1. Every service plan prepared shall be individualized and
22 specific to each child and the family of the child and shall require
23 consideration of each child's and family's circumstances, including,
24 but not limited to, the parents' work schedule, mode of

1 transportation, and distance from their place of living and place of
2 work to service providers.

3 2. The individualized service plan shall be written in simple
4 and clear English. If English is not the principal language of the
5 parent, legal guardian, or custodian of the child, and such person
6 is unable to read or comprehend the English language, to the extent
7 possible the plan shall be written in the principal language of the
8 person.

9 3. The individualized service plan may be modified based on
10 changing circumstances consistent with the correction of the
11 conditions that led to the adjudication of the child or other
12 conditions inconsistent with the health, safety, or welfare of the
13 child.

14 4. The individualized service plan shall be measurable,
15 realistic and consistent with the requirements of other court
16 orders.

17 E. The individualized service plan shall include but not be
18 limited to:

19 1. A history of the child and family, including identification
20 of the problems or conditions leading to the deprived child
21 adjudication and the changes the parent or parents must make in
22 order for the child to safely remain in or return to the home;

23 2. Identification of time-limited reunification services to be
24 provided to the parent, legal guardian, or legal custodian,

1 stepparent, other adult person living in the home, or other family
2 members. Provided, however, that such reunification services shall
3 be part of any individualized service plan for the first period of
4 fifteen (15) months that begins on the date the child entered foster
5 care. If a parent has not corrected the circumstances which led the
6 child to be adjudicated to be a deprived child after such period of
7 fifteen (15) months and if the court makes a finding pursuant to
8 paragraph 16 of subsection B of Section 1-4-904 of this title, then
9 a petition or motion for termination of parental rights shall be
10 filed by the district attorney pursuant to Section 1-4-902 of this
11 title;

12 3. Identification of the specific services to be provided to
13 the child including but not limited to educational, vocational
14 educational, medical, drug or alcohol abuse treatment, or counseling
15 or other treatment services. The most recent available health and
16 educational records of the child shall be provided to the court upon
17 the court's request including:

- 18 a. the names and addresses of the child's health and
19 educational providers,
- 20 b. the child's grade-level performance,
- 21 c. the child's school record,
- 22 d. a record of the child's immunizations,
- 23 e. the child's known medical problems, including any
24 known communicable diseases,

1 f. the child's medications, and

2 g. any other relevant health and education information;

3 4. A schedule of the frequency of services and the means by
4 which delivery of the services will be assured or, as necessary, the
5 proposed means by which support services or other assistance will be
6 provided to enable the parent or the child to obtain the services;

7 5. The name of the social worker assigned to the case;

8 6. A projected date for the completion of the individualized
9 service plan;

10 7. Performance criteria that will measure the progress of the
11 child and family toward completion of the individualized service
12 plan including, but not limited to, time frames for achieving
13 objectives and addressing the identified problems;

14 8. The name and business address of the attorney representing
15 the child;

16 9. If the child is placed outside the home, the individualized
17 service plan shall further provide:

18 a. the sequence and time frame for services to be
19 provided to the parent, the child, and if the child is
20 placed in foster care, the foster parent, to
21 facilitate the child's return home or to another
22 permanent placement,

23 b. a description of the child's placement and explanation
24 about whether it is the least-restrictive placement

1 available and in as close proximity as possible to the
2 home of the parent or parents or legal guardian of the
3 child when the case plan is reunification, and how the
4 placement is consistent with the best interests and
5 special needs of the child,

6 c. a description of any services or resources that were
7 requested by the child or the parent or legal guardian
8 of the child since the date of the child's placement,
9 and whether those services or resources were provided
10 and if not, the basis for the denial of the services
11 or resources,

12 d. efforts to be made by the parent of the child and the
13 Department to enable the child to return to his or her
14 home,

15 e. a description of the transition planning for a
16 successful adulthood for a child age fourteen (14) or
17 older that includes how the following objectives will
18 be met:

19 (1) education, vocational, or employment planning,

20 (2) health care planning and medical coverage,

21 (3) transportation including, where appropriate,
22 assisting the child in obtaining a driver
23 license,

24 (4) money management,

- (5) planning for housing,
- (6) social and recreational skills, and
- (7) establishing and maintaining connections with the child's family and community,

f. for a child in placement due solely or in part to the child's behavioral health or medical health issues, diagnostic and assessment information, specific services relating to meeting the applicable behavioral health and medical care needs of the child, and desired treatment outcomes,

g. a plan and schedule for regular and frequent visitation for the child and the child's parent or parents or legal guardian and siblings, unless the court has determined that visitation, even if supervised, would be harmful to the child, and

h. a plan for ensuring the educational stability of the child while in out-of-home placement, including:

- (1) assurances that the placement of the child considers the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement, and

- (2) where appropriate, an assurance that the Department has coordinated with appropriate local

1 educational agencies to ensure that the child
2 remains in the school in which the child was
3 enrolled at the time of placement, or

4 (3) if remaining in the school in which the child was
5 enrolled at the time of placement is not in the
6 best interests of the child, assurances by the
7 Department and the local educational agencies to
8 provide immediate and appropriate enrollment in a
9 new school with all of the educational records of
10 the child provided to the school; and

11 10. The permanency plan for the child, the reason for selection
12 of that plan and a description of the steps being taken by the
13 Department to finalize the plan.

14 a. When the permanency plan is adoption or legal
15 guardianship, the Department shall describe, at a
16 minimum, child-specific recruitment efforts such as
17 relative searches conducted and the use of state,
18 regional, and national adoption exchanges to
19 facilitate the orderly and timely placement of the
20 child, whether in or outside of the state.

21 b. When the child is age fourteen (14) or older, the
22 permanency plan and any revision or addition to the
23 plan, shall include planning for the transition of the
24 child to a successful adulthood.

1 F. Each individualized service plan shall specifically provide
2 for the safety of the child, in accordance with state and federal
3 law, and clearly define what actions or precautions will, or may, be
4 necessary to provide for the safety and protection of the child.

5 G. The individualized service plan shall include the following
6 statement:

7 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE
8 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE
9 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR
10 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT
11 HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
12 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

13 H. Whenever a child who is subject to the provisions of this
14 section is committed for inpatient behavioral health or substance
15 abuse treatment pursuant to the Inpatient Mental Health and
16 Substance Abuse Treatment of Minors Act, the individualized service
17 plan shall be amended as necessary and appropriate, including, but
18 not limited to, identification of the treatment and services to be
19 provided to the child and the child's family upon discharge of the
20 child from inpatient behavioral health or substance abuse treatment.

21 I. Prior to adjudication, a parent or legal guardian may
22 voluntarily participate in services related to the behaviors and
23 conditions that led to the filing of a deprived petition.
24 Participation in such services shall not be construed as an

1 admission that the child is deprived and shall not be used as
2 evidence for the purpose of adjudication or disposition.

3 SECTION 4. AMENDATORY 10A O.S. 2021, Section 1-4-902, is
4 amended to read as follows:

5 Section 1-4-902. A. The district attorney shall file a
6 petition or motion for termination of the parent-child relationship
7 and parental rights with respect to a child or shall join in the
8 petition or motion, if filed by the child's attorney, in any of the
9 following circumstances:

10 1. Prior to the end of the fifteenth month when a child has
11 been placed in foster care by the Department of Human Services for
12 fifteen (15) of the most recent twenty-two (22) months. For
13 purposes of this paragraph, a child shall be considered to have
14 entered foster care on the earlier of:

- 15 a. the date of adjudication as a deprived child, or
- 16 b. the date that is sixty (60) days after the date on
17 which the child is removed from the home;

18 2. No later than sixty (60) days after a child has been
19 judicially determined to be an abandoned infant;

20 3. No later than sixty (60) days after a court has determined
21 that reasonable efforts to reunite are not required due to a felony
22 conviction of a parent of any of the following acts:

- 23 a. permitting a child to participate in pornography,
- 24 b. rape, or rape by instrumentation,

- c. lewd molestation of a child under sixteen (16) years of age,
- d. child abuse or neglect,
- e. enabling child abuse or neglect,
- f. causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child,
- g. causing the death of a sibling of the child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling,
- h. murder of any child or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of any child,
- i. voluntary manslaughter of any child,
- j. a felony assault that has resulted in serious bodily injury to the child or another child of the parent, or
- k. murder or voluntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of the child's parent; or

4. No later than ninety (90) days after the court has ordered the individualized service plan if the parent has made no measurable progress in correcting the conditions which caused the child to be adjudicated deprived; or

1 5. After a period of fifteen (15) months if a parent has not
2 corrected the circumstances which led the child to be adjudicated to
3 be a deprived child and if the court makes a finding pursuant to
4 paragraph 16 of subsection B of Section 1-4-904 of this title.

5 B. If any of the following conditions exist, the district
6 attorney is not required to file a petition as provided in
7 subsection A of this section for a deprived child:

8 1. At the option of the Department or by order of the court,
9 the child is properly being cared for by a relative;

10 2. The Department has documented a compelling reason for
11 determining that filing a petition to terminate parental rights
12 would not serve the best interests of the child that may include
13 consideration of any of the following circumstances:

14 a. the parents or legal guardians have maintained a
15 relationship with the child and the child would
16 benefit from continuing this relationship,

17 b. the child, who is twelve (12) years or older, objects
18 to the termination of the parent-child legal
19 relationship,

20 c. the foster parents of the child are unable to adopt
21 the child because of exceptional circumstances which
22 do not include an unwillingness to accept legal
23 responsibility for the child but are willing and
24 capable of providing the child with a stable and

1 permanent environment, and the removal of the child
2 from the physical custody of the foster parents would
3 be seriously detrimental to the emotional well-being
4 of the child because the child has substantial
5 psychological ties to the foster parents,

6 d. the child is not capable of achieving stability if
7 placed in a family setting, or

8 e. the child is an unaccompanied, refugee minor and the
9 situation regarding the child involves international
10 legal issues or compelling foreign policy issues; or

11 3. The state has not provided to the family of the child,
12 consistent with the time period in the state case plan, services
13 that the state deems necessary for the safe return of the child to
14 the child's home, if reasonable efforts are required to be made with
15 respect to the child.

16 SECTION 5. AMENDATORY 10A O.S. 2021, Section 1-4-904, is
17 amended to read as follows:

18 Section 1-4-904. A. A court shall not terminate the rights of
19 a parent to a child unless:

20 1. The child has been adjudicated to be deprived either prior
21 to or concurrently with a proceeding to terminate parental rights;
22 and

23 2. Termination of parental rights is in the best interests of
24 the child.

1 B. The court may terminate the rights of a parent to a child
2 based upon the following legal grounds:

3 1. Upon the duly acknowledged written consent of a parent, who
4 voluntarily agrees to termination of parental rights.

5 a. The voluntary consent for termination of parental
6 rights shall be signed under oath and recorded before
7 a judge of a court of competent jurisdiction and
8 accompanied by the judge's certificate that the terms
9 and consequences of the consent were fully explained
10 in detail in English and were fully understood by the
11 parent or that the consent was translated into a
12 language that the parent understood.

13 b. A voluntary consent for termination of parental rights
14 is effective when it is signed and may not be revoked
15 except upon clear and convincing evidence that the
16 consent was executed by reason of fraud or duress.

17 c. However, notwithstanding the provisions in this
18 paragraph, in any proceeding for a voluntary
19 termination of parental rights to an Indian child, the
20 consent of the parent may be withdrawn for any reason
21 at any time prior to the entry of a final decree of
22 termination. Any consent given prior to, or within
23 ten (10) days after, the birth of an Indian child
24 shall not be valid;

- 1 2. A finding that a parent who is entitled to custody of the
2 child has abandoned the child;
- 3 3. A finding that the child is an abandoned infant;
- 4 4. A finding that the parent of a child:
- 5 a. has voluntarily placed physical custody of the child
6 with the Department of Human Services or with a child-
7 placing agency for out-of-home placement,
- 8 b. has not complied with the placement agreement, and
- 9 c. has not demonstrated during such period a firm
10 intention to resume physical custody of the child or
11 to make permanent legal arrangements for the care of
12 the child;
- 13 5. A finding that:
- 14 a. the parent has failed to correct the condition which
15 led to the deprived adjudication of the child, and
- 16 b. the parent has been given at least three (3) months to
17 correct the condition;
- 18 6. A finding that:
- 19 a. the rights of the parent to another child have been
20 terminated, and
- 21 b. the conditions that led to the prior termination of
22 parental rights have not been corrected;
- 23 7. A finding that a parent who does not have custody of the
24 child has, for at least six (6) out of the twelve (12) months

1 immediately preceding the filing of the petition or motion for
2 termination of parental rights, willfully failed or refused or has
3 neglected to contribute to the support of the child:

- 4 a. as specified by an order entered by a court of
5 competent jurisdiction adjudicating the duty, amount
6 and manner of support, or
- 7 b. where an order of child support does not exist,
8 according to the financial ability of the parent to
9 contribute to the child's support.

10 Incidental or token support shall not be construed or considered in
11 establishing whether a parent has maintained or contributed to the
12 support of the child;

13 8. A finding that the parent has been convicted in a court of
14 competent jurisdiction in any state of any of the following acts:

- 15 a. permitting a child to participate in pornography,
- 16 b. rape, or rape by instrumentation,
- 17 c. lewd molestation of a child under sixteen (16) years
18 of age,
- 19 d. child abuse or neglect,
- 20 e. enabling child abuse or neglect,
- 21 f. causing the death of a child as a result of the
22 physical or sexual abuse or chronic abuse or chronic
23 neglect of the child,

24

- 1 g. causing the death of a sibling of the child as a
2 result of the physical or sexual abuse or chronic
3 abuse or chronic neglect of the child's sibling,
4 h. murder of any child or aiding or abetting, attempting,
5 conspiring, or soliciting to commit murder of any
6 child,
7 i. voluntary manslaughter of any child,
8 j. a felony assault that has resulted in serious bodily
9 injury to the child or another child of the parents,
10 or

- 11 k. murder or voluntary manslaughter of the child's parent
12 or aiding or abetting, attempting, conspiring, or
13 soliciting to commit murder of the child's parent;

14 9. A finding that the parent has abused or neglected any child
15 or failed to protect any child from abuse or neglect that is heinous
16 or shocking;

17 10. A finding that the parent has previously abused or
18 neglected the child or a sibling of the child or failed to protect
19 the child or a sibling of the child from abuse or neglect and the
20 child or a sibling of the child has been subjected to subsequent
21 abuse;

22 11. A finding that the child was conceived as a result of rape
23 perpetrated by the parent whose rights are sought to be terminated;
24

1 12. A finding that the parent whose rights are sought to be
2 terminated is incarcerated, and the continuation of parental rights
3 would result in harm to the child based on consideration of the
4 following factors, among others:

- 5 a. the duration of incarceration and its detrimental
6 effect on the parent/child relationship,
- 7 b. any previous convictions resulting in involuntary
8 confinement in a secure facility,
- 9 c. the parent's history of criminal behavior, including
10 crimes against children,
- 11 d. the age of the child,
- 12 e. any evidence of abuse or neglect or failure to protect
13 from abuse or neglect of the child or siblings of the
14 child by the parent,
- 15 f. the current relationship between the parent and the
16 child, and
- 17 g. the manner in which the parent has exercised parental
18 rights and duties in the past.

19 Provided, that the incarceration of a parent shall not in and of
20 itself be sufficient to deprive a parent of parental rights;

21 13. A finding that all of the following exist:

- 22 a. the parent has a diagnosed cognitive disorder, an
23 extreme physical incapacity, or a medical condition,
24 including behavioral health, which renders the parent

1 incapable of adequately and appropriately exercising
2 parental rights, duties, and responsibilities within a
3 reasonable time considering the age of the child, and

4 b. allowing the parent to have custody would cause the
5 child actual harm or harm in the near future.

6 A parent's refusal or pattern of noncompliance with treatment,
7 therapy, medication, or assistance from outside the home can be used
8 as evidence that the parent is incapable of adequately and
9 appropriately exercising parental rights, duties, and
10 responsibilities.

11 A finding that a parent has a diagnosed cognitive disorder, an
12 extreme physical incapacity, or a medical condition, including
13 behavioral health or substance dependency, shall not in and of
14 itself deprive the parent of parental rights;

15 14. A finding that:

16 a. the condition that led to the deprived adjudication
17 has been the subject of a previous deprived
18 adjudication of this child or a sibling of this child,
19 and

20 b. the parent has been given an opportunity to correct
21 the conditions which led to the determination of the
22 initial deprived child;

23 15. A finding that there exists a substantial erosion of the
24 relationship between the parent and child caused at least in part by

1 the parent's serious or aggravated neglect of the child, physical or
2 sexual abuse or exploitation of the child, a prolonged and
3 unreasonable absence of the parent from the child or an unreasonable
4 failure by the parent to visit or communicate in a meaningful way
5 with the child;

6 16. A finding that a child ~~four (4) years of age or older at~~
7 ~~the time of placement has been placed in foster care by the~~
8 ~~Department of Human Services for fifteen (15) of the most recent~~
9 ~~twenty-two (22) months preceding the filing of the petition or~~
10 ~~motion for termination of parental rights and the child cannot, at~~
11 ~~the time of the filing of the petition or motion, be safely returned~~
12 ~~to the home of the parent. For purposes of this paragraph, a child~~
13 ~~shall be considered to have entered foster care on the earlier of:~~

- 14 a. ~~the adjudication date, or~~
- 15 b. ~~the date that is sixty (60) days after the date on~~
16 ~~which the child is removed from the home~~

17 has been in foster care for not less than fifteen (15) months of the
18 most recent twenty-two (22) months and that the parent has not
19 corrected the circumstances which led the child to be adjudicated to
20 be a deprived child, unless:

- 21 a. a parent has made substantial progress toward
22 eliminating the problem that caused the child's
23 placement in foster care, it is likely that the child
24 will be able to safely return to the parent's home

1 within three (3) months, and the child's return to the
2 parent's home will be in the child's best interests,

3 b. the child has a close and positive relationship with a
4 parent and a permanent plan that does not include
5 termination of parental rights will provide the most
6 secure and appropriate placement for the child,

7 c. the child is fourteen (14) years of age or older, is
8 firmly opposed to termination of parental rights, and
9 is likely to disrupt an attempt to place the child
10 with an adoptive family,

11 d. a parent is terminally ill but in remission, does not
12 want parental rights to be terminated, and has
13 designated a guardian for the child,

14 e. the child is not capable of functioning if placed in a
15 family setting. In such a case, the court shall
16 reevaluate the status of the child every ninety (90)
17 days unless there is a court determination that the
18 child cannot be placed in a family setting,

19 f. the child is an unaccompanied, refugee minor and the
20 case involves international legal issues or compelling
21 foreign policy issues,

22 g. adoption is not an appropriate plan for the child,

23 h. the parent's incarceration constitutes the primary
24 factor in the child's placement in substitute care and

1 termination of parental rights is not in the child's
2 best interest,

3 i. the parent's participation in a court-ordered
4 residential substance abuse treatment program
5 constitutes the primary factor in the child's
6 placement in substitute care and termination of
7 parental rights is not in the child's best interest,

8 j. for purposes of this paragraph, a child shall be
9 considered to have entered foster care on the earlier
10 of:

11 (1) the adjudication date, or

12 (2) the date that is sixty (60) days after the date
13 on which the child is removed from the home, or

14 k. the court may also consider:

15 (1) circumstances of the failure of the parent to
16 develop and maintain a parental bond with the
17 child in a meaningful, supportive manner, and

18 (2) whether allowing the parent to have custody would
19 likely cause the child actual serious
20 psychological harm or harm in the near future as
21 a result of the removal of the child from the
22 substitute caregiver due to the existence of a
23 strong and positive bond between the child and
24 caregiver; and

1 17. A finding that a child younger than four (4) years of age
2 at the time of placement has been placed in foster care by the
3 Department of Human Services for at least six (6) of the twelve (12)
4 months preceding the filing of the petition or motion for
5 termination of parental rights and the child cannot be safely
6 returned to the home of the parent.

7 a. For purposes of this paragraph, a child shall be
8 considered to have entered foster care on the earlier
9 of:

10 (1) the adjudication date, or

11 (2) the date that is sixty (60) days after the date
12 on which the child is removed from the home.

13 b. For purposes of this paragraph, the court may
14 consider:

15 (1) circumstances of the failure of the parent to
16 develop and maintain a parental bond with the
17 child in a meaningful, supportive manner, and

18 (2) whether allowing the parent to have custody would
19 likely cause the child actual serious
20 psychological harm or harm in the near future as
21 a result of the removal of the child from the
22 substitute caregiver due to the existence of a
23 strong, positive bond between the child and
24 caregiver.

1 C. An order directing the termination of parental rights is a
2 final appealable order.

3 D. The provisions of this section shall not apply to adoption
4 proceedings and actions to terminate parental rights which do not
5 involve a petition for deprived status of the child. Such
6 proceedings and actions shall be governed by the Oklahoma Adoption
7 Code.

8 SECTION 6. AMENDATORY 10A O.S. 2021, Section 2-2-104, is
9 amended to read as follows:

10 Section 2-2-104. A. A preliminary inquiry shall be conducted
11 to determine whether the interests of the public or of the child who
12 is within the purview of the Oklahoma Juvenile Code require that
13 further court action be taken. If it is determined by the
14 preliminary inquiry that no further action be taken and if agreed to
15 by the district attorney, the intake worker may make such informal
16 adjustment without a petition.

17 B. In the course of the preliminary inquiry, the intake worker
18 shall:

19 1. Hold conferences with the child and the parents, guardian or
20 custodian of the child for the purpose of discussing the disposition
21 of the referral made;

22 2. Interview such persons as necessary to determine whether the
23 filing of a petition would be in the best interests of the child and
24 the community;

1 3. Check existing records of any district court or tribal
2 court, law enforcement agencies, Office of Juvenile Affairs, and
3 Department of Human Services;

4 4. Obtain existing mental health, medical and educational
5 records of the child with the consent of the parents, guardian or
6 custodian of the child or by court order; and

7 5. Administer any screening and assessment instruments or refer
8 for necessary screening and assessments to assist in the
9 determination of any immediate needs of the child as well as the
10 immediate risks to the community. All screening and assessment
11 instruments shall be uniformly used by all intake workers, including
12 those employed by juvenile bureaus, and shall be instruments
13 specifically prescribed by the Office of Juvenile Affairs.

14 C. Upon review of any information presented in the preliminary
15 inquiry, the district attorney may consult with the intake worker to
16 determine whether the interests of the child and the public will be
17 best served by the dismissal of the complaint, the informal
18 adjustment of the complaint, or the filing of a petition.

19 D. ~~Informal~~ If a child is charged with a delinquent act as a
20 result of an offense which would be a misdemeanor if committed by an
21 adult, informal adjustment shall be provided to the child, pursuant
22 to the guidelines in subsection E of this section. If a child is
23 charged with a delinquent act as a result of an offense which would
24 be a felony if committed by an adult, informal adjustment may be

1 provided to the child, pursuant to the guidelines in subsection E of
2 this section, by the intake worker only where the facts reasonably
3 appear to establish prima facie jurisdiction and are admitted and
4 where consent is obtained from the district attorney, the parent of
5 the child, legal guardian, legal custodian, or legal counsel, if
6 any, and the child.

7 E. The informal adjustment is an agreement whereby the child
8 agrees to fulfill certain conditions in exchange for not having a
9 petition filed against the child. The informal adjustment shall be
10 completed within a period of time not to exceed six (6) months and
11 shall:

12 1. Be voluntarily entered into by all parties;

13 2. Be revocable by the child at any time by a written
14 revocation;

15 3. Be revocable by the intake worker in the event there is
16 reasonable cause to believe the child has failed to carry out the
17 terms of the informal adjustment or has committed a subsequent
18 offense;

19 4. Not be used as evidence against the child at any
20 adjudication hearing;

21 5. Be executed in writing and expressed in language
22 understandable to the persons involved; and

23 6. Become part of the juvenile record of the child.

24

1 ~~E.~~ F. The informal adjustment agreement under this section may
2 include, among other suitable methods, programs and procedures, the
3 following:

4 1. Participation in or referral to counseling, a period of
5 community service, drug or alcohol education or treatment,
6 vocational training or any other legal activity which in the opinion
7 of the intake officer would be beneficial to the child and family of
8 the child;

9 2. Require the child to undergo a behavioral health evaluation
10 and, if warranted, undergo appropriate care or treatment;

11 3. Restitution providing for monetary payment by the parents or
12 child to the victim who was physically injured or who suffered loss
13 of or damage to property as a result of the conduct alleged. Before
14 setting the amount of restitution, the intake officer shall consult
15 with the victim concerning the amount of damages; or

16 4. Informal adjustment projects, programs and services may be
17 provided through public or private agencies.

18 If the intake worker has reasonable cause to believe that the child
19 has failed to carry out the terms of the adjustment agreement or has
20 committed a subsequent offense, in lieu of revoking the agreement,
21 the intake worker may modify the terms of the agreement and extend
22 the period of the agreement for an additional six (6) months from
23 the date on which the modification was made with the consent of the
24 child or counsel of the child, if any.

1 ~~F.~~ G. If an informal adjustment is agreed to pursuant to
2 subsection D of this section, the informal adjustment agreement may
3 require the child to pay a fee equal to no more than what the court
4 costs would have been had a petition been filed. The child shall
5 remit the fee directly to the agency responsible for the monitoring
6 and supervision of the child. If the supervising agency is a
7 juvenile bureau, then the fee shall be remitted to a revolving fund
8 of the county in which the juvenile bureau is located to be
9 designated the "Juvenile Deferral Fee Revolving Fund" and shall be
10 used by the juvenile bureau to defray costs for the operation of the
11 juvenile bureau. In those counties without juvenile bureaus and in
12 which the Office of Juvenile Affairs or one of their contracting
13 agencies provides the monitoring and supervision of the juvenile,
14 the fee shall be paid directly to the Office of Juvenile Affairs and
15 shall be used to defray the costs for the operation of the Office of
16 Juvenile Affairs.

17 H. The Office of Juvenile Affairs shall conduct an assessment
18 for any child who successfully completes an informal adjustment
19 utilizing program evaluations and data collection. The collected
20 data may include, but shall not be limited to:

- 21 1. Recidivism;
- 22 2. School engagement;
- 23 3. Social engagement; and
- 24 4. Graduation rates.

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

60-1-12418 CMA 02/06/25