

1 STATE OF OKLAHOMA

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

3 SENATE BILL 455

By: Pederson

4  
5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Children's Code;  
8 amending 10A O.S. 2021, Section 1-1-105, which  
9 relates to definitions; modifying definitions;  
10 updating statutory language; and providing an  
11 effective date.

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

13 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-1-105, is  
14 amended to read as follows:

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

17 1. "Abandonment" means:

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

20 b. the failure to maintain a significant parental  
21 relationship with a child through visitation or  
22 communication in which incidental or token visits or  
23 communication are not considered significant, or

24 c. the failure to respond to notice of deprived  
25 proceedings;

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

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

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

19           c. "Sexual exploitation" includes,    but is not limited to,     
20 allowing, permitting, encouraging, or forcing a child  
21 to engage in prostitution, as defined by law, by any  
22 person eighteen (18) years of age or older or by a  
23 person responsible for the health, safety, or welfare  
24 of a child, or allowing, permitting, encouraging, or

1 engaging in the lewd, obscene, or pornographic, as  
2 defined by law, photographing, filming, or depicting  
3 of a child in those acts by a person responsible for  
4 the health, safety, and welfare of the child;

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

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

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

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

23 In the event that any age-related activities have implications  
24 relative to the academic curriculum of a child, nothing in this

1 paragraph shall be construed to authorize an officer or employee of  
2 the federal government to mandate, direct, or control a state or  
3 local educational agency, or the specific instructional content,  
4 academic achievement standards and assessments, curriculum, or  
5 program of instruction of a school;

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

10 7. "Behavioral health" means mental health, substance abuse, or  
11 co-occurring mental health and substance abuse diagnoses, and the  
12 continuum of mental health, substance abuse, or co-occurring mental  
13 health and substance abuse treatment;

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

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

- 22 a. nonurban centers in districts with child populations  
23 that are less than sixty thousand (60,000), and  
24

1           b. ~~midlevel~~ mid-level nonurban centers in districts with  
2           child populations equal to or greater than sixty  
3           thousand (60,000), but not including Oklahoma and  
4           Tulsa Counties;

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

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

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

1 13. "Community-based services" or "community-based programs"  
2 means services or programs which maintain community participation or  
3 supervision in their planning, operation, and evaluation.

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

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

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

22 16. "Court-appointed special advocate program" means an  
23 organized program, administered by either an independent, not-for-  
24 profit corporation, a dependent project of an independent, not-for-

1 profit corporation, or a unit of local government, which recruits,  
2 screens, trains, assigns, supervises, and supports volunteers to be  
3 available for appointment by the court as guardians ad litem;

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

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

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

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

18 21. "Deprived child" means a child:

- 19 a. who is for any reason destitute, homeless, or  
20 abandoned,  
21 b. who does not have the proper parental care or  
22 guardianship,  
23 c. who has been abused, or neglected, or is dependent,

1 d. whose home is an unfit place for the child by reason  
2 of depravity on the part of the parent or legal  
3 guardian of the child, or other person responsible for  
4 the health or welfare of the child,

5 e. who is a child in need of special care and treatment  
6 because of the child's physical or mental condition,  
7 and the child's parents, legal guardian, or other  
8 custodian is unable or willfully fails to provide such  
9 special care and treatment. As used in this  
10 paragraph, a child in need of special care and  
11 treatment includes, but is not limited to, a child who  
12 at birth tests positive for alcohol or a controlled  
13 dangerous substance and who, pursuant to a drug or  
14 alcohol screen of the child and an assessment of the  
15 parent, is determined to be at risk of harm or  
16 threatened harm to the health ~~or~~, safety, or welfare  
17 of a child,

18 f. who is a child with a disability deprived of the  
19 nutrition necessary to sustain life or of the medical  
20 treatment necessary to remedy or relieve a life-  
21 threatening medical condition in order to cause or  
22 allow the death of the child if such nutrition or  
23 medical treatment is generally provided to similarly  
24 situated children without a disability or children



1 with disabilities; provided that no medical treatment  
2 shall be necessary if, in the reasonable medical  
3 judgment of the attending physician, such treatment  
4 would be futile in saving the life of the child,

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

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

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

17 j. whose parent, legal guardian, or custodian has  
18 subjected another child to abuse or neglect or has  
19 allowed another child to be subjected to abuse or  
20 neglect and is currently a respondent in a deprived  
21 proceeding.

22 Nothing in the Oklahoma Children's Code shall be construed to  
23 mean a child is deprived for the sole reason the parent, legal  
24 guardian, or person having custody or control of a child, in good

1 faith, selects and depends upon spiritual means alone through  
2 prayer, in accordance with the tenets and practice of a recognized  
3 church or religious denomination, for the treatment or cure of  
4 disease or remedial care of such child.

5 Evidence of material, educational, l or cultural disadvantage as  
6 compared to other children shall not be sufficient to prove that a  
7 child is deprived; the state shall prove that the child is deprived  
8 as defined pursuant to this title.

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

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

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

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

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

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

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

20           28. "Felt safety" means the individual experiences safety by  
21 not anticipating harm or hurt, emotionally or physically, based on  
22 his or her present internal response and environment, and has  
23 relational security from his or her primary caregivers;  
24

1        29. "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.~~ 30. "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.~~ 31. "Foster parent eligibility assessment" includes a  
12 criminal background investigation including, but not limited to, a  
13 national criminal history records search based upon the submission  
14 of fingerprints, home assessments, and any other assessment required  
15 by the Department of Human Services, the Office of Juvenile Affairs,  
16 or any child-placing agency pursuant to the provisions of the  
17 Oklahoma Child Care Facilities Licensing Act;

18        ~~31.~~ 32. "Group home" means a residential facility licensed by  
19 the Department to provide full-time care and community-based  
20 services for more than five but fewer than thirteen children;

21        33. "Guardian ad litem" means a person appointed by the court  
22 pursuant to the provisions of Section 1-4-306 of this title having  
23 those duties and responsibilities as set forth in that section. The  
24 term ~~"guardian ad litem"~~ guardian ad litem shall refer to a court-

1 appointed special advocate as well as to any other person appointed  
2 pursuant to the provisions of Section 1-4-306 of this title to serve  
3 as a guardian ad litem;

4 ~~32.~~ 34. "Guardian ad litem of the estate of the child" means a  
5 person appointed by the court to protect the property interests of a  
6 child pursuant to Section 1-8-108 of this title;

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

10 ~~34.~~ 35. "Harm or threatened harm to the health ~~or~~, safety, or  
11 welfare of a child" means any real or threatened physical, mental,  
12 or emotional injury or damage to the body or mind that is not  
13 accidental including, but not limited to, sexual abuse, sexual  
14 exploitation, neglect, or dependency;

15 ~~35.~~ 36. "Heinous and shocking abuse" includes, but is not  
16 limited to, aggravated physical abuse that results in serious  
17 bodily, mental, or emotional injury. "Serious bodily injury" means  
18 injury that involves:

- 19 a. a substantial risk of death,
- 20 b. extreme physical pain,
- 21 c. protracted disfigurement,
- 22 d. a loss or impairment of the function of a body member,
- 23 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.~~ 37. "Heinous and shocking neglect" includes, but is not limited to:

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

1 c. an act or failure to act by a parent that results in  
2 the death or near death of a child or sibling, serious  
3 physical or emotional harm, sexual abuse, or sexual  
4 exploitation, or presents an imminent risk of serious  
5 harm to a child, or

6 d. any other similar aggravating circumstance;

7 ~~37.~~ 38. "Individualized service plan" means a document written  
8 pursuant to Section 1-4-704 of this title that has the same meaning  
9 as "service plan" or "treatment plan" where those terms are used in  
10 the Oklahoma Children's Code;

11 ~~38.~~ 39. "Infant" means a child who is twelve (12) months of age  
12 or younger;

13 ~~39.~~ 40. "Institution" means a residential facility offering  
14 care and treatment for more than twenty residents;

15 ~~40.~~ 41. a. "Investigation" means a response to an  
16 allegation of abuse or neglect that involves a serious  
17 and immediate threat to the safety of the child,  
18 making it necessary to determine:

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

21 (2) whether child abuse or neglect occurred and  
22 whether the family needs prevention- and  
23 intervention-related services.

1           b.   ~~"Investigation"~~ Investigation results in a written  
2 response stating one of the following findings:

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

9           (a)   court intervention if the Department finds  
10           the health, safety, or welfare of the child  
11           is threatened, or

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

17           (2)   "unsubstantiated" means the Department has  
18           determined, after an investigation of a report of  
19           child abuse or neglect, that insufficient  
20           evidence exists to fully determine whether child  
21           abuse or neglect has occurred. If child abuse or  
22           neglect is unsubstantiated, the Department may  
23           recommend, when determined to be necessary, that  
24           the parents or persons responsible for the care



1 of the child obtain child abuse and neglect  
2 prevention- and intervention-related services, or  
3 (3) "ruled out" means a report in which a child  
4 protective services specialist has determined,  
5 after an investigation of a report of child abuse  
6 or neglect, that no child abuse or neglect has  
7 occurred;

8 ~~41.~~ 42. "Kinship care" means full-time care of a child by a  
9 kinship relation;

10 ~~42.~~ 43. "Kinship guardianship" means a permanent guardianship  
11 as defined in this section;

12 ~~43.~~ 44. "Kinship relation" or "kinship relationship" means  
13 relatives, stepparents, or other responsible adults who have a bond  
14 or tie with a child ~~and/or~~ or to whom has been ascribed a family  
15 relationship role with the child's parents or the child; provided,  
16 however, in cases where the Indian Child Welfare Act applies, the  
17 definitions contained in 25 U.S.C., Section 1903 shall control;

18 ~~44.~~ 45. "Mental health facility" means a mental health or  
19 substance abuse treatment facility as defined by the Inpatient  
20 Mental Health and Substance Abuse Treatment of Minors Act;

21 ~~45.~~ 46. "Minor" means the same as the term ~~"child"~~ child as  
22 defined in this section;

1       ~~46.~~ 47. "Minor in need of treatment" means a child in need of  
2 mental health or substance abuse treatment as defined by the  
3 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

4       ~~47.~~ 48. "Multidisciplinary child abuse team" means any team  
5 established pursuant to Section 1-9-102 of this title of three or  
6 more persons who are trained in the prevention, identification,  
7 investigation, prosecution, and treatment of physical and sexual  
8 child abuse and who are qualified to facilitate a broad range of  
9 prevention- and intervention-related services and services related  
10 to child abuse. For purposes of this definition, "freestanding"  
11 means a team not used by a child advocacy center for its  
12 accreditation;

13       ~~48.~~ 49. "Near death" means a child is in serious or critical  
14 condition, as certified by a physician, as a result of abuse or  
15 neglect;

16       ~~49.~~ 50. a. "Neglect" means:

17               (1) the failure or omission to provide any of the  
18 following:

- 19                       (a) adequate nurturance and affection, food,  
20                               clothing, shelter, sanitation, hygiene, or  
21                               appropriate education,  
22                       (b) medical, dental, or behavioral health care,  
23                       (c) supervision or appropriate caretakers to  
24                               protect the child from harm or threatened

1 harm of which any reasonable and prudent  
2 person responsible for the child's health,  
3 safety, or welfare would be aware, or

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

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

9 (a) the use, possession, sale, or manufacture of  
10 illegal drugs,

11 (b) illegal activities, or

12 (c) sexual acts or materials that are not age-  
13 appropriate, or

14 (3) abandonment.

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

23 (1) traveling to and from school including by  
24 walking, running, or bicycling,

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

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

1       ~~50.~~ 51. "Permanency hearing" means a hearing by the court  
2 pursuant to Section 1-4-811 of this title;

3       ~~51.~~ 52. "Permanent custody" means the court-ordered custody of  
4 an adjudicated deprived child when a parent-child relationship no  
5 longer exists due to termination of parental rights or due to the  
6 death of a parent or parents;

7       ~~52.~~ 53. "Permanent guardianship" means a judicially created  
8 relationship between a child, a kinship relation of the child, or  
9 other adult established pursuant to the provisions of Section 1-4-  
10 709 of this title;

11       ~~53.~~ 54. "Person responsible for a child's health, safety, or  
12 welfare" includes a parent; a legal guardian; custodian; a foster  
13 parent; a person eighteen (18) years of age or older with whom the  
14 child's parent cohabitates or any other adult residing in the home  
15 of the child; an agent or employee of a public or private  
16 residential home, institution, facility, or day treatment program as  
17 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or  
18 an owner, operator, or employee of a child care facility as defined  
19 by Section 402 of Title 10 of the Oklahoma Statutes;

20       ~~54.~~ 55. "Plan of safe care" means a plan developed for an  
21 infant with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum  
22 Disorder upon release from the care of a health care provider that  
23 addresses the health and substance use treatment needs of the infant  
24 and mother or caregiver;

1       ~~55.~~ 56. "Protective custody" means custody of a child taken by  
2 a law enforcement officer or designated employee of the court  
3 without a court order;

4       ~~56.~~ 57. "Putative father" means an alleged father as that term  
5 is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

6       ~~57.~~ 58. "Qualified residential treatment program" means a  
7 program that:

- 8           a. has a trauma-informed treatment model that is designed  
9           to address the needs including clinical needs as  
10          appropriate, of children with serious emotional or  
11          behavioral disorders or disturbances and, with respect  
12          to a child, is able to implement the treatment  
13          identified for the child from a required assessment,
- 14          b. has registered or licensed nursing staff and other  
15          licensed clinical staff who:
- 16               (1) provide care within the scope of their practice  
17               as defined by the laws of this state,  
18               (2) are on-site according to the treatment model  
19               referred to in subparagraph a of this paragraph,  
20               and  
21               (3) are available twenty-four (24) hours a day and  
22               seven (7) days a week,
- 23  
24  
25

- 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~~ the Commission on Accreditation of  
18 Rehabilitation Facilities (CARF),
- 19 (2) ~~The~~ the Joint Commission ~~on Accreditation of~~  
20 ~~Healthcare Organizations (JCAHO),~~
- 21 (3) ~~The~~ the Council on Accreditation (COA), or
- 22 (4) any other federally approved independent, not-  
23 for-profit accrediting organization;
- 24

1       ~~58.~~ 59. "Reasonable and prudent parent standard" means the  
2 standard characterized by careful and sensible parental decisions  
3 that maintain the health, safety, and best interests of a child  
4 while at the same time encouraging the emotional and developmental  
5 growth of the child. This standard shall be used by the child's  
6 caregiver when determining whether to allow a child to participate  
7 in extracurricular, enrichment, cultural, and social activities.  
8 For 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.~~ 60. "Relative" means a grandparent, great-grandparent,  
14 brother or sister of whole or half blood, aunt, uncle, or any other  
15 person related to the child;

16       ~~60.~~ 61. "Residential child care facility" means a twenty-four-  
17 hour residential facility where children live together with or are  
18 supervised by adults who are not their parents or relatives;

19       ~~61.~~ 62. "Review hearing" means a hearing by the court pursuant  
20 to Section 1-4-807 of this title;

21       ~~62.~~ 63. "Risk" means the likelihood that an incident of child  
22 abuse 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  
25



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 related to the  
12 child's physical, developmental, medical, mental, felt safety, or  
13 educational needs;

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

19 67. "Secure facility" means a facility which is designed and  
20 operated to ensure that all entrances and exits from the facility  
21 are subject to the exclusive control of the staff of the facility,  
22 whether ~~or not~~ the juvenile being detained has freedom of movement  
23 within the perimeter of the facility, or a facility which relies on  
24

1 locked rooms and buildings, fences, or physical restraint in order  
2 to control behavior of its residents;

3 ~~67.~~ 68. "Sibling" means a biologically or legally related  
4 brother or sister of a child. ~~This includes~~ including an individual  
5 who satisfies at least one of the following conditions with respect  
6 to a child:

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

13 ~~68.~~ 69. "Specialized foster care" means foster care provided to  
14 a child in a foster home or agency-contracted home which:

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

20 ~~69.~~ 70. "Successful adulthood program" means a program  
21 specifically designed to assist a child to enhance those skills and  
22 abilities necessary for successful adult living. A successful  
23 adulthood program may include, but shall not be limited to, such  
24 features as minimal direct staff supervision, and the provision of

1 supportive services to assist children with activities necessary for  
2 finding an appropriate place of residence, completing an education  
3 or vocational training, obtaining employment, or obtaining other  
4 similar services;

5 ~~70.~~ 71. "Temporary custody" means court-ordered custody of an  
6 adjudicated deprived child;

7 ~~71.~~ 72. "Therapeutic foster family home" means a foster family  
8 home which provides specific treatment services, pursuant to a  
9 therapeutic foster care contract, which are designed to remedy  
10 social and behavioral problems of a foster child residing in the  
11 home;

12 ~~72.~~ 73. "Trafficking in persons" means sex trafficking or  
13 severe forms of trafficking in persons as described in Section 7102  
14 of Title 22 of the United States Code:

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

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

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

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

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

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

20 SECTION 2. This act shall become effective November 1, 2025.

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