

1 ENGROSSED HOUSE
2 BILL NO. 1965

3 By: Williams of the House

4 and

5 Bullard of the Senate

6 [children - Oklahoma Children's Code - procedure if
7 jury trial is waived - consideration of
8 circumstances - individualized service plan -
9 petition or motion for termination of parental
10 rights - district attorney - exceptions - Oklahoma
11 Juvenile Code - informal adjustments - Office of
12 Juvenile Affairs - assessment - effective date]

13

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

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

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

19 1. "Abandonment" means:

- 20 a. the willful intent by words, actions, or omissions not
21 to return for a child, or
22 b. the failure to maintain a significant parental
23 relationship with a child through visitation or

1 communication in which incidental or token visits or
2 communication are not considered significant, or
3 c. the failure to respond to notice of deprived
4 proceedings;

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

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

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

22 c. "Sexual exploitation" includes but is not limited to
23 allowing, permitting, encouraging, or forcing a child
24 to engage in prostitution, as defined by law, by any

1 person eighteen (18) years of age or older or by a
2 person responsible for the health, safety, or welfare
3 of a child, or allowing, permitting, encouraging, or
4 engaging in the lewd, obscene, or pornographic, as
5 defined by law, photographing, filming, or depicting
6 of a child in those acts by a person responsible for
7 the health, safety, and welfare of the child;

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

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

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

14 a. activities or items that are generally accepted as
15 suitable for children of the same age or level of
16 maturity or that are determined to be developmentally
17 appropriate for a child, based on the development of
18 cognitive, emotional, physical, and behavioral
19 capacities that are typical for an age or age group,
20 and

21 b. in the case of a specific child, activities or items
22 that are suitable for that child based on the
23 developmental stages attained by the child with

respect to the cognitive, emotional, physical, and behavioral capacities of the specific child.

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

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

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

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

9. "Child advocacy center" means a center and the multidisciplinary child abuse team of which it is a member that is accredited by the National Children's Alliance or that is completing a sixth year of reaccreditation. Child advocacy centers shall be

1 classified, based on the child population of a district attorney's
2 district, as follows:

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

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

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

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

1 crisis who are in custody of the Department of Human Services if
2 permitted under the Department's policies and regulations, or who
3 have been voluntarily placed by a parent or custodian during a
4 temporary crisis;

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

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

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

21 15. "Court-appointed special advocate" or "CASA" means a
22 responsible adult volunteer who has been trained and is supervised
23 by a court-appointed special advocate program recognized by the

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1 court, and when appointed by the court, serves as an officer of the
2 court in the capacity as a guardian ad litem;

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

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

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

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

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

22 21. "Deprived child" means a child:

- b. who does not have the proper parental care or guardianship,
 - c. who has been abused, neglected, or is dependent,
 - d. whose home is an unfit place for the child by reason of depravity on the part of the parent or legal guardian of the child, or other person responsible for the health or welfare of the child,
 - e. who is a child in need of special care and treatment because of the child's physical or mental condition, and the child's parents, legal guardian, or other custodian is unable or willfully fails to provide such special care and treatment. As used in this paragraph, a child in need of special care and treatment includes, but is not limited to, a child who at birth tests positive for alcohol or a controlled dangerous substance and who, pursuant to a drug or alcohol screen of the child and an assessment of the parent, is determined to be at risk of harm or threatened harm to the health or safety of a child,
 - f. who is a child with a disability deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of the child if such nutrition or

medical treatment is generally provided to similarly situated children without a disability or children with disabilities; provided that no medical treatment shall be necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child,

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

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

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

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

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

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

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

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

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

1 health, safety or welfare of the child interferes with that person's
2 ability to parent and provide a safe and nurturing environment for
3 the child;

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

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

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

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

23 28. "Foster care" or "foster care services" means continuous
24 twenty-four-hour care and supportive services provided for a child

1 in foster placement including, but not limited to, the care,
2 supervision, guidance, and rearing of a foster child by the foster
3 parent;

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

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

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

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

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

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

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

- 16 a. a substantial risk of death,
- 17 b. extreme physical pain,
- 18 c. protracted disfigurement,
- 19 d. a loss or impairment of the function of a body member,
20 organ, or mental faculty,
- 21 e. an injury to an internal or external organ or the
22 body,
- 23 f. a bone fracture,
- 24 g. sexual abuse or sexual exploitation,

1 h. chronic abuse including, but not limited to, physical,
2 emotional, or sexual abuse, or sexual exploitation
3 which is repeated or continuing,

4 i. torture that includes, but is not limited to,
5 inflicting, participating in or assisting in
6 inflicting intense physical or emotional pain upon a
7 child repeatedly over a period of time for the purpose
8 of coercing or terrorizing a child or for the purpose
9 of satisfying the craven, cruel, or prurient desires
10 of the perpetrator or another person, or

11 j. any other similar aggravated circumstance;

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

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

18 b. neglect that has resulted in a diagnosis of the child
19 as a failure to thrive,

20 c. an act or failure to act by a parent that results in
21 the death or near death of a child or sibling, serious
22 physical or emotional harm, sexual abuse, sexual
23 exploitation, or presents an imminent risk of serious
24 harm to a child, or

1 d. any other similar aggravating circumstance;

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

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

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

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

- 14 (1) the current safety of a child and the risk of
15 subsequent abuse or neglect, and
16 (2) whether child abuse or neglect occurred and
17 whether the family needs prevention- and
18 intervention-related services.

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

- 21 (1) "substantiated" means the Department has
22 determined, after an investigation of a report of
23 child abuse or neglect and based upon some
24 credible evidence, that child abuse or neglect

1 has occurred. When child abuse or neglect is
2 substantiated, the Department may recommend:

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

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

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

21 (3) "ruled out" means a report in which a child
22 protective services specialist has determined,
23 after an investigation of a report of child abuse

or neglect, that no child abuse or neglect has occurred;

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

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

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

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

16 45. "Minor" means the same as the term "child" as defined in
17 this section;

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

21 47. "Multidisciplinary child abuse team" means any team
22 established pursuant to Section 1-9-102 of this title of three or
23 more persons who are trained in the prevention, identification,
24 investigation, prosecution, and treatment of physical and sexual

1 child abuse and who are qualified to facilitate a broad range of
2 prevention- and intervention-related services and services related
3 to child abuse. For purposes of this definition, "freestanding"
4 means a team not used by a child advocacy center for its
5 accreditation;

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

9 49. a. "Neglect" means:

10 (1) the failure or omission to provide any of the
11 following:

12 (a) adequate nurturance and affection, food,
13 clothing, shelter, sanitation, hygiene, or
14 appropriate education,

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

16 (c) supervision or appropriate caretakers to
17 protect the child from harm or threatened
18 harm of which any reasonable and prudent

19 person responsible for the child's health,

20 safety or welfare would be aware, or

21 (d) special care made necessary for the child's
22 health and safety by the physical or mental
23 condition of the child,

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

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

(3) abandonment

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

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

(2) traveling to and from nearby commercial or recreational facilities.

(3) engaging in outdoor play

(4) remaining at home unatten

amount of time,

(5) remaining in a vehicle if the temperature ins

the vehicle is

(5) remaining in a vehicle if the temperature inside the vehicle is not or will not become dangerously

hot or cold, except under the conditions described in Section 11-1119 of Title 47 of the Oklahoma Statutes, or

(6) engaging in similar activities alone or with other children.

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

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

19 51. "Permanent custody" means the court-ordered custody of an
20 adjudicated deprived child when a parent-child relationship no
21 longer exists due to termination of parental rights or due to the
22 death of a parent or parents;

23 52. "Permanent guardianship" means a judicially created
24 relationship between a child, a kinship relation of the child, or

1 other adult established pursuant to the provisions of Section 1-4-
2 709 of this title;

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

12 54. "Plan of safe care" means a plan developed for an infant
13 with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum
14 Disorder upon release from the care of a health care provider that
15 addresses the health and substance use treatment needs of the infant
16 and mother or caregiver;

17 55. "Protective custody" means custody of a child taken by a
18 law enforcement officer or designated employee of the court without
19 a court order;

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

22 57. "Qualified residential treatment program" means a program
23 that:

- a. has a trauma-informed treatment model that is designed to address the needs including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child from a required assessment,
 - b. has registered or licensed nursing staff and other licensed clinical staff who:
 - (1) provide care within the scope of their practice as defined by the laws of this state,
 - (2) are on-site according to the treatment model referred to in subparagraph a of this paragraph, and
 - (3) are available twenty-four (24) hours a day and seven (7) days a week,
 - c. to the extent appropriate, and in accordance with the child's best interest, facilitates participation of family members in the child's treatment program,
 - d. facilitates outreach to the family members of the child including siblings, documents how the outreach is made including contact information, and maintains contact information for any known biological family of the child,

- 1 e. documents how family members are integrated into the
2 treatment process for the child including post-
3 discharge, and how sibling connections are maintained,
4 f. provides discharge planning and family-based aftercare
5 support for at least six (6) months post-discharge,
6 and
7 g. is licensed and accredited by any of the following
8 independent, not-for-profit organizations:
9 (1) The Commission on Accreditation of Rehabilitation
10 Facilities (CARF),
11 (2) The Joint Commission on Accreditation of
12 Healthcare Organizations (JCAHO),
13 (3) The Council on Accreditation (COA), or
14 (4) any other federally approved independent, not-
15 for-profit accrediting organization;

16 58. "Reasonable and prudent parent standard" means the standard

17 characterized by careful and sensible parental decisions that
18 maintain the health, safety, and best interests of a child while at
19 the same time encouraging the emotional and developmental growth of
20 the child. This standard shall be used by the child's caregiver
21 when determining whether to allow a child to participate in
22 extracurricular, enrichment, cultural, and social activities. For
23 purposes of this definition, the term "caregiver" means a foster
24 parent with whom a child in foster care has been placed, a

1 representative of a group home where a child has been placed or a
2 designated official for a residential child care facility where a
3 child in foster care has been placed;

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

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

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

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

14 63. "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, illness, or death;

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

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

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

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

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

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

- 22 a. has been certified by the Developmental Disabilities
23 Services Division of the Department of Human Services,
- 24 b. is monitored by the Division, and

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

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

12 70. "Temporary custody" means court-ordered custody of an
13 adjudicated deprived child;

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

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

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

- 4 a. "sex trafficking" means the recruitment, harboring,
5 transportation, provision, obtaining, patronizing or
6 soliciting of a person for the purpose of a commercial
7 sex act, and
- 8 b. "severe forms of trafficking in persons" means:
9 (1) sex trafficking in which a commercial sex act is
10 induced by force, fraud, or coercion, or in which
11 the person induced to perform such act has not
12 attained eighteen (18) years of age, or
13 (2) the recruitment, harboring, transportation,
14 provision, obtaining, patronizing or soliciting
15 of a person for labor or services, through the
16 use of force, fraud, or coercion for the purpose
17 of subjection to involuntary servitude, peonage,
18 debt bondage, or slavery;

19 73. 74. "Transitional living program" means a residential
20 program that may be attached to an existing facility or operated
21 solely for the purpose of assisting children to develop the skills
22 and abilities necessary for successful adult living. The program
23 may include, but shall not be limited to, reduced staff supervision,
24 vocational training, educational services, employment and employment

1 training, and other appropriate independent living skills training
2 as a part of the transitional living program; and

3 ~~74.~~ 75. "Voluntary foster care placement" means the temporary
4 placement of a child by the parent, legal guardian or custodian of
5 the child in foster care pursuant to a signed placement agreement
6 between the Department or a child-placing agency and the child's
7 parent, legal guardian or custodian.

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

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

15 1. When the initial petition to determine if a child is
16 deprived also contains a request for termination of parental rights
17 in which case the court shall determine if the child should be
18 adjudicated deprived and, if so, the jury shall determine if
19 parental rights should be terminated; or

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

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

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

12 2. Upon a demand for a trial by jury, the court shall issue a
13 scheduling order within thirty (30) days. A jury trial shall
14 commence within six (6) months of the issuance of the scheduling
15 order unless the court issues a written order with findings of fact
16 supporting a determination that there exists an exceptional
17 circumstance to support the delay or that the parties and the
18 guardian ad litem, if any, agree to such continuance. The jury
19 shall consist of six (6) persons. A party who requests a jury trial
20 and fails to appear in person for such trial, after proper notice
21 and without good cause, may be deemed by the court to have waived
22 the right to such jury trial, and the termination of parental rights
23 shall be by nonjury trial unless another party demands a jury trial
24 or the court determines on its own motion to try the case to a jury.

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

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

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

13 C. 1. The individualized service plan shall be based upon a
14 comprehensive assessment and evaluation of the child and family and
15 shall be developed with the participation of the parent, legal
16 guardian, or legal custodian of the child, the attorney for the
17 child, the guardian ad litem for the child, if any, the child's
18 tribe, and the child, if appropriate. The health and safety of the
19 child shall be the paramount concern in the development of the plan.

20 2. If any part of the plan is disputed or not approved by the
21 court, an evidentiary hearing may be held and at its conclusion, the
22 court shall determine the content of the individualized service plan
23 in accord with the evidence presented and the best interests of the
24 child.

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

4 4. The plan shall be signed by:

- 5 a. the parent or parents or legal guardian of the child,
- 6 b. the attorney for the parent or parents or legal
7 guardian of the child,
- 8 c. the child's attorney,
- 9 d. the guardian ad litem of the child, which may be a
10 court-appointed special advocate,
- 11 e. a representative of the child's tribe,
- 12 f. the child, if possible, and
- 13 g. the Department or other responsible agency.

14 D. 1. Every service plan prepared shall be individualized and
15 specific to each child and the family of the child and shall require
16 consideration of each child's and family's circumstances, including,
17 but not limited to, the parents' work schedule, mode of
18 transportation, and distance from their place of living and place of
19 work to service providers.

20 2. The individualized service plan shall be written in simple
21 and clear English. If English is not the principal language of the
22 parent, legal guardian, or custodian of the child, and such person
23 is unable to read or comprehend the English language, to the extent
24

1 | possible the plan shall be written in the principal language of the
2 | person.

3 | 3. The individualized service plan may be modified based on
4 | changing circumstances consistent with the correction of the
5 | conditions that led to the adjudication of the child or other
6 | conditions inconsistent with the health, safety, or welfare of the
7 | child.

8 | 4. The individualized service plan shall be measurable,
9 | realistic and consistent with the requirements of other court
10 | orders.

11 | E. The individualized service plan shall include but not be
12 | limited to:

13 | 1. A history of the child and family, including identification
14 | of the problems or conditions leading to the deprived child
15 | adjudication and the changes the parent or parents must make in
16 | order for the child to safely remain in or return to the home;

17 | 2. Identification of time-limited reunification services to be
18 | provided to the parent, legal guardian, or legal custodian,
19 | stepparent, other adult person living in the home, or other family
20 | members. Provided, however, that such reunification services shall
21 | be part of any individualized service plan for the first period of
22 | fifteen (15) months that begins on the date the child entered foster
23 | care. If a parent has not corrected the circumstances which led the
24 | child to be adjudicated to be a deprived child after such period of

1 fifteen (15) months and if the court makes a finding pursuant to
2 paragraph 16 of subsection B of Section 1-4-904 of this title, then
3 a petition or motion for termination of parental rights shall be
4 filed by the district attorney pursuant to Section 1-4-902 of this
5 title;

6 3. Identification of the specific services to be provided to
7 the child including but not limited to educational, vocational
8 educational, medical, drug or alcohol abuse treatment, or counseling
9 or other treatment services. The most recent available health and
10 educational records of the child shall be provided to the court upon
11 the court's request including:

- 12 a. the names and addresses of the child's health and
13 educational providers,
- 14 b. the child's grade-level performance,
- 15 c. the child's school record,
- 16 d. a record of the child's immunizations,
- 17 e. the child's known medical problems, including any
18 known communicable diseases,
- 19 f. the child's medications, and
- 20 g. any other relevant health and education information;

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

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

2 6. A projected date for the completion of the individualized
3 service plan;

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

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

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

12 a. the sequence and time frame for services to be
13 provided to the parent, the child, and if the child is
14 placed in foster care, the foster parent, to
15 facilitate the child's return home or to another
16 permanent placement,

17 b. a description of the child's placement and explanation
18 about whether it is the least-restrictive placement
19 available and in as close proximity as possible to the
20 home of the parent or parents or legal guardian of the
21 child when the case plan is reunification, and how the
22 placement is consistent with the best interests and
23 special needs of the child,

- 1 c. a description of any services or resources that were
2 requested by the child or the parent or legal guardian
3 of the child since the date of the child's placement,
4 and whether those services or resources were provided
5 and if not, the basis for the denial of the services
6 or resources,
- 7 d. efforts to be made by the parent of the child and the
8 Department to enable the child to return to his or her
9 home,
- 10 e. a description of the transition planning for a
11 successful adulthood for a child age fourteen (14) or
12 older that includes how the following objectives will
13 be met:
- 14 (1) education, vocational, or employment planning,
15 (2) health care planning and medical coverage,
16 (3) transportation including, where appropriate,
17 assisting the child in obtaining a driver
18 license,
19 (4) money management,
20 (5) planning for housing,
21 (6) social and recreational skills, and
22 (7) establishing and maintaining connections with the
23 child's family and community,

- 1 f. for a child in placement due solely or in part to the
2 child's behavioral health or medical health issues,
3 diagnostic and assessment information, specific
4 services relating to meeting the applicable behavioral
5 health and medical care needs of the child, and
6 desired treatment outcomes,
- 7 g. a plan and schedule for regular and frequent
8 visitation for the child and the child's parent or
9 parents or legal guardian and siblings, unless the
10 court has determined that visitation, even if
11 supervised, would be harmful to the child, and
- 12 h. a plan for ensuring the educational stability of the
13 child while in out-of-home placement, including:
- 14 (1) assurances that the placement of the child
15 considers the appropriateness of the current
16 educational setting and the proximity to the
17 school in which the child was enrolled at the
18 time of placement, and
- 19 (2) where appropriate, an assurance that the
20 Department has coordinated with appropriate local
21 educational agencies to ensure that the child
22 remains in the school in which the child was
23 enrolled at the time of placement, or

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

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

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

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

F. Each individualized service plan shall specifically provide for the safety of the child, in accordance with state and federal

1 law, and clearly define what actions or precautions will, or may, be
2 necessary to provide for the safety and protection of the child.

3 G. The individualized service plan shall include the following
4 statement:

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

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

19 I. Prior to adjudication, a parent or legal guardian may
20 voluntarily participate in services related to the behaviors and
21 conditions that led to the filing of a deprived petition.
22 Participation in such services shall not be construed as an
23 admission that the child is deprived and shall not be used as
24 evidence for the purpose of adjudication or disposition.

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

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

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

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

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

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

- 21 a. permitting a child to participate in pornography,
22 b. rape, or rape by instrumentation,
23 c. lewd molestation of a child under sixteen (16) years
24 of age,

- 1 d. child abuse or neglect,
- 2 e. enabling child abuse or neglect,
- 3 f. causing the death of a child as a result of the
- 4 physical or sexual abuse or chronic abuse or chronic
- 5 neglect of the child,
- 6 g. causing the death of a sibling of the child as a
- 7 result of the physical or sexual abuse or chronic
- 8 abuse or chronic neglect of the child's sibling,
- 9 h. murder of any child or aiding or abetting, attempting,
- 10 conspiring in, or soliciting to commit murder of any
- 11 child,
- 12 i. voluntary manslaughter of any child,
- 13 j. a felony assault that has resulted in serious bodily
- 14 injury to the child or another child of the parent, or
- 15 k. murder or voluntary manslaughter of the child's parent
- 16 or aiding or abetting, attempting, conspiring in, or
- 17 soliciting to commit murder of the child's parent; ~~or~~

18 4. No later than ninety (90) days after the court has ordered

19 the individualized service plan if the parent has made no measurable
20 progress in correcting the conditions which caused the child to be
21 adjudicated deprived; or

22 5. After a period of fifteen (15) months if a parent has not

23 corrected the circumstances which led the child to be adjudicated to

1 | be a deprived child and if the court makes a finding pursuant to
2 | paragraph 16 of subsection B of Section 1-4-904 of this title.

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

6 | 1. At the option of the Department or by order of the court,

7 | the child is properly being cared for by a relative;

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

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

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

18 | c. the foster parents of the child are unable to adopt
19 | the child because of exceptional circumstances which
20 | do not include an unwillingness to accept legal
21 | responsibility for the child but are willing and
22 | capable of providing the child with a stable and
23 | permanent environment, and the removal of the child
24 | from the physical custody of the foster parents would

1 be seriously detrimental to the emotional well-being
2 of the child because the child has substantial
3 psychological ties to the foster parents,
4 d. the child is not capable of achieving stability if
5 placed in a family setting, or
6 e. the child is an unaccompanied, refugee minor and the
7 situation regarding the child involves international
8 legal issues or compelling foreign policy issues; or
9 3. The state has not provided to the family of the child,
10 consistent with the time period in the state case plan, services
11 that the state deems necessary for the safe return of the child to
12 the child's home, if reasonable efforts are required to be made with
13 respect to the child.

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

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

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

21 2. Termination of parental rights is in the best interests of
22 the child.

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

- 1 1. Upon the duly acknowledged written consent of a parent, who
2 voluntarily agrees to termination of parental rights.
- 3 a. The voluntary consent for termination of parental
4 rights shall be signed under oath and recorded before
5 a judge of a court of competent jurisdiction and
6 accompanied by the judge's certificate that the terms
7 and consequences of the consent were fully explained
8 in detail in English and were fully understood by the
9 parent or that the consent was translated into a
10 language that the parent understood.
- 11 b. A voluntary consent for termination of parental rights
12 is effective when it is signed and may not be revoked
13 except upon clear and convincing evidence that the
14 consent was executed by reason of fraud or duress.
- 15 c. However, notwithstanding the provisions in this
16 paragraph, in any proceeding for a voluntary
17 termination of parental rights to an Indian child, the
18 consent of the parent may be withdrawn for any reason
19 at any time prior to the entry of a final decree of
20 termination. Any consent given prior to, or within
21 ten (10) days after, the birth of an Indian child
22 shall not be valid;
- 23 2. A finding that a parent who is entitled to custody of the
24 child has abandoned the child;

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

1 termination of parental rights, willfully failed or refused or has
2 neglected to contribute to the support of the child:

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

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

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

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

- 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

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

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

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

13. A finding that all of the following exist:

- a. the parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, 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 For purposes of this paragraph, a child shall be considered to
9 have entered foster care on the earlier of the adjudication date, or
10 the date that is sixty (60) days after the date on which the child
11 is removed from the home.

12 The court may also consider circumstances of the failure of the
13 parent to develop and maintain a parental bond with the child in a
14 meaningful, supportive manner, and whether allowing the parent to
15 have custody would likely cause the child actual serious
16 psychological harm or harm in the near future as a result of the
17 removal of the child from the substitute caregiver due to the
18 existence of a strong and positive bond between the child and
19 caregiver; and

20 17. A finding that a child younger than four (4) years of age
21 at the time of placement has been placed in foster care by the
22 Department of Human Services for at least six (6) of the twelve (12)
23 months preceding the filing of the petition or motion for

1 termination of parental rights and the child cannot be safely
2 returned to the home of the parent.

3 a. For purposes of this paragraph, a child shall be
4 considered to have entered foster care on the earlier
5 of:

- 6 (1) the adjudication date, or
7 (2) the date that is sixty (60) days after the date
8 on which the child is removed from the home.

9 b. For purposes of this paragraph, the court may
10 consider:

- 11 (1) circumstances of the failure of the parent to
12 develop and maintain a parental bond with the
13 child in a meaningful, supportive manner, and
14 (2) whether allowing the parent to have custody would
15 likely cause the child actual serious
16 psychological harm or harm in the near future as
17 a result of the removal of the child from the
18 substitute caregiver due to the existence of a
19 strong, positive bond between the child and
20 caregiver.

21 C. An order directing the termination of parental rights is a
22 final appealable order.

23 D. The provisions of this section shall not apply to adoption
24 proceedings and actions to terminate parental rights which do not

1 involve a petition for deprived status of the child. Such
2 proceedings and actions shall be governed by the Oklahoma Adoption
3 Code.

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

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

13 B. In the course of the preliminary inquiry, the intake worker
14 shall:

15 1. Hold conferences with the child and the parents, guardian or
16 custodian of the child for the purpose of discussing the disposition
17 of the referral made;

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

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

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

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

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

16 D. ~~Informal adjustment may be provided to the child If a child~~
17 is charged with a delinquent act as a result of a first-time,
18 nonviolent offense which would be a misdemeanor if committed by an
19 adult, an informal adjustment shall be considered for the child,
20 pursuant to the guidelines in subsection E of this section, by the
21 intake worker only where the facts reasonably appear to establish
22 *prima facie* jurisdiction and are admitted and where consent is
23 obtained from the district attorney, the parent of the child, legal
24 guardian, legal custodian, or legal counsel, if any, and the child.

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

6 1. Be voluntarily entered into by all parties;

7 2. Be revocable by the child at any time by a written
8 revocation;

9 3. Be revocable by the intake worker in the event there is
10 reasonable cause to believe the child has failed to carry out the
11 terms of the informal adjustment or has committed a subsequent
12 offense;

13 4. Not be used as evidence against the child at any
14 adjudication hearing;

15 5. Be executed in writing and expressed in language
16 understandable to the persons involved; and

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

18 E. F. The informal adjustment agreement under this section may
19 include, among other suitable methods, programs and procedures, the
20 following:

21 1. Participation in or referral to counseling, a period of
22 community service, drug or alcohol education or treatment,
23 vocational training or any other legal activity which in the opinion

1 of the intake officer would be beneficial to the child and family of
2 the child;

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

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

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

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

19 F. G. If an informal adjustment is agreed to pursuant to
20 subsection D of this section, the informal adjustment agreement may
21 require the child to pay a fee equal to no more than what the court
22 costs would have been had a petition been filed. The child shall
23 remit the fee directly to the agency responsible for the monitoring
24 and supervision of the child. If the supervising agency is a

1 juvenile bureau, then the fee shall be remitted to a revolving fund
2 of the county in which the juvenile bureau is located to be
3 designated the "Juvenile Deferral Fee Revolving Fund" and shall be
4 used by the juvenile bureau to defray costs for the operation of the
5 juvenile bureau. In those counties without juvenile bureaus and in
6 which the Office of Juvenile Affairs or one of their contracting
7 agencies provides the monitoring and supervision of the juvenile,
8 the fee shall be paid directly to the Office of Juvenile Affairs and
9 shall be used to defray the costs for the operation of the Office of
10 Juvenile Affairs.

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

- 15 1. Recidivism;
16 2. School engagement;
17 3. Social engagement; and
18 4. Graduation rates.

19 SECTION 7. This act shall become effective November 1, 2025.
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Passed the House of Representatives the 26th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2025.

Presiding Officer of the Senate