

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 1993, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Simpson

Simpson-TEK-FS-Req#2203  
4/8/2019 1:39 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 1993

By: Nollan of the House

and

Simpson of the Senate

7  
8  
9 FLOOR SUBSTITUTE

10 An Act relating to children; amending 10A O.S. 2011,  
11 Sections 1-1-105, as last amended by Section 1,  
12 Chapter 256, O.S.L. 2018, 1-4-704, as amended by  
13 Section 3, Chapter 173, O.S.L. 2015, and 1-4-707 (10A  
14 O.S. Supp. 2018, Sections 1-1-105 and 1-4-704), which  
15 relate to the Oklahoma Children's Code; adding  
16 definitions; modifying definitions; requiring  
17 individual service plan to provide least-restrictive  
18 placement information; permitting placement of child  
19 in a family-style residential program; and providing  
20 an effective date.

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

22 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as  
23 last amended by Section 1, Chapter 256, O.S.L. 2018 (10A O.S. Supp.  
24 2018, Section 1-1-105), is amended to read as follows:

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

1. "Abandonment" means:

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

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

- 17 a. "Harm or threatened harm to the health or safety of a  
18 child" means any real or threatened physical, mental,  
19 or emotional injury or damage to the body or mind that  
20 is not accidental including but not limited to sexual  
21 abuse, sexual exploitation, neglect, or dependency.  
22 b. "Sexual abuse" includes but is not limited to rape,  
23 incest, and lewd or indecent acts or proposals made to  
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1 a child, as defined by law, by a person responsible  
2 for the health, safety, or welfare of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4       21. "Deprived child" means a child:

- 5       a. who is for any reason destitute, homeless, or  
6       abandoned,
- 7       b. who does not have the proper parental care or  
8       guardianship,
- 9       c. who has been abused, neglected, or is dependent,
- 10      d. whose home is an unfit place for the child by reason  
11      of depravity on the part of the parent or legal  
12      guardian of the child, or other person responsible for  
13      the health or welfare of the child,
- 14      e. who is a child in need of special care and treatment  
15      because of the child's physical or mental condition,  
16      and the child's parents, legal guardian, or other  
17      custodian is unable or willfully fails to provide such  
18      special care and treatment. As used in this  
19      paragraph, a child in need of special care and  
20      treatment includes, but is not limited to, a child who  
21      at birth tests positive for alcohol or a controlled  
22      dangerous substance and who, pursuant to a drug or  
23      alcohol screen of the child and an assessment of the  
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- 1 parent, is determined to be at risk of harm or  
2 threatened harm to the health or safety of a child,  
3 f. who is a child with a disability deprived of the  
4 nutrition necessary to sustain life or of the medical  
5 treatment necessary to remedy or relieve a life-  
6 threatening medical condition in order to cause or  
7 allow the death of the child if such nutrition or  
8 medical treatment is generally provided to similarly  
9 situated children without a disability or children  
10 with disabilities; provided that no medical treatment  
11 shall be necessary if, in the reasonable medical  
12 judgment of the attending physician, such treatment  
13 would be futile in saving the life of the child,  
14 g. who, due to improper parental care and guardianship,  
15 is absent from school as specified in Section 10-106  
16 of Title 70 of the Oklahoma Statutes, if the child is  
17 subject to compulsory school attendance,  
18 h. whose parent, legal guardian or custodian for good  
19 cause desires to be relieved of custody,  
20 i. who has been born to a parent whose parental rights to  
21 another child have been involuntarily terminated by  
22 the court and the conditions which led to the making  
23 of the finding, which resulted in the termination of  
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1 the parental rights of the parent to the other child,  
2 have not been corrected, or

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

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

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

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

21 23. "Drug-endangered child" means a child who is at risk of  
22 suffering physical, psychological or sexual harm as a result of the  
23 use, possession, distribution, manufacture or cultivation of  
24 controlled substances, or the attempt of any of these acts, by a

1 person responsible for the health, safety or welfare of the child,  
2 as defined in this section. This term includes circumstances  
3 wherein the substance abuse of the person responsible for the  
4 health, safety or welfare of the child interferes with that person's  
5 ability to parent and provide a safe and nurturing environment for  
6 the child;

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

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

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

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

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

9        ~~28.~~ 29. "Foster family home" means the private residence of a  
10 foster parent who provides foster care services to a child. Such  
11 term shall include a nonkinship foster family home, a therapeutic  
12 foster family home, or the home of a relative or other kinship care  
13 home;

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

21        ~~30.~~ 31. "Guardian ad litem" means a person appointed by the  
22 court pursuant to the provisions of Section 1-4-306 of this title  
23 having those duties and responsibilities as set forth in that  
24 section. The term "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 ~~31.~~ 32. "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 ~~32.~~ 33. "Group home" means a residential facility licensed by  
8 the Department to provide full-time care and community-based  
9 services for more than five but fewer than thirteen children;

10 ~~33.~~ 34. "Harm or threatened harm to the health or safety of a  
11 child" means any real or threatened physical, mental, or emotional  
12 injury or damage to the body or mind that is not accidental  
13 including, but not limited to, sexual abuse, sexual exploitation,  
14 neglect, or dependency;

15 ~~34.~~ 35. "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,
- 24

- 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;

~~35.~~ 36. "Heinous and shocking neglect" includes, but is not limited to:

- a. chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child which results in harm to the child,
- 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, sexual  
4 exploitation, or presents an imminent risk of serious  
5 harm to a child, or

6 d. any other similar aggravating circumstance;

7 ~~36.~~ 37. "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 ~~37.~~ 38. "Infant" means a child who is twelve (12) months of age  
12 or younger;

13 ~~38.~~ 39. "Institution" means a residential facility offering  
14 care and treatment for more than twenty residents;

15 ~~39.~~ 40.

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

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

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



1           b. "Investigation" results in a written response stating  
2 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 ~~40.~~ 41. "Kinship care" means full-time care of a child by a  
9 kinship relation;

10 ~~41.~~ 42. "Kinship guardianship" means a permanent guardianship  
11 as defined in this section;

12 ~~42.~~ 43. "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 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 ~~43.~~ 44. "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 ~~44.~~ 45. "Minor" means the same as the term "child" as defined  
22 in this section;

1       ~~45.~~ 46. "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       ~~46.~~ 47. "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       ~~47.~~ 48. "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       ~~48.~~ 49. "Neglect" means:

- 17           a. the failure or omission to provide any of the  
18               following:
- 19                   (1) adequate nurturance and affection, food,  
20                        clothing, shelter, sanitation, hygiene, or  
21                        appropriate education,
  - 22                   (2) medical, dental, or behavioral health care,
  - 23                   (3) supervision or appropriate caretakers, or
- 24

1 (4) special care made necessary by the physical or  
2 mental condition of the child,

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

5 (1) the use, possession, sale, or manufacture of  
6 illegal drugs,

7 (2) illegal activities, or

8 (3) sexual acts or materials that are not age-  
9 appropriate, or

10 c. abandonment.

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

22 ~~49.~~ 50. "Permanency hearing" means a hearing by the court  
23 pursuant to Section 1-4-811 of this title;

1       ~~50.~~ 51. "Permanent custody" means the court-ordered custody of  
2 an adjudicated deprived child when a parent-child relationship no  
3 longer exists due to termination of parental rights or due to the  
4 death of a parent or parents;

5       ~~51.~~ 52. "Permanent guardianship" means a judicially created  
6 relationship between a child, a kinship relation of the child, or  
7 other adult established pursuant to the provisions of Section 1-4-  
8 709 of this title;

9       ~~52.~~ 53. "Person responsible for a child's health, safety, or  
10 welfare" includes a parent; a legal guardian; custodian; a foster  
11 parent; a person eighteen (18) years of age or older with whom the  
12 child's parent cohabitates or any other adult residing in the home  
13 of the child; an agent or employee of a public or private  
14 residential home, institution, facility or day treatment program as  
15 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or  
16 an owner, operator, or employee of a child care facility as defined  
17 by Section 402 of Title 10 of the Oklahoma Statutes;

18       ~~53.~~ 54. "Plan of safe care" means a plan developed for an  
19 infant with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum  
20 Disorder upon release from the care of a health care provider that  
21 addresses the health and substance use treatment needs of the infant  
22 and mother or caregiver;

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1       ~~54.~~ 55. "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       ~~55.~~ 56. "Putative father" means an alleged father as that term  
5 is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

6       ~~56.~~ 57. "Reasonable and prudent parent standard" means the  
7 standard characterized by careful and sensible parental decisions  
8 that maintain the health, safety, and best interests of a child  
9 while at the same time encouraging the emotional and developmental  
10 growth of the child. This standard shall be used by the child's  
11 caregiver when determining whether to allow a child to participate  
12 in extracurricular, enrichment, cultural, and social activities.  
13 For purposes of this definition, the term "caregiver" means a foster  
14 parent with whom a child in foster care has been placed, a  
15 representative of a group home where a child has been placed or a  
16 designated official for a residential child care facility where a  
17 child in foster care has been placed;

18       ~~57.~~ 58. "Relative" means a grandparent, great-grandparent,  
19 brother or sister of whole or half blood, aunt, uncle or any other  
20 person related to the child;

21       ~~58.~~ 59. "Residential child care facility" means a twenty-four-  
22 hour residential facility where children live together with or are  
23 supervised by adults who are not their parents or relatives;

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

3       ~~60.~~ 61. "Risk" means the likelihood that an incident of child  
4 abuse or neglect will occur in the future;

5       ~~61.~~ 62. "Safety threat" means the threat of serious harm due to  
6 child abuse or neglect occurring in the present or in the very near  
7 future and without the intervention of another person, a child would  
8 likely or in all probability sustain severe or permanent disability  
9 or injury, illness, or death;

10       ~~62.~~ 63. "Safety analysis" means action taken by the Department  
11 in response to a report of alleged child abuse or neglect that may  
12 include an assessment or investigation based upon an analysis of the  
13 information received according to priority guidelines and other  
14 criteria adopted by the Department;

15       ~~63.~~ 64. "Safety evaluation" means evaluation of a child's  
16 situation by the Department using a structured, evidence-based tool  
17 to determine if the child is subject to a safety threat;

18       ~~64.~~ 65. "Secure facility" means a facility which is designed  
19 and operated to ensure that all entrances and exits from the  
20 facility are subject to the exclusive control of the staff of the  
21 facility, whether or not the juvenile being detained has freedom of  
22 movement within the perimeter of the facility, or a facility which  
23 relies on locked rooms and buildings, fences, or physical restraint  
24 in order to control behavior of its residents;

1       ~~65.~~ 66. "Sibling" means a biologically or legally related  
2 brother or sister of a child. This includes an individual who  
3 satisfies at least one of the following conditions with respect to a  
4 child:

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

11       ~~66.~~ 67. "Specialized foster care" means foster care provided to  
12 a child in a foster home or agency-contracted home which:

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

18       ~~67.~~ 68. "Successful adulthood program" means a program  
19 specifically designed to assist a child to enhance those skills and  
20 abilities necessary for successful adult living. A successful  
21 adulthood program may include, but shall not be limited to, such  
22 features as minimal direct staff supervision, and the provision of  
23 supportive services to assist children with activities necessary for  
24 finding an appropriate place of residence, completing an education



1 or vocational training, obtaining employment, or obtaining other  
2 similar services;

3 ~~68.~~ 69. "Temporary custody" means court-ordered custody of an  
4 adjudicated deprived child;

5 ~~69.~~ 70. "Therapeutic foster family home" means a foster family  
6 home which provides specific treatment services, pursuant to a  
7 therapeutic foster care contract, which are designed to remedy  
8 social and behavioral problems of a foster child residing in the  
9 home;

10 ~~70.~~ 71. "Trafficking in persons" means sex trafficking or  
11 severe forms of trafficking in persons as described in Section 7102  
12 of Title 22 of the United States Code:

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

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

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

22 (2) the recruitment, harboring, transportation,  
23 provision, obtaining, patronizing or soliciting  
24 of a person for labor or services, through the

1 use of force, fraud, or coercion for the purpose  
2 of subjection to involuntary servitude, peonage,  
3 debt bondage, or slavery;

4 ~~71.~~ 72. "Transitional living program" means a residential  
5 program that may be attached to an existing facility or operated  
6 solely for the purpose of assisting children to develop the skills  
7 and abilities necessary for successful adult living. The program  
8 may include, but shall not be limited to, reduced staff supervision,  
9 vocational training, educational services, employment and employment  
10 training, and other appropriate independent living skills training  
11 as a part of the transitional living program; and

12 ~~72.~~ 73. "Voluntary foster care placement" means the temporary  
13 placement of a child by the parent, legal guardian or custodian of  
14 the child in foster care pursuant to a signed placement agreement  
15 between the Department or a child-placing agency and the child's  
16 parent, legal guardian or custodian.

17 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-4-704, as  
18 amended by Section 3, Chapter 173, O.S.L. 2015 (10A O.S. Supp. 2018,  
19 Section 1-4-704), is amended to read as follows:

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

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

6 C. 1. The individualized service plan shall be based upon a  
7 comprehensive assessment and evaluation of the child and family and  
8 shall be developed with the participation of the parent, legal  
9 guardian, or legal custodian of the child, the attorney for the  
10 child, the guardian ad litem for the child, if any, the child's  
11 tribe, and the child, if appropriate. The health and safety of the  
12 child shall be the paramount concern in the development of the plan.

13 2. If any part of the plan is disputed or not approved by the  
14 court, an evidentiary hearing may be held and at its conclusion, the  
15 court shall determine the content of the individualized service plan  
16 in accord with the evidence presented and the best interests of the  
17 child.

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

21 4. The plan shall be signed by:

- 22 a. the parent or parents or legal guardian of the child,
- 23 b. the attorney for the parent or parents or legal  
24 guardian of the child,

- c. the child's attorney,
- d. the guardian ad litem of the child, which may be a court-appointed special advocate,
- e. a representative of the child's tribe,
- f. the child, if possible, and
- g. the Department or other responsible agency.

D. 1. Every service plan prepared shall be individualized and specific to each child and the family of the child.

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

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

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

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

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

5           2. Identification of time-limited reunification services to be  
6 provided to the parent, legal guardian, or legal custodian,  
7 stepparent, other adult person living in the home, or other family  
8 members;

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

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

24

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

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

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

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

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

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

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

21 b. a description of the child's placement and explanation  
22 about whether ~~the placement~~ it is the least-  
23 restrictive, ~~most family-like setting~~ placement  
24 available and in as close proximity as possible to the

1 home of the parent or parents or legal guardian of the  
2 child when the case plan is reunification, and how the  
3 placement is consistent with the best interests and  
4 special needs of the child,

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

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

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

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

19 (2) health care planning and medical coverage,

20 (3) transportation including, where appropriate,

21 assisting the child in obtaining a driver

22 license,

23 (4) money management,

24 (5) planning for housing,

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

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

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

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

- (1) assurances that the placement of the child considers the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement, and
- (2) where appropriate, an assurance that the Department has coordinated with appropriate local educational agencies to ensure that the child



1 remains in the school in which the child was  
2 enrolled at the time of placement, or

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

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

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

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

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

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

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

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

21 SECTION 3. AMENDATORY 10A O.S. 2011, Section 1-4-707, is  
22 amended to read as follows:

23  
24

1 Section 1-4-707. A. The following kinds of dispositional  
2 orders may be made and shall be in accordance with the best  
3 interests of the child:

4 1. a. The court may place the child under protective  
5 supervision by the Department of Human Services in the  
6 home of the child with the parent or legal guardian  
7 with whom the child was residing at the time the  
8 events or conditions arose that brought the child  
9 within the jurisdiction of the court, subject to such  
10 conditions as the court may prescribe that would  
11 reasonably prevent the child from continuing to be  
12 deprived.

13 b. The court may place the child with the noncustodial  
14 parent, if available, upon completion of a home  
15 assessment, unless the court finds that the placement  
16 would not be in the best interests of the child. Any  
17 party with knowledge of the facts may present evidence  
18 to the court regarding whether the placement is in the  
19 best interests of the child. If the court places the  
20 child with the parent, it may do either of the  
21 following:

22 (1) order that the noncustodial parent assume sole  
23 custodial responsibilities for the child. The  
24 court may also order reasonable visitation and

1 the payment of child support by the child's other  
2 parent. The court may then terminate its  
3 jurisdiction by entering a final permanency  
4 order. The final order entered determining  
5 custody, visitation and child support from the  
6 deprived action:

7 (a) shall remain in full force and effect and  
8 shall control over any custody or child  
9 support order entered in an administrative  
10 or district court action initiated prior to  
11 or during the pendency of the deprived  
12 action until such time as it is modified by  
13 a subsequent order of the district court,  
14 and

15 (b) may be docketed and filed in the prior  
16 existing or pending administrative or  
17 district court action; provided, however, if  
18 there is no administrative or district court  
19 action then in existence, the surviving  
20 order may be used as the sole basis for  
21 opening a new administrative or district  
22 court action in the same county where the  
23 deprived action was pending or in the county  
24 where the legal custodian of the child

1 resides. When applicable, the clerk of the  
2 juvenile court shall transmit the surviving  
3 order to the clerk of the district court of  
4 the county where the order is to be filed  
5 along with the names and last-known  
6 addresses of the parents of the child. The  
7 clerk of the district court shall  
8 immediately upon receipt open a file without  
9 a filing fee, assign a new case number and,  
10 when applicable, file the order and send by  
11 first-class mail a copy of the order with  
12 the new or prior existing case number back  
13 to the juvenile court and to the parents of  
14 the child at their last-known address. The  
15 order shall not be confidential and may be  
16 enforced or modified after being docketed  
17 and filed in the prior existing or new  
18 administrative or district court action, or

19 (2) order that the noncustodial parent assume custody  
20 of the child under protective supervision by the  
21 Department. The court may order that:

22 (a) reunification services be provided to the  
23 parent or legal guardian from whom the child  
24 has been or is being removed,

1 (b) services be provided solely to the parent  
2 who is assuming physical custody of the  
3 child in order to allow that parent to later  
4 obtain legal custody without court  
5 supervision, or

6 (c) services be provided to both parents, in  
7 which case the court shall determine, at a  
8 subsequent review hearing, which parent, if  
9 either, shall have custody of the child.

10 c. If the court orders the child into the home of a  
11 father whose paternity has not been established, the  
12 alleged father must cooperate in establishing  
13 paternity as a condition for the child's continued  
14 placement in the alleged father's home.

15 d. If the court issues an order for protective  
16 supervision of the child in the home of a parent, the  
17 court may order any of the following:

18 (1) that a party or other person living in the home  
19 vacate the child's home indefinitely or for a  
20 specified period of time within forty-eight (48)  
21 hours of issuing the order, and

22 (2) that a party, a parent, or a legal guardian of  
23 the child prevent a particular person from having  
24 contact with the child.

1 e. At any time during the deprived child proceedings, the  
2 court may issue an order specifying the conduct to be  
3 followed by any person living in the home that the  
4 court determines would be in the best interests of the  
5 child. The conduct specified shall be such as would  
6 reasonably prevent the child from continuing to be  
7 deprived.

8 f. The order placing the child under supervision by the  
9 Department in the child's own home shall remain in  
10 effect for a period of one (1) year. In appropriate  
11 circumstances, the court may extend or reduce the  
12 period of supervision by the Department.

13 2. a. If the court is unable to place the child in the home  
14 of a parent, the court shall give a preference for  
15 placing temporary custody of the child with a relative  
16 as specified in Section 1-4-204 of this title, subject  
17 to the best interests of the child and the conditions  
18 and restrictions specified in Section 1-4-705 of ~~Title~~  
19 ~~10A of the Oklahoma Statutes~~ this title. In  
20 determining whether to place temporary custody of the  
21 child with a relative, the court may consider the  
22 following factors:  
23 (1) the physical, psychological, educational,  
24 medical, and emotional needs of the child,

- 1 (2) the wishes of the parent, the relative, and  
2 child, if appropriate,
- 3 (3) whether placement of the siblings and half-  
4 siblings can be made in the same home, if that  
5 placement is found to be in the best interest of  
6 each child,
- 7 (4) the background information of the relative and  
8 any other person living in the home, including  
9 whether any such person has a prior history of  
10 violence, acts of child abuse or neglect, or any  
11 other background that would render the home  
12 unsuitable,
- 13 (5) the nature and duration of the relationship  
14 between the child and the relative, and the  
15 relative's desire to care for and to provide  
16 long-term permanency for the child if  
17 reunification is unsuccessful, and
- 18 (6) the ability of the relative to do the following:
  - 19 (a) provide a safe, secure, and stable  
20 environment for the child,
  - 21 (b) exercise proper and effective care and  
22 control of the child,
  - 23 (c) provide a home and the necessities of life  
24 for the child,



- (d) protect the child from his or her parents,
- (e) facilitate court-ordered reunification efforts with the parent,
- (f) facilitate visitation with the child's siblings and other relatives, and
- (g) arrange for appropriate and safe child care, if necessary.

b. If more than one appropriate relative requests preferential consideration pursuant to this section, each relative shall be evaluated under the factors enumerated in this paragraph. However, whenever a new temporary custody order regarding the child must be entered, consideration shall again be given as described in this section to relatives who have been found to be suitable and who will fulfill the permanency needs of the child.

c. If the court does not place temporary custody of the child with a relative pursuant to this subsection, the court shall state for the record the reasons placement with that relative was denied.

3. a. The court may place the child in the custody of a private institution or agency, including any institution established and operated by the county,

1 authorized to care for children or to place them in  
2 family homes.

3 b. In placing a child in a private institution or agency,  
4 the court shall select one that is licensed by the  
5 Department or any other state department supervising  
6 or licensing private institutions and agencies; or, if  
7 such institution or agency is in another state, by the  
8 analogous department of that state.

9 c. Whenever the court shall place a child in any  
10 institution or agency, it shall transmit with the  
11 order of commitment a summary of its information  
12 concerning the child, and such institution or agency  
13 shall give to the court such information concerning  
14 the child as the court may at any time require.

15 4. The court may place the child in the custody of the  
16 Department.

17 a. In selecting a placement for a child in its custody,  
18 the Department shall make an individualized  
19 determination based upon the child's best interests  
20 and permanency plan regarding the following placement  
21 options:

22 (1) a home or facility that meets the preferences  
23 specified by the state and federal Indian Child  
24 Welfare Acts when applicable,

- 1 (2) the home of a noncustodial parent,
- 2 (3) the home of a relative approved by the
- 3 Department,
- 4 (4) the home of a nonrelative kinship family approved
- 5 by the Department,
- 6 (5) an approved foster home in which the child has
- 7 been previously placed,
- 8 (6) a suitable nonkinship foster family or family-
- 9 style living program approved by the Department,
- 10 (7) a suitable licensed group home for children, or
- 11 (8) an independent living program.

- 12 b. (1) Unless the child is placed with relatives or in
- 13 accord with the federal and state Indian Child
- 14 Welfare Acts, the child shall be placed, when
- 15 possible, in the county of residence of the
- 16 child's parent or legal guardian in order to
- 17 facilitate reunification of the family.
- 18 (2) If an appropriate placement is not available in
- 19 the county of residence of the parent or legal
- 20 guardian, the child shall be placed in an
- 21 appropriate home in the nearest proximity to the
- 22 resident county of the parent or legal guardian.
- 23 (3) Nothing in this section shall be construed to
- 24 mean that the child's placements shall correspond

1 in frequency to changes of residence by the  
2 parent or legal guardian. In determining whether  
3 the child should be moved, the Department shall  
4 take into consideration the potential harmful  
5 effects of disrupting the placement of the child  
6 and the reason of the parent or legal guardian  
7 for the move.

8 c. If the child is part of a sibling group, it shall be  
9 presumed that placement of the entire sibling group in  
10 the same placement is in the best interests of the  
11 child and siblings unless the presumption is rebutted  
12 by a preponderance of the evidence to the contrary.

13 5. The court may order the Department to coordinate the  
14 provision of services provided by other agencies in order that the  
15 court-approved permanency plan may be achieved.

16 6. a. If the court determines that reunification services  
17 are appropriate for the child and a parent, the court  
18 shall allow reasonable visitation with the parent or  
19 legal guardian from whose custody the child was  
20 removed, unless visitation is not in the best interest  
21 of the child, taking into consideration:

- 22 (1) protection of the physical safety of the child,
  - 23 (2) protection of the life of the child,
- 24

- 1 (3) protection of the child from being traumatized by  
2 contact with the parent, and  
3 (4) the child's expressed wishes.

4 b. A court may not deny visitation based solely on the  
5 failure of a parent to prove that the parent has not  
6 used legal or illegal substances or complied with an  
7 aspect of the court-ordered individualized service  
8 plan.

9 7. The court may order a permanent guardianship to be  
10 established as more fully set forth in Section 1-4-709 of this  
11 title.

12 8. Except as otherwise provided by law, the court may dismiss  
13 the petition and terminate its jurisdiction at any time for good  
14 cause shown when doing so is in the best interests of the child.

15 B. Any order entered pursuant to this section shall include:

16 1. A statement informing the child's parent that the  
17 consequences of noncompliance with the requirement of the court may  
18 include termination of the parent's rights with respect to the  
19 child; or

20 2. A statement informing the child's legal guardian or  
21 custodian that the consequences of noncompliance with the  
22 requirement of the court may include removal of the child from the  
23 custody of the legal guardian or custodian.

1 C. 1. In any dispositional order removing a child from the  
2 home of the child, the court shall make a determination as to  
3 whether, in accordance with the best interests and the health,  
4 safety, or welfare of the child, reasonable efforts have been made  
5 to provide for the safe return of the child to the child's own home.

6 2. If reasonable efforts are required for the safe return of  
7 the child to the child's home, the court shall allow the parent of  
8 the child not less than three (3) months to correct the conditions  
9 which led to the adjudication of the child as a deprived child;  
10 however, the time period for reunification services may not exceed  
11 seventeen (17) months from the date that the child was initially  
12 removed from the child's home, absent a finding of compelling  
13 reasons to the contrary.

14 3. If the court finds that continuation of reasonable efforts  
15 to return the child home are inconsistent with the permanency plan  
16 for a child, the court shall determine whether reasonable efforts  
17 have been made to complete the steps necessary to finalize the  
18 permanent placement of the child.

19 4. Reasonable efforts to reunite the child with the child's  
20 family shall not be required pursuant to the provisions of Section  
21 1-4-809 of ~~Title 10A of the Oklahoma Statutes~~ this title.

22 D. In any dispositional order involving a child sixteen (16)  
23 years of age or older, the court shall make a determination, where  
24

1 appropriate, of the services needed to assist the child to make the  
2 transition from out-of-home care to independent living.

3 E. In accordance with the safety or well-being of any child,  
4 the court shall determine in any dispositional order whether  
5 reasonable efforts have been made to:

6 a. place siblings, who have been removed, together in the  
7 same foster care, guardianship, or adoptive placement,  
8 and

9 b. provide for frequent visitation or other ongoing  
10 interaction in the case of siblings who have been  
11 removed and who are not placed together.

12 SECTION 4. This act shall become effective November 1, 2019.

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