

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2565

By: Caldwell (Chad) and
Rosecrants of the House

7 and

Daniels of the Senate

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11 COMMITTEE SUBSTITUTE

12 An Act relating to children; amending 10A O.S. 2011,
13 Section 1-1-105, as last amended by Section 1,
14 Chapter 161, O.S.L. 2020 (10A O.S. Supp. 2020,
15 Section 1-1-105), which relates to the Oklahoma
16 Children's Code; updating term; modifying definition
17 for deprived child; altering definition for failure
18 to protect; modifying definition for neglect;
19 excluding specified independent activities; and
20 providing 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 161, O.S.L. 2020 (10A O.S. Supp.
24 2020, 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 1. "Abandonment" means:

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

4 b. the failure to maintain a significant parental
5 relationship with a child through visitation or
6 communication in which incidental or token visits or
7 communication are not considered significant, or

8 c. the failure to respond to notice of deprived
9 proceedings;

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

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

23 b. "Sexual abuse" includes but is not limited to rape,
24 incest, and lewd or indecent acts or proposals made to

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

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 living 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
24

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

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

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

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

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

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

24

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

4 21. "Deprived child" means a child:

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

- 1 parent, is determined to be at risk of harm or
2 threatened harm to the health or safety of a child,
3 f. who is a child with a disability deprived of the
4 nutrition necessary to sustain life or of the medical
5 treatment necessary to remedy or relieve a life-
6 threatening medical condition in order to cause or
7 allow the death of the child if such nutrition or
8 medical treatment is generally provided to similarly
9 situated children without a disability or children
10 with disabilities; provided that no medical treatment
11 shall be necessary if, in the reasonable medical
12 judgment of the attending physician, such treatment
13 would be futile in saving the life of the child,
14 g. who, due to improper parental care and guardianship,
15 is absent from school as specified in Section 10-106
16 of Title 70 of the Oklahoma Statutes, if the child is
17 subject to compulsory school attendance,
18 h. whose parent, legal guardian or custodian for good
19 cause desires to be relieved of custody,
20 i. who has been born to a parent whose parental rights to
21 another child have been involuntarily terminated by
22 the court and the conditions which led to the making
23 of the finding, which resulted in the termination of
24

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 heinous and shocking
19 neglect, and includes the conduct of a nonabusing parent or guardian
20 who knows the identity of the abuser or the person neglecting the
21 child, but lies, conceals or fails to report the child abuse or
22 heinous and shocking neglect or otherwise take reasonable action to
23 end the abuse or heinous and shocking neglect;

24

1 27. "Family-style living program" means a residential program
2 providing sustained care and supervision to residents in a homelike
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 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 30. "Foster parent eligibility assessment" includes a criminal
15 background investigation including, but not limited to, a national
16 criminal history records search based upon the submission of
17 fingerprints, home assessments, and any other assessment required by
18 the Department of Human Services, the Office of Juvenile Affairs, or
19 any child-placing agency pursuant to the provisions of the Oklahoma
20 Child Care Facilities Licensing Act;

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

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

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

10 34. "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 35. "Heinous and shocking abuse" includes, but is not limited
16 to, aggravated physical abuse that results in serious bodily,
17 mental, or emotional injury. "Serious bodily injury" means injury
18 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;

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

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

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

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

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

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

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

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

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

1 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 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 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 49. a. "Neglect" means:

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

19 ~~(1)~~ (a) ~~adequate~~ minimally necessary nurturance ~~and~~
20 ~~affection~~, food, clothing, shelter,
21 sanitation, hygiene, or appropriate
22 education,

23 ~~(2)~~ (b) medical, dental, or behavioral health care,
24

1 ~~(3)~~ (c) minimally necessary supervision or
2 ~~appropriate caretakers~~ to protect the child
3 from obvious dangers of which any reasonable
4 caregiver would be aware, or

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

8 ~~b.~~ (2) the failure or omission to protect a child from
9 exposure to any of the following:

10 ~~(1)~~ (a) the use, possession, sale, or manufacture of
11 illegal drugs,

12 ~~(2)~~ (b) illegal activities, or

13 ~~(3)~~ (c) sexual acts or materials that are not age-
14 appropriate, or

15 ~~e.~~ (3) abandonment.

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

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

3 b. "Neglect" shall not mean a child who engages in
4 independent activities, except if the child's parent,
5 legal guardian or custodian consciously disregards the
6 child's obvious needs or obvious dangers to the child
7 given the child's level of maturity, physical
8 condition or mental abilities. Such independent
9 activities include but are not limited to:

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

12 (2) traveling to and from nearby commercial or
13 recreational facilities,

14 (3) engaging in outdoor play,

15 (4) remaining at home unattended for a reasonable
16 amount of time,

17 (5) remaining in a vehicle if the temperature inside
18 the vehicle is not or will not become dangerously
19 hot or cold, except under the conditions

20 described in Section 11-1119 of Title 47 of the
21 Oklahoma Statutes, or

22 (6) engaging in similar activities alone or with
23 other children;

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

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

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

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

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

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

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

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

8 a. has a trauma-informed treatment model that is designed
9 to address the needs including clinical needs as
10 appropriate, of children with serious emotional or
11 behavioral disorders or disturbances and, with respect
12 to a child, is able to implement the treatment
13 identified for the child from a required assessment,

14 b. has registered or licensed nursing staff and other
15 licensed clinical staff who:

16 (1) provide care within the scope of their practice
17 as defined by the laws of this state,

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

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

23

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 b. is monitored by the Division, and

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

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

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

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

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

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

7 a. "sex trafficking" means the recruitment, harboring,
8 transportation, provision, obtaining, patronizing or
9 soliciting of a person for the purpose of a commercial
10 sex act, and

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

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

16 (2) the recruitment, harboring, transportation,
17 provision, obtaining, patronizing or soliciting
18 of a person for labor or services, through the
19 use of force, fraud, or coercion for the purpose
20 of subjection to involuntary servitude, peonage,
21 debt bondage, or slavery;

22 73. "Transitional living program" means a residential program
23 that may be attached to an existing facility or operated solely for
24 the purpose of assisting children to develop the skills and

1 abilities necessary for successful adult living. The program may
2 include, but shall not be limited to, reduced staff supervision,
3 vocational training, educational services, employment and employment
4 training, and other appropriate independent living skills training
5 as a part of the transitional living program; and

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

11 SECTION 2. This act shall become effective November 1, 2021.

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13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
14 02/24/2021 - DO PASS, As Amended and Coauthored.

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