

Oklahoma: Definitions of Child Abuse and Neglect

Physical Abuse

Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Abuse' means harm, threatened harm, or failure to protect from harm or threatened harm, to the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare, including, but not limited to, nonaccidental physical or mental injury, sexual abuse, or sexual exploitation.

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

'Heinous and shocking abuse' includes, but is not limited to, aggravated physical abuse that results in serious bodily, mental, or emotional injury. 'Serious bodily injury' means injury that involves:

- A substantial risk of death
- Extreme physical pain
- Protracted disfigurement
- A loss or impairment of the function of a body member, organ, or mental faculty
- An injury to an internal or external organ or the body
- A bone fracture
- Sexual abuse or sexual exploitation
- Chronic abuse, including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation that is repeated or continuing
- Torture, including, but 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 for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person
- Any other similar aggravated circumstance

Neglect

Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Neglect' means any of the following:

- The failure or omission to provide any of the following:
 - Adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education
 - Medical, dental, or behavioral health care
 - Supervision or appropriate caregivers
 - Special care made necessary by the physical or mental condition of the child
- The failure or omission to protect a child from exposure to any of the following:
 - The use, possession, sale, or manufacture of illegal drugs
 - Illegal activities
 - Sexual acts or materials that are not age-appropriate

- Abandonment

'Heinous and shocking neglect' includes, but is not limited to:

- Chronic neglect, including a persistent pattern of family functioning, in which the caregiver has not met or sustained the basic needs of a child that results in harm to the child
- Neglect that has resulted in a diagnosis for the child of failure to thrive
- An act or failure to act by a parent that results in the death or near death of a child or sibling, or serious physical or emotional harm, sexual abuse or sexual exploitation, or presents an imminent risk of serious harm to a child
- Any other similar aggravating circumstance

'Drug-endangered child' means a child who is at risk of suffering physical, psychological, or sexual harm as a result of the use, possession, distribution, manufacture, or cultivation of controlled substances, or the attempt of any of these acts, by a person responsible for the health, safety, or welfare of the child. This term includes circumstances in which the substance abuse of the person responsible for the health, safety, or welfare of the child interferes with that person's ability to parent and provide a safe and nurturing environment for the child. The term also includes newborns who test positive for a controlled dangerous substance, with the exception of those substances administered under the care of a physician.

Sexual Abuse/Exploitation

Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Harm or threatened harm to a child's health or safety' includes, but is not limited to, sexual abuse or sexual exploitation.

'Sexual abuse' includes, but is not limited to, rape, incest, and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the child's health, safety, or welfare.

'Sexual exploitation' includes, but is not limited to:

- Allowing, permitting, or encouraging a child to engage in prostitution, as defined by law, by a person responsible for the child's health, safety, or welfare
- Allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic photographing, filming, or depicting of a child in those acts by a person responsible for the child's health, safety, or welfare

Emotional Abuse

Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Harm or threatened harm to a child's health or safety' includes, but is not limited to, mental injury.

Abandonment

Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Abandonment' means:

- The willful intent by words, actions, or omissions not to return for a child
- The failure to maintain a significant parental relationship with a child through visitation or communication in which incidental or token visits or communication are not considered significant

Child Welfare Information Gateway.

Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

- The failure to respond to notice of deprived proceedings

Standards for Reporting

Citation: Ann. Stat. Tit. 10A, § 1-2-101

A report is required when any person has reason to believe that a child is a victim of abuse or neglect.

Persons Responsible for the Child

Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Person responsible for a child's health, safety, or welfare' includes:

- A parent, legal guardian, custodian, or foster parent
- A person age 18 or older with whom the child's parent cohabits or any other adult residing in the home of the child
- An agent or employee of a public or private residential home, institution, facility, or day treatment program or an owner, operator, or employee of a child care facility

Exceptions

Citation: Ann. Stat. Tit. 10A, § 1-1-105

Nothing contained in this act shall prohibit any parent, teacher, or other person from using ordinary force as a means of discipline, including, but not limited to, spanking, switching, or paddling.

A child is not considered abused or neglected for the sole reason that the parent, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

No medical treatment of a child with a disability shall be necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child.