

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1966

By: Williams

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2021,
8 Sections 1-4-502, as amended by Section 1, Chapter
9 363, O.S.L. 2023 (10A O.S. Supp. 2024, Section 1-4-
10 502), 1-4-704, as amended by Section 1, Chapter 31,
11 O.S.L. 2023 (10A O.S. Supp. 2024, Section 1-4-704),
12 and 1-4-811, which relate to the Oklahoma Children's
13 Code; providing procedures to demand jury trial;
14 providing that jury trial is waived in certain
15 circumstances; requiring permanency hearing
16 procedures; providing factors the court shall take
17 into consideration; requiring that certain factors
18 exist for reunification; amending 12 O.S. 2021,
19 Section 591, which relates to jury trials; providing
20 when jury trial may be waived; and providing an
21 effective date.

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

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

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

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

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

9 B. The demand for a jury trial shall be granted unless waived,
10 ~~or the court on its own motion may call a jury to try any~~
11 ~~termination of parental rights case.~~ The demand shall be in writing
12 and filed with the court no later than fifteen (15) days after being
13 served the notice described in subsection A of Section 1-4-905 of
14 this title. Upon a demand for a trial by jury, the court shall
15 issue a scheduling order within thirty (30) days. A jury trial
16 shall commence within six (6) months of the issuance of the
17 scheduling order unless the court issues a written order with
18 findings of fact supporting a determination that there exists an
19 exceptional circumstance to support the delay or that the parties
20 and the guardian ad litem, if any, agree to such continuance. The
21 jury shall consist of six (6) persons. A party who ~~requests a jury~~
22 ~~trial and~~ fails to file a written jury demand within the prescribed
23 time or who fails to appear in person for such trial, ~~after proper~~
24 notice and without good cause, ~~may~~ shall be deemed by the court to

1 have waived the right to such jury trial, and the termination of
2 parental rights shall be by nonjury trial unless another party
3 demands a jury trial or the court determines on its own motion to
4 try the case to a jury.

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

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

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

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

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

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

9 4. The plan shall be signed by:

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

19 D. 1. Every service plan prepared shall be individualized and
20 specific to each child and the family of the child and shall require
21 consideration of each child's and family's circumstances, including,
22 but not limited to, the parent's work schedule, mode of
23 transportation, and distance from the parent's place of living and
24 place of work to service providers.

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

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

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

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

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

21 2. Identification of time-limited reunification services to be
22 provided to the parent, legal guardian, or legal custodian,
23 stepparent, other adult person living in the home, or other family
24 members;

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

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

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

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

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

23 7. Performance criteria that will measure the progress of the
24 child and family toward completion of the individualized service

1 plan including, but not limited to, time frames for achieving
2 objectives and addressing the identified problems;

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

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

7 a. the sequence and time frame for services to be
8 provided to the parent, the child, and if the child is
9 placed in foster care, the foster parent, to
10 facilitate the child's return home or to another
11 permanent placement,

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

19 c. a description of any services or resources that were
20 requested by the child or the parent or legal guardian
21 of the child since the date of the child's placement,
22 and whether those services or resources were provided
23 and if not, the basis for the denial of the services
24 or resources,

- 1 d. efforts to be made by the parent of the child and the
2 Department to enable the child to return to his or her
3 home,
- 4 e. a description of the transition planning for a
5 successful adulthood for a child age fourteen (14) or
6 older that includes how the following objectives will
7 be met:
- 8 (1) education, vocational, or employment planning,
 - 9 (2) health care planning and medical coverage,
 - 10 (3) transportation including, where appropriate,
11 assisting the child in obtaining a driver
12 license,
 - 13 (4) money management,
 - 14 (5) planning for housing,
 - 15 (6) social and recreational skills, and
 - 16 (7) establishing and maintaining connections with the
17 child's family and community,
- 18 f. for a child in placement due solely or in part to the
19 child's behavioral health or medical health issues,
20 diagnostic and assessment information, specific
21 services relating to meeting the applicable behavioral
22 health and medical care needs of the child, and
23 desired treatment outcomes,
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1 g. a plan and schedule for regular and frequent
2 visitation for the child and the child's parent or
3 parents or legal guardian and siblings, unless the
4 court has determined that visitation, even if
5 supervised, would be harmful to the child, and

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

8 (1) assurances that the placement of the child
9 considers the appropriateness of the current
10 educational setting and the proximity to the
11 school in which the child was enrolled at the
12 time of placement, and

13 (2) where appropriate, an assurance that the
14 Department has coordinated with appropriate local
15 educational agencies to ensure that the child
16 remains in the school in which the child was
17 enrolled at the time of placement, or

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

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

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

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

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

19 G. The individualized service plan shall include the following
20 statement:

21 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE
22 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE
23 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR
24 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT

1 HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
2 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

3 H. Whenever a child who is subject to the provisions of this
4 section is committed for inpatient behavioral health or substance
5 abuse treatment pursuant to the Inpatient Mental Health and
6 Substance Abuse Treatment of Minors Act, the individualized service
7 plan shall be amended as necessary and appropriate, including, but
8 not limited to, identification of the treatment and services to be
9 provided to the child and the child's family upon discharge of the
10 child from inpatient behavioral health or substance abuse treatment.

11 I. Prior to adjudication, a parent or legal guardian may
12 voluntarily participate in services related to the behaviors and
13 conditions that led to the filing of a deprived petition.
14 Participation in such services shall not be construed as an
15 admission that the child is deprived and shall not be used as
16 evidence for the purpose of adjudication or disposition.

17 SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-4-811, is
18 amended to read as follows:

19 Section 1-4-811. A. 1. The court shall conduct a permanency
20 hearing to determine the appropriate permanency goal for the child
21 and to order completion of all steps necessary to finalize the
22 permanent plan. The hearing shall be held no later than:

23 a. six (6) months after placing the child in out-of-home
24 placement and every six (6) months thereafter, and

1 b. thirty (30) days after a determination by the court
2 that reasonable efforts to return a child to either
3 parent are not required pursuant to the provisions of
4 Section 1-4-809 of this title.

5 2. A child shall be considered to have entered out-of-home
6 placement on the earlier of:

7 a. the adjudication date, or

8 b. the date that is sixty (60) days after the date on
9 which the child is removed from the home.

10 3. Subsequent permanency hearings shall be held at least every
11 six (6) months for any child who continues to be in an out-of-home
12 placement. At the request of a party, the Department of Human
13 Services, or on the motion of the court, the initial and subsequent
14 permanency hearings may be held more frequently. If the child's
15 permanency goal is adoption, the court shall hold a permanency
16 hearing within thirty (30) days of a scheduled trial to terminate
17 parental rights, if a party requests such hearing, to determine
18 whether adoption is still the appropriate permanency goal.

19 4. At each permanency hearing, the court may consider testimony
20 of any person who has relevant information about the status of the
21 child or the status of the treatment plan. All parties shall have
22 the opportunity to present evidence and to cross-examine witnesses.
23 The rules of evidence shall not apply to permanency hearings and all
24 evidence helpful in determining the proper permanency goal shall be

1 considered including, but not limited to, oral and written reports,
2 which may be admitted and may be relied upon to the extent of their
3 probative value, even though not competent for the purposes of the
4 adjudicatory hearing.

5 5. The permanency plan for the child in transition to a
6 successful adulthood shall be developed in consultation with the
7 child and, at the option of the child, with up to two members of the
8 permanency planning team to be chosen by the child, excluding the
9 foster parent and caseworker for the child, subject to the following
10 provisions:

11 a. one individual selected by the child may be designated
12 to be the advisor and, as necessary, advocate of the
13 child, with respect to the application of the
14 reasonable and prudent parent standard to the child,
15 and

16 b. the Department of Human Services may reject an
17 individual selected by the child to be a member of the
18 permanency planning team at any time if the Department
19 has good cause to believe that the selected individual
20 would not act in the best interests of the child.

21 B. A permanency hearing may be held concurrently with a
22 dispositional or review hearing.

23 C. If a foster parent, preadoptive parent, or relative is
24 currently providing care for a child, the Department shall give the

1 foster parent, preadoptive parent, or relative notice of a
2 proceeding concerning the child. A foster parent, preadoptive
3 parent, or relative providing care for a child has the right to be
4 heard at the proceeding. Except when allowed to intervene, the
5 foster parent, preadoptive parent, or relative providing care for
6 the child is not considered a party to the juvenile court proceeding
7 solely because of notice and the right to be heard at the
8 proceeding.

9 D. At the hearing, the court shall determine or review the
10 continued appropriateness of the permanency plan of the child and
11 whether a change in the plan is necessary, the date by which the
12 goal of permanency for the child is scheduled to be achieved, and
13 whether the current placement of the child continues to be the most
14 suitable for the health, safety, and welfare of the child. The
15 court shall also, in an age-appropriate manner, inquire or cause
16 inquiry to be made of the child regarding the proposed permanency
17 plan and if the child is age fourteen (14) or older, the planning
18 for the transition of the child to a successful adulthood.

19 E. A transcript shall be made of each permanency hearing or the
20 proceeding shall be memorialized by appropriate written findings of
21 facts, and the court having considered all relevant information
22 shall order one of the following permanency plans for the child:

23 1. Reunification with the parent, parents, or legal guardian of
24 the child where:

1 a. reunification can be expected to occur within an
2 established time frame that is consistent with the
3 developmental needs of the child, and

4 b. the health and safety of the child can be adequately
5 safeguarded if returned home;

6 2. Placement for adoption after the rights of the parents have
7 been terminated or after a petition has been filed to terminate
8 parental rights;

9 3. Placement with a person who will be the permanent guardian
10 of the child and is able to adequately and appropriately safeguard
11 the health, safety, and welfare of the child; or

12 4. a. Placement in the legal custody of the Department under
13 a planned alternative permanent placement, provided
14 the child is age sixteen (16) or older and there are
15 compelling reasons documented by the Department and
16 presented to the court at each permanency hearing that
17 include the intensive, ongoing and, as of the date of
18 the hearing, unsuccessful efforts made to:

19 (1) return the child home, or

20 (2) place the child with a fit and willing relative,
21 including adult siblings, a legal guardian, or an
22 adoptive parent, and
23
24

1 (3) find biological family members for the child
2 utilizing search technology, including social
3 media.

4 b. The Department shall also document at each permanency
5 hearing the steps taken, including inquiry of the
6 child in an age-appropriate manner, to ensure that:

- 7 (1) the foster family home of the child or facility
8 where the child is placed is following the
9 reasonable and prudent parent standard, and
10 (2) the child has regular, ongoing opportunities to
11 engage in age-appropriate or developmentally
12 appropriate activities.

13 c. When a planned alternative permanent placement is the
14 court-ordered permanency plan for the child, the court
15 shall at each permanency hearing:

- 16 (1) ask the child about the permanency outcome the
17 child desires, and
18 (2) make a judicial determination, as of the date of
19 the hearing, why a planned alternative permanent
20 placement is the best permanency plan for the
21 child and provide compelling reasons why it
22 continues to not be in the best interests of the
23 child to return home or be placed for adoption
24 with a legal guardian or with a fit and willing

1 relative, taking into consideration whether the
2 child has a close and positive relationship with
3 the parent.

4 F. In addition to the findings required under subsection E of
5 this section, the court shall also make written findings related to:

6 1. Whether the Department has made reasonable efforts to
7 finalize the permanency plan that is in effect for the child and a
8 summary of the efforts the Department has made; or, in the case of
9 an Indian child, whether the Department has made active efforts to
10 provide remedial services and rehabilitative programs as required by
11 25 U.S.C., Section 1912(d);

12 2. If the permanency plan is for the child to remain in out-of-
13 home care, whether the child's out-of-home placement continues to be
14 appropriate and in the best interests of the child;

15 3. If the current placement is not expected to be permanent,
16 the court's projected timetable for return home or for placement in
17 an adoptive home with a guardian, or another planned permanent
18 living arrangement; and

19 4. Whether reasonable efforts, in accordance with the safety or
20 well-being of any child, have been made to:

21 a. place siblings, who have been removed, together in the
22 same foster care, guardianship, or adoptive placement,
23 and

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

4 G. The court may make appropriate orders to ensure timely
5 implementation of the permanency plan and shall order the plan to be
6 accomplished within a specified period of time.

7 SECTION 4. AMENDATORY 12 O.S. 2021, Section 591, is
8 amended to read as follows:

9 Section 591. The trial by jury may be waived by the parties, in
10 actions arising on contract, and with the assent of the court in
11 other actions, in the following manner: By the consent of the party
12 appearing, when the other party fails to appear at the trial by
13 himself or attorney. By written consent, in person or by attorney,
14 filed with the clerk. By oral consent, in open court, entered on
15 the journal. By failure to request in writing a jury trial within
16 the time period set forth by applicable statute.

17 SECTION 5. This act shall become effective November 1, 2025.

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19 60-1-10851 CMA 12/18/24
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