

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1967

By: Williams

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5
6 AS INTRODUCED

7 An Act relating to guardian and ward; providing for
8 appointment of guardians by a court for a minor;
9 providing who may petition the court for a
10 guardianship; providing what must be included in the
11 petition; providing for a home study; providing who
12 shall pay for the home study; providing who shall
13 conduct the home study; providing exemption for home
14 study requirement; prohibiting the removal of a minor
15 residing in a domestic violence shelter; requiring
16 background checks for guardians before appointment;
17 providing requirements of background check; providing
18 for certain notice; providing requirements for
19 service of notice; defining term; providing for
20 mandatory reporting in certain circumstances;
21 requiring investigation and protective measures for
22 certain reports; providing for collaboration between
23 law enforcement and the Oklahoma Department of Human
24 Services in certain instances; providing for
notification to the court; repealing 30 O.S. 2021,
Section 2-101, which relates to court appointed
guardianships of minors; providing for codification;
and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-101.1 of Title 30, unless
there is created a duplication in numbering, reads as follows:

1 A. When a court of any county determines whether it is
2 necessary or convenient for the welfare of a minor, the court shall,
3 with due regard for the child's best interests, appoint a guardian
4 or guardians for the person or estate of the minor, or both, in
5 accordance with the provisions of Title 30 of the Oklahoma Statutes
6 and consistent with the protection of vulnerable children.

7 B. Such an appointment may be made on the verified petition of
8 a relative or another person acting on behalf of the minor.

9 Petitions shall clearly outline the reasons for guardianship and
10 demonstrate that it is in the best interest of the child, ensuring
11 that all other legal avenues have been exhausted before seeking
12 guardianship.

13 C. 1. Before appointing a guardian, the court shall receive an
14 investigation and report regarding the background and home of the
15 prospective guardian. The investigation shall meet the requirements
16 of the Oklahoma Adoption Code. In considering whether a home study
17 is necessary, the court shall prioritize the protection of the
18 minor, ensuring that the environment is conducive to their safety
19 and well-being.

20 2. The cost of the home study shall be assessed against the
21 party responsible, whether the private child-placing agency, the
22 legal custodian of the child, or the prospective guardian.

23 3. For children in the custody of the Department of Human
24 Services (DHS) or the Office of Juvenile Affairs, the applicable

1 Department or Office shall conduct or provide for the home study as
2 required by the Oklahoma Children's Code or the Oklahoma Juvenile
3 Code.

4 4. The Department of Human Services or the Office of Juvenile
5 Affairs shall not be compelled by any court order to conduct or
6 provide a home study for any child not in their legal custody.

7 D. 1. No child temporarily residing in a licensed, certified
8 domestic violence shelter, whether in this state or another, shall
9 be subject to removal by an ex parte order or without proper notice
10 for an evidentiary hearing regarding custody modification, ensuring
11 that the child's immediate safety remains the court's primary
12 concern.

13 2. No child temporarily residing in a licensed, certified
14 domestic violence shelter shall be removed under a guardianship
15 custody order if a valid protective order has been issued for the
16 custodial parent of the child. This provision is established to
17 prevent any disruption of protective measures and ensure the
18 continued safety of both the child and the custodial parent.

19 E. In the interest of child safety and due diligence, before
20 appointing a guardian, the court shall require a comprehensive
21 background check for the prospective guardian and all household
22 members aged eighteen (18) or older. This check shall include a
23 national fingerprint-based criminal background check, a review of
24 the Sex Offenders Registration Act, and a search of the Child Abuse

1 and Neglect Information System (CANIS). This requirement shall not
2 be waived except in emergency placements where it is not possible to
3 obtain such a search in a timely manner, and the court deems that
4 waiving the requirement is necessary to prevent harm to the minor.

5 F. 1. Before appointing a guardian, the court shall notify the
6 minor, if the minor is aged fourteen (14) or older, of the hearing
7 on the petition for guardianship. The minor shall also be afforded
8 an opportunity to voice their concerns or preferences, which the
9 court shall consider as part of its deliberation process.

10 2. Notice of the guardianship petition and hearing shall be
11 provided to the parents or other legal custodians of the minor.
12 This notice ensures that all parties with a legitimate interest in
13 the welfare of the minor are informed and can participate in the
14 proceedings.

15 3. Notice and a copy of the petition shall be personally served
16 at least ten (10) days before the hearing. In circumstances where
17 expedited action is necessary for the welfare of the minor, the
18 court may authorize a shorter notice period, provided that all
19 reasonable efforts are made to ensure that notice is still effective
20 and that the rights of all parties are protected.

21 G. For the purposes of this section, a child shall be
22 considered abandoned if:

23 1. The parent, legal guardian, or custodian has willfully left
24 the child without provision for adequate care or supervision.

1 2. The abandonment extends beyond the timeframes specified in
2 Section 1-1-105 of Title 10 of the Oklahoma Statutes, which defines
3 abandonment as the willful desertion of a child for a period of at
4 least thirty (30) days without making adequate arrangements for the
5 child's care.

6 H. 1. Any individual, agency, or shelter that becomes aware of
7 a potential abandonment case shall:

8 a. report the abandonment to the Oklahoma Department of
9 Human Services (DHS) within twenty-four (24) hours of
10 discovering the situation,

11 b. file a police report with the local law enforcement
12 agency within twenty-four (24) hours to ensure timely
13 investigation and coordination with DHS.

14 2. Upon receipt of a report, DHS shall investigate the
15 circumstances of the alleged abandonment in accordance with Section
16 1-2-105 of Title 10 of the Oklahoma Statutes, prioritizing the
17 safety and welfare of the child. Furthermore, law enforcement shall
18 collaborate with DHS to determine if the situation warrants
19 immediate protective custody or intervention under Section 1-4-201
20 of Title 10 of the Oklahoma Statutes, which governs emergency
21 custody of abandoned children.

22 3. DHS shall notify the court of any abandonment investigation
23 and file a report outlining the child's current status and
24 recommendations for guardianship or other protective measures.

1 The court shall prioritize hearings for cases involving
2 abandonment to ensure that the child's safety and well-being are
3 addressed promptly.

4 4. Any person or agency required to report under this section
5 who knowingly fails to do so may be subject to penalties under
6 Section 1-2-101 of Title 10 of the Oklahoma Statutes, which outlines
7 the obligations of mandatory reporters in cases of child abuse,
8 neglect, or abandonment.

9 SECTION 2. REPEALER 30 O.S. 2021, Section 2-101, is
10 hereby repealed.

11 SECTION 3. This act shall become effective November 1, 2025.

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