

**BILL SUMMARY**  
1<sup>st</sup> Session of the 60<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB1100</b>
<b>Version:</b>	<b>INT</b>
<b>Request Number:</b>	<b>10437</b>
<b>Author:</b>	<b>Rep. Woolley</b>
<b>Date:</b>	<b>2/17/2025</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

HB 1100, as introduced, revises the definition of "adjudication" to specify that a finding by the court that the allegations of child depravation must be supported by clear and convincing evidence. The measure also amends other mentions of a "a preponderance of evidence" to read "clear and convincing evidence." The measure outlines that the court must conduct a review hearing 15 days after the child is taken in protective or emergency custody. At the hearing, the court must determine if facts exist that provide clear and convincing evidence that child is in need of continued protection due to abuse or neglect or such that if the child were to be in their home or in custody of their parent, legal guardian, or custodian that it would be a danger to the child. Any information have probative value must be received by the court regardless of its admissibility under the Oklahoma Evidence Code. If the court determines that the facts do not demonstrated a continued need to put the child in protective custody, the court will order the release of the child to the custody of the individual from whom the child was removed within 48 hours. The court must also order that all records of all alleged complaints or crimes be expunged from the accused's record. If the court orders the child's release and the Department fails to release the child, then the employee responsible for the child's release is subject to a felony. The child will be released into the custody of the individual in which they were removed if the Department fails to conduct a review hearing every six months from the date of the child's removal. Any employee who refuses to comply with this will be subject to a felony.

Prepared By: Suzie Nahach

**Fiscal Analysis**

HB 1100 amends the Oklahoma Children's Code to require clear and convincing evidence that a child needs continued protection from abuse or neglect when taken into protective or emergency custody by an Oklahoma Department of Human Services (OKDHS) employee. If the court orders the child to be released back to the custody of their parents, and the OKDHS employee fails to do so, that employee could face felony charges. The provisions of the measure are not anticipated to have a direct fiscal impact on the state budget or appropriations.

Prepared By: Alexandra Ladner, House Fiscal Staff

**Other Considerations**

None.

