

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1164

By: Woolley

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5  
6 AS INTRODUCED

7 An Act relating to children; enacting the Protect  
8 Families from Government Overreach Act; providing  
9 purpose and intent; requiring the Department of Human  
10 Services to restore physical custody of child or  
11 children under certain circumstances; requiring the  
12 Department to return all records; providing exception  
13 if ongoing risk exists; directing the Department to  
14 file emergency motion if imminent threat exists;  
15 directing records to be expunged within timeframe;  
16 directing the Department to submit report to the  
17 Oklahoma Commission for Human Services; providing  
18 that noncompliance may result in audits, penalties,  
19 and sanctions; allowing for civil remedies and  
20 criminal penalties; providing that federal and state  
21 agencies may conduct audits; providing that certain  
22 circumstances may delay custody restoration;  
23 authorizing court to order continued separation if  
24 evidence of imminent danger exists; providing that  
exceptions must be documented; directing court to  
establish timelines for reassessment; providing for  
codification; and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-11-101 of Title 10A, unless  
23 there is created a duplication in numbering, reads as follows:  
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1 This act shall be known and may be cited as the "Protect  
2 Families from Government Overreach Act".

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-11-102 of Title 10A, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. The purpose of this act is to safeguard the rights of legal  
7 guardians and custodial parents of minor children by ensuring timely  
8 restoration of custody and property when criminal charges are  
9 resolved favorably. The act affirms the constitutional principles  
10 of due process and familial association under the Fourteenth  
11 Amendment of the United States Constitution and aims to address  
12 potential overreach by child welfare agencies.

13 B. This act is designed to:

14 1. Protect familial integrity by minimizing emotional and  
15 psychological harm caused by unnecessary separation, consistent with  
16 Section 1-1-102 of Title 10A of the Oklahoma Statutes, which  
17 emphasizes the child's best interests;

18 2. Ensure accountability by setting clear deadlines and  
19 consequences for agency noncompliance and promoting transparency and  
20 adherence to due process;

21 3. Balance safety and rights by allowing exceptions when child  
22 safety concerns exist, as defined in Section 1-4-904 of Title 10A of  
23 the Oklahoma Statutes; and  
24

1           4. Guarantee that all persons shall be treated as innocent  
2 until proven guilty in a court of law and that, if not guilty, all  
3 rights and liberty shall be restored.

4           SECTION 3.        NEW LAW        A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1-11-103 of Title 10A, unless  
6 there is created a duplication in numbering, reads as follows:

7           A. Pursuant to Section 1-4-704 of Title 10A of the Oklahoma  
8 Statutes, when all criminal charges against a parent or guardian are  
9 dismissed, dropped, or result in a not guilty verdict under Title 21  
10 of the Oklahoma Statutes, the Department of Human Services,  
11 including Child Protective Services, shall:

12           1. Restore physical custody of the child or children to the  
13 parent or guardian within seventy-two (72) hours; and

14           2. Return all personal property, records, and documentation  
15 taken during the removal process. Reunification efforts shall  
16 adhere to the principles set forth in Section 1-4-704 of Title 10A  
17 of the Oklahoma Statutes, ensuring prompt and safe reunification  
18 tailored to the family's needs.

19           B. If the Department identifies ongoing risks to the child,  
20 despite the resolution of criminal charges, the agency must:

21           1. File an emergency motion, pursuant to Section 1-4-807.1 of  
22 Title 10A of the Oklahoma Statutes, and provide clear and convincing  
23 evidence that reunification poses an imminent threat; and

24

1           2. Obtain a court order supporting continued separation within  
2 seventy-two (72) hours.

3           C. Pursuant to the Fourteenth Amendment of the United States  
4 Constitution, the Department shall, when determining whether to  
5 separate or reunite families, take into consideration the  
6 constitutionally protected right of intimate association.

7           SECTION 4.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1-11-104 of Title 10A, unless  
9 there is created a duplication in numbering, reads as follows:

10          A. Pursuant to Section 18 of Title 22 of the Oklahoma Statutes,  
11 all Department of Human Services and Child Protective Services  
12 records related to investigations, removal, and adjudication  
13 connected to dismissed criminal charges shall be expunged within  
14 seventy-two (72) hours of resolution. Expunged records shall  
15 include all formats, in compliance with Section 19 of Title 22 of  
16 the Oklahoma Statutes, which requires treating records as though  
17 they never existed.

18          B. The Department shall submit reports to the Oklahoma  
19 Commission for Human Services confirming expungement compliance.  
20 Noncompliance may result in state audits, civil penalties, or  
21 administrative sanctions.

22           SECTION 5.       NEW LAW       A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-11-105 of Title 10A, unless  
24 there is created a duplication in numbering, reads as follows:

1 A. Aggrieved individuals may seek damages for violations of due  
2 process or constitutional rights, pursuant to 42 U.S.C., Section  
3 1983.

4 B. Noncompliance by the Department of Human Services or Child  
5 Protective Services personnel may result in criminal charges,  
6 pursuant to Section 580 of Title 21 of the Oklahoma Statutes, which  
7 relate to public officer misconduct.

8 C. Federal and state agencies may conduct audits which may  
9 impact the Department funding for systemic violations.

10 SECTION 6. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 1-11-106 of Title 10A, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. Ongoing investigations unrelated to resolved criminal  
14 charges, pursuant to Section 1-4-704 of Title 10A of the Oklahoma  
15 Statutes, may delay custody restoration. If proven in an emergency  
16 hearing that clear and convincing evidence of imminent danger  
17 exists, the court may order continued separation, pursuant to  
18 Section 1-4-904 of Title 10A of the Oklahoma Statutes.

19 B. Exceptions shall be documented with findings of fact and  
20 conclusions of law.

21 C. The court shall establish timelines for reassessment.

22 SECTION 7. This act shall become effective November 1, 2025.

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24 60-1-10435 CMA 12/28/24