

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1746

By: Moore

AS INTRODUCED

An Act relating to children and juvenile code; amending 10A O.S. 2021, Section 1-4-502, as amended by Section 1, Chapter 363, O.S.L. 2023 (10A O.S. Supp. 2024, Section 1-4-502), which relates to jury trials on the issue of termination of parental rights; excluding persons from the right to jury trial on the issue of termination of parental rights; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-502, as 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 not have the right to demand a trial by jury on the sole issue of termination of parental rights ~~only in the following circumstances:~~

~~1. When the initial petition to determine if a child is deprived also contains a request for termination of parental rights in which case the court shall determine if the child should be~~

1 ~~adjudicated deprived and, if so, the jury shall determine if~~
2 ~~parental rights should be terminated; or~~

3 ~~2. When, following a hearing in which the child is adjudicated~~
4 ~~deprived, a request for termination of parental rights is filed by~~
5 ~~the state or the child.~~

6 ~~B. The demand for a jury trial shall be granted unless waived,~~
7 ~~or the court on its own motion may call a jury to try any~~
8 ~~termination of parental rights case. Upon a demand for a trial by~~
9 ~~jury, the court shall issue a scheduling order within thirty (30)~~
10 ~~days. A jury trial shall commence within (6) months of the issuance~~
11 ~~of the scheduling order unless the court issues a written order with~~
12 ~~findings of fact supporting a determination that there exists an~~
13 ~~exceptional circumstance to support the delay or that the parties~~
14 ~~and the guardian ad litem, if any, agree to such continuance. The~~
15 ~~jury shall consist of six (6) persons. A party who requests a jury~~
16 ~~trial and fails to appear in person for such trial, after proper~~
17 ~~notice and without good cause, may be deemed by the court to have~~
18 ~~waived the right to such jury trial, and the termination of parental~~
19 ~~rights shall be by nonjury trial unless another party demands a jury~~
20 ~~trial or the court determines on its own motion to try the case to a~~
21 ~~jury.~~

22 SECTION 2. This act shall become effective November 1, 2025.

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