

ENGROSSED HOUSE  
BILL NO. 1997

BY: LARASON of the HOUSE

and

CAIN of the SENATE

AN ACT RELATING TO CHILDREN; AMENDING 10 O.S. 1991,  
SECTION 1104.1, WHICH RELATES TO PETITION WHEN A  
CHILD IS IN CUSTODY; PROVIDING FOR ORDERS FOR  
REMOVAL OF THE CHILD FROM HIS HOME IN CERTAIN  
CASES; REQUIRING COURT TO MAKE CERTAIN  
DETERMINATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1104.1, is  
amended to read as follows:

Section 1104.1 A. Where a child has been taken into custody  
under any provision of the Juvenile Code before a petition has been  
filed, a petition shall be filed and a summons issued within five  
(5) judicial days from the date of such assumption of custody, or  
custody of the child shall be relinquished to his parent, guardian  
or other legal custodian, unless otherwise provided for herein.

B. Where a child has been taken into custody and upon  
allegations of cruelty on the part of the parents, guardian or other  
person having custodial care of the child, the five-day limitation  
herein shall not cause the child to be relinquished to such parent,  
guardian or other legal custodian. In all such cases, the court  
shall determine whether the petition was filed within a reasonable

time, except that a petition shall be filed within thirty (30) days of the child being taken into custody.

C. No order of the court providing for the removal of an alleged or adjudicated deprived, delinquent, in need of supervision or in need of treatment child from his home shall be entered unless the court finds that the continuation of the child in his home is contrary to the welfare of the child. Said order shall include either:

1. a determination as to whether or not reasonable efforts have been made to prevent the need for the removal of the child from his home and, as appropriate, reasonable efforts have been made to provide for the return of the child to his home; or

2. a determination as to whether or not an absence of efforts to prevent the removal of the child from his home is reasonable under the circumstances, if such removal of the child from his home is due to an alleged emergency and is for the purpose of providing for the safety of the child and, in the case of a delinquent, the protection of the public.

D. When a child has been taken into custody as provided by this title and the court has ordered an inpatient mental health examination of the child pursuant to Section 9 1120 of this ~~act~~ title, the court shall determine whether the petition was filed within a reasonable time.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 5th day of March, 1992.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1992.

President of the Senate