

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1997

BY: LARASON

AS INTRODUCED

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 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.

D. No order of the court providing for the removal of a child from his home who is alleged or adjudicated to be delinquent or in need of treatment shall be entered unless the court makes:

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

E. 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.

43-2-7258

KSM