

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2573

By: Larason

AS INTRODUCED

An Act relating to criminal procedure; providing for court inquiry as to whether certain persons are single custodial parents; authorizing certain placements; providing for certain placement investigations; requiring certain documentation; providing for custody of certain children; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. When any person is convicted of an offense against the laws of this state and is sentenced to imprisonment to be served in a city or county jail or a state correctional institution, the judge of the district court or municipal court shall inquire whether such person is a single custodial parent of any minor child. If such person is a single custodial parent, the judge shall provide for the temporary relinquishment of the child to:

1. The other parent of the child involved or a relative within the fourth degree of consanguinity of such child if such parent's rights have not been terminated and such parent or relatives are determined to be suitable for the child by the judge;

2. The Department of Human Services or a child welfare agency duly licensed or recognized pursuant to the Oklahoma Child Care Facilities Licensing Act; or

3. Some other individual with the written assent of the court.

B. If the court assents to the placement of a child with an individual specified by paragraph 3 of subsection A of this section, the court shall require a placement investigation and report be made of such individual by a person qualified by training or experience as designated by the court. The placement investigation shall include inquiry to determine whether the proposed home is a suitable one for the child and any other circumstances and conditions which may have a bearing on the health, safety and welfare of the child. The report shall become a part of the files in the case and shall contain a definite recommendation for or against the proposed placement and the reason therefor. If suitable placement is not found pursuant to the provisions of this subsection, or the single custodial parent refuses to relinquish such child, the court shall commit the child to the custody of the Department of Human Services.

SECTION 2. This act shall become effective September 1, 1994.

44-2-8522

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