

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1302

By: McCorkell

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Section 1105, as amended by Section 19, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1105), which relates to juvenile procedures; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1105, as amended by Section 19, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1105), is amended to read as follows:

Section 1105. Service of summons shall be made as provided for service in civil actions or service may be made by certified mail to such person's last-known address, requesting a return receipt from the addressee only. Where the address of the person to be summoned is not known, or if the mailed summons is returned, the court may order that notice of the hearing be published once in a newspaper of general circulation in the county. The court may not hold the hearing until at least forty-eight (48) hours after the service of the summons, except with the consent of the parent or guardian ~~provided.~~ Provided, however, that the court may not hold the

hearing until at least five (5) days after the date of mailing the summons, if the parent is not served within the state, except with the consent of the parent, or if notice is published, until at least ten (10) days after the date of publication; provided, further, that if one or more persons must be served by publication, and if it appears that the court must order the child held in a place of detention in order to meet the requirement of this section with respect to the time for holding a hearing when a party can be served only by publication, the court may advance the date of the hearing, with reasonable notice to the other persons who have been served or are properly and legally notified, to any date that the court determines to be reasonable and may proceed with the action; but an order determining that a child is delinquent or in need of supervision or is deprived shall not become final until thirty (30) days after the date of the publication of the notice. Nothing contained herein shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

SECTION 2. This act shall become effective November 1, 1995.

45-1-5691

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