

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2368

By: Adkins

COMMITTEE SUBSTITUTE

An Act relating to mental health; vesting certain courts with authority to restrict visitation of a vulnerable adult by specified persons; requiring certain determinations; requiring certain restrictions; requiring notice; requiring certain petitions; providing for type of restrictions; requiring information to be stated in the court record; requiring certain notification to the Department of Human Services; 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 10-111 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. 1. The district courts are vested with jurisdiction to issue orders and enforce orders restricting visitation, by the custodian or by any other person specified by the court, of a vulnerable adult who is receiving or has been determined to need protective services pursuant to the Protective Services for Vulnerable Adults Act.

2. Whenever it is consistent with the welfare and safety of a vulnerable adult, the court shall restrict the visitation of a custodian or other person specified by the court who is alleged or has been determined to have abused, neglected or financially exploited the vulnerable adult.

3. Notice as ordered by the court shall be given to the custodian or other person alleged or determined to have abused, neglected or financially exploited a vulnerable adult.

B. If the Department of Human Services determines, as a result of its investigation, that a vulnerable adult needs voluntary or involuntary protective services as a result of abuse, neglect or financial exploitation by the caretaker or by any other person, the Department shall petition the district court to restrict the visitation of such custodian or other person with the vulnerable adult.

C. 1. Consistent with the welfare and safety of the vulnerable adult, the court may require supervised visitation, prohibit visitation or otherwise limit the visitation by the custodian or such other person with the vulnerable adult.

2. The basis for restricting visitation shall be stated in the record by the court.

D. The owner, operator or any facility personnel of a nursing home, residential home, assisted living facility or other long-term care facility, or any other person having reason to believe that visitation of a vulnerable adult should be restricted with regards to the custodian of the vulnerable adult or other person shall notify the Department of Human Services pursuant to the Protective Services for Vulnerable Adults Act.

SECTION 2. This act shall become effective November 1, 1998.

46-2-9392

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