

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3266

By: Harrison

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,
8 Section 7002-1.2, which relates to child abuse or
9 neglect in matrimonial or child custody actions;
10 providing for immediate suspension of visitation or
11 modification of custody upon allegation of abuse;
12 providing for hearing within thirty days; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7002-1.2, is
16 amended to read as follows:

17 Section 7002-1.2 A. 1. If the evidence in a juvenile action,
18 or an action for a divorce, for alimony without a divorce, for an
19 annulment, for custody of a child, for the appointment of a guardian
20 of the person of a child, for habeas corpus, or in subsequent
21 proceedings in such actions, indicates that a child is or may be
22 deprived, the referring court shall notify the appropriate county
23 office of the Department of Human Services that the child may be a
24 victim of abuse or neglect.

1 2. Upon any allegation of child abuse, a court shall
2 immediately suspend visitation with the alleged abuser or modify
3 custody of the child if the alleged abuser is the custodial parent
4 and hold a hearing on the allegation within thirty (30) days of
5 suspension or modification.

6 3. The county office shall conduct an assessment or
7 investigation concerning such report in accordance with priority
8 guidelines established by the Department of Human Services.

9 ~~3-~~ 4. The Department shall submit all reports regarding the
10 assessment or investigation to the office of the district attorney
11 and send a copy of its reports to such court within thirty (30) days
12 of such notice, and notify parties to the proceeding of the
13 submission of the report to the court.

14 ~~4-~~ 5. The district attorney shall advise the court within three
15 (3) days of the receipt of the Department's findings whether a
16 deprived petition will be filed by that office. If no deprived
17 petition is filed, the court may take appropriate action regarding
18 the custody of the child, or appointment of a guardian for the
19 child.

20 B. Nothing in this section shall preclude the referring court
21 from entering an order to have the child taken into emergency
22 custody if evidence presented to the referring court indicates a
23 child is in surroundings that are such as to endanger the welfare of
24 the child. If a child is taken into emergency custody by such an

1 order, the provisions of Article III of the Oklahoma Children's Code
2 shall apply.

3 C. If, in any proceeding listed in subsection A of this
4 section, the evidence indicates that a child has been subject to
5 abuse or neglect, the court shall appoint an attorney to represent
6 the child for that proceeding and any related proceedings and, as
7 provided by Section 7003-3.7 of this title, the court shall appoint
8 a guardian ad litem for the child.

9 SECTION 2. This act shall become effective November 1, 2008.

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