

ENROLLED SENATE
BILL NO. 1793

By: Paddock of the Senate

and

Thomsen of the House

An Act relating to children; amending 10 O.S. 2001, Section 7003-3.8, as amended by Section 1, Chapter 473, O.S.L. 2002, and as renumbered by Section 236, Chapter 233, O.S.L. 2009 (10A O.S. Supp. 2009, Section 1-4-502), which relates to jury trial; allowing waiver of certain right under specified circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-3.8, as amended by Section 1, Chapter 473, O.S.L. 2002, and as renumbered by Section 236, Chapter 233, O.S.L. 2009 (10A O.S. Supp. 2009, Section 1-4-502), is amended to read as follows:

Section 1-4-502. A parent entitled to service of summons, the state or a child shall have the right to demand a trial by jury only in the following circumstances:

1. When the initial petition to determine if a child is deprived also contains a request for termination of parental rights; or

2. When, following a hearing in which the child is adjudicated deprived, a request for termination of parental rights is filed by the state or the child.

The demand for a jury trial shall be granted unless waived, or the court on its own motion may call a jury to try any such case. Such jury shall consist of six (6) persons. A party who requests a jury trial and fails to appear for such trial, after proper notice and without good cause, may be deemed by the court to have waived the right to be present at such trial.

SECTION 2. This act shall become effective November 1, 2010.

Passed the Senate the 26th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2010.

Presiding Officer of the House
of Representatives