

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 2067

By: Nelson

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5  
6 AS INTRODUCED

7 An Act relating to children; amending Sections 1 and  
8 2, Chapter 172, O.S.L. 2014 (10 O.S. Supp. 2014,  
9 Sections 700 and 701), which relate to a power of  
10 attorney delegating care and custody; updating  
11 statutory citation; decreasing length of power of  
12 attorney to forty days; requiring execution of new  
power of attorney after forty days; providing  
applicability of time limitation; updating statutory  
citation; modifying statutory form of power of  
attorney to reflect decreased duration; and providing  
an effective date.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 172, O.S.L.  
17 2014 (10 O.S. Supp. 2014, Section 700), is amended to read as  
18 follows:

19 Section 700. A. A parent or legal custodian of a child, by a  
20 properly executed power of attorney provided in Section ~~2~~ 701 of  
21 this ~~act~~ title, may delegate to another person, for a period not to  
22 exceed ~~one (1) year~~ forty (40) days, any of the powers regarding the  
23 care and custody of the child, except the power to consent to  
24 marriage or adoption of the child, the performance or inducement of

1 an abortion on or for the child, or the termination of parental  
2 rights to the child. A delegation of powers under this section  
3 shall not deprive the parent or legal custodian of any parental or  
4 legal authority regarding the care and custody of the child.

5 B. The parent or legal custodian of the child shall have the  
6 authority to revoke or withdraw the power of attorney authorized by  
7 subsection A of this section at any time. If the delegation of  
8 authority lasts longer than ~~one (1) year~~ forty (40) days, the parent  
9 or legal custodian of the child shall execute a new power of  
10 attorney for each additional ~~year~~ forty (40) days that the  
11 delegation exists.

12 C. The attorney-in-fact shall exercise parental or legal  
13 authority on a continuous basis for not less than twenty-four (24)  
14 hours and without compensation for the intended duration of the  
15 power of attorney authorized by subsection A of this section and  
16 shall not be subject to the requirements of the Oklahoma Child Care  
17 Facilities Licensing Act.

18 D. Except as provided by Section 1-4-904 of Title 10A of the  
19 Oklahoma Statutes, a parent or legal custodian who executes a power  
20 of attorney authorized by subsection A of this section shall not  
21 constitute abandonment, abuse or neglect as defined in Section 1-1-  
22 105 of Title 10A of the Oklahoma Statutes unless the parent or legal  
23 custodian fails to make contact or execute a new power of attorney  
24 after the ~~one-year~~ forty-day time limit has elapsed.

1 E. Under a delegation of powers as authorized by subsection A  
2 of this section, the child or children subject to the power of  
3 attorney shall not be considered placed in foster care as defined in  
4 Section 1-1-105 of Title 10A of the Oklahoma Statutes and the  
5 parties shall not be subject to any of the requirements or licensing  
6 regulations for foster care.

7 F. The forty-day time limit shall apply to a power of attorney  
8 executed pursuant to this section on or after November 1, 2015. A  
9 power of attorney executed pursuant to this section before November  
10 1, 2015, shall remain in effect for the duration of execution or  
11 until revocation.

12 SECTION 2. AMENDATORY Section 2, Chapter 172, O.S.L.  
13 2014 (10 O.S. Supp. 2014, Section 701), is amended to read as  
14 follows:

15 Section 701. A. The following statutory form of power of  
16 attorney to delegate parental or legal authority as authorized by  
17 Section ~~±~~ 700 of this ~~act~~ title is legally sufficient:

18 Statutory Form for Power of Attorney to Delegate Parental or  
19 Legal Custodian Powers

20 1. "I certify that I am the parent or legal custodian of:

21 \_\_\_\_\_  
22 (Full name of minor child) (Date of birth)

23 \_\_\_\_\_  
24 (Full name of minor child) (Date of birth)

1 \_\_\_\_\_  
2 (Full name of minor child) (Date of birth)  
3 (minor child(ren))."

4 2. "I designate

5 \_\_\_\_\_,  
6 (Full name of Attorney-in-fact)

7 \_\_\_\_\_,  
8 (Street address, city, state and zip code of Attorney-in-fact)

9 \_\_\_\_\_  
10 (Home phone of Attorney-in-fact) (Work phone of Attorney-in-fact)

11 as the attorney-in-fact of each minor child named above."

12 3. \_\_\_\_\_ "I delegate to the attorney-in-fact all of my power  
13 and authority regarding the care, custody and property of each minor  
14 child named above, including but not limited to the right to enroll  
15 the child in school, inspect and obtain copies of education records  
16 and other records concerning the child, the right to attend school  
17 activities and other functions concerning the child, and the right  
18 to give or withhold any consent or waiver with respect to school  
19 activities, medical and dental treatment, and any other activity,  
20 function or treatment that may concern the child. This delegation  
21 shall not include the power or authority to consent to marriage or  
22 adoption of the child, the performance or inducement of an abortion  
23 on or for the child, or the termination of parental rights to the  
24 child." ~~or~~

1 4. \_\_\_\_\_ "I delegate to the attorney-in-fact the following  
2 specific powers and responsibilities (write in):  
3 \_\_\_\_\_

4 This delegation shall not include the power or authority to consent  
5 to marriage or adoption of the child, the performance or inducement  
6 of an abortion on or for the child, or the termination of parental  
7 rights to the child."

8 5. "This power of attorney is effective for a period not to  
9 exceed ~~one year~~ forty (40) days, beginning \_\_\_\_\_, 20\_\_,  
10 and ending \_\_\_\_\_, 20\_\_. I reserve the right to revoke this  
11 authority at any time."

12 By: \_\_\_\_\_

13 (Parent/Legal Custodian signature)

14 6. "I hereby accept my designation as attorney-in-fact for  
15 \_\_\_\_\_

16 (Minor child(ren)) as specified in this power of attorney."  
17 \_\_\_\_\_

18 (Attorney-in-fact signature)

19 State of \_\_\_\_\_

20 County of \_\_\_\_\_

21 ACKNOWLEDGEMENT

22 Before me, the undersigned, a Notary Public, in and for said  
23 County and State on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
24 personally appeared \_\_\_\_\_ (Name of

1 Parent/Legal Custodian) and \_\_\_\_\_ (Name of  
2 Attorney-in-fact), to me known to be the identical persons who  
3 executed this instrument and acknowledged to me that each executed  
4 the same as his or her free and voluntary act and deed for the uses  
5 and purposes set forth in the instrument.

6 Witness my hand and official seal the day and year above written.

7 \_\_\_\_\_

8 (Signature of notarial officer)

9 (Seal, if any)

10 \_\_\_\_\_

11 (Title and Rank)

12 My commission expires: \_\_\_\_\_

13 B. The power of attorney is legally sufficient under this act,  
14 if the wording of the form complies substantially with subsection A  
15 of this section, the form is properly completed, and the signatures  
16 of the parties are acknowledged.

17 SECTION 3. This act shall become effective November 1, 2015.

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19 55-1-6287 EK 01/15/15

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