

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2483

By: Ownbey

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5  
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2011,  
8 Section 1-4-502, which relates to termination of  
9 parental rights; waiving right to jury trial if party  
10 fails to appear after notice and without good cause;  
11 permitting nonjury trial if requested by attorney of  
12 party; and providing an effective date.

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

14 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-502, is  
15 amended to read as follows:

16 Section 1-4-502. A. A parent entitled to service of summons,  
17 the state or a child shall have the right to demand a trial by jury  
18 on the sole issue of termination of parental rights only in the  
19 following circumstances:

20 1. When the initial petition to determine if a child is  
21 deprived also contains a request for termination of parental rights  
22 in which case the court shall determine if the child should be  
23 adjudicated deprived and if so, the jury shall determine if parental  
24 rights should be terminated; or

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

4           B. The demand for a jury trial shall be granted unless waived,  
5 or the court on its own motion may call a jury to try any  
6 termination of parental rights case. Such jury shall consist of six  
7 (6) persons. A party who requests a jury trial and fails to appear  
8 for such trial, after proper notice and without good cause, may be  
9 deemed by the court to have waived the right to ~~be present at~~ such  
10 trial. If the attorney of the party requests to proceed without the  
11 party present, the court may conduct a nonjury trial for the  
12 termination of parental rights case.

13           SECTION 2. This act shall become effective November 1, 2016.

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