

1 STATE OF OKLAHOMA

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

3 SENATE BILL 261

By: Sharp

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5
6 AS INTRODUCED

7 An Act relating to termination of parental rights;
8 amending 10A O.S. 2011, Section 1-4-502, which
9 relates to jury trial; modifying consequence for
10 failure to appear at certain proceeding; establishing
11 procedure for vacating certain order; requiring
12 certain notice; specifying burden of proof;
13 authorizing new trial under certain circumstances;
14 and providing an effective date.

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

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

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

22 1. When the initial petition to determine if a child is
23 deprived also contains a request for termination of parental rights
24 in which case the court shall determine if the child should be
adjudicated deprived and if so, the jury shall determine if parental
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 The demand for a jury trial shall be granted unless waived, or
5 the court on its own motion may call a jury to try any termination
6 of parental rights case. Such jury shall consist of six (6)
7 persons. A ~~party~~ parent who requests a jury trial and fails to
8 appear for such trial, after proper notice and without good cause,
9 may or fails to instruct his or her attorney to proceed in absentia
10 at the trial, shall be deemed by the court to have waived ~~the right~~
11 ~~to be present at such trial~~ the jury demand and shall be adjudicated
12 to have consented to the termination of his or her parental rights.
13 The court may vacate such order terminating parental rights pursuant
14 to the procedures outlined in subsection B of Section 1-4-905 of
15 this title.

16 SECTION 2. This act shall become effective November 1, 2015.

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