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March 29, 2016

ENGROSSED HOUSE
BILL NO. 2483

By: Ownbey of the House

and

Simpson of the Senate

An Act relating to children; amending 10A O.S. 2011, Section 1-4-502, which relates to termination of parental rights; waiving right to jury trial if party fails to appear in person after notice and without good cause; requiring nonjury trial; providing exception; and providing an effective date.

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

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

Section 1-4-502. A. A parent entitled to service of summons, the state or a child shall have the right to demand a trial by jury on the sole issue of termination of parental rights 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 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 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 in person for such trial, after proper notice and without good
9 cause, may be deemed by the court to have waived the right to ~~be~~
10 ~~present at~~ such jury trial, and the adjudication shall be by nonjury
11 trial unless another party demands a jury trial or the court
12 determines on its own motion to try the case to a jury.

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

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
15 March 29, 2016 - DO PASS
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