

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1135, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Floyd

Floyd-TEK-FS-Req#3482
3/7/2018 12:17 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 FLOOR SUBSTITUTE

4 FOR

SENATE BILL NO. 1135

By: Floyd of the Senate

5 and

6 Nollan of the House

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to relating to guardianship; amending
11 30 O.S. 2011, Section 2-101, which relates to
12 guardian of minor; requiring background check on
13 certain persons; creating fee for certain search;
14 establishing maximum amount for certain fee; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 30 O.S. 2011, Section 2-101, is
18 amended to read as follows:

19 Section 2-101. A. The court of each county, when it appears
20 necessary or convenient, may appoint guardians for the persons and
21 estates, or either, or both of them, of minors.

22 B. Such appointment may be made on the verified petition of a
23 relative or other person in behalf of such minor.

24 C. 1. Before making the appointment, the court may receive an
investigation and report regarding the background and home of the

1 prospective guardian. The investigation and report of the
2 prospective guardian and placement restrictions and requirements
3 shall be made pursuant to the requirements of the Oklahoma Adoption
4 Code. In determining whether to require a home study pursuant to
5 the provisions of this paragraph, the court shall balance the need
6 for a home study to protect the best interests of the minor with the
7 ability of the prospective guardian to pay for the home study.

8 2. a. Costs of the home study shall be assessed against any
9 private child-placing agency having custody of the
10 child, or the person having legal custody of the child
11 or the prospective guardians of the child.

12 b. (1) For any child in the custody of the Department of
13 Human Services or the Department of Juvenile
14 Justice, the applicable Department shall conduct or
15 provide for the home study for such child as
16 required by the Oklahoma Children's Code or the
17 Oklahoma Juvenile Code.

18 (2) The Department of Human Services or the Department
19 of Juvenile Justice shall not be required by any
20 court to conduct or provide for a home study and
21 report to the court on guardianship placements for
22 any child that is not in the custody of either
23 Department.

1 3. An order appointing a guardian of the minor who has a parent
2 living or other person legally responsible for the child shall
3 comply with the provisions of Section 2-108 of this title.

4 4. The court shall receive a background check for a prospective
5 guardian and all other household members eighteen (18) years of age
6 and older, consisting of a review of a national fingerprint-based
7 criminal background check, a search of the Department of
8 Corrections' files maintained pursuant to the Sex Offenders
9 Registration Act, and a search of the child abuse and neglect
10 information system maintained for review by authorized entities by
11 the Department of Human Services. The Department may charge a fee
12 not to exceed Thirty-five Dollars (\$35.00) for each search performed
13 pursuant to this paragraph.

14 D. In addition, before making the appointment, the court must
15 cause notice of the hearing on the petition for appointment of a
16 guardian for a minor to be given in the form required by the court
17 to the minor if the minor has attained the age of fourteen (14) as
18 of the date the petition is filed. The court shall also cause
19 notice to be sent to the following persons:

20 1. The then-living parents of the minor and any other person
21 having custody of the minor, if such parent or person is not one of
22 the petitioners;

1 2. If the minor has no then-living parent, then to one of the
2 then-living grandparents who is not one of the petitioners and who
3 is not married to one of the petitioners; and

4 3. If there is no such then-living grandparent or if there is
5 no such then-living grandparent whose address is known to the
6 petitioner, then notice shall be given to an adult relative, if any,
7 of the minor residing in the county in which the petition was filed.

8 E. Such notice shall be mailed to each person, entitled to
9 notice pursuant to this section, at that person's address as last-
10 known to the petitioner, at least ten (10) days prior to the date
11 set by the court for hearing on the petition. Provided the court
12 may direct a shorter notice period if the court deems such shorter
13 notice period to be appropriate under the circumstances. If there
14 is no person other than the minor who is entitled to notice, or if
15 the address of any person, other than the minor, who is entitled to
16 notice is not known to the petitioner, the petition shall so allege.
17 The court may direct that notice, other than notice to the minor if
18 the minor has attained the age of fourteen (14), be waived or be
19 given to any person or persons other than the minor in such manner
20 as the court determines and directs.

21 SECTION 2. This act shall become effective November 1, 2018.
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23 56-2-3482 TEK 3/7/2018 12:17:48 PM
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