

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3259

By: Ortega

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10A O.S. 2011,
9 Section 1-4-602, which relates to petitions for
10 adjudication; directing Department of Human Services
11 to make certain amendments to internal documents;
12 prohibiting use of certain allegations in court
13 proceedings; making provisions retroactive; and
14 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 1-4-602, is
17 amended to read as follows:

18 Section 1-4-602. If the court finds that the factual
19 allegations of the petition are not supported by a preponderance of
20 the evidence, the court shall order the petition dismissed and shall
21 order the child discharged from any custody. The child's parents,
22 guardian or other legal custodian shall also be discharged from any
23 restriction or other previous temporary order. Upon the dismissal
24 of the petition, the Department of Human Services shall make
necessary amendments in its internal documents to reflect that any

1 allegations that may have been substantiated were determined by the
2 court to not be supported by a preponderance of the evidence and
3 that the petition was dismissed. Any substantiated allegations that
4 were part of a petition which was dismissed shall not be used
5 against the parent in any future court proceeding and shall be
6 treated by the Department as if the allegations were
7 unsubstantiated. This section shall be retroactive and shall apply
8 regardless of when the allegations were substantiated.

9 SECTION 2. This act shall become effective November 1, 2020.

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