

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3456

By: West (Tammy)

6 AS INTRODUCED

7 An Act relating to children; amending Sections 1 and
8 2, Chapter 172, O.S.L. 2014 (10 O.S. Supp. 2019,
Sections 700 and 701), which relate to powers of
9 attorney for the care and custody of a child;
10 requiring that the child be enrolled in school in
district where he or she resides; modifying certain
11 power of attorney form; providing an effective date;
and declaring an emergency.

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 1, Chapter 172, O.S.L.
15 2014 (10 O.S. Supp. 2019, Section 700), is amended to read as
16 follows:

17 Section 700. A. A parent or legal custodian of a child, by a
18 properly executed power of attorney provided in Section ~~2~~ 701 of
19 this ~~act~~ title, may delegate to another person, for a period not to
20 exceed one (1) year, any of the powers regarding the care and
21 custody of the child, including, but not limited to, enrolling the
22 child in school in the district where the child physically resides,
23 except the power to consent to marriage or adoption of the child,
24 the performance or inducement of an abortion on or for the child, or

1 the termination of parental rights to the child. A delegation of
2 powers under this section shall not deprive the parent or legal
3 custodian of any parental or legal authority regarding the care and
4 custody of the child.

5 B. The parent or legal custodian of the child shall have the
6 authority to revoke or withdraw the power of attorney authorized by
7 subsection A of this section at any time. If the delegation of
8 authority lasts longer than one (1) year, the parent or legal
9 custodian of the child shall execute a new power of attorney for
10 each additional year that the delegation exists.

11 C. The attorney-in-fact shall exercise parental or legal
12 authority on a continuous basis for not less than twenty-four (24)
13 hours and without compensation for the intended duration of the
14 power of attorney authorized by subsection A of this section and
15 shall not be subject to the requirements of the Oklahoma Child Care
16 Facilities Licensing Act.

17 D. Except as provided by Section 1-4-904 of Title 10A of the
18 Oklahoma Statutes, a parent or legal custodian who executes a power
19 of attorney authorized by subsection A of this section shall not
20 constitute abandonment, abuse or neglect as defined in Section 1-1-
21 105 of Title 10A of the Oklahoma Statutes unless the parent or legal
22 custodian fails to make contact or execute a new power of attorney
23 after the one-year time limit has elapsed.

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1 E. Under a delegation of powers as authorized by subsection A
2 of this section, the child or children subject to the power of
3 attorney shall not be considered placed in foster care as defined in
4 Section 1-1-105 of Title 10A of the Oklahoma Statutes and the
5 parties shall not be subject to any of the requirements or licensing
6 regulations for foster care.

7 SECTION 2. AMENDATORY Section 2, Chapter 172, O.S.L.
8 2014 (10 O.S. Supp. 2019, Section 701), is amended to read as
9 follows:

10 Section 701. A. The following statutory form of power of
11 attorney to delegate parental or legal authority as authorized by
12 Section ~~4~~ 700 of this ~~act~~ title is legally sufficient:
13 Statutory Form for Power of Attorney to Delegate Parental or Legal
14 Custodian Powers

15 1. "I certify that I am the parent or legal custodian of:

16 _____
17 (Full name of minor child) (Date of birth)

18 _____
19 (Full name of minor child) (Date of birth)

20 _____
21 (Full name of minor child) (Date of birth)

22 (minor child(ren))."

23 2. "I designate

24 _____,

1 (Full name of Attorney-in-fact)

2 _____,
3 (Street address, city, state and zip code of Attorney-in-fact)
4 _____

5 (Home phone of Attorney-in-fact) (Work phone of Attorney-in-fact)

6 as the attorney-in-fact of each minor child named above."

7 3. _____ "I delegate to the attorney-in-fact all of my power
8 and authority regarding the care, custody and property of each minor
9 child named above, including but not limited to the right to enroll
10 the child in school in the district where the child physically
11 resides, inspect and obtain copies of education records and other
12 records concerning the child, the right to attend school activities
13 and other functions concerning the child, and the right to give or
14 withhold any consent or waiver with respect to school activities,
15 medical and dental treatment, and any other activity, function or
16 treatment that may concern the child. This delegation shall not
17 include the power or authority to consent to marriage or adoption of
18 the child, the performance or inducement of an abortion on or for
19 the child, or the termination of parental rights to the child." or

20 4. _____ "I delegate to the attorney-in-fact the following
21 specific powers and responsibilities (write in):
22 _____

23 This delegation shall not include the power or authority to consent
24 to marriage or adoption of the child, the performance or inducement

1 of an abortion on or for the child, or the termination of parental
2 rights to the child."

3 5. "This power of attorney is effective for a period not to
4 exceed one year, beginning _____, 20__, and ending
5 _____, 20__. I reserve the right to revoke this authority
6 at any time."

7 By: _____

8 (Parent/Legal Custodian signature)

9 6. "I hereby accept my designation as attorney-in-fact for
10 _____
11 (Minor child(ren)) as specified in this power of attorney."

12 _____

13 (Attorney-in-fact signature)

14 State of _____

15 County of _____

16 ACKNOWLEDGEMENT

17 Before me, the undersigned, a Notary Public, in and for said
18 County and State on this ____ day of _____, 20__,
19 personally appeared _____ (Name of

20 Parent/Legal Custodian) and _____ (Name of

21 Attorney-in-fact), to me known to be the identical persons who

22 executed this instrument and acknowledged to me that each executed

23 the same as his or her free and voluntary act and deed for the uses

24 and purposes set forth in the instrument.

1 Witness my hand and official seal the day and year above written.

2 _____

3 (Signature of notarial officer)

4 (Seal, if any)

5 _____

6 (Title and Rank)

7 My commission expires: _____

8 B. The power of attorney is legally sufficient under this act,
9 if the wording of the form complies substantially with subsection A
10 of this section, the form is properly completed, and the signatures
11 of the parties are acknowledged.

12 SECTION 3. This act shall become effective July 1, 2020.

13 SECTION 4. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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18 57-2-9201 JW 01/15/20

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