

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB706 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_ Amendment submitted by: Chris Kannady \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

FLOOR SUBSTITUTE  
FOR ENGROSSED

SENATE BILL NO. 706

By: Pederson, Rader, Stephens,  
and Howard of the Senate

and

Randleman and Talley of the  
House

FLOOR SUBSTITUTE

An Act relating to children; amending 10A O.S. 2021, Sections 1-4-502 and 1-4-505, as amended by Section 1, Chapter 104, O.S.L. 2022 (10A O.S. Supp. 2022, Section 1-4-505), which relate to hearings; providing trial guidelines; updating statutory language; modifying requirements for certain hearing; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2021, 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        1. When the initial petition to determine if a child is  
2 deprived also contains a request for termination of parental rights  
3 in which case the court shall determine if the child should be  
4 adjudicated deprived and, if so, the jury shall determine if  
5 parental rights should be terminated; or

6        2. When, following a hearing in which the child is adjudicated  
7 deprived, a request for termination of parental rights is filed by  
8 the state or the child.

9        B. The demand for a jury trial shall be granted unless waived,  
10 or the court on its own motion may call a jury to try any  
11 termination of parental rights case. Such jury shall consist of six  
12 (6) persons. A party who requests a jury trial and fails to appear  
13 in person for such trial, after proper notice and without good  
14 cause, may be deemed by the court to have waived the right to such  
15 jury trial, and the termination of parental rights shall be by  
16 nonjury trial unless another party demands a jury trial or the court  
17 determines on its own motion to try the case to a jury.

18        C. Any trial requested or demanded on the sole issue of  
19 termination of parental rights shall be set within six (6) months of  
20 the request or demand. Continuances shall not be granted, except in  
21 the case of an emergency, as determined by the court.

22        SECTION 2.        AMENDATORY        10A O.S. 2021, Section 1-4-505, as  
23 amended by Section 1, Chapter 104, O.S.L. 2022 (10A O.S. Supp. 2022,  
24 Section 1-4-505), is amended to read as follows:

1 Section 1-4-505. A. This section shall apply only to a  
2 proceeding brought ~~within the purview of~~ under the Oklahoma  
3 Children's Code in which a child is alleged to be deprived, and  
4 shall apply only to the statement of ~~that~~ the child or another child  
5 witness.

6 B. The recording of an oral statement of the child made before  
7 the proceedings begin is admissible into evidence if:

8 1. The court determines in a hearing conducted outside the  
9 presence of the jury that the time, content and totality of  
10 circumstances surrounding the taking of the statement provide  
11 sufficient indicia of reliability ~~so as~~ to render it inherently  
12 trustworthy. In determining trustworthiness, the court may  
13 consider, among other things, the following factors: the spontaneity  
14 and consistent repetition of the statement, the mental state of the  
15 declarant, whether the terminology used is unexpected of a child of  
16 similar age or of an incapacitated person, and whether a lack of  
17 motive to fabricate exists; and the child either:

18 a. testifies or is available to testify at the  
19 proceedings in open court or through an alternative  
20 method pursuant to the provisions of the Uniform Child  
21 Witness Testimony by Alternative Methods Act or  
22 Section 2611.2 of Title 12 of the Oklahoma Statutes,  
23 or  
24

1           b.    is unavailable as a witness as defined in Section 2804  
2                of Title 12 of the Oklahoma Statutes. When the child  
3                is unavailable, such statement may be admitted only if  
4                there is corroborative evidence of the act;

5           2. No attorney for any party is present when the statement is  
6 made. However, if appropriate facilities are utilized that allow  
7 observation of the child without the child's knowledge or awareness  
8 in any way, any such attorney may be present as an observer, but not  
9 as a participant, and no such attorney shall have any right to  
10 intervene, object, or otherwise make his or her presence known to  
11 the child before, after, or during the making of the statement of  
12 the child;

13           3. The recording is both visual and aural and is recorded on  
14 film or videotape or by other electronic means;

15           4. The recording equipment is capable of making an accurate  
16 recording, the operator of the equipment is competent, and the  
17 recording is accurate and has not been altered;

18           5. The statement is not made in response to questioning  
19 calculated to lead the child to make a particular statement or is  
20 otherwise clearly shown to be the child's statement and not made  
21 solely as a result of a leading or suggestive question;

22           6. Every voice on the recording is identified;  
23  
24

1        7. The person conducting the interview of the child in the  
2 recording is present at the proceeding and is available to testify  
3 or be cross-examined by any party;

4        8. Each party to the proceeding is afforded an opportunity to  
5 view the recording before the recording is offered into evidence;  
6 and

7        9. A copy of a written transcript of the recording transcribed  
8 by a licensed or certified court reporter is available to the  
9 parties.

10       A statement may not be admitted under this subsection unless the  
11 proponent of the statement makes known to the parties an intention  
12 to offer the statement and the particulars of the statement at least  
13 ten (10) days in advance of the proceedings to provide the parties  
14 with an opportunity to prepare to answer the statement.

15       SECTION 3. This act shall become effective November 1, 2023.

16

17       59-1-8260            CMA            04/18/23

18

19

20

21

22

23

24