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February 27, 2024

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1641

By: Weaver

An Act relating to the Oklahoma Child Care Facilities Licensing Act; amending 10 O.S. 2021, Section 408, which relates to appeals; authorizing appeals of decisions pertaining to the Restricted Registry; expanding eligibility to appeal certain decisions; directing certain order and relief; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2021, Section 408, is amended to read as follows:

Section 408. A. Any licensee or applicant aggrieved by the decision of the Department of Human Services under Section 407 of this title or any person aggrieved by a decision of the Department under Section 405.3 of this title may, within ten (10) days after the revocation or denial of the license under Section 407 of this title or recording of the person on the Restricted Registry under Section 405.3 of this title, appeal to the district court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice

1 of such appeal shall be served on the Director of the Department
2 within five (5) days of the date of its filing.

3 B. The licensee ~~or~~, applicant, or person shall, within twenty
4 (20) days of the filing of the appeal, file with the clerk of such
5 court a transcript of the proceedings held pursuant to Section 405.3
6 or 407 of this title. The district court shall thereupon be vested
7 with jurisdiction to review the proceedings of the Department,
8 ~~provided that, if.~~

9 C. 1. If the Department prevails, the judgment of the district
10 court shall be that the decision of the Department be affirmed,~~and~~
11 ~~if.~~

12 2. If the licensee or applicant prevails in an appeal of a
13 decision under Section 407 of this title, ~~the judgment of the court~~
14 ~~shall be that~~ order the revocation to be set aside or the license to
15 be issued or renewed,~~as the case may be.~~

16 3. If a person prevails in an appeal of a decision under
17 Section 405.3 of this title, the court shall order that the person
18 be removed from the Restricted Registry. In addition, the court may
19 award any appropriate relief including but not limited to actual
20 damages, punitive damages, court costs, reasonable attorney fees, or
21 injunctive relief.

22 D. Pending the hearing of the appeal, the action of the
23 Department revoking or denying the license or the granting thereof
24 or recording the person on the Restricted Registry shall be stayed;

1 provided, after the filing of an appeal, the district court, upon
2 application by the Department and after an appropriate hearing, may
3 grant a restraining order to enforce the decision of the Department.

4 SECTION 2. This act shall become effective November 1, 2024.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 February 27, 2024 - DO PASS AS AMENDED BY CS
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