

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 706

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

6 and

7 Randleman, Talley, Lawson,
8 Caldwell (Chad), Hill,
9 Dobrinski, Cantrell,
10 Townley, Tedford, Stark,
11 and Hilbert of the House

12 CONFERENCE COMMITTEE SUBSTITUTE

13 An Act relating to termination of parental rights;
14 amending 10A O.S. 2021, Section 1-4-502, which
15 relates to jury trials; requiring court to issue
16 scheduling order within specified time period;
17 requiring commencement of trial within specified time
18 period; providing exceptions; providing an effective
19 date; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-502, is
22 amended to read as follows:

23 Section 1-4-502. A. A parent entitled to service of summons,
24 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~~ Upon a demand for a trial
12 by jury, the court shall issue a scheduling order within thirty (30)
13 days. A jury trial shall commence within (6) months of the issuance
14 of the scheduling order unless the court issues a written order with
15 findings of fact supporting a determination that there exists an
16 exceptional circumstance to support the delay or that the parties
17 and the guardian ad litem, if any, agree to such continuance. The
18 jury shall consist of six (6) persons. A party who requests a jury
19 trial and fails to appear in person for such trial, after proper
20 notice and without good cause, may be deemed by the court to have
21 waived the right to such jury trial, and the termination of parental
22 rights shall be by nonjury trial unless another party demands a jury
23 trial or the court determines on its own motion to try the case to a
24 jury.

1 SECTION 2. This act shall become effective July 1, 2023.

2 SECTION 3. It being immediately necessary for the preservation
3 of the public peace, health or safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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