

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1641

By: Weaver

AS INTRODUCED

An Act relating to child care; amending 10 O.S. 2021, Section 408, which relates to appeals; authorizing appeals of decisions pertaining to the Restricted Registry; broadening applicability of certain provisions; directing certain order and relief; authorizing certain civil actions; requiring award of appropriate relief; providing for codification; 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 individual 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 individual 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

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

3 B. The licensee ~~or~~, applicant, or individual shall, within
4 twenty (20) days of the filing of the appeal, file with the clerk of
5 such court a transcript of the proceedings held pursuant to Section
6 405.3 or 407 of this title. The district court shall thereupon be
7 vested with jurisdiction to review the proceedings of the
8 Department; ~~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 the revocation be set aside or the license issued or
15 renewed, as the case may be.

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

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

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 408.1 of Title 10, unless there
7 is created a duplication in numbering, reads as follows:

8 In addition to the remedies provided by Section 408 of Title 10
9 of the Oklahoma Statutes, an individual who has been recorded on the
10 Restricted Registry under Section 405.3 of Title 10 of the Oklahoma
11 Statutes may bring an action against the Department of Human
12 Services alleging a violation by the Department of state law
13 pertaining to the process of recording an individual on the
14 Restricted Registry including but not limited to subsection C of
15 Section 405.3 of Title 10 of the Oklahoma Statutes. The court shall
16 award any appropriate relief to a prevailing plaintiff including but
17 not limited to actual damages, punitive damages, court costs,
18 reasonable attorney fees, or injunctive relief.

19 SECTION 3. This act shall become effective November 1, 2024.
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