

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1473

By: Kirt

AS INTRODUCED

An Act relating to guardianships; amending Section 2, Chapter 183, O.S.L. 2023 (30 O.S. Supp. 2025, Section 31), which relates to definitions; updating statutory reference; modifying definitions; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 183, O.S.L. 2023 (30 O.S. Supp. 2025, Section 31), is amended to read as follows:

Section 31. A. As used in ~~this act~~ the Courtney Smith Act:

1. "General guardianship" means a relationship where a person has been appointed by a court to serve as the guardian of an incapacitated person to ensure that the essential requirements for the health and safety of the person are met, to manage the estate or financial resources of the person, or both;

2. "Gravely disabled" means a condition in which a person, because of a mental illness, is unable to provide for his or her basic personal needs for food, clothing, or shelter. Such condition

1 shall be considered an imminent danger to self when the criteria  
2 described in subsection B of this section are met;

3 3. "Inpatient mental health treatment" means a treatment  
4 service offered or provided for a continuous period of more than  
5 ~~twenty-four (24)~~ forty-eight (48) hours in residence after admission  
6 to a mental health or substance abuse treatment facility for the  
7 purpose of observation, evaluation, or treatment; and

8 4. "Ward" means a person over whom a guardian is appointed and  
9 a person over whose property a guardian or conservator is appointed.

10 B. A guardian who has general guardianship and who has obtained  
11 an order by a court for inpatient mental health treatment for the  
12 ward may apply for an order requiring either municipal or county  
13 officials to retrieve, only if in an unsheltered environment, and  
14 deliver the gravely disabled ward to an inpatient treatment  
15 facility, pursuant to Section 1-110 of Title 43A of the Oklahoma  
16 Statutes, when one of the following criteria is met:

17 1. The ward is unable to utilize the means available to provide  
18 for his or her basic personal needs regarding food, clothing, or  
19 shelter. Considerations that shall be made when making this  
20 evaluation shall include, but not be limited to, the following:

- 21 a. whether lab examinations reveal signs of malnutrition  
22 or dehydration,  
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- b. whether there is observed, documented behavior showing an inability to consume adequate amounts of food or water due to a mental illness,
- c. whether there is a history of public nudity or inadvertent exhibitionism which has been observed and documented and is due to a mental illness,
- d. the existence of physical evidence of exposure to the environment due to mental illness symptoms which prevent the ward from wearing adequate clothing,
- e. whether there is observed behavior and symptoms of a mental illness which prevent the ward from utilizing or obtaining adequate shelter,
- f. the existence of a repeated and recent history of failure to maintain adequate shelter in the community due to behaviors and symptoms of a mental illness, or
- g. evidence of a failure to maintain a shelter in a manner that is safe to live in, due to symptoms of a mental illness;

2. The ward is unable to voluntarily request and receive assistance for his or her basic personal needs; or

3. The ward is unable to survive safely without involuntary detention and does not have the help of family members, friends, or others to provide the ward's basic personal needs regarding food, clothing, or shelter.

1 C. No person shall be presumed to be incompetent because the  
2 person has been evaluated or treated for a mental illness,  
3 regardless of whether such evaluation or treatment was voluntarily  
4 or involuntarily received.

5 SECTION 2. This act shall become effective November 1, 2026.  
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