

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1660

By: Jett

6 AS INTRODUCED

7 An Act relating to the Oklahoma Children's Code;  
8 amending 10A O.S. 2021, Sections 1-4-201 and 1-4-203,  
9 which relate to child custody; imposing certain  
restrictions on specified custody orders; directing  
certain relief; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-201, is  
14 amended to read as follows:

15 Section 1-4-201. A. Pursuant to the provisions of this  
16 section, a child may be taken into custody prior to the filing of a  
17 petition:

18 1. By a peace officer or employee of the court, without a court  
19 order if the officer or employee has reasonable suspicion that:

20 a. the child is in need of immediate protection due to an  
21 imminent safety threat,

22 b. the circumstances or surroundings of the child are  
23 such that continuation in the child's home or in the  
24 care or custody of the parent, legal guardian, or

custodian would present an imminent safety threat to the child, or

- c. the child, including a child with a disability, is unable to communicate effectively about abuse, neglect or other safety threat or is in a vulnerable position due to the inability to communicate effectively and the child is in need of immediate protection due to an imminent safety threat; ~~or~~

2. By an order of the district court issued upon the application of the office of the district attorney. The application presented by the district attorney may be supported by a sworn affidavit which may be based upon information and belief. The application shall state facts sufficient to demonstrate to the court that a continuation of the child in the home or with the caretaker of the child is contrary to the child's welfare and there is reasonable suspicion that:

- a. the child is in need of immediate protection due to an imminent safety threat,
- b. the circumstances or surroundings of the child are such that continuation in the child's home or in the care or custody of the parent, legal guardian, or custodian would present an imminent safety threat to the child, or

- c. the child, including a child with a disability, is unable to communicate effectively about abuse, neglect or other safety threat or is in a vulnerable position due to the inability to communicate effectively and the child is in need of immediate protection due to an imminent safety threat.

The application and order may be verbal and upon being advised by the district attorney or the court of the verbal order, law enforcement shall act on such order. If verbal, the district attorney shall submit a written application and proposed order to the district court within one (1) judicial day from the issuance of the verbal order. Upon approval, the application and order shall be filed with the court clerk; or

3. By order of the district court when the child is in need of medical or behavioral health treatment in order to protect the health, safety, or welfare of the child and the parent, legal guardian, or custodian of the child is unwilling or unavailable to consent to such medical or behavioral health treatment or other action, the court shall specifically include in the emergency order authorization for such medical or behavioral health evaluation or treatment as it deems necessary.

An order described in this subsection shall not be issued at any time on a Saturday or Sunday or past 10:00 a.m. on a Friday, unless the judge who issues the order remains available by cell phone

representatives of the parent or legal guardian, and legislators.

B. 1. By January 1, 2010, the Department in consultation with law enforcement and the district courts shall develop and implement a system for joint response when a child is taken into protective custody by a peace officer pursuant to paragraph 1 of subsection A of this section. The system shall include:

- a. designation of persons to serve as contact points for peace officers, including at least one backup contact for each initial contact point,
- b. a protocol for conducting a safety evaluation at the scene where protective custody is assumed to determine whether the child faces an imminent safety threat and, if so, whether the child can be protected through placement with relatives or others without the Department assuming emergency custody,
- c. the development of reception centers for accepting protective custody of children from peace officers when the Department is unable to respond at the scene within a reasonable time period,
- d. a protocol for conducting a safety evaluation at the reception center within twenty-three (23) hours of the assumption of protective custody of a child to determine whether the child faces an imminent safety

threat and, if so, whether the child can be protected through placement with relatives or others without the Department assuming emergency custody, and

e. a protocol, when the child cannot safely be left in the home, for transporting a child to the home of a relative, kinship care home, an emergency foster care home, a shelter, or any other site at which the Department believes the child can be protected, provided that the Department shall utilize a shelter only when the home of a relative, kinship care home, or emergency foster care home is unavailable or inappropriate.

2. Beginning January 1, 2010, no child taken into protective custody under paragraph 1 of subsection A of this section shall be considered to be in the emergency custody of the Department until the Department has completed a safety evaluation and has concluded that the child faces an imminent safety threat and the court has issued an order for emergency custody.

3. If the safety evaluation performed by the Department of a child taken into protective custody under paragraph 1 of subsection A of this section indicates that the child does not face an imminent safety threat, the Department shall restore the child to the custody and control of the parent, legal guardian, or custodian of the child.

1       C. When an order issued by the district court pursuant to  
2 subsection A of this section places the child in the emergency  
3 custody of the Department of Human Services pending further hearing  
4 specified by Section 1-4-203 of this title, an employee of the  
5 Department may execute such order and physically take the child into  
6 custody in the following limited circumstance:

7           1. The child is located in a hospital, school, or day care  
8 facility; and

9           2. It is believed that assumption of the custody of the child  
10 from the facility can occur without risk to the child or the  
11 employee of the Department.

12 Otherwise, the order shall be executed and the child taken into  
13 custody by a peace officer or employee of the court.

14       D. The court shall not enter a prepetition emergency custody  
15 order removing a child from the home of the child unless the court  
16 makes a determination:

17           1. That an imminent safety threat exists and continuation in  
18 the home of the child is contrary to the welfare of the child; and

19           2. Whether reasonable efforts have been made to prevent the  
20 removal of the child from the child's home; or

21           3. An absence of efforts to prevent the removal of the child  
22 from the home of the child is reasonable because the removal is due  
23 to an emergency and is for the purpose of providing for the safety  
24 and welfare of the child.

1       E. Whenever a child is taken into custody pursuant to this  
2 section:

3       1. The child may be taken to a kinship care home or an  
4 emergency foster care home designated by the Department, or if no  
5 such home is available, to a children's shelter located within the  
6 county where protective or emergency custody is assumed or, if there  
7 is no children's shelter within the county, to a children's shelter  
8 designated by the court;

9       2. Unless otherwise provided by administrative order entered  
10 pursuant to subsection F of this section, the child may be taken  
11 before a judge of the district court or the court may be contacted  
12 verbally for the purpose of obtaining an order for emergency  
13 custody. The court may place the child in the emergency custody of  
14 the Department or some other suitable person or entity pending  
15 further hearing specified by Section 1-4-203 of this title;

16       3. The child may be taken directly to or retained in a health  
17 care facility for medical treatment, when the child is in need of  
18 emergency medical treatment to maintain the child's health, or as  
19 otherwise directed by the court; or

20       4. The child may be taken directly to or retained in a  
21 behavioral health treatment facility for evaluation or inpatient  
22 treatment, in accordance with the provisions of the Inpatient Mental  
23 Health and Substance Abuse Treatment of Minors Act, when the child  
24

1 is in need of behavioral health care to preserve the child's health,  
2 or as otherwise directed by the court; and

3       5. Unless otherwise provided by administrative order entered  
4 pursuant to subsection F of this section, the district court of the  
5 county where the custody is assumed shall be immediately notified,  
6 verbally or in writing, that the child has been taken into custody.

7 If notification is verbal, written notification shall be sent to the  
8 district court within one (1) judicial day of such verbal  
9 notification.

10      F. The court may provide, in an administrative order issued  
11 pursuant to this section, for the disposition of children taken into  
12 custody and notification of the assumption of such custody.

13       1. Such order or rule shall be consistent with the provisions  
14 of subsection E of this section and may include a process for  
15 release of a child prior to an emergency custody hearing. The  
16 administrative order shall not include a provision to modify  
17 protective custody of a child to emergency custody of the Department  
18 upon admission of a child to a shelter; and

19       2. The administrative order may require joint training of peace  
20 officers and Department staff deemed necessary by the court to carry  
21 out the provisions of the administrative order.

22      G. No child taken into custody pursuant to this section shall  
23 be confined in any jail, adult lockup, or adult or juvenile  
24 detention facility.

1       H. When a determination is made by the Department that there is  
2 a significant risk of abuse or neglect, but there is not an imminent  
3 safety threat to the child, the Department may recommend a court-  
4 supervised and Department-monitored in-home placement. The  
5 Department shall assist the family in obtaining the services  
6 necessary to maintain the in-home care and correct the conditions  
7 leading to the risk determination.

8       I. Any peace officer, employee of the court, or employee of the  
9 Department is authorized to transport a child when acting pursuant  
10 to this section. Such persons and any other person acting under the  
11 direction of the court, who in good faith transports any child or  
12 carries out duties pursuant to this section, shall be immune from  
13 civil or criminal liability that may result by reason of such act.  
14 For purposes of any proceedings, civil or criminal, the good faith  
15 of any such person shall be presumed. This provision shall not  
16 apply to damage or injury caused by the willful, wanton or gross  
17 negligence or misconduct of a person.

18       J. A parent or person responsible for the child who is arrested  
19 on a charge or warrant other than child abuse or neglect or an act  
20 of child endangerment may designate another person to take physical  
21 custody of the child. Upon this request, the peace officer may  
22 release the child to the physical custody of the designated person.

23       SECTION 2.       AMENDATORY       10A O.S. 2021, Section 1-4-203, is  
24 amended to read as follows:

1       Section 1-4-203. A. Within the next two (2) judicial days  
2 following the child being taken into protective or emergency  
3 custody, the court shall conduct an emergency custody hearing. At  
4 the hearing, information may be provided to the court in the form of  
5 oral or written reports, affidavits or testimony. Any information  
6 having probative value may be received by the court regardless of  
7 its admissibility under the Oklahoma Evidence Code. At the hearing  
8 the court shall:

9           1. Determine whether facts exist that are sufficient to  
10 demonstrate to the court there is reasonable suspicion that the  
11 child is in need of immediate protection due to abuse or neglect, or  
12 that the circumstances or surroundings of the child are such that  
13 continuation of the child in the child's home or in the care or  
14 custody of the parent, legal guardian, or custodian would present an  
15 imminent danger to the child;

16           2. Advise the parent, legal guardian, or custodian of the child  
17 in writing of the following:

- 18           a. any right of the parent, legal guardian, or custodian  
19                    to testify and present evidence at court hearings,
- 20           b. the right to be represented by an attorney at court  
21                    hearings,
- 22           c. the consequences of failure to attend any hearings  
23                    which may be held, and

- d. the right to appeal and procedure for appealing an order of the court;

3. Determine custody of the child and order one of the following:

- a. release of the child to the custody of the child's parent, legal guardian, or custodian from whom the child was removed under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or

b. placement of the child in the custody of a responsible adult or licensed child-placing agency under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or

- c. whether to continue the child in or to place the child into the emergency custody of the Department of Human Services;

4. Order the parent, legal guardian, or custodian to complete affidavit listing the names, addresses, and phone numbers of any relative, whether known or alleged, grandparent, aunt, uncle, brother, sister, half-sibling, and first cousin and any comments concerning appropriateness of the potential placement of the child with the relative. If no such relative exists, the court shall require the parent, legal guardian, or custodian to list any other relatives or

1 persons with whom the child has had a substantial relationship or  
2 who may be a suitable placement for the child;

3       5. Direct the parent, legal guardian, or custodian to furnish  
4 the Department with a copy of the child's birth certificate within  
5 fifteen (15) days from the hearing if a petition is filed, unless  
6 otherwise extended by the court; and

7       6. In accordance with the safety or well-being of any child,  
8 determine whether reasonable efforts have been made to:

9           a. place siblings, who have been removed, together in the  
10            same foster care, guardianship, or adoptive placement,  
11            and

12           b. provide for frequent visitation or other ongoing  
13            interaction in the case of siblings who have been  
14            removed and who are not placed together.

15       B. If the court orders the release of the child to the custody  
16 of the child's parent, legal guardian, or custodian from whom the  
17 child was removed, the court shall order the Department of Human  
18 Services to pay damages to the family equal to seven times the  
19 payment the Department is entitled to receive from the federal  
20 government for the care of the child, subject to any limitations  
21 prescribed by The Governmental Tort Claims Act.

22       C. The office of the State Court Administrator shall create an  
23 affidavit form and make it available to each court responsible for  
24 conducting emergency custody hearings. The affidavit form shall

contain a notice to the parent, legal guardian, or custodian that failure to identify a parent or relative in a timely manner may result in the child being permanently placed outside of the home of the child's parent or relative. The affidavit form shall also advise the parent, legal guardian, or custodian of the penalties associated with perjury and contempt of court. The original completed affidavit shall be filed with the court clerk no later than five (5) days after the hearing or as otherwise directed by the court and a copy shall be provided to the Department.

C. D. 1. The Department shall, within thirty (30) days of the removal of a child, exercise due diligence to identify relatives. Notice shall be provided by the Department to the following adult relatives: all grandparents, all parents of a sibling of the child, where the parent has legal custody of the sibling, and other adult relatives of the child, including relatives suggested by the parents, as the court directs. The notice shall advise the relatives:

- a. the child has been or is being removed from the custody of the parent or parents of the child,
- b. of the options under applicable law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice, and

1                   c. of the requirements to become a foster family home and  
2                   the additional services and supports available for  
3                   children placed in the home.

4                   2. Relatives shall not be notified if notification would not be  
5                   in the best interests of a child due to past or current family or  
6                   domestic violence. The Department may promulgate rules in  
7                   furtherance of the provisions of this subsection.

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

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