

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1760

By: Jett

6 AS INTRODUCED

7 An Act relating to family court; amending 10A O.S.
8 2021, Sections 1-4-601 and 1-4-706, which relate to
9 adjudication and dispositional hearings; requiring a
court to conduct a nonjury trial for a certain
determination; raising burden of proof; requiring
courts to ensure due process rights are respected;
modifying which evidence can be relied upon in
certain hearings; and providing an effective date.

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

14 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-601, is
15 amended to read as follows:

16 Section 1-4-601. A. The court shall hold an adjudication
17 hearing following the filing of a petition alleging that a child is
18 deprived. The hearing shall be held not more than ninety (90)
19 calendar days following the filing of the petition. The child and
20 the child's parents, guardian, or other legal custodian shall be
21 entitled to not less than twenty (20) days' prior notice of the
22 hearing.

23 B. 1. The child shall be released from emergency custody in
24 the event the adjudication hearing is delayed beyond ninety (90)

1 days from the date the petition is filed unless the court issues a
2 written order with findings of fact supporting a determination that:

3 a. there exists reasonable suspicion that the health,
4 safety, or welfare of the child would be in imminent
5 danger if the child were returned to the home, and
6 b. there exists either an exceptional circumstance to
7 support the continuance of the child in emergency
8 custody or the parties and the guardian ad litem, if
9 any, agree to such continuance.

10 2. If the adjudicatory hearing is delayed pursuant to this
11 subsection, the emergency custody order shall expire unless the
12 hearing on the merits of the petition is held within one hundred
13 eighty (180) days after the actual removal of the child.

14 C. The release of a child from emergency custody due to the
15 failure of an adjudication hearing being held within the time frame
16 prescribed by this section shall not deprive the court of
17 jurisdiction over the child and the parties or authority to enter
18 temporary orders the court deems necessary to provide for the
19 health, safety, and welfare of the child pending the hearing on the
20 petition.

21 D. At the adjudication hearing, if the court finds that it is
22 in the best interest of the child, the court shall ~~+~~

1 1. Accept a stipulation by the child's parent, guardian, or
2 other legal custodian that the facts alleged in the petition are
3 true and correct;
4 2. Accept a stipulation by the child's parent, guardian, or
5 other legal custodian that if the state presented its evidence
6 supporting the truth of the factual allegations in the petition to a
7 court of competent jurisdiction, such evidence would be sufficient
8 to meet the state's burden of proving by a preponderance of the
9 evidence that the factual allegations are true and correct; or
10 3. Conduct conduct a nonjury trial to determine whether the
11 state has met its burden of proving by a preponderance of the
12 evidence beyond a reasonable doubt that the factual allegations in
13 the petition are true and correct.

14 E. 1. A decision determining a child to be deprived in a
15 nonjury trial shall be based on sworn testimony and ensure that each
16 parent's due process rights have been fully respected.

17 2. The child, as a party to the proceeding, shall be given the
18 opportunity to cross-examine witnesses and to present a case in
19 chief if desired.

20 SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-4-706, is
21 amended to read as follows:

22 Section 1-4-706. A. 1. When a child has been adjudicated
23 deprived pursuant to the provisions of Section 1-4-603 of this
24 title, a dispositional hearing may be held on the same day as the

1 adjudication hearing, but in any event the hearing shall be held and
2 an order entered no later than forty (40) calendar days thereafter.
3 The dispositional hearing shall not be delayed absent a showing of
4 good cause and a finding by the court that the best interests of the
5 child will be served by granting the delay. The court shall set
6 forth the reasons why a delay is necessary and shall schedule the
7 hearing at the earliest possible time following the delay.

8 2. During the hearing all evidence, including oral and written
9 reports, relevant to the determination of the disposition best
10 serving the health, safety, and welfare of the child may be received
11 by the court and may be relied upon to the extent ~~of that~~ its
12 probative value ~~even though not otherwise competent in the hearing~~
13 ~~on the petition~~ outweighs its prejudicial effect. The parties shall
14 be afforded a reasonable opportunity to examine the written reports
15 prepared for the court's consideration prior to the dispositional
16 hearing and to controvert them. The hearing may be informal ~~and~~
17 ~~hearsay may be relied upon~~.

18 3. Any order concerning child support, visitation, or the legal
19 custody of the child entered in any other administrative or district
20 court proceeding shall be subject to modification by the juvenile
21 court during the pendency of the deprived action.

22 4. The court shall determine and order the individualized
23 service plan for the parties.

1 5. At the conclusion of the dispositional hearing, the court
2 shall schedule the dates and times for periodic review and
3 permanency hearings.

4 B. 1. If the child is removed from the custody of the child's
5 parent, the court or the Department of Human Services, as
6 applicable, shall immediately consider concurrent permanency
7 planning, and, when appropriate, develop a concurrent plan so that
8 permanency may occur at the earliest opportunity. Consideration
9 should be given so that if reunification fails or is delayed, the
10 placement made is the best available placement to provide permanency
11 for the child.

12 2. The court shall further:

- 13 a. establish an initial permanency plan for the child,
14 and
- 15 b. determine if aggravated circumstances exist pursuant
16 to Section 1-4-809 of this title and whether
17 reunification services are appropriate for the child
18 and the child's family.

19 3. When reunification with a parent or legal guardian is the
20 permanency plan and concurrent planning is indicated, the court
21 shall determine if efforts are being made to place the child in
22 accord with the concurrent permanency plan, including whether
23 appropriate in-state and out-of-state permanency placement options
24 have been identified and pursued.

1 4. Every effort shall be made to place the child with a
2 suitable relative of the child.

3 SECTION 3. This act shall become effective November 1, 2026.

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