

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2175

By: Jett

5 AS INTRODUCED

6 An Act relating to emergency custody of children;  
7 amending 10A O.S. 2021, Section 1-4-203, which  
8 relates to emergency custody hearings; clarifying  
9 when court must advise a parent, legal guardian, or  
custodian of certain rights; permitting continuance  
of hearing in certain circumstances; updating  
statutory language; and providing an effective date.

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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 1-4-203, is  
14 amended to read as follows:

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

23 1. Determine whether facts exist that are sufficient to  
24 demonstrate to the court there is reasonable suspicion that the

1 child is in need of immediate protection due to abuse or neglect, or  
2 that the circumstances or surroundings of the child are such that  
3 continuation of the child in the child's home or in the care or  
4 custody of the parent, legal guardian, or custodian would present an  
5 imminent danger to the child;

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

- 8 a. any right of the parent, legal guardian, or custodian  
9 to testify and present evidence at court hearings,
- 10 b. the right to be represented by an attorney at court  
11 hearings, including the emergency custody hearing  
12 required by this section,
- 13 c. the consequences of failure to attend any hearings  
14 which may be held, and
- 15 d. the right to appeal and procedure for appealing an  
16 order of the court;

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

- 19 a. release of the child to the custody of the child's  
20 parent, legal guardian, or custodian from whom the  
21 child was removed under any conditions the court finds  
22 reasonably necessary to protect the health, safety, or  
23 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 an affidavit listing the names, addresses, and phone numbers of any parent, whether known or alleged, grandparent, aunt, uncle, brother, sister, half-sibling, and first cousin and any comments concerning the 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 persons with whom the child has had a substantial relationship or who may be a suitable placement for the child;

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

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

1                   a. place siblings, who have been removed, together in the  
2                   same foster care, guardianship, or adoptive placement,  
3                   and  
4                   b. provide for frequent visitation or other ongoing  
5                   interaction in the case of siblings who have been  
6                   removed and who are not placed together.

7                   B. The parent, legal guardian, or custodian of the minor child

8                   may continue the emergency custody hearing for up to ten (10) days  
9                   to permit sufficient time to apply for indigent counsel, hire  
10                   counsel, or prepare rebuttal evidence.

11                   C. The office of the State Court Administrator Administrative  
12                   Director of the Courts shall create an affidavit form and make it  
13                   available to each court responsible for conducting emergency custody  
14                   hearings. The affidavit form shall contain a notice to the parent,  
15                   legal guardian, or custodian that failure to identify a parent or  
16                   relative in a timely manner may result in the child being  
17                   permanently placed outside of the home of the child's parent or  
18                   relative. The affidavit form shall also advise the parent, legal  
19                   guardian, or custodian of the penalties associated with perjury and  
20                   contempt of court. The original completed affidavit shall be filed  
21                   with the court clerk no later than five (5) days after the hearing  
22                   or as otherwise directed by the court and a copy shall be provided  
23                   to the Department.

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

- 9           a. the child has been or is being removed from the  
10            custody of the parent or parents of the child,
- 11           b. of the options under applicable law to participate in  
12            the care and placement of the child, including any  
13            options that may be lost by failing to respond to the  
14            notice, and
- 15           c. of the requirements to become a foster family home and  
16            the additional services and supports available for  
17            children placed in the home.

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

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