

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3483

By: Woolley

6 AS INTRODUCED

7 An Act relating to children; enacting the Protect
8 Families from Government Overreach Act; providing
9 purpose and intent; requiring the Department of Human
10 Services to restore physical custody of child or
11 children under certain circumstances; requiring the
12 Department to return all records; providing exception
13 if ongoing risk exists; directing the Department to
14 file emergency motion if imminent threat exists;
15 directing records to be expunged within timeframe;
16 directing the Department to submit report to the
17 Oklahoma Commission for Human Services; providing
that noncompliance may result in audits, civil
penalties, and sanctions; allowing for civil
remedies; providing that federal and state agencies
may conduct audits; providing that certain
circumstances may delay custody restoration;
authorizing court to order continued separation if
evidence of imminent danger exists; providing that
exceptions must be documented; directing court to
establish timelines for reassessment; providing for
codification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified

23 in the Oklahoma Statutes as Section 1-11-101 of Title 10A, unless
24 there is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Protect
2 Families from Government Overreach Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-11-102 of Title 10A, unless
5 there is created a duplication in numbering, reads as follows:

6 A. The purpose of this act is to safeguard the rights of legal
7 guardians and custodial parents of minor children by ensuring timely
8 restoration of custody and property when criminal charges are
9 resolved favorably. The act affirms the constitutional principles
10 of due process and familial association under the Fourteenth
11 Amendment of the United States Constitution and aims to address
12 potential overreach by child welfare agencies.

13 B. This act is designed to:

14 1. Protect familial integrity by minimizing emotional and
15 psychological harm caused by unnecessary separation, consistent with
16 Section 1-1-102 of Title 10A of the Oklahoma Statutes, which
17 emphasizes the child's best interests;

18 2. Ensure accountability by setting clear deadlines and
19 consequences for agency noncompliance and promoting transparency and
20 adherence to due process;

21 3. Balance safety and rights by allowing exceptions when child
22 safety concerns exist, as defined in Section 1-4-904 of Title 10A of
23 the Oklahoma Statutes; and

1 4. Guarantee that all persons shall be treated as innocent
2 until proven guilty in a court of law and that, if not guilty, all
3 rights and liberty shall be restored.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1-11-103 of Title 10A, unless
6 there is created a duplication in numbering, reads as follows:

7 A. Pursuant to Section 1-4-704 of Title 10A of the Oklahoma
8 Statutes, when all criminal charges against a parent or guardian are
9 dismissed, dropped, or result in a not guilty verdict under Title 21
10 of the Oklahoma Statutes, the Department of Human Services,
11 including Child Protective Services, shall:

12 1. Restore physical custody of the child or children to the
13 parent or guardian within seventy-two (72) hours; and

14 2. Return all personal property, records, and documentation
15 taken during the removal process. Reunification efforts shall
16 adhere to the principles set forth in Section 1-4-704 of Title 10A
17 of the Oklahoma Statutes, ensuring prompt and safe reunification
18 tailored to the family's needs.

19 B. If the Department identifies ongoing risks to the child,
20 despite the resolution of criminal charges, the agency must:

21 1. File an emergency motion, pursuant to Section 1-4-807.1 of
22 Title 10A of the Oklahoma Statutes, and provide clear and convincing
23 evidence that reunification poses an imminent threat; and

1 2. Obtain a court order supporting continued separation within
2 seventy-two (72) hours.

3 C. Pursuant to the Fourteenth Amendment of the United States
4 Constitution, the Department shall, when determining whether to
5 separate or reunite families, take into consideration the
6 constitutionally protected right of intimate association.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-11-104 of Title 10A, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Pursuant to Section 18 of Title 22 of the Oklahoma Statutes,
11 all Department of Human Services and Child Protective Services
12 records related to investigations, removal, and adjudication
13 connected to dismissed criminal charges shall be expunged within
14 seventy-two (72) hours of resolution. Expunged records shall
15 include all formats, in compliance with Section 19 of Title 22 of
16 the Oklahoma Statutes, which requires treating records as though
17 they never existed.

18 B. The Department shall submit reports to the Oklahoma
19 Commission for Human Services confirming expungement compliance.
20 Noncompliance may result in state audits, civil penalties, or
21 administrative sanctions.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-11-105 of Title 10A, unless
24 there is created a duplication in numbering, reads as follows:

1 A. Aggrieved individuals may seek damages for violations of due
2 process or constitutional rights, pursuant to 42 U.S.C., Section
3 1983.

4 B. Federal and state agencies may conduct audits which may
5 impact the Department funding for systemic violations.

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-11-106 of Title 10A, unless
8 there is created a duplication in numbering, reads as follows:

9 A. Ongoing investigations unrelated to resolved criminal
10 charges, pursuant to Section 1-4-704 of Title 10A of the Oklahoma
11 Statutes, may delay custody restoration. If proven in an emergency
12 hearing that clear and convincing evidence of imminent danger
13 exists, the court may order continued separation, pursuant to
14 Section 1-4-904 of Title 10A of the Oklahoma Statutes.

15 B. Exceptions shall be documented with findings of fact and
16 conclusions of law.

17 C. The court shall establish timelines for reassessment.

18 SECTION 7. This act shall become effective November 1, 2026.

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