

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1753

By: Jett

AS INTRODUCED

An Act relating to emergency custody of children;
amending 10A O.S. 2021, Section 1-4-203, which
relates to emergency custody hearings; modifying
burden of proof for certain court finding; updating
statutory language; and providing an effective date.

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

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

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

1. Determine whether facts exist that are sufficient to
demonstrate to the court ~~there is reasonable suspicion that~~, under a

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

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

- 9 a. any right of the parent, legal guardian, or custodian
10 to testify and present evidence at court hearings,
11 b. the right to be represented by an attorney at court
12 hearings,
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~~

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

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

9 4. Order the parent, legal guardian, or custodian to complete
10 an affidavit listing the names, addresses, and phone numbers of any
11 parent, whether known or alleged, grandparent, aunt, uncle, brother,
12 sister, half-sibling, and first cousin and any comments concerning
13 the appropriateness of the potential placement of the child with the
14 relative. If no such relative exists, the court shall require the
15 parent, legal guardian, or custodian to list any other relatives or
16 persons with whom the child has had a substantial relationship or
17 who may be a suitable placement for the child;

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

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

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

B. The office of the ~~State Court Administrator~~ Administrative Director of the Courts shall create an affidavit form and make it available to each court responsible for 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. 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

1 relatives of the child, including relatives suggested by the
2 parents, as the court directs. The notice shall advise the
3 relatives:

4 a. the child has been or is being removed from the
5 custody of the parent or parents of the child,

6 b. of the options under applicable law to participate in
7 the care and placement of the child, including any
8 options that may be lost by failing to respond to the
9 notice, and

10 c. of the requirements to become a foster family home and
11 the additional services and supports available for
12 children placed in the home.

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

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

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