

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1774

By: Frix

6 AS INTRODUCED

7 An Act relating to child custody; amending 10A O.S.
8 2021, Section 1-2-105, which relates to
9 investigations of child abuse or neglect; authorizing
district courts to place a child in temporary
emergency custody in certain circumstance; and
providing an effective date.

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

12 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-2-105, is
13 amended to read as follows:

14 Section 1-2-105. A. 1. Any county office of the Department of
Human Services receiving a child abuse or neglect report shall
promptly respond to the report by initiating an investigation of the
report or an assessment of the family in accordance with priority
guidelines established by the Department. The Department may
prioritize reports of alleged child abuse or neglect based on the
severity and immediacy of the alleged harm to the child. The
Department shall adopt a priority system pursuant to rules
promulgated by the Department. The primary purpose of the
investigation or assessment shall be the protection of the child.

1 For investigations or assessments, the Department shall give special
2 consideration to the risks of any minor, including a child with a
3 disability, who is unable to communicate effectively about abuse,
4 neglect or other safety threat or who is in a vulnerable position
5 due to the inability to communicate effectively.

6 2. If an investigation or assessment conducted by the
7 Department in response to any report of child abuse or neglect shows
8 that the incident reported was the result of the reasonable exercise
9 of parental discipline involving the use of ordinary force,
10 including, but not limited to, spanking, switching, or paddling, the
11 investigation or assessment will proceed no further and all records
12 regarding the incident shall be expunged.

13 B. 1. The investigation or assessment shall include a visit to
14 the home of the child, unless there is reason to believe that there
15 is an extreme safety risk to the child or worker or it appears that
16 the referral has been made in bad faith. The visit shall include an
17 interview with and examination of the subject child and may be
18 conducted at any reasonable time and at any place including, but not
19 limited to, the child's school. The Department shall notify the
20 person responsible for the health, safety, and welfare of the child
21 that the child has been interviewed at a school. The investigation
22 or assessment may include an interview with the parents of the child
23 or any other person responsible for the health, safety, or welfare
24 of the child and an interview with and examination of any child in

1 the home. If a parent refuses to cooperate with the Department in
2 its investigation, the Department shall immediately notify the
3 district attorney's office of the refusal and a district court may
4 order the child to be placed in temporary emergency custody for up
5 to seventy-two (72) hours while the investigation is being
6 conducted.

7 2. The investigation or assessment may include a medical,
8 psychological, or psychiatric examination of any child in the home,
9 and may include an interview conducted by appropriate personnel
10 using the protocols and procedures specified in Section 1-9-102 of
11 this title. If admission to the home, school, or any place where
12 the child may be located cannot be obtained, then the district court
13 having jurisdiction, upon application by the district attorney and
14 upon cause shown, shall order the person responsible for the health,
15 safety, or welfare of the child, or the person in charge of any
16 place where the child may be located, to allow entrance for the
17 interview, the examination, and the investigation or assessment.
18 The court may order that the child be transported to a location
19 approved by the court for the interview or examination and designate
20 an appropriate person or persons to transport the child. Such
21 persons may include but are not limited to: a relative of the
22 child; a person responsible for the child's health, safety, or
23 welfare; law enforcement personnel; employees of the Department of
24 Human Services; or employees of the Office of Juvenile Affairs if

1 the child is in the custody of the Office of Juvenile Affairs. When
2 making this determination, the court shall consider safety protocols
3 based on the gender of the child. If the person responsible for the
4 health, safety, or welfare of the child does not consent to a
5 medical, psychological, or psychiatric examination of the child that
6 is requested by the Department, the district court having
7 jurisdiction, upon application by the district attorney and upon
8 cause shown, shall order the examination to be made at the times and
9 places designated by the court.

10 3. The investigation or assessment may include an inquiry into
11 the possibility that the child or a person responsible for the
12 health, safety, or welfare of the child has a history of mental
13 illness. If the person responsible for the child's health, safety,
14 or welfare does not allow the Department to have access to
15 behavioral health records or treatment plans requested by the
16 Department, which may be relevant to the alleged abuse or neglect,
17 the district court having jurisdiction, upon application by the
18 district attorney and upon good cause shown, shall by order allow
19 the Department to have access to the records pursuant to terms and
20 conditions prescribed by the court.

21 4. a. If the court determines that the subject of the
22 behavioral health records is indigent, the court shall
23 appoint an attorney to represent that person at the
24 hearing to obtain behavioral health records.

1 b. A person responsible for the health, safety, or
2 welfare of the child is entitled to notice and a
3 hearing when the Department seeks a court order to
4 allow a psychological or psychiatric examination or
5 access to behavioral health records.

6 c. Access to behavioral health records does not
7 constitute a waiver of confidentiality.

8 5. The investigation of a report of sexual abuse or serious
9 physical abuse or both sexual abuse and serious physical abuse shall
10 be conducted, when appropriate and possible, using a
11 multidisciplinary team approach as provided by Section 1-9-102 of
12 this title. Law enforcement and the Department shall exchange
13 investigation information.

14 6. The investigation or assessment shall include an inquiry
15 into whether the person responsible for the health, safety or
16 welfare of the child is an active duty service member of the
17 military or the spouse of an active duty service member. The
18 Department shall collect and report information related to the
19 military affiliation of the person or spouse responsible for the
20 health, safety or welfare of the child to the designated federal
21 authorities at the federal military installation where the service
22 member is assigned as provided by paragraph 4 of subsection A of
23 Section 1-2-102 of this title.

C. 1. Every physician, surgeon, or other health care provider making a report of abuse or neglect as required by this section or examining a child to determine the likelihood of abuse or neglect and every hospital or related institution in which the child was examined or treated shall provide copies of the results of the examination or copies of the examination on which the report was based and any other clinical notes, x-rays, photographs, and other previous or current records relevant to the case to law enforcement officers conducting a criminal investigation into the case and to employees of the Department conducting an assessment or investigation of alleged abuse or neglect in the case.

2. As necessary in the course of conducting an assessment or investigation, the Department may request and obtain, without a court order, copies of all prior medical records of a child including, but not limited to, hospital records, medical, and dental records. The physician-patient privilege shall not constitute grounds for failure to produce such records.

D. 1. The Department shall engage in a collaborative decision-making process to address each child's needs related to safety and whether the child's condition warrants a safety intervention including but not limited to a change in placement, and:

- a. those involved in the collaborative decision-making process shall include at a minimum appropriate

Department staff, the parents of the child and, if the parent requests, an advocate or representative,

- b. to protect the safety of those involved and to promote efficiency, the Department may limit participants as determined to be in the best interests of the child,
- c. the Department shall make reasonable efforts to provide a trained facilitator to guide the decision-making process, and
- d. any determination that a collaborative decision-making process is not possible or is unnecessary shall require supervisor approval and documentation of the reasons supporting the determination.

2. If, before the assessment or investigation is complete, the

Department determines that immediate removal of the child is

necessary to protect the child from further abuse or neglect, the

Department shall recommend that the child be taken into custody and,

if feasible, utilize the collaborative decision-making process

provided by paragraph 1 of this subsection prior to the emergency.

custody hearing

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E. The Department shall make a complete written report of the

investigation. The investigation report, together with its

recommendations, shall be submitted to the appropriate district

attorney's office. Reports of assessment recommendations shall be

submitted to appropriate district attorneys.

1 F. The Department, where appropriate and in its discretion,
2 shall identify prevention- and intervention-related services
3 available in the community and refer the family to or arrange for
4 such services when an investigation or assessment indicates the
5 family would benefit from such services, or the Department may
6 provide such services directly. The Department shall document in
7 the record its attempts to provide, refer or arrange for the
8 provision of voluntary services and shall determine within sixty
9 (60) days whether the family has accessed those services directly
10 related to safety of the child. If the family refuses voluntary
11 services or does not access those services directly related to
12 safety of the child, and it is determined by the Department that the
13 child's surroundings endanger the health, safety, or welfare of the
14 child, the Department may recommend that the child be placed in
15 protective or emergency custody or that a petition be filed.

16 G. If the Department has reason to believe that a person
17 responsible for the health, safety, and welfare of the child may
18 remove the child from the state before the investigation is
19 completed, the Department may request the district attorney to file
20 an application for a temporary restraining order in any district
21 court in the State of Oklahoma without regard to continuing
22 jurisdiction of the child. Upon cause shown, the court may enter a
23 temporary restraining order prohibiting the parent or other person
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1 from removing the child from the state pending completion of the
2 assessment or investigation.

3 H. The Director of the Department or designee may request an
4 investigation be conducted by the Oklahoma State Bureau of
5 Investigation or other law enforcement agency in cases where it
6 reasonably believes that criminally injurious conduct including, but
7 not limited to, physical or sexual abuse of a child has occurred.

8 I. Child Welfare Services, in collaboration with the
9 Developmental Disabilities Services Division, shall implement a
10 protocol to be used in cases where the subject child is a child with
11 a disability who has complex medical needs, and the protocol shall
12 include, but not be limited to: resource coordination, medical
13 consultation or medical evaluation, when needed.

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

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