An Act

ENROLLED HOUSE
BILL NO. 2585

By: Peterson, Kern, Pittman and Derby of the House

and

Paddack and Ivester of the Senate

An Act relating to children; permitting application for emergency hearing in deprived child cases; directing court to conduct hearing; providing hearing before presiding judge; authorizing court to issue emergency order; requiring court assess certain costs, fees and expenses in certain circumstances; requiring payment within certain time; providing punishment for failure to comply; providing for codification; and providing an effective date.

SUBJECT: Deprived child proceedings

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-4-807.1 of Title 10A, unless there is created a duplication in numbering, reads as follows:

A. Once a child is the subject of a deprived child proceeding, any party may file a verified application for an emergency hearing that demonstrates harm or threatened harm to the health, safety or welfare of that child. Upon receipt of the application for emergency hearing, the court shall have seventy-two (72) hours to conduct a hearing. If the court fails to conduct a hearing within that time, the movant may present the application for emergency hearing to the presiding judge or the presiding juvenile judge of the judicial district who shall conduct an emergency hearing within twenty-four (24) hours of receipt of the application.

B. Nothing in this section shall prohibit a court from issuing an emergency order sua sponte to protect the health, safety and welfare of a child subject to a deprived child proceeding in juvenile court pending hearing on the application.

C. If the court finds that any relevant information provided to the court upon which the court relied to make its emergency order decision to be false, the court shall assess against the movant all costs, attorney fees and other expenses incurred as a result of the emergency hearing. The movant shall pay all such costs, fees and expenses within thirty (30) days. Failure to make this payment shall be grounds for contempt, punishable by six (6) months in the county jail, a fine not to exceed One Thousand Dollars ($1,000.00), or by both imprisonment and fine.

SECTION 2. This act shall become effective November 1, 2014.

Passed the House of Representatives the 13th day of March, 2014.

Presiding Officer of the House
of Representatives

Passed the Senate the 16th day of April, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 21st
day of April, 20 14, at 5:40 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 25th
day of April, 20 14, at 9:49 o'clock A M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 25th
day of April, 20 14, at 1:50 o'clock P. M.
By: Chris Benge