# An Act

ENROLLED SENATE
BILL NO. 706

By: Pederson, Rader, Stephens, and Howard of the Senate

and

Randleman, Talley, Lawson, Caldwell (Chad), Hill, Dobrinski, Cantrell, Townley, Tedford, Stark, and Hilbert of the House

An Act relating to termination of parental rights; amending 10A O.S. 2021, Section 1-4-502, which relates to jury trials; requiring court to issue scheduling order within specified time period; requiring commencement of trial within specified time period; providing exceptions; providing an effective date; and declaring an emergency.

SUBJECT: Termination of parental rights

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-502, is amended to read as follows:

Section 1-4-502. A. A parent entitled to service of summons, the state or a child shall have the right to demand a trial by jury on the sole issue of termination of parental rights only in the following circumstances:

1. When the initial petition to determine if a child is deprived also contains a request for termination of parental rights in which case the court shall determine if the child should be adjudicated deprived and, if so, the jury shall determine if parental rights should be terminated; or

2. When, following a hearing in which the child is adjudicated deprived, a request for termination of parental rights is filed by the state or the child.

B. The demand for a jury trial shall be granted unless waived, or the court on its own motion may call a jury to try any termination of parental rights case. ~~Such~~ Upon a demand for a trial by jury, the court shall issue a scheduling order within thirty (30) days. A jury trial shall commence within (6) months of the issuance of the scheduling order unless the court issues a written order with findings of fact supporting a determination that there exists an exceptional circumstance to support the delay or that the parties and the guardian ad litem, if any, agree to such continuance. The jury shall consist of six (6) persons. A party who requests a jury trial and fails to appear in person for such trial, after proper notice and without good cause, may be deemed by the court to have waived the right to such jury trial, and the termination of parental rights shall be by nonjury trial unless another party demands a jury trial or the court determines on its own motion to try the case to a jury.

SECTION 2. This act shall become effective July 1, 2023.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 25th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2023.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th day of May, 2023, at 10:25 o'clock a. M.

By: [signature]

Approved by the Governor of the State of Oklahoma this 7th day of June, 2023, at 4:06 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th day of June, 2023, at 5:15 o'clock P. M.

By: [signature]