

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1778

By: Williams

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2021,
8 Sections 1-4-306, as amended by Section 1, Chapter
9 34. O.S.L. 2022 (10A O.S. Supp. 2022, Section 1-4-
10 306), 1-4-502, 1-4-704, and 1-4-811, which relate to
11 the Oklahoma Children's Code; requiring court to make
12 finding; providing procedures to demand jury trial;
13 providing that jury trial is waived in certain
14 circumstances; requiring permanency hearing
15 procedures; providing factors the court shall take
16 into consideration; providing that certain factors
17 exist for reunification; amending 12 O.S. 2021,
18 Section 591, which relates to jury trials; providing
19 when jury trial may be waived; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-306, as
23 amended by Section 1, Chapter 34, O.S.L. 2022 (10A O.S. Supp. 2022,
24 Section 1-4-306) is amended to read as follows:

Section 1-4-306.

A. 1. a. If a parent or legal guardian of the child requests an
attorney and is found to be indigent, counsel may be
appointed by the court at the emergency custody

1 hearing and shall be appointed if a petition has been
2 filed alleging that the child is a deprived child;
3 provided, that the court may appoint counsel without
4 such request if it deems representation by counsel
5 necessary to protect the interest of the parent, legal
6 guardian, or custodian.

7 b. The court shall not be required to appoint an attorney
8 for any person other than a parent or legal guardian
9 of the child pursuant to the provisions of this
10 paragraph.

11 2. a. The court may appoint an attorney or a guardian ad
12 litem for the child when an emergency custody hearing
13 is held; provided, that when a petition is filed
14 alleging the child to be deprived, the court shall
15 appoint a separate attorney for the child, who shall
16 not be a district attorney, regardless of any
17 attempted waiver by the parent, legal guardian or
18 custodian of the child of the right of the child to be
19 represented by counsel. The child's attorney shall be
20 independent of and not selected by the district
21 attorney, the child's parent, legal guardian, or
22 custodian. If financially capable, the parent, legal
23 guardian or custodian shall reimburse the Court Fund
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1 for the services of a court-appointed attorney for the
2 child.

3 b. The attorney appointed for the child shall make
4 arrangements to meet with the child as soon as
5 possible after receiving notification of the
6 appointment. Except for good cause shown, the
7 attorney shall meet with the child prior to any
8 hearing in such proceeding. The attorney may speak
9 with the child over the telephone if a personal visit
10 is not possible due to exigent circumstances. If a
11 meaningful attorney-client relationship between the
12 child and the attorney is prohibited due to age or
13 disability of the child, the attorney shall contact
14 the custodian or caretaker of the child prior to the
15 hearing.

16 c. The attorney shall represent the child and any
17 expressed interests of the child. To the extent that
18 a child is unable to express an interest, either
19 because the child is preverbal, very young or for any
20 reason is incapable of judgment and meaningful
21 communication, the attorney shall substitute his or
22 her judgment for that of the child and formulate and
23 present a position which serves the best interests of
24 the child. Such formulation must be accomplished

1 through the use of objective criteria rather than
2 solely the life experience or instinct of the
3 attorney. The objective criteria shall include, but
4 not be limited to:

- 5 (1) a determination of the circumstances of the child
6 through a full and efficient investigation,
- 7 (2) assessment of the child at the moment of the
8 determination,
- 9 (3) examination of all options in light of the
10 permanency plans available to the child, and
- 11 (4) utilization of medical, mental health and
12 educational professionals, social workers and
13 other related experts.

14 The attorney shall make such further inquiry as the attorney
15 deems necessary to ascertain the facts, to interview witnesses,
16 examine and cross-examine witnesses, make recommendations to the
17 court and participate further in the proceedings to the degree
18 appropriate for adequately representing the interests of the child.
19 A child is a party to all deprived proceedings and is therefore able
20 to participate as fully as the parents and the district attorney in
21 all aspects of the proceedings including, but not limited to, voir
22 dire, cross-examination, the subpoena of witnesses, and opening and
23 closing statements.

1 3. At each hearing, the court shall make a finding whether the
2 attorney appointed for the child has complied with the requirements
3 of paragraph 2 of this subsection and record the finding in the
4 uniform order described in Section 1-4-503 of this title.

5 ~~3.~~ 4. The attorney shall be allowed a reasonable fee for such
6 services as determined by the court.

7 ~~4.~~ 5. When an attorney is required to travel to more than one
8 district court location in order to represent a parent, a child, or
9 children whom the attorney has been court-appointed to represent,
10 the court may in its discretion allow the attorney a reasonable
11 reimbursement for mileage.

12 ~~5.~~ 6. The court shall ensure that the child is represented by
13 independent counsel throughout the pendency of the deprived action.

14 B. 1. After a petition is filed, the court shall appoint a
15 guardian ad litem upon the request of the child or the attorney of
16 the child, and may appoint a guardian ad litem sua sponte or upon
17 the request of the Department of Human Services, a licensed child-
18 placing agency, or another party to the action.

19 2. A guardian ad litem shall not be a district attorney, an
20 employee of the office of the district attorney, the child's
21 attorney, an employee of the court, an employee of a juvenile
22 bureau, or an employee of any public agency having duties or
23 responsibilities towards the child.

1 3. The guardian ad litem shall be appointed to objectively
2 advocate on behalf of the child and act as an officer of the court
3 to investigate all matters concerning the best interests of the
4 child. In addition to other duties required by the court and as
5 specified by the court, a guardian ad litem shall have the following
6 responsibilities:

- 7 a. review documents, reports, records and other
8 information relevant to the case, meet with and
9 observe the child in appropriate settings, including
10 the child's current placement, and interview parents,
11 foster parents, health care providers, child
12 protective services workers and any other person with
13 knowledge relevant to the case,
- 14 b. advocate for the best interests of the child by
15 participating in the case, attending any hearings in
16 the matter and advocating for appropriate services for
17 the child when necessary,
- 18 c. monitor the best interests of the child throughout any
19 judicial proceeding, and
- 20 d. present written reports on the best interests of the
21 child that include conclusions and recommendations and
22 the facts upon which they are based.

23 4. The guardian ad litem shall be given access to the court
24 files and agency files and access to all documents, reports, records

1 and other information relevant to the case and to any records and
2 reports of examination of the child's parent or other custodian,
3 made pursuant to the laws relating to child abuse and neglect
4 including reports generated by service providers.

5 5. The Oklahoma Bar Association shall develop a standard
6 operating manual for guardians ad litem which shall include, but not
7 be limited to, legal obligations and responsibilities, information
8 concerning child abuse, child development, domestic abuse, sexual
9 abuse, and parent and child behavioral health and management
10 including best practices. After publication of the manual, all
11 guardians ad litem shall certify to the court in which he or she is
12 appointed as a guardian ad litem that the manual has been read and
13 all provisions contained therein are understood. The guardian ad
14 litem shall also certify that he or she agrees to follow the best
15 practices described within the standard operating manual. The
16 Administrative Office of the Courts shall provide public access to
17 the standard operating manual by providing a link to the manual on
18 the Oklahoma State Courts Network (OSCN) website.

19 C. 1. Whenever a court-appointed special advocate program is
20 available to the court to serve as a guardian ad litem, priority may
21 be given to appointment of the court-appointed special advocate to
22 serve as guardian ad litem for the child regardless of whether a
23 guardian ad litem has been requested pursuant to the provisions of
24 this subsection.

1 2. For purposes of the Oklahoma Children's Code, a "court-
2 appointed special advocate" and a "guardian ad litem" shall have the
3 same function except as otherwise provided by law. In like manner,
4 a court-appointed special advocate, except as specifically otherwise
5 provided by law or by the court, shall have the same power, duties,
6 and responsibilities as assigned to a guardian ad litem by law and
7 shall have such other qualifications, duties, and responsibilities
8 as may be prescribed by rule by the Supreme Court.

9 3. A court-appointed special advocate shall serve without
10 compensation.

11 SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-4-502, is
12 amended to read as follows:

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

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

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

1 B. The demand for a jury trial shall be granted unless waived,
2 ~~or the court on its own motion may call a jury to try any~~
3 ~~termination of parental rights case.~~ The demand shall be in writing
4 and filed with the court no later than fifteen (15) days after being
5 served the notice described in subsection A of Section 1-4-905 of
6 this title. Such jury shall consist of six (6) persons. A party
7 who ~~requests a jury trial and~~ fails to file a written jury demand
8 within the prescribed time or who fails to appear in person for such
9 trial, ~~after proper notice and without good cause,~~ may shall be
10 deemed by the court to have waived the right to such jury trial, and
11 the termination of parental rights shall be by nonjury trial unless
12 another party demands a jury trial or the court determines on its
13 own motion to try the case to a jury.

14 SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-4-704, is
15 amended to read as follows:

16 Section 1-4-704. A. The Department of Human Services or
17 licensed child-placing agency shall prepare and maintain a written
18 individualized service plan for any child that has been adjudicated
19 to be a deprived child.

20 B. The plan shall be furnished to the court within thirty (30)
21 days after the adjudication of the child and shall be made available
22 to counsel for the parties and any applicable tribe by the
23 Department or the licensed child-placing agency having custody of
24 the child or responsibility for the supervision of the case.

1 C. 1. The individualized service plan shall be based upon a
2 comprehensive assessment and evaluation of the child and family and
3 shall be developed with the participation of the parent, legal
4 guardian, or legal custodian of the child, the attorney for the
5 child, the guardian ad litem for the child, if any, the child's
6 tribe, and the child, if appropriate. The health and safety of the
7 child shall be the paramount concern in the development of the plan.

8 2. If any part of the plan is disputed or not approved by the
9 court, an evidentiary hearing may be held and at its conclusion, the
10 court shall determine the content of the individualized service plan
11 in accord with the evidence presented and the best interests of the
12 child.

13 3. When approved by the court, each individualized service plan
14 shall be incorporated and made a part of the dispositional order of
15 the court.

16 4. The plan shall be signed by:

- 17 a. the parent or parents or legal guardian of the child,
- 18 b. the attorney for the parent or parents or legal
19 guardian of the child,
- 20 c. the child's attorney,
- 21 d. the guardian ad litem of the child, which may be a
22 court-appointed special advocate,
- 23 e. a representative of the child's tribe,
- 24 f. the child, if possible, and

1 g. the Department or other responsible agency.

2 D. 1. Every service plan prepared shall be individualized and
3 specific to each child and the family of the child and shall require
4 consideration of each child's and family's circumstances, including,
5 but not limited to, the parent's work schedule, mode of
6 transportation, and distance from the parent's place of living and
7 place of work to service providers.

8 2. The individualized service plan shall be written in simple
9 and clear English. If English is not the principal language of the
10 parent, legal guardian, or custodian of the child, and such person
11 is unable to read or comprehend the English language, to the extent
12 possible the plan shall be written in the principal language of the
13 person.

14 3. The individualized service plan may be modified based on
15 changing circumstances consistent with the correction of the
16 conditions that led to the adjudication of the child or other
17 conditions inconsistent with the health, safety, or welfare of the
18 child.

19 4. The individualized service plan shall be measurable,
20 realistic and consistent with the requirements of other court
21 orders.

22 E. The individualized service plan shall include, but not be
23 limited to:

1 1. A history of the child and family, including identification
2 of the problems or conditions leading to the deprived child
3 adjudication and the changes the parent or parents must make in
4 order for the child to safely remain in or return to the home;

5 2. Identification of time-limited reunification services to be
6 provided to the parent, legal guardian, or legal custodian,
7 stepparent, other adult person living in the home, or other family
8 members;

9 3. Identification of the specific services to be provided to
10 the child including, but not limited to, educational, vocational
11 educational, medical, drug or alcohol abuse treatment, or counseling
12 or other treatment services. The most recent available health and
13 educational records of the child shall be provided to the court upon
14 the court's request including:

- 15 a. the names and addresses of the child's health and
- 16 educational providers,
- 17 b. the child's grade-level performance,
- 18 c. the child's school record,
- 19 d. a record of the child's immunizations,
- 20 e. the child's known medical problems, including any
- 21 known communicable diseases,
- 22 f. the child's medications, and
- 23 g. any other relevant health and education information;

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1 4. A schedule of the frequency of services and the means by
2 which delivery of the services will be assured or, as necessary, the
3 proposed means by which support services or other assistance will be
4 provided to enable the parent or the child to obtain the services;

5 5. The name of the social worker assigned to the case;

6 6. A projected date for the completion of the individualized
7 service plan;

8 7. Performance criteria that will measure the progress of the
9 child and family toward completion of the individualized service
10 plan including, but not limited to, time frames for achieving
11 objectives and addressing the identified problems;

12 8. The name and business address of the attorney representing
13 the child;

14 9. If the child is placed outside the home, the individualized
15 service plan shall further provide:

16 a. the sequence and time frame for services to be
17 provided to the parent, the child, and if the child is
18 placed in foster care, the foster parent, to
19 facilitate the child's return home or to another
20 permanent placement,

21 b. a description of the child's placement and explanation
22 about whether it is the least-restrictive placement
23 available and in as close proximity as possible to the
24 home of the parent or parents or legal guardian of the

1 child when the case plan is reunification, and how the
2 placement is consistent with the best interests and
3 special needs of the child,

4 c. a description of any services or resources that were
5 requested by the child or the parent or legal guardian
6 of the child since the date of the child's placement,
7 and whether those services or resources were provided
8 and if not, the basis for the denial of the services
9 or resources,

10 d. efforts to be made by the parent of the child and the
11 Department to enable the child to return to his or her
12 home,

13 e. a description of the transition planning for a
14 successful adulthood for a child age fourteen (14) or
15 older that includes how the following objectives will
16 be met:

17 (1) education, vocational, or employment planning,

18 (2) health care planning and medical coverage,

19 (3) transportation including, where appropriate,

20 assisting the child in obtaining a driver

21 license,

22 (4) money management,

23 (5) planning for housing,

24 (6) social and recreational skills, and

- 1 (7) establishing and maintaining connections with the
2 child's family and community,
- 3 f. for a child in placement due solely or in part to the
4 child's behavioral health or medical health issues,
5 diagnostic and assessment information, specific
6 services relating to meeting the applicable behavioral
7 health and medical care needs of the child, and
8 desired treatment outcomes,
- 9 g. a plan and schedule for regular and frequent
10 visitation for the child and the child's parent or
11 parents or legal guardian and siblings, unless the
12 court has determined that visitation, even if
13 supervised, would be harmful to the child, and
- 14 h. a plan for ensuring the educational stability of the
15 child while in out-of-home placement, including:
- 16 (1) assurances that the placement of the child
17 considers the appropriateness of the current
18 educational setting and the proximity to the
19 school in which the child was enrolled at the
20 time of placement, and
- 21 (2) where appropriate, an assurance that the
22 Department has coordinated with appropriate local
23 educational agencies to ensure that the child
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1 remains in the school in which the child was
2 enrolled at the time of placement, or

3 (3) if remaining in the school in which the child was
4 enrolled at the time of placement is not in the
5 best interests of the child, assurances by the
6 Department and the local educational agencies to
7 provide immediate and appropriate enrollment in a
8 new school with all of the educational records of
9 the child provided to the school; and

10 10. The permanency plan for the child, the reason for selection
11 of that plan and a description of the steps being taken by the
12 Department to finalize the plan.

13 a. When the permanency plan is adoption or legal
14 guardianship, the Department shall describe, at a
15 minimum, child-specific recruitment efforts such as
16 relative searches conducted and the use of state,
17 regional, and national adoption exchanges to
18 facilitate the orderly and timely placement of the
19 child, whether in or outside of the state.

20 b. When the child is age fourteen (14) or older, the
21 permanency plan and any revision or addition to the
22 plan, shall include planning for the transition of the
23 child to a successful adulthood.

1 F. Each individualized service plan shall specifically provide
2 for the safety of the child, in accordance with state and federal
3 law, and clearly define what actions or precautions will, or may, be
4 necessary to provide for the safety and protection of the child.

5 G. The individualized service plan shall include the following
6 statement:

7 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE
8 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE
9 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR
10 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT
11 HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
12 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

13 H. Whenever a child who is subject to the provisions of this
14 section is committed for inpatient behavioral health or substance
15 abuse treatment pursuant to the Inpatient Mental Health and
16 Substance Abuse Treatment of Minors Act, the individualized service
17 plan shall be amended as necessary and appropriate, including, but
18 not limited to, identification of the treatment and services to be
19 provided to the child and the child's family upon discharge of the
20 child from inpatient behavioral health or substance abuse treatment.

21 SECTION 4. AMENDATORY 10A-1-4-811. is amended to read
22 as follows:

23 10A-1-4-811. A. 1. The court shall conduct a permanency
24 hearing to determine the appropriate permanency goal for the child

1 and to order completion of all steps necessary to finalize the
2 permanent plan. The hearing shall be held no later than:

- 3 a. six (6) months after placing the child in out-of-home
4 placement and every six (6) months thereafter, and
- 5 b. thirty (30) days after a determination by the court
6 that reasonable efforts to return a child to either
7 parent are not required pursuant to the provisions of
8 Section 1-4-809 of this title.

9 2. A child shall be considered to have entered out-of-home
10 placement on the earlier of:

- 11 a. the adjudication date, or
- 12 b. the date that is sixty (60) days after the date on
13 which the child is removed from the home.

14 3. Subsequent permanency hearings shall be held at least every
15 six (6) months for any child who continues to be in an out-of-home
16 placement. At the request of a party, the Department of Human
17 Services, or on the motion of the court, the initial and subsequent
18 permanency hearings may be held more frequently. If the child's
19 permanency goal is adoption, the court shall hold a permanency
20 hearing within thirty (30) days of a scheduled trial to terminate
21 parental rights, if a party requests such hearing, to determine
22 whether adoption is still the appropriate permanency goal.

23 4. At each permanency hearing, the court may consider testimony
24 of any person who has relevant information about the status of the

1 child or the status of the treatment plan. All parties shall have
2 the opportunity to present evidence and to cross-examine witnesses.
3 The rules of evidence shall not apply to permanency hearings and all
4 evidence helpful in determining the proper permanency goal shall be
5 considered including, but not limited to, oral and written reports,
6 which may be admitted and may be relied upon to the extent of their
7 probative value, even though not competent for the purposes of the
8 adjudicatory hearing.

9 5. The permanency plan for the child in transition to a
10 successful adulthood shall be developed in consultation with the
11 child and, at the option of the child, with up to two members of the
12 permanency planning team to be chosen by the child, excluding the
13 foster parent and caseworker for the child, subject to the following
14 provisions:

- 15 a. one individual selected by the child may be designated
16 to be the advisor and, as necessary, advocate of the
17 child, with respect to the application of the
18 reasonable and prudent parent standard to the child,
19 and
- 20 b. the Department of Human Services may reject an
21 individual selected by the child to be a member of the
22 permanency planning team at any time if the Department
23 has good cause to believe that the selected individual
24 would not act in the best interests of the child.

1 B. A permanency hearing may be held concurrently with a
2 dispositional or review hearing.

3 C. If a foster parent, preadoptive parent, or relative is
4 currently providing care for a child, the Department shall give the
5 foster parent, preadoptive parent, or relative notice of a
6 proceeding concerning the child. A foster parent, preadoptive
7 parent, or relative providing care for a child has the right to be
8 heard at the proceeding. Except when allowed to intervene, the
9 foster parent, preadoptive parent, or relative providing care for
10 the child is not considered a party to the juvenile court proceeding
11 solely because of notice and the right to be heard at the
12 proceeding.

13 D. At the hearing, the court shall determine or review the
14 continued appropriateness of the permanency plan of the child and
15 whether a change in the plan is necessary, the date by which the
16 goal of permanency for the child is scheduled to be achieved, and
17 whether the current placement of the child continues to be the most
18 suitable for the health, safety, and welfare of the child. The
19 court shall also, in an age-appropriate manner, inquire or cause
20 inquiry to be made of the child regarding the proposed permanency
21 plan and if the child is age fourteen (14) or older, the planning
22 for the transition of the child to a successful adulthood.

23 E. A transcript shall be made of each permanency hearing or the
24 proceeding shall be memorialized by appropriate written findings of

1 facts, and the court having considered all relevant information
2 shall order one of the following permanency plans for the child:

3 1. Reunification with the parent, parents, or legal guardian of
4 the child where:

5 a. reunification can be expected to occur within an
6 established time frame that is consistent with the
7 developmental needs of the child, and

8 b. the health and safety of the child can be adequately
9 safeguarded if returned home;

10 2. Placement for adoption after the rights of the parents have
11 been terminated or after a petition has been filed to terminate
12 parental rights;

13 3. Placement with a person who will be the permanent guardian
14 of the child and is able to adequately and appropriately safeguard
15 the health, safety, and welfare of the child; or

16 4. a. Placement in the legal custody of the Department under
17 a planned alternative permanent placement, provided
18 the child is age sixteen (16) or older and there are
19 compelling reasons documented by the Department and
20 presented to the court at each permanency hearing that
21 include the intensive, ongoing and, as of the date of
22 the hearing, unsuccessful efforts made to:

23 (1) return the child home, or
24

1 (2) place the child with a fit and willing relative,
2 including adult siblings, a legal guardian, or an
3 adoptive parent, and

4 (3) find biological family members for the child
5 utilizing search technology, including social
6 media.

7 b. The Department shall also document at each permanency
8 hearing the steps taken, including inquiry of the
9 child in an age-appropriate manner, to ensure that:

10 (1) the foster family home of the child or facility
11 where the child is placed is following the
12 reasonable and prudent parent standard, and

13 (2) the child has regular, ongoing opportunities to
14 engage in age-appropriate or developmentally
15 appropriate activities.

16 c. When a planned alternative permanent placement is the
17 court-ordered permanency plan for the child, the court
18 shall at each permanency hearing:

19 (1) ask the child about the permanency outcome the
20 child desires, and

21 (2) make a judicial determination, as of the date of
22 the hearing, why a planned alternative permanent
23 placement is the best permanency plan for the
24 child and provide compelling reasons why it

1 continues to not be in the best interests of the
2 child to return home or be placed for adoption
3 with a legal guardian or with a fit and willing
4 relative, taking into consideration whether the
5 child has a close and positive relationship with
6 the parent.

7 F. In addition to the findings required under subsection E of
8 this section, the court shall also make written findings related to:

9 1. Whether the Department has made reasonable efforts to
10 finalize the permanency plan that is in effect for the child and a
11 summary of the efforts the Department has made; or, in the case of
12 an Indian child, whether the Department has made active efforts to
13 provide remedial services and rehabilitative programs as required by
14 25 U.S.C., Section 1912(d);

15 2. If the permanency plan is for the child to remain in out-of-
16 home care, whether the child's out-of-home placement continues to be
17 appropriate and in the best interests of the child;

18 3. If the current placement is not expected to be permanent,
19 the court's projected timetable for return home or for placement in
20 an adoptive home with a guardian, or another planned permanent
21 living arrangement; and

22 4. Whether reasonable efforts, in accordance with the safety or
23 well-being of any child, have been made to:

1 a. place siblings, who have been removed, together in the
2 same foster care, guardianship, or adoptive placement,
3 and

4 b. provide for frequent visitation or other ongoing
5 interaction in the case of siblings who have been
6 removed and who are not placed together.

7 G. The court may make appropriate orders to ensure timely
8 implementation of the permanency plan and shall order the plan to be
9 accomplished within a specified period of time.

10 SECTION 5. AMENDATORY 12 O.S. 2021, Section 591, is
11 amended to read as follows:

12 Section 591. The trial by jury may be waived by the parties, in
13 actions arising on contract, and with the assent of the court in
14 other actions, in the following manner: By the consent of the party
15 appearing, when the other party fails to appear at the trial by
16 himself or attorney. By written consent, in person or by attorney,
17 filed with the clerk. By oral consent, in open court, entered on
18 the journal. By failure to request in writing a jury trial within
19 the time period set forth by applicable statute.

20 SECTION 6. This act shall become effective November 1, 2023.

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22 59-1-5061 CMA 01/02/23
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