

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1719

By: Garvin

AS INTRODUCED

An Act relating to child care; amending 10 O.S. 2021, Section 408, which relates to appeals; broadening applicability of certain appeals; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2021, Section 408, is amended to read as follows:

Section 408. A. Any licensee or applicant aggrieved by the decision of the Department of Human Services under Section 407 of this title or by a decision of the Department to reduce the rating of the child care facility licensee under the Quality Rating and Improvement System or to reduce payment to the licensee on the basis of the reduction in rating may, within ten (10) days after the revocation or denial of the license or the reduction of the rating or payment, appeal to the district court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.

1 B. The licensee or applicant shall, within twenty (20) days of
2 the filing of the appeal, file with the clerk of such court a
3 transcript of the proceedings held pursuant to Section 407 of this
4 title. The district court shall thereupon be vested with
5 jurisdiction to review the proceedings of the Department; ~~provided~~
6 ~~that, if.~~

7 C. If the Department prevails, the judgment of the district
8 court shall be that the decision of the Department be affirmed, ~~and~~
9 ~~if.~~ If the licensee or applicant prevails, the judgment of the
10 court shall be that the revocation or the reduction of the rating or
11 payment be set aside or the license issued or renewed, as the case
12 may be. Pending the hearing of the appeal, the action of the
13 Department revoking or denying the license or the granting thereof
14 or reducing the rating or payment shall be stayed; provided, after
15 the filing of an appeal, the district court, upon application by the
16 Department and after an appropriate hearing, may grant a restraining
17 order to enforce the decision of the Department.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22
23 59-2-3099 DC 1/16/2024 5:48:03 PM
24
25