

PROPOSED OKLAHOMA CHILD EMOTIONAL AND RELATIONAL WELFARE REFORM ACT

PROPOSED AMENDMENT TO TITLE 43 AND TITLE 10A
STATE OF OKLAHOMA
Dr. Steve Hudgins

SECTION 1. SHORT TITLE

This act shall be known and may be cited as the “Oklahoma Child Emotional, Mental, and Relational Welfare Reform Act.”

SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE

The Oklahoma Legislature finds that:

1. The emotional, psychological, developmental, relational, and physical welfare of children constitutes a compelling state interest.
2. Modern research in trauma, attachment theory, child development, neuroscience, coercive control, adverse childhood experiences, and family systems demonstrates that chronic exposure to emotional instability, coercive behavior, domestic conflict, intimidation, attachment disruption, emotional abuse, and psychological manipulation may negatively impact a child’s long-term mental health, neurological development, emotional regulation, identity formation, relational functioning, and future well-being.
3. Existing “best interests of the child” standards may result in inconsistent interpretation due to the absence of measurable trauma-informed considerations and clearly defined behavioral indicators.
4. Children affected by trauma frequently disclose emotional harm through behavioral patterns, emotional dysregulation, attachment conflict, fear responses, withdrawal, developmental regression, anxiety symptoms, depressive symptoms, or disclosures made within emotionally safe relationships rather than solely through formal investigative interviews.
5. Social media and electronic communication platforms have created expanded environments through which children may experience emotional harm, coercive control, relational manipulation, intimidation, parental alienation behaviors, public humiliation, chronic loyalty conflict, or disruption of secure parent-child attachment relationships.
6. Courts benefit from measurable, pattern-based, trauma-informed standards when evaluating the emotional, mental, developmental, relational, and physical welfare of children.
7. Governmental agencies exercising substantial influence over child welfare determinations shall remain accountable to judicial process, evidentiary transparency, and procedural fairness.

The purpose of this act is to strengthen child welfare determinations by incorporating measurable emotional, psychological, relational, developmental, and trauma-informed factors into judicial consideration involving children.

SECTION 3. REVISED CHILD WELFARE STANDARD

A. In awarding custody, visitation, guardianship, placement, or determining any matter affecting a minor child, the court shall evaluate the measurable emotional, psychological, developmental, relational, and physical well-being of the child.

B. The court may consider all relevant factors, including but not limited to:

1. The child's demonstrated emotional stability, emotional functioning, and sense of safety;
2. The emotional ties, attachment security, and relational bond between the child and each parent or caregiver;
3. The demonstrated ability of each parent or caregiver to provide emotional safety, consistency, nurturance, developmental support, structure, and psychological stability;
4. The mental, emotional, developmental, and physical health of all parties involved;
5. Any history or pattern of domestic violence, coercive control, intimidation, emotional abuse, neglect, manipulation, psychological maltreatment, threats, chronic conflict exposure, substance abuse, or conduct negatively affecting the emotional or psychological welfare of the child;
6. Any pattern of conduct intentionally or recklessly disrupting, damaging, interfering with, or undermining the child's secure attachment relationship with a parent or caregiver;
7. Trauma-related responses demonstrated by the child, including but not limited to fear-based silence, emotional withdrawal, emotional dysregulation, attachment conflict, hypervigilance, anxiety symptoms, depressive symptoms, dissociation, developmental regression, delayed disclosure, behavioral instability, or loyalty conflicts;
8. The developmental, educational, emotional, psychological, relational, and physical needs of the child;
9. Adverse Childhood Experiences (ACE) indicators, cumulative trauma exposure, developmental stress factors, or documented childhood adversity affecting the child's emotional, neurological, psychological, developmental, relational, or physical welfare;
10. The frequency, pattern, credibility, disposition, and outcome of prior Department of Human Services investigations, law enforcement contacts, welfare checks, protective order filings, emergency interventions, or documented incidents involving the child, caregivers, or household members;

11. Whether repeated reports, investigations, or interventions demonstrate chronic instability, coercive control, emotional harm, retaliatory allegations, false reporting, intimidation, manipulation, domestic violence, or ongoing safety concerns;
 12. The demonstrated ability and willingness of each parent to foster a healthy, emotionally safe, and developmentally appropriate relationship between the child and the other parent when consistent with the child's welfare and safety;
 13. Patterns of public or electronic conduct, including social media activity, digital communications, or online publication intended to humiliate, intimidate, manipulate, recruit loyalty against, damage the reputation of, or substantially interfere with the child's secure emotional relationship with a parent or caregiver;
 14. In evaluating electronic or social media conduct, the court may consider the frequency, context, accessibility to the child, demonstrated impact upon the child, intent of the conduct, and totality of circumstances surrounding such behavior;
 15. Professionally documented observations, disclosures, evaluations, recommendations, or assessments from licensed medical, educational, counseling, mental health, or child welfare professionals;
 16. The child's reasonable preference when of sufficient age and maturity pursuant to Oklahoma law;
 17. The stability and continuity of the child's home, school, family, community, and support systems;
 18. The demonstrated ability of each parent or caregiver to place the emotional and developmental needs of the child above interpersonal conflict; and
 19. Any additional factor the court determines relevant to the child's long-term emotional, psychological, developmental, relational, or physical welfare.
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SECTION 4. TRAUMA-INFORMED JUDICIAL CONSIDERATIONS

A. Courts may consider trauma-informed evidence, behavioral indicators, developmental responses, and professional testimony when evaluating child welfare matters.

B. The Legislature recognizes that trauma may affect:

1. Consistency of disclosure;
2. Timing of disclosure;
3. Emotional presentation;
4. Behavioral functioning;
5. Memory recall;

6. Attachment responses;
7. Fear responses;
8. Emotional regulation;
9. Relational trust; and
10. Willingness to disclose abuse or harm.

C. The Legislature further recognizes that trauma disclosure is often relationship-dependent rather than institution-dependent.

D. No single trauma-related indicator shall independently create a presumption of abuse or neglect absent corroborating evidence and totality-of-circumstances review.

SECTION 5. DHS ACCOUNTABILITY AND SUBPOENA COMPLIANCE

A. When the Oklahoma Department of Human Services, including any assigned investigator, supervisor, caseworker, forensic interviewer, custodian of records, or authorized representative, is lawfully subpoenaed in any proceeding involving child welfare, custody, visitation, guardianship, deprivation, foster care, or family court matters, the Department shall ensure the appearance of a qualified representative possessing sufficient knowledge regarding the investigation, findings, assessments, records, or reports at issue.

B. Failure to appear without good cause shown may result in:

1. Judicial sanctions;
2. Compelled appearance orders;
3. Continuance at agency expense;
4. Adverse evidentiary inference;
5. Attorney fee consideration;
6. Exclusion of unsupported conclusions; or
7. Additional remedies deemed appropriate by the court.

SECTION 6. CERTIFICATION AND ADMISSIBILITY OF DHS RECORDS

A. Records, reports, photographs, recordings, forensic interviews, intake reports, safety assessments, investigative summaries, communications, case notes, digital evidence, or electronically maintained records produced by the Oklahoma Department of Human Services pursuant to subpoena or court order shall be admissible as certified governmental business records when accompanied by:

1. A sworn certification from the custodian of records or authorized representative; and

2. Verification that the records were maintained in the ordinary course of agency operations.

B. The absence of a live DHS witness shall not independently render otherwise certified records inadmissible.

SECTION 7. MANDATED REPORTER DISCLOSURES

A. In proceedings involving allegations of abuse, neglect, coercive control, emotional abuse, attachment disruption, intimidation, domestic violence, or child endangerment, the court may consider disclosures made by a child to a licensed mandated reporter.

B. Mandated reporters may include:

1. Medical doctors;
2. Psychiatrists;
3. Psychologists;
4. Licensed Professional Counselors;
5. Marriage and Family Therapists;
6. Clinical Social Workers;
7. Nurses;
8. School counselors;
9. Educational professionals; or
10. Other statutorily recognized mandated reporters.

C. Such disclosures may be considered relevant evidence when documented during the ordinary course of professional treatment, evaluation, counseling, education, or assessment.

SECTION 8. CONSTRUCTION

Nothing within this act shall:

1. Eliminate constitutional protections;
2. Prevent legitimate evidentiary objections;
3. Create automatic findings of abuse or neglect;
4. Replace judicial discretion;
5. Override privileged communications recognized by Oklahoma law; or
6. Permit custody determinations based solely upon uncorroborated allegations.

SECTION 9. EFFECTIVE DATE

This act shall become effective November 1 following passage and approval.