

ENGROSSED HOUSE AMENDMENT  
TO  
ENGROSSED SENATE BILL NO. 289

By: Snyder of the Senate  
and  
Toure of the House

( child custody - child stealing - codification -  
effective date )

AUTHOR: Add the following House Coauthor: Vaughn

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

An Act relating to child custody; providing for civil  
action for child stealing; stating remedies;  
amending 43 O.S. 1991, Section 136, which relates  
to alimony and support payments; modifying when  
certain fee may be charged and collected; providing  
for codification; and providing an effective date.

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 111.2 of Title 43, unless there  
is created a duplication in numbering, reads as follows:

Any person who intentionally removes, causes the removal of, or  
detains any child under eighteen (18) years of age with intent to  
deny another person's right to custody of the child or visitation

under an existing court order shall be liable in an action at law. Remedies available pursuant to this section are in addition to any other remedies available by law and may include, but shall not be limited to, the following:

1. Damages for negligent or intentional infliction of mental and emotional distress;
2. Damages for loss of service, society, and companionship;
3. Compensatory damages incurred in searching for the missing child or attending court hearings;
4. Punitive damages; and
5. Reasonable attorney fees.

SECTION 2. AMENDATORY 43 O.S. 1991, Section 136, is amended to read as follows:

Section 136. A. If a judicial order, judgment or decree directs that the payment of child support, alimony, temporary support or any similar type of payment be made through the office of the court clerk, then it shall be the duty of the court to transmit such payments to the payee by first class United States mail, if requested to do so by the payee. Such payments shall be mailed to the payee at the address specified in writing by the payee. In the event of a change in address of the payee it shall be the duty of the payee to furnish to the court clerk in writing the new address of the payee.

B. A report of child support payments with a certificate of authenticity executed by the court clerk is admissible into evidence in court or in an administrative proceeding as self-authenticated.

C. A fee not to exceed Twenty-five Dollars (\$25.00) shall be charged and collected for any post decree application to initiate an income assignment in addition to any other fees authorized by law. The fee shall not be charged or collected for income assignments requested at the time of the filing of the original petition or entered at the time of a divorce decree. The person entitled to

support is entitled to collect said fees paid pursuant to this subsection from the person obligated to pay support through civil proceedings.

SECTION 3. This act shall become effective November 1, 1995."

Passed the House of Representatives the 12th day of April, 1995.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1995.

President of the Senate