

ENROLLED SENATE
BILL NO. 289

By: Snyder of the Senate

and

Toure and Vaughn of the
House

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 is not a party to a child custody proceeding, and who intentionally removes, causes the removal of, assists in 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 or equity and may include, but shall not be limited to, the following:

1. Damages for loss of service, society, and companionship;
2. Compensatory damages for reasonable expenses incurred in searching for the missing child or attending court hearings; and
3. The prevailing party in such action shall be awarded 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 Senate the 8th day of May, 1995.

President of the Senate

Passed the House of Representatives the 16th day of May, 1995.

Speaker of the House of Representatives