

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 3326

By: Boyd (Laura)

COMMITTEE SUBSTITUTE

An Act relating to courts; creating the family court division of the district court; providing scope of jurisdiction; providing for selection of family court judges; providing minimum number of judges; amending 20 O.S. 1991, Section 91.2, as amended by Section 13, Chapter 359, O.S.L. 1997 (20 O.S. Supp. 1997, Section 91.2), which relates to dockets; specifying that juvenile and family relations docket be heard by family court judges; providing for assignment of family court judges outside county or district; amending 20 O.S. 1991, Section 123, as amended by Section 1, Chapter 224, O.S.L. 1997 (20 O.S. Supp. 1997, Section 123), which relates to jurisdiction of special judges; requiring certain cases to be heard by special judge that is a family court judge; 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 91.1A of Title 20, unless there is created a duplication in numbering, reads as follows:

There is hereby created within the district court, the family court, which shall be a division of the district court. The jurisdiction of the family court shall include:

1. All aspects of divorce and other dissolution of marriage cases, including separation and annulment;
2. Child custody, child support, visitation and adoption;
3. Domestic violence cases, including issuance of protective orders;
4. Termination of parental rights;
5. All matters relating to adjudication and care of deprived children;

6. All matters relating to adjudication and disposition of cases involving delinquent juveniles and juveniles in need of supervision;

7. Cases involving youthful offenders;

8. Adult and juvenile guardianships and conservatorships;

9. Emancipation;

10. Change of name; and

11. Paternity cases.

The presiding judge of each judicial administrative district shall select at least one family court judge in each judicial district to preside over cases within the jurisdiction of the family court. In the judicial administrative district for District Court Judicial District Number Seven, there shall be no less than twelve family court judges and in the judicial administrative district for District Court Judicial District Number Fourteen, there shall be no less than seven family court judges. The presiding judges shall select the family court judges from the district judges, associate district judges and special judges of each district.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 91.2, as amended by Section 13, Chapter 359, O.S.L. 1997 (20 O.S. Supp. 1997, Section 91.2), is amended to read as follows:

Section 91.2 A. To facilitate the trial and disposition of cases, actions filed in the district court shall be assigned to various dockets by the clerk of the court pursuant to the direction and supervision of the presiding judge of the district. Until changed by order of the Supreme Court, only the following dockets are established: a civil docket, a criminal docket, a traffic docket, a probate docket, a juvenile and family relations docket, and a small claims docket. All juvenile and family relations cases shall be heard by a family court judge.

B. Whenever a district court establishes a drug court program pursuant to the provisions of Sections ~~4~~ 471 through ~~12~~ 471.11 of ~~this act~~ Title 22 of the Oklahoma Statutes, the judge having authority over the program shall cause to be established a drug court docket. In those cases assigned to the drug court docket,

the judge shall determine what information or pleadings are to be maintained in a confidential case file which shall be closed to public inspection. The originating criminal case file shall remain open to public inspection. Nothing in this section shall prohibit the district attorney, defense attorney, or the victim-witness coordinator from advising any victim or other person regarding the assignment or disposition of a drug court case.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 95.9A of Title 20, unless there is created a duplication in numbering, reads as follows:

The presiding judge of a judicial administrative district may assign a family court judge to any county within the judicial district or to another judicial district within the judicial administrative district to hear any matter to which a family court judge may be assigned.

SECTION 4. AMENDATORY 20 O.S. 1991, Section 123, as amended by Section 1, Chapter 224, O.S.L. 1997 (20 O.S. Supp. 1997, Section 123), is amended to read as follows:

Section 123. A. Special judges may hear and decide the following:

1. Actions for the recovery of money where the amount claimed does not exceed Ten Thousand Dollars (\$10,000.00) and counterclaim or setoff does not exceed Ten Thousand Dollars (\$10,000.00);

2. All uncontested matters, whether by default, agreement or otherwise, except that a nonlawyer special judge may not hear any uncontested matters, whether by default, agreement or otherwise, in actions for the recovery of money where judgment is sought for a greater sum than One Thousand Dollars (\$1,000.00);

3. Actions for forcible entry and detainer except a nonlawyer special judge may not hear such actions if title to land or a boundary dispute is involved;

4. Actions for replevin where the amount in controversy does not exceed Ten Thousand Dollars (\$10,000.00), except that nonlawyer special judges may not hear such actions where the amount in controversy exceeds One Thousand Dollars (\$1,000.00);

5. Misdemeanors, except that special judges who are not lawyers may not hear criminal actions where the punishment prescribed by law exceeds a fine of Two Hundred Dollars (\$200.00), or imprisonment in a county jail for thirty (30) days, or both such fine and imprisonment except by written consent of all parties;

6. Felonies involving a second and subsequent offense of driving, operating, or being in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, including any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, to a degree that renders the defendant incapable of safely driving or operating a motor vehicle, except that nonlawyer special judges may not hear such matters;

7. When there is no district or associate district judge present in the county or when they are disqualified, the issuance of a temporary injunction or restraining order, but this paragraph shall not embrace nonlawyer special judges;

8. Issuance of writs of habeas corpus, but this paragraph shall not embrace nonlawyer special judges;

9. Any matter, regardless of value, at any stage, whether intermediate or final, and whether or not title to property, real, personal, tangible, intangible, or any combination thereof, is to be determined, in a probate, ~~divorce, domestic relations, custody, support, guardianship, conservatorship,~~ mental health, ~~juvenile, adoption,~~ or determination of death proceeding, except that nonlawyer special judges may not hear such matters;

10. Divorce, domestic relations, custody, support, guardianship, conservatorship, juvenile or adoption cases, if the judge is a family court judge;

11. An appeal from an order of the Department of Public Safety revoking a person's license to drive, except that nonlawyer special judges may not hear such matters;

~~11.~~ 12. Other actions and proceedings, regardless of court rules, where the parties agree in writing, at any time before trial, to the action being heard by a special judge; and

~~12.~~ 13. Any postjudgment collection matter regardless of the amount of the judgment.

B. Special judges shall be authorized to serve as referee in any matter before the district court.

C. A special judge may perform the duties of a magistrate in criminal cases.

SECTION 5. This act shall become effective November 1, 1998.

46-2-9630

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