

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2888

By: Key

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 60.2, as last amended by Section 7, Chapter 403, O.S.L. 1997 (22 O.S. 1997, Section 60.2), which relates to petitions for protective orders; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 60.2, as last amended by Section 7, Chapter 403, O.S.L. 1997 (22 O.S. Supp. 1997, Section 60.2), is amended to read as follows:

Section 60.2 A. A victim of domestic abuse, a victim of stalking, a victim of harassment, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of the Protection from Domestic Abuse Act.

1. ~~Such~~ The person may seek relief by filing a petition for protective order with the district court in either the county in which the victim resides or the county in which the defendant resides.

2. When the abuse occurs when the court is not open for business, such person may request an emergency temporary order of protection as provided by Section 40.3 of this title.

B. The petition forms shall be provided by the clerk of the court and shall be in substantially the following form:

IN THE DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY

STATE OF OKLAHOMA

\_\_\_\_\_ )

Plaintiff )

)

vs. )

Case No. \_\_\_\_\_

)

\_\_\_\_\_ )

Defendant )

PETITION FOR PROTECTIVE ORDER

Plaintiff, being sworn, states:

1. (Check one or more)

[ ] The defendant caused or attempted to cause serious physical harm to \_\_\_\_\_.

[ ] The defendant threatened \_\_\_\_\_ with imminent serious physical harm.

[ ] The defendant has stalked or harassed \_\_\_\_\_.

2. The incident causing the filing of this petition occurred on or about \_\_\_\_\_

(date)

(Describe what happened:)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The victim and the defendant are related as follows:

(check one)

married

divorced

parent and child

persons related by blood

persons related by marriage

present spouse of an ex-spouse

persons living in the same household

persons formerly living in the same household

biological parents of the same child

not related

4. (Answer this question only if the plaintiff is filing on behalf of someone)

The plaintiff and the victim are related as follows:

married

divorced

parent and child

persons related by blood

persons related by marriage

present spouse of an ex-spouse

persons living in the same household

persons formerly living in the same household

biological parents of the same child

5. (Check A or B)

(A)  The victim is in immediate and present danger of abuse from the defendant and an emergency ex parte order is necessary to protect the victim from serious harm. The plaintiff requests the following relief in the emergency ex parte order: (check one or more)

order the defendant not to abuse or injure the victim.

order the defendant not to visit, assault, molest or otherwise interfere with the victim.

order the defendant not to threaten the victim.  
 order the defendant to cease stalking the victim.  
 order the defendant to cease harassment of the victim.  
 order the defendant to leave the residence located at \_\_\_\_\_ on or before \_\_\_\_\_.

order the defendant who is a minor child to leave the residence located at \_\_\_\_\_ by immediately placing the defendant in any type of care authorized for children taken into custody pursuant to subsection A of Section 7303-1.1 of Title 10 of the Oklahoma Statutes.

Circle age of defendant: Thirteen (13), fourteen (14), fifteen (15), sixteen (16), or seventeen (17) years.

\_\_\_\_\_ (describe other relief that plaintiff requests)

(B)  The plaintiff does not request an emergency ex parte order.

6. Plaintiff requests the following order to be made by the court following notice to the defendant and a hearing: (check one or more)

order the defendant not to abuse or injure the victim.  
 order the defendant not to visit, assault, molest or otherwise interfere with the victim.  
 order the defendant not to threaten the victim.  
 order the defendant to cease stalking the victim.  
 order the defendant to cease harassment of the victim.  
 order the defendant to leave the residence located at \_\_\_\_\_ on or before \_\_\_\_\_.

order the defendant who is a minor child to leave the residence located at \_\_\_\_\_ by immediately placing the defendant in any type of care authorized for children taken into custody pursuant to subsection A of Section 7303-1.1 of Title 10 of the Oklahoma Statutes.

Circle age of defendant: Thirteen (13), fourteen (14), fifteen (15), sixteen (16), or seventeen (17) years.

\_\_\_\_\_ (describe other relief that plaintiff requests)

order the defendant to pay attorney fees of the plaintiff in the sum of \_\_\_\_\_ on or before \_\_\_\_\_.

order the defendant to pay the court costs of this action in the sum of \_\_\_\_\_ on or before \_\_\_\_\_.

7.  Victim is a resident of the county wherein this petition is filed.

Defendant is a resident of the county wherein this petition is filed.

8. WARNING: Whoever makes a statement or allegation in this Petition for Protective Order but does not believe that the statement or allegation is true, or knows that it is not true, or intends thereby to avoid or obstruct the ascertainment of the truth, may be found guilty of perjury. Pursuant to Sections 500 and 504 of Title 21 of the Oklahoma Statutes, the penalty for perjury, or subornation of perjury, is imprisonment for not more than five (5) years.

9. Plaintiff, being first duly sworn on oath states: That I have read the above and foregoing document, understand the meaning thereof, and declare, under penalty of perjury, that the facts and statements contained herein are believed to the best of my knowledge to be the truth, and nothing but the truth.

\_\_\_\_\_  
Plaintiff

Witness my hand and seal, affixed on the \_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Court Clerk, Deputy Court Clerk,

or Notary Public

C. No filing fee shall be charged the plaintiff at the time the petition is filed. The court may assess court costs and filing fees to either party at the hearing on the petition.

D. The plaintiff shall prepare the petition as set forth above or, at the request of the plaintiff, the clerk of the court or the victim-witness coordinator shall prepare or assist the plaintiff in preparing the same.

SECTION 2. This act shall become effective November 1, 1998.

46-2-8563

LAC