

1 ENGROSSED SENATE
2 BILL NO. 1921

By: Laster and Leftwich of the
Senate

3 and

4 Peterson (Pam) of the
5 House

6
7 [Protection from Domestic Abuse Act - protective
8 order -

9 effective date]

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

12 SECTION 1. AMENDATORY 22 O.S. 2001, Section 60.2, as
13 last amended by Section 1, Chapter 302, O.S.L. 2006 (22 O.S. Supp.
14 2007, Section 60.2), is amended to read as follows:

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

21 1. The person seeking relief may file a petition for a
22 protective order with the district court in the county in which the
23 victim resides, the county in which the defendant resides, or the
24 county in which the domestic violence occurred. If the person

1 seeking relief is a victim of stalking but is not a family or
2 household member or an individual who is or has been in a dating
3 relationship with the defendant, the person seeking relief must file
4 a complaint against the defendant with the proper law enforcement
5 agency before filing a petition for a protective order with the
6 district court. The person seeking relief shall provide a copy of
7 the complaint that was filed with the law enforcement agency at the
8 full hearing if the complaint is not available from the law
9 enforcement agency. Failure to provide a copy of the complaint
10 filed with the law enforcement agency shall constitute a frivolous
11 filing and the court may assess attorney fees and court costs
12 against the plaintiff pursuant to paragraph 2 of subsection C of
13 ~~Section 60.2 of this title~~ this section. The filing of a petition
14 for a protective order shall not require jurisdiction or venue of
15 the criminal offense if either the plaintiff or defendant resides in
16 the county. If a petition has been filed in an action for divorce
17 or separate maintenance and either party to the action files a
18 petition for a protective order in the same county where the action
19 for divorce or separate maintenance is filed, the petition for the
20 protective order ~~shall~~ may be heard by the court hearing the divorce
21 or separate maintenance action if:

- 22 a. there is no established protective order docket in
23 such court, or

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1 b. the court finds that, in the interest of judicial
2 economy, both actions may be heard together; provided,
3 however, the petition for a protective order,
4 including, but not limited to, a petition in which
5 children are named as petitioners, shall remain a
6 separate action and a separate order shall be entered
7 in the protective order action. Protective orders may
8 be dismissed in favor of restraining orders in the
9 divorce or separate maintenance action if the court
10 specifically finds, upon hearing, that such dismissal
11 is in the best interests of the parties and does not
12 compromise the safety of any petitioner.

13 If the defendant is a minor child, the petition shall be filed
14 with the court having jurisdiction over juvenile matters.

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

18 B. The petition forms shall be provided by the clerk of the
19 court. The Administrative Office of the Courts shall develop a
20 standard form for the petition.

21 C. 1. Except as otherwise provided by this section, no filing
22 fee, service of process fee, attorney fees or any other fee or
23 costs shall be charged the plaintiff or victim at any time for
24 filing a petition for a protective order whether a protective order

1 is granted or not granted. The court may assess court costs,
2 service of process fees, attorney fees, other fees and filing fees
3 against the defendant at the hearing on the petition, if a
4 protective order is granted against the defendant; provided, the
5 court shall have authority to waive the costs and fees if the court
6 finds that the party does not have the ability to pay the costs and
7 fees.

8 2. If the court makes specific findings that a petition for a
9 protective order has been filed frivolously and no victim exists,
10 the court may assess attorney fees and court costs against the
11 plaintiff.

12 D. The person seeking relief shall prepare the petition or, at
13 the request of the plaintiff, the court clerk or the victim-witness
14 coordinator, victim support person, and court case manager shall
15 prepare or assist the plaintiff in preparing the petition.

16 SECTION 2. This act shall become effective November 1, 2008.

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