

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 2235 By: Crain of the Senate

3 and  
4 Sullivan of the House  
5

6  
7 ( children - emergency custody - affidavit - payment  
8 of costs - codification -  
9 effective date )

10  
11  
12 AUTHORS: Add the following House Coauthors: Kern and Tibbs

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

15 "An Act relating to marriage; providing requirements  
16 for certain hearing motions; specifying certain  
17 affidavit requirements; requiring certain hearing  
18 within certain period; providing for hearing after  
19 certain court failure; authorizing court to take  
20 certain action for certain false affidavits;  
21 providing penalties; providing for codification; and  
22 providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 107.4 of Title 43, unless there  
is created a duplication in numbering, reads as follows:

1           A. In a court proceeding concerning child custody or  
2 visitation, a motion for an emergency custody hearing shall include  
3 an independent report, to include but not be limited to, a police  
4 report or a report from the Department of Human Services, that  
5 demonstrates that the child is in surroundings that could endanger  
6 or have endangered the welfare of the child. If there is no such  
7 report, the motion shall include a notarized affidavit from an  
8 individual with personal knowledge that the child is in surroundings  
9 that could endanger or have endangered the welfare of the child.  
10 Upon receipt of the motion for emergency custody with supporting  
11 documentation, the court shall have seventy-two (72) hours to  
12 conduct a hearing. If the court fails to conduct a hearing within  
13 such time, the movant may present such motion to the presiding judge  
14 of the judicial district, who shall conduct an emergency custody  
15 hearing within twenty-four (24) hours of receipt of the motion.

16           B. If the court finds any information included in a notarized  
17 affidavit filed pursuant to subsection A of this section upon which  
18 the court relied to make its decision to be false, the court shall  
19 not be required to conduct a subsequent hearing requested by the  
20 movant, and shall assess against the movant all costs, attorney  
21 fees, and other expenses incurred as a result of such hearing. The  
22 movant shall pay all such costs, fees and expenses within thirty  
23 (30) days. Failure to make such payment shall be grounds for  
24 contempt, punishable by six (6) months in the county jail, a fine

