

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 2235

By: Crain of the Senate

and

Sullivan of the House

6
7
8 COMMITTEE SUBSTITUTE

9
10 An Act relating to marriage; providing requirements
11 for certain hearing motions; specifying certain
12 affidavit requirements; requiring certain hearing
13 within certain period; providing for hearing after
14 certain court failure; authorizing court to take
15 certain action for certain false affidavits;
16 providing penalties; providing for codification; and
17 providing an effective date.

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

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

22 A. In a court proceeding concerning child custody or
23 visitation, a motion for an emergency custody hearing shall include
24 an independent report, to include but not be limited to, a police
report or a report from the Department of Human Services, that
demonstrates that the child is in surroundings that could endanger

1 or have endangered the welfare of the child. If there is no such
2 report, the motion shall include a notarized affidavit from an
3 individual with personal knowledge that the child is in surroundings
4 that could endanger or have endangered the welfare of the child.
5 Upon receipt of the motion for emergency custody with supporting
6 documentation, the court shall have seventy-two (72) hours to
7 conduct a hearing. If the court fails to conduct a hearing within
8 such time, the movant may present such motion to the presiding judge
9 of the judicial district, who shall conduct an emergency custody
10 hearing within twenty-four (24) hours of receipt of the motion.

11 B. If the court finds any information included in a notarized
12 affidavit filed pursuant to subsection A of this section upon which
13 the court relied to makes its decision to be false, the court shall
14 not be required to conduct a subsequent hearing requested by the
15 movant, and shall assess against the movant all costs, attorney
16 fees, and other expenses incurred as a result of such hearing. The
17 movant shall pay all such costs, fees and expenses within thirty
18 (30) days. Failure to make such payment shall be grounds for
19 contempt, punishable by six (6) months in the county jail, a fine
20 not to exceed One Thousand Dollars (\$1,000.00), or both such
21 imprisonment and fine.

22 SECTION 2. This act shall become effective November 1, 2010.
23

24 52-2-10342 SDR 03/23/10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24