

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 2235

By: Crain of the Senate

and

Sullivan, Kern and Tibbs of
the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

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; amending 43 O.S. 2001, Section
17 120.6, as last amended by Section 1, Chapter 99,
18 O.S.L. 2006 (43 O.S. Supp. 2009, Section 120.6),
19 which relates to qualifications of parenting
20 coordinator; establishing qualification requirements
21 for parenting coordinators; providing for
22 codification; and 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:

A. In a court proceeding concerning child custody or
visitation, a motion for an emergency custody hearing shall include

1 an independent report, if available, to include but not be limited
2 to, a police report or a report from the Department of Human
3 Services, that demonstrates that the child is in surroundings which
4 endanger the safety of the child and that if such conditions
5 continue, the child would likely be subject to irreparable harm. If
6 there is no such report, the motion shall include a notarized
7 affidavit from an individual with personal knowledge that the child
8 is in surroundings which endanger the safety of the child and that
9 not granting the motion would likely cause irreparable harm to the
10 child. Upon receipt of the motion for emergency custody with
11 supporting documentation, the court shall have seventy-two (72)
12 hours to conduct a hearing. If the court fails to conduct a hearing
13 within such time, the movant may present such motion to the
14 presiding judge of the judicial district, who shall conduct an
15 emergency custody hearing within twenty-four (24) hours of receipt
16 of the motion.

17 B. If the court finds that any relevant information provided to
18 the court upon which the court relied to make its emergency custody
19 decision to be false, the court shall assess against the movant all
20 costs, attorney fees, and other expenses incurred as a result of
21 such emergency custody hearing. The movant shall pay all such
22 costs, fees and expenses within thirty (30) days. Failure to make
23 such payment shall be grounds for contempt, punishable by six (6)

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1 months in the county jail, a fine not to exceed One Thousand Dollars
2 (\$1,000.00), or both such imprisonment and fine.

3 SECTION 2. AMENDATORY 43 O.S. 2001, Section 120.6, as
4 last amended by Section 1, Chapter 99, O.S.L. 2006 (43 O.S. Supp.
5 2009, Section 120.6), is amended to read as follows:

6 Section 120.6 A. Each judicial district shall adopt local
7 rules governing the qualifications of a parenting coordinator;
8 provided, however, the qualifications adopted shall not exceed the
9 qualifications established in subsection B of this section.

10 B. To be qualified as a parenting coordinator, a person shall:

11 1. Have a master's degree in a mental health or behavioral
12 health field, shall have training and experience in family mediation
13 and shall be a certified mediator under the laws of this state; or

14 2. Be a licensed mental health professional or licensed
15 attorney practicing in an area related to families.

16 C. Parenting coordinators who are not licensed attorneys shall
17 not be considered as engaging in the unauthorized practice of law
18 while performing actions within the scope of his or her duties as a
19 parenting coordinator.

20 SECTION 3. This act shall become effective November 1, 2010.

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