

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 2235

6 By: Crain

7 COMMITTEE SUBSTITUTE

8 [ children - emergency custody - affidavit - payment  
9 of costs - codification - effective date ]

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

13 SECTION 1. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1-4-103 of Title 10A, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. In a court proceeding concerning child custody or  
17 visitation, a motion for an emergency custody hearing shall include  
18 an independent report, to include but not be limited to, a police  
19 report or a report from the Department of Human Services, that  
20 demonstrates that the child is in surroundings that could endanger  
21 or have endangered the welfare of the child. If there is no such  
22 report, the motion shall include a notarized affidavit from an  
23 individual with personal knowledge that the child is in surroundings  
24 that could endanger or have endangered the welfare of the child.

1 Upon receipt of the motion for emergency custody with supporting  
2 documentation, the court shall have seventy-two (72) hours to  
3 conduct a hearing. If the court fails to conduct a hearing within  
4 such time, the movant may present such motion to the presiding judge  
5 of the judicial district, who shall conduct an emergency custody  
6 hearing within twenty-four (24) hours of receipt of the motion.

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

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