

1 ENGROSSED SENATE  
2 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 ]

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

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

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

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

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

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