

THE HOUSE OF REPRESENTATIVES
Wednesday, March 24, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2235

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2235 - By: CRAIN
of the Senate and SULLIVAN AND KERN of the House.

An Act relating to marriage; providing requirements for certain hearing motions; specifying certain affidavit requirements; requiring certain hearing within certain period; providing for hearing after certain court failure; authorizing court to take certain action for certain false affidavits; providing penalties; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 107.4 of Title 43, unless there is created a duplication in numbering,
3 reads as follows:
4 A. In a court proceeding concerning child custody or visitation, a motion for an
5 emergency custody hearing shall include an independent report, to include but not be
6 limited to, a police report or a report from the Department of Human Services, that
7 demonstrates that the child is in surroundings that could endanger or have endangered
8 the welfare of the child. If there is no such report, the motion shall include a notarized
9 affidavit from an individual with personal knowledge that the child is in surroundings
10 that could endanger or have endangered the welfare of the child. Upon receipt of the

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 03-23-10 -
16 DO PASS, As Amended and Coauthored.