

CS for SB 2235

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**THE STATE SENATE**  
**Monday, February 22, 2010**

**Committee Substitute for**  
**Senate Bill No. 2235**

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2235 - By: Crain of the Senate and Sullivan of the House.

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

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-4-103 of Title 10A, 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 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 or have endangered the welfare of the child. If there is no such report, the motion shall include a notarized affidavit from an individual with personal knowledge that the child is in surroundings that could endanger or have endangered the welfare of the child. Upon receipt of the motion for emergency custody with supporting documentation, the court shall have seventy-two (72) hours to conduct a hearing. If the court fails to conduct a hearing within

1 such time, the movant may present such motion to the presiding judge  
2 of the judicial district, who shall conduct an emergency custody  
3 hearing within twenty-four (24) hours of receipt of the motion.

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-16-10 - DO  
17 PASS, As Amended and Coauthored.