

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2601

By: Morrissette

4  
5  
6 AS INTRODUCED

7 An Act relating to marriages; amending 43 O.S. 2001,  
8 Section 551-204, which relates to temporary emergency  
9 jurisdiction in child custody cases under the Uniform  
10 Child Custody Jurisdiction and Enforcement Act;  
11 specifying burden of proof on certain party; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 43 O.S. 2001, Section 551-204, is  
15 amended to read as follows:

16 Section 551-204.

17 TEMPORARY EMERGENCY JURISDICTION

18 A. A court of this state has temporary emergency jurisdiction  
19 if the child is present in this state and the child has been  
20 abandoned or it is necessary in an emergency to protect the child  
21 because the child, or a sibling or parent of the child, is subjected  
22 to or threatened with mistreatment or abuse.

23 B. If there is no previous child custody determination that is  
24 entitled to be enforced under ~~this act~~ the Uniform Child Custody

1 Jurisdiction and Enforcement Act and a child custody proceeding has  
2 not been commenced in a court of a state having jurisdiction under  
3 Sections ~~13~~ 551-201 through ~~15~~ 551-203 of this ~~act~~ title, a child  
4 custody determination made under this section remains in effect  
5 until an order is obtained from a court of a state having  
6 jurisdiction under Sections ~~13~~ 551-201 through ~~15~~ 551-203 of this  
7 ~~act~~ title. If a child custody proceeding has not been or is not  
8 commenced in a court of a state having jurisdiction under Sections  
9 ~~13~~ 551-201 through ~~15~~ 551-203 of this ~~act~~ title, a child custody  
10 determination made under this section becomes a final determination,  
11 if it so provides and this state becomes the home state of the  
12 child.

13 C. If there is a previous child custody determination that is  
14 entitled to be enforced under ~~this act~~ the Uniform Child Custody  
15 Jurisdiction and Enforcement Act, or a child custody proceeding has  
16 been commenced in a court of a state having jurisdiction under  
17 Sections ~~13~~ 551-201 through ~~15~~ 551-203 of this ~~act~~ title, any order  
18 issued by a court of this state under this section must specify in  
19 the order a period that the court considers adequate to allow the  
20 person seeking an order to obtain an order from the state having  
21 jurisdiction under Sections ~~13~~ 551-201 through ~~15~~ 551-203 of this  
22 ~~act~~ title. The order issued in this state remains in effect until  
23 an order is obtained from the other state within the period  
24 specified or the period expires.

1 D. A court of this state which has been asked to make a child  
2 custody determination under this section, upon being informed that a  
3 child custody proceeding has been commenced in, or a child custody  
4 determination has been made by, a court of a state having  
5 jurisdiction under Sections ~~13~~ 551-201 through ~~15~~ 551-203 of this  
6 ~~act~~ title, shall immediately communicate with the other court. A  
7 court of this state which is exercising jurisdiction pursuant to  
8 Sections ~~13~~ 551-201 through ~~15~~ 551-203 of this ~~act~~ title, upon being  
9 informed that a child custody proceeding has been commenced in, or a  
10 child custody determination has been made by, a court of another  
11 state under a statute similar to this section shall immediately  
12 communicate with the court of that state to resolve the emergency,  
13 protect the safety of the parties and the child, and determine a  
14 period for the duration of the temporary order.

15 E. The moving party shall prove, by clear and convincing  
16 evidence, that the child has been abandoned or is subjected to, or  
17 threatened with, mistreatment or abuse.

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

19  
20 52-2-9077 SDR 12/23/09  
21  
22  
23  
24