

1 **SENATE FLOOR VERSION**

2 March 25, 2014

3 ENGROSSED HOUSE
4 BILL NO. 2585

By: Peterson, Kern, Pittman and
Derby of the House

5 and

6 Paddack of the Senate

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9 An Act relating to children; permitting application
10 for emergency hearing in deprived child cases;
11 directing court to conduct hearing; providing hearing
12 before presiding judge; authorizing court to issue
13 emergency order; requiring court assess certain
14 costs, fees and expenses in certain circumstances;
15 requiring payment within certain time; providing
16 punishment for failure to comply; providing for
17 codification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-4-807.1 of Title 10A, unless
21 there is created a duplication in numbering, reads as follows:

22 A. Once a child is the subject of a deprived child proceeding,
23 any party may file a verified application for an emergency hearing
24 that demonstrates harm or threatened harm to the health, safety or
welfare of that child. Upon receipt of the application for
emergency hearing, the court shall have seventy-two (72) hours to

1 conduct a hearing. If the court fails to conduct a hearing within
2 that time, the movant may present the application for emergency
3 hearing to the presiding judge or the presiding juvenile judge of
4 the judicial district who shall conduct an emergency hearing within
5 twenty-four (24) hours of receipt of the application.

6 B. Nothing in this section shall prohibit a court from issuing
7 an emergency order sua sponte to protect the health, safety and
8 welfare of a child subject to a deprived child proceeding in
9 juvenile court pending hearing on the application.

10 C. If the court finds that any relevant information provided to
11 the court upon which the court relied to make its emergency order
12 decision to be false, the court shall assess against the movant all
13 costs, attorney fees and other expenses incurred as a result of the
14 emergency hearing. The movant shall pay all such costs, fees and
15 expenses within thirty (30) days. Failure to make this payment
16 shall be grounds for contempt, punishable by six (6) months in the
17 county jail, a fine not to exceed One Thousand Dollars (\$1,000.00),
18 or by both imprisonment and fine.

19 SECTION 2. This act shall become effective November 1, 2014.

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
21 March 25, 2014 - DO PASS
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