An Act

ENROLLED SENATE
BILL NO. 2235

By: Crain of the Senate

and

Sullivan, Kern and Tibbs 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; amending 43 O.S. 2001, Section 120.6, as last amended by Section 1, Chapter 99, O.S.L. 2006 (43 O.S. Supp. 2009, Section 120.6), which relates to qualifications of parenting coordinator; establishing qualification requirements for parenting coordinators; providing for codification; and providing an 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 107.4 of Title 43, 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, if available, 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 which endanger the safety of the child and that if such conditions

continue, the child would likely be subject to irreparable harm. 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 which endanger the safety of the child and that not granting the motion would likely cause irreparable harm to 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 such time, the movant may present such motion to the presiding judge of the judicial district, who shall conduct an emergency custody hearing within twenty-four (24) hours of receipt of the motion.

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

SECTION 2. AMENDATORY 43 O.S. 2001, Section 120.6, as last amended by Section 1, Chapter 99, O.S.L. 2006 (43 O.S. Supp. 2009, Section 120.6), is amended to read as follows:

Section 120.6 A. Each judicial district shall adopt local rules governing the qualifications of a parenting coordinator<u>; provided, however, the qualifications adopted shall not exceed the qualifications established in subsection B of this section</u>.

B. <u>To be qualified as a parenting coordinator, a person shall:</u>

<u>1. Have a master's degree in a mental health or behavioral health field, shall have training and experience in family mediation and shall be a certified mediator under the laws of this state; or</u>

<u>2. Be a licensed mental health professional or licensed attorney practicing in an area related to families.</u>

C. Parenting coordinators who are not licensed attorneys shall not be considered as engaging in the unauthorized practice of law while performing actions within the scope of his or her duties as a parenting coordinator.

SECTION 3. This act shall become effective November 1, 2010.

Passed the Senate the 24th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2010.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 26th

day of May, 2010,

at 2:23 o'clock P M.

By: [illegible]

Approved by the Governor of the State of Oklahoma the 6th day of

June, 2010, at 3:56 o'clock P M.

[illegible]

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

7th day of June, 2010,

at 2:14 o'clock P M.

By: M. Susan Carter