

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2478 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Erick Harris

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2478

6 By: Harris

7 FLOOR SUBSTITUTE

8 An Act relating to custody; creating Alanda's Law;
9 amending 10 O.S. 2021, Section 7700-624, which
10 relates to temporary order for support, custody, and
11 visitation; providing reference; amending 43 O.S.
12 2021, Section 110, which relates to orders concerning
13 property, children, support, and expenses; providing
14 for when domestic abuse has been alleged; providing
15 temporary order time frames for the court; providing
16 for noncodification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law not to be
19 codified in the Oklahoma Statutes reads as follows:

20 This act shall be known and may be cited as "Alanda's Law".

21 SECTION 2. AMENDATORY 10 O.S. 2021, Section 7700-624, is
22 amended to read as follows:

23 Section 7700-624. A. In a proceeding under this Article, the
24 court shall issue a temporary order for support of a child if the
order is appropriate and the individual ordered to pay support is:

1. A presumed father of the child;

1 2. Petitioning to have his paternity adjudicated;

2 3. Identified as the father through genetic testing under
3 Section ~~27~~ 7700-505 of this ~~act~~ title;

4 4. An alleged father who has declined to submit to genetic
5 testing;

6 5. Shown by clear and convincing evidence to be the father of
7 the child; or

8 6. The mother of the child.

9 B. A temporary order issued pursuant to this section may
10 include provisions for custody and visitation as provided by ~~other~~
11 ~~law of this state~~ Section 110 of Title 43 of the Oklahoma Statutes.

12 SECTION 3. AMENDATORY 43 O.S. 2021, Section 110, is
13 amended to read as follows:

14 Section 110. A. 1. Except as otherwise provided by this
15 subsection, upon the filing of a petition for dissolution of
16 marriage, annulment of a marriage or legal separation by the
17 petitioner and upon personal service of the petition and summons on
18 the respondent, or upon waiver and acceptance of service by the
19 respondent, an automatic temporary injunction shall be in effect
20 against both parties pursuant to the provisions of this section:

- 21 a. restraining the parties from transferring,
22 encumbering, concealing, or in any way disposing of,
23 without the written consent of the other party or an
24 order of the court, any marital property, except in

1 the usual course of business, for the purpose of
2 retaining an attorney for the case or for the
3 necessities of life and requiring each party to notify
4 the other party of any proposed extraordinary
5 expenditures and to account to the court for all
6 extraordinary expenditures made after the injunction
7 is in effect,

8 b. restraining the parties from:

9 (1) intentionally or knowingly damaging or destroying
10 the tangible property of the parties, or of
11 either of them, specifically including, but not
12 limited to, any electronically stored materials,
13 electronic communications, social network data,
14 financial records, and any document that
15 represents or embodies anything of value,

16 (2) making any withdrawal for any purpose from any
17 retirement, profit-sharing, pension, death, or
18 other employee benefit plan or employee savings
19 plan or from any individual retirement account or
20 Keogh account,

21 (3) withdrawing or borrowing in any manner all or any
22 part of the cash surrender value of any life
23 insurance policies on either party or their
24 children,

1 (4) changing or in any manner altering the
2 beneficiary designation on any life insurance
3 policies on the life of either party or any of
4 their children,

5 (5) canceling, altering, or in any manner affecting
6 any casualty, automobile, or health insurance
7 policies insuring the parties' property or
8 persons,

9 (6) opening or diverting mail addressed to the other
10 party, and

11 (7) signing or endorsing the other party's name on
12 any negotiable instrument, check, or draft, such
13 as tax refunds, insurance payments, and
14 dividends, or attempting to negotiate any
15 negotiable instruments payable to either party
16 without the personal signature of the other
17 party,

18 c. requiring the parties to maintain all presently
19 existing health, property, life and other insurance
20 which the individual is presently carrying on any
21 member of this family unit, and to cooperate as
22 necessary in the filing and processing of claims. Any
23 employer-provided health insurance currently in
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1 existence shall remain in full force and effect for
2 all family members,

3 d. enjoining both parties from molesting or disturbing
4 the peace of the other party or of the children to the
5 marriage,

6 e. restraining both parties from disrupting or
7 withdrawing their children from an educational
8 facility and programs where the children historically
9 have been enrolled, or day care,

10 f. restraining both parties from hiding or secreting
11 their children from the other party,

12 g. restraining both parties from removing the minor
13 children of the parties, if any, beyond the
14 jurisdiction of the State of Oklahoma, acting directly
15 or in concert with others, except for vacations of two
16 (2) weeks or less duration, without the prior written
17 consent of the other party, which shall not be
18 unreasonably withheld, and

19 h. requiring, unless otherwise agreed upon by the parties
20 in writing, the delivery by each party to the other
21 within thirty (30) days from the earlier of either the
22 date of service of the summons or the filing of an
23 initial pleading by the respondent, the following
24 documents:

- 1 (1) the federal and state income tax returns of each
2 party for the past two (2) years and any
3 nonpublic, limited partnership and privately held
4 corporate returns for any entity in which either
5 party has an interest, together with all
6 supporting documentation for the tax returns,
7 including but not limited to W-2 forms, 1099
8 forms, K-1 forms, Schedule C and Schedule E. If
9 a return is not completed at the time of
10 disclosure, the parties shall provide the
11 documents necessary to prepare the tax return of
12 the party, to include W-2 forms, 1099 forms, K-1
13 forms, copies of extension requests and estimated
14 tax payments,
- 15 (2) two (2) months of the most recent pay stubs from
16 each employer for whom the party worked,
- 17 (3) statements for the past six (6) months for all
18 bank accounts held in the name of either party
19 individually or jointly, or in the name of
20 another person for the benefit of either party,
21 or held by either party for the benefit of the
22 minor child or children of the parties,
- 23 (4) documentation regarding the cost and nature of
24 available health insurance coverage for the

1 benefit of either party or the minor child or
2 children of the parties,

3 (5) documentation regarding the cost and nature of
4 employment or educationally related child care
5 expenses incurred for the benefit of the minor
6 child or children of the parties, and

7 (6) documentation regarding all debts in the name of
8 either party individually or jointly, showing the
9 most recent balance due and payment terms.

10 2. If either party is not in possession of a document required
11 pursuant to subparagraph h of paragraph 1 of this subsection or has
12 not been able to obtain the document in a timely fashion, the party
13 shall state in verified writing, under the penalty of perjury, the
14 specific document which is not available, the reasons the document
15 is not available, and what efforts have been made to obtain the
16 document. As more information becomes available, there is a
17 continuing duty to supplement the disclosures.

18 3. Nothing in this subsection shall prohibit a party from
19 conducting further discovery pursuant to the Oklahoma Discovery
20 Code.

21 4. a. The provisions of the automatic temporary injunction
22 shall be printed as an attachment to the summons and
23 the petition and entitled "Automatic Temporary
24 Injunction Notice".

1 b. The automatic temporary injunction notice shall
2 contain a provision which will allow the parties to
3 waive the automatic temporary injunction. In
4 addition, the provision must state that unless both
5 parties have agreed and have signed their names in the
6 space provided, that the automatic temporary
7 injunction will be effective. Along with the waiver
8 provision, the notice shall contain a check box and
9 space available for the signatures of the parties.

10 5. The automatic temporary injunction shall become an order of
11 the court upon fulfillment of the requirements of paragraph 1 of
12 this subsection unless and until:

- 13 a. the automatic temporary injunction is waived by the
14 parties. Both parties must indicate on the automatic
15 temporary injunction notice in the space provided that
16 the parties have both agreed to waive the automatic
17 temporary injunction. Each party must sign his or her
18 own name on the notice in the space provided, or
- 19 b. a party, no later than three (3) days after service on
20 the party, files an objection to the injunction and
21 requests a hearing. Provided, the automatic temporary
22 injunction shall remain in effect until the hearing
23 and a judge orders the injunction removed.

1 6. The automatic temporary injunction shall be dissolved upon
2 the granting of the dissolution of marriage, final order of legal
3 separation or other final order.

4 7. Nothing in this subsection shall preclude either party from
5 applying to the court for further temporary orders, pursuant to this
6 section, an expanded automatic temporary injunction, or modification
7 or revocation thereto.

8 8. a. With regard to an automatic temporary injunction, when
9 a petition for dissolution of marriage, annulment of a
10 marriage, or a legal separation is filed and served, a
11 peace officer shall use every reasonable means to
12 enforce the injunction which enjoins both parties from
13 molesting or disturbing the peace of the other party
14 or the children of the marriage against a petitioner
15 or respondent, whenever:

16 (1) there is exhibited by a respondent or by the
17 petitioner to the peace officer a copy of the
18 petition or summons, with an attached Temporary
19 Injunction Notice, duly filed and issued pursuant
20 to this section, together with a certified copy
21 of the affidavit of service of process or a
22 certified copy of the waiver and acceptance of
23 service, and
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1 (2) the peace officer has cause to believe that a
2 violation of the automatic temporary injunction
3 has occurred.

4 b. A peace officer shall not be held civilly or
5 criminally liable for his or her action pursuant to
6 this paragraph if his or her action is in good faith
7 and without malice.

8 B. After a petition has been filed in an action for dissolution
9 of marriage or legal separation either party may request the court
10 to issue:

11 1. A temporary order:

- 12 a. regarding child custody, support or visitation,
- 13 b. regarding spousal maintenance,
- 14 c. regarding payment of debt,
- 15 d. regarding possession of property,
- 16 e. regarding attorney fees, and
- 17 f. providing other injunctive relief proper in the
18 circumstances.

19 All applications for temporary orders shall set forth the
20 factual basis for the application and shall be verified by the party
21 seeking relief. The application and a notice of hearing shall be
22 served on the other party in any manner provided for in the Rules of
23 Civil Procedure.

1 ~~The court shall not issue a temporary order until at least five~~
2 ~~(5) days' notice of hearing is given to the other party.~~

3 ~~After notice and hearing, a court may issue a temporary order~~
4 ~~granting the relief as provided by this paragraph; and/or~~

5 2. A temporary order. If domestic abuse is not alleged, when
6 setting a hearing to enter temporary orders, the court shall conduct
7 a substantive hearing and issue a ruling on custody, visitation,
8 child support, and other ancillary matters, including property. The
9 court shall schedule the hearing to take place within thirty (30)
10 days from the date that the application for temporary orders is
11 presented to the court for scheduling by the moving party, unless
12 the parties agree in writing to waive this requirement, and said
13 agreement is memorialized by an order of the court. The moving
14 party shall provide at least five (5) days' notice of hearing to the
15 nonmoving party;

16 3. A temporary order. In an application for a temporary order,
17 any party alleging acts of domestic abuse, as defined by Section 109
18 of this title, against the other party, or the minor child or
19 children at issue and either of the following are present:

20 a. the moving party has been granted a temporary or
21 permanent order of protection against the other party
22 for domestic abuse committed against the moving party
23 or the minor child or children at issue, or

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1 b. the party against whom domestic violence has been
2 alleged has been charged in any criminal proceeding,
3 within the past five (5) years, with an act of
4 domestic abuse wherein the moving party or a child of
5 the party alleging domestic abuse is the victim,
6 the court shall set a hearing upon application within ten (10) days
7 of filing, with the moving party providing five (5) days' notice of
8 hearing to the nonmoving party unless waived by both parties, and
9 memorialized by an order of the court. The court shall conduct a
10 substantive hearing and issue a ruling on custody, visitation, child
11 support, and other ancillary matters, including property. The
12 requesting party shall attach a certified copy of the emergency
13 protective order, probable cause affidavit, or charging information,
14 if available, to the temporary orders application;

15 4. A temporary restraining order. If the court finds on the
16 basis of a verified application and testimony of witnesses that
17 irreparable harm will result to the moving party, or a child of a
18 party if no order is issued before the adverse party or attorney for
19 the adverse party can be heard in opposition, the court may issue a
20 temporary restraining order which shall become immediately effective
21 and enforceable without requiring notice and opportunity to be heard
22 to the other party. Provided, for the purposes of this section, no
23 minor child or children temporarily residing in a licensed,
24 certified domestic violence shelter in the state shall be removed by

1 an ex parte order. If a temporary restraining order is issued
2 pursuant to this paragraph, the motion for a temporary order shall
3 be set within ten (10) days, but such hearing shall not be heard
4 unless five (5) days' notice of hearing is given to the other party.

5 C. Any temporary orders and the automatic temporary injunction,
6 or specific terms thereof, may be vacated or modified prior to or in
7 conjunction with a final decree on a showing by either party of
8 facts necessary for vacation or modification. Temporary orders and
9 the automatic temporary injunction terminate when the final judgment
10 on all issues, except attorney fees and costs, is rendered or when
11 the action is dismissed. The court may reserve jurisdiction to rule
12 on an application for a contempt citation for a violation of a
13 temporary order or the automatic temporary injunction which is filed
14 any time prior to the time the temporary order or injunction
15 terminates.

16 D. Upon granting a decree of dissolution of marriage, annulment
17 of a marriage, or legal separation, the court may require either
18 party to pay such reasonable expenses of the other as may be just
19 and proper under the circumstances.

20 E. The court may in its discretion make additional orders
21 relative to the expenses of any such subsequent actions, including
22 but not limited to writs of habeas corpus, brought by the parties or
23 their attorneys, for the enforcement or modification of any
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1 interlocutory or final orders in the dissolution of marriage action
2 made for the benefit of either party or their respective attorneys.

3 SECTION 4. This act shall become effective November 1, 2024.

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