

1 **SENATE FLOOR VERSION**

2 February 19, 2025

3 SENATE BILL NO. 79

By: Weaver

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6 An Act relating to child abduction prevention;
7 creating the Uniform Child Abduction Prevention Act;
8 providing short title; defining terms; providing for
9 cooperation and communication among courts;
10 authorizing order or petition for abduction
11 prevention measures; authorizing certain warrant;
12 clarifying jurisdiction over certain matters;
13 establishing requirements for certain petition;
14 specifying required contents of certain petition;
15 establishing factors to determine risk of child
16 abduction; authorizing court to consider certain
17 evidence; requiring abduction prevention order to
18 contain certain information; authorizing certain
19 provisions to prevent abduction of child; authorizing
20 order to impose certain conditions on custody or
21 visitation; authorizing certain actions to prevent
22 imminent abduction of child; providing for cumulative
23 remedies; authorizing ex parte warrant for certain
24 purposes; requiring hearing within specified time
period; specifying required contents of certain
warrant; authorizing order for certain search;
requiring service at certain time; clarifying
enforceability of certain warrants; allowing court to
authorize law enforcement to take certain actions;
authorizing award of costs and fees under certain
circumstances; specifying duration of certain order;
providing for uniformity of application and
construction; clarifying application to certain
federal acts; providing for codification; and
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 561-1 of Title 43, unless there
3 is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Uniform Child
5 Abduction Prevention Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 561-2 of Title 43, unless there
8 is created a duplication in numbering, reads as follows:

9 As used in this act:

10 1. "Abduction" means the wrongful removal or wrongful retention
11 of a child;

12 2. "Child" means an unemancipated individual who is less than
13 eighteen (18) years of age;

14 3. "Child custody determination" means a judgment, decree, or
15 other court order providing for the legal custody, physical custody,
16 or visitation with respect to a child. The term includes a
17 permanent, temporary, initial, and modification order;

18 4. "Child custody proceeding" means a proceeding in which legal
19 custody, physical custody, or visitation with respect to a child is
20 at issue. The term includes a proceeding for divorce, dissolution
21 of marriage, separation, neglect, abuse, dependency, guardianship,
22 paternity, termination of parental rights, or protection from
23 domestic violence;

24

1 5. "Court" means an entity authorized under the law of a state
2 to establish, enforce, or modify a child custody determination;

3 6. "Petition" includes a motion or its equivalent;

4 7. "Record" means information that is inscribed on a tangible
5 medium or that is stored in an electronic or other medium and is
6 retrievable in perceivable form;

7 8. "State" means a state of the United States, the District of
8 Columbia, Puerto Rico, the United States Virgin Islands, or any
9 territory or insular possession subject to the jurisdiction of the
10 United States. The term includes a federally recognized Indian
11 tribe or nation;

12 9. "Travel document" means records relating to a travel
13 itinerary, including travel tickets, passes, reservations for
14 transportation, or accommodations. The term does not include a
15 passport or visa;

16 10. "Wrongful removal" means the taking of a child that
17 breaches rights of custody or visitation given or recognized under
18 the laws of this state; and

19 11. "Wrongful retention" means the keeping or concealing of a
20 child that breaches rights of custody or visitation given or
21 recognized under the laws of this state.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 561-3 of Title 43, unless there
24 is created a duplication in numbering, reads as follows:

1 The provisions of the Uniform Child Custody Jurisdiction and
2 Enforcement Act as provided in Sections 551-110, 551-111, and 551-
3 112 of Title 43 of the Oklahoma Statutes shall apply to cooperation
4 and communications among courts in proceedings under this act.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 561-4 of Title 43, unless there
7 is created a duplication in numbering, reads as follows:

8 A. A court on its own motion may order abduction prevention
9 measures in a child custody proceeding if the court finds that the
10 evidence establishes a credible risk of abduction of the child.

11 B. A party to a child custody determination or another
12 individual or entity having a right under the laws of this state or
13 any other state to seek a child custody determination for the child
14 may file a petition seeking abduction prevention measures to protect
15 the child under this act.

16 C. As authorized by Section 551-315 of Title 43 of the Oklahoma
17 Statutes, a district attorney may seek a warrant to take physical
18 custody of a child pursuant to Section 9 of this act, or to take
19 other appropriate prevention measures.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 561-5 of Title 43, unless there
22 is created a duplication in numbering, reads as follows:

23 A. A petition under this act may be filed only in a court that
24 has jurisdiction to make a child custody determination with respect

1 to the child at issue under Article 2 of the Uniform Child Custody
2 Jurisdiction and Enforcement Act, Section 551-201 et seq. of Title
3 43 of the Oklahoma Statutes.

4 B. A court of this state has temporary emergency jurisdiction
5 under Section 551-204 of Title 43 of the Oklahoma Statutes if the
6 court finds a credible risk of abduction.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 561-6 of Title 43, unless there
9 is created a duplication in numbering, reads as follows:

10 A petition under this act shall be verified and include a copy
11 of any existing child custody determination, if available. The
12 petition shall specify the risk factors for abduction, including the
13 relevant factors described in Section 7 of this act. Subject to the
14 subsection E of Section 551-209 of Title 43 of the Oklahoma
15 Statutes, if reasonably ascertainable, the petition shall contain:

- 16 1. The name, date of birth, and gender of the child;
- 17 2. The customary address and current physical location of the
18 child;
- 19 3. The identity, customary address, and current physical
20 location of the respondent;
- 21 4. A statement of whether a prior action to prevent abduction
22 or domestic violence has been filed by a party or other individual
23 or entity having custody of the child, and the date, location, and
24 disposition of the action;

1 5. A statement of whether a party to the proceeding has been
2 arrested for a crime related to domestic violence, stalking, or
3 child abuse or neglect, and the date, location, and disposition of
4 the case; and

5 6. Any other information required to be submitted to the court
6 for a child custody determination pursuant to Section 551-209 of
7 Title 43 of the Oklahoma Statutes.

8 SECTION 7. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 561-7 of Title 43, unless there
10 is created a duplication in numbering, reads as follows:

11 A. In determining whether there is a credible risk of abduction
12 of a child, the court shall consider any evidence that the
13 petitioner or respondent:

14 1. Has previously abducted or attempted to abduct the child;

15 2. Has threatened to abduct the child;

16 3. Has recently engaged in activities that may indicate a
17 planned abduction including, but not limited to:

18 a. abandoning employment,

19 b. selling a primary residence,

20 c. terminating a lease,

21 d. closing bank or other financial management accounts,

22 liquidating assets, hiding or destroying financial

23 documents, or conducting any unusual financial

24 activities,

1 e. applying for a passport or visa or obtaining travel
2 documents for the respondent, a family member, or the
3 child, or

4 f. seeking to obtain the child's birth certificate or
5 school or medical records;

6 4. Has engaged in domestic violence, stalking, or child abuse
7 or neglect;

8 5. Has refused to follow a child custody determination;

9 6. Lacks strong familial, financial, emotional, or cultural
10 ties to the state or the United States;

11 7. Has strong familial, financial, emotional, or cultural ties
12 to another state or country;

13 8. Is likely to take the child to a country that:

14 a. is not a party to the Hague Convention on the Civil
15 Aspects of International Child Abduction and does not
16 provide for the extradition of an abducting parent or
17 for the return of an abducted child,

18 b. is a party to the Hague Convention on the Civil
19 Aspects of International Child Abduction but:

20 (1) the Hague Convention on the Civil Aspects of
21 International Child Abduction is not in force
22 between the United States and that country,
23
24

1 (2) is noncompliant according to the most recent
2 compliance report issued by the United States
3 Department of State, or

4 (3) lacks legal mechanisms for immediately and
5 effectively enforcing a return order under the
6 Hague Convention on the Civil Aspects of
7 International Child Abduction,

8 c. poses a risk that the child's physical or emotional
9 health or safety would be endangered in the country
10 because of specific circumstances relating to the
11 child or because of human rights violations committed
12 against children,

13 d. has laws or practices that would:

14 (1) enable the respondent, without due cause, to
15 prevent the petitioner from contacting the child,

16 (2) restrict the petitioner from freely traveling to
17 or exiting from the country because of the
18 petitioner's gender, nationality, marital status,
19 or religion, or

20 (3) restrict the child's ability to legally leave the
21 country after the child reaches the age of
22 majority because of a child's gender,
23 nationality, or religion,

24

1 e. is included by the United States Department of State
2 on a current list of state sponsors of terrorism,

3 f. does not have an official United States diplomatic
4 presence in the country, or

5 g. is engaged in active military action or war, including
6 a civil war, to which the child may be exposed;

7 9. Is undergoing a change in immigration or citizenship status
8 that would adversely affect the respondent's ability to remain in
9 the United States legally;

10 10. Has had an application for United States citizenship
11 denied;

12 11. Has forged or presented misleading or false evidence on
13 government forms or supporting documents to obtain or attempt to
14 obtain a passport, a visa, travel documents, a Social Security card,
15 a driver license, or other government-issued identification card or
16 has made a misrepresentation to the United States government;

17 12. Has used multiple names to attempt to mislead or defraud;
18 or

19 13. Has engaged in any other conduct the court considers
20 relevant to the risk of abduction.

21 B. In the hearing on a petition under this act, the court shall
22 consider any evidence that the respondent believed in good faith
23 that the respondent's conduct was necessary to avoid imminent harm
24 to the child or respondent and any other evidence that may be

1 relevant to whether the respondent may be permitted to remove or
2 retain the child.

3 SECTION 8. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 561-8 of Title 43, unless there
5 is created a duplication in numbering, reads as follows:

6 A. If a petition is filed under this act, the court may enter
7 an order that shall include:

8 1. The basis for the court's exercise of jurisdiction;

9 2. The manner in which notice and opportunity to be heard were
10 given to the persons entitled to notice of the proceeding;

11 3. A detailed description of each party's custody and
12 visitation rights and residential arrangements for the child;

13 4. A provision stating that a violation of the order may
14 subject the party in violation to civil and criminal penalties; and

15 5. Identification of the child's country of habitual residence
16 at the time of the issuance of the order.

17 B. If, at a hearing on a petition under this act or on the
18 court's own motion, the court after reviewing the evidence finds a
19 credible risk of abduction of the child, the court shall enter an
20 abduction prevention order. The order shall include the provisions
21 required by subsection A of this section and measures and
22 conditions, including provisions in subsections C, D, and E of this
23 section, that are reasonably calculated to prevent abduction of the
24 child, giving due consideration to the custody and visitation rights

1 of the parties. The court shall consider the age of the child, the
2 potential harm to the child from an abduction, the legal and
3 practical difficulties of returning the child to the jurisdiction if
4 abducted, and the reasons for the potential abduction, including
5 evidence of domestic violence, stalking, or child abuse or neglect.

6 C. An abduction prevention order may include one or more of the
7 following:

8 1. An imposition of travel restrictions that require that a
9 party traveling with the child outside a designated geographical
10 area provide the other party with the following:

- 11 a. the travel itinerary of the child,
- 12 b. a list of physical addresses and telephone numbers at
13 which the child can be reached at specified times, and
- 14 c. copies of all travel documents;

15 2. A prohibition of the respondent directly or indirectly:

- 16 a. removing the child from this state, the United States,
17 or another geographic area without permission of the
18 court or the petitioner's written consent,
- 19 b. removing or retaining the child in violation of a
20 child custody determination,
- 21 c. removing the child from school or a child care or
22 similar facility, or
- 23 d. approaching the child at any location other than a
24 site designated for supervised visitation;

1 3. A requirement that a party register the order in another
2 state as a prerequisite to allowing the child to travel to that
3 state;

4 4. With regard to the child's passport:

5 a. a direction that the petitioner place the child's name
6 in the United States Department of State's Child
7 Passport Issuance Alert Program,

8 b. a requirement that the respondent surrender to the
9 court or the petitioner's attorney any United States
10 or foreign passport issued in the child's name,
11 including a passport issued in the name of both the
12 parent and the child, and

13 c. a prohibition upon the respondent from applying on
14 behalf of the child for a new or replacement passport
15 or visa;

16 5. As a prerequisite to exercising custody or visitation, a
17 requirement that the respondent provide:

18 a. to the United States Department of State Office of
19 Children's Issues and the relevant foreign consulate
20 or embassy, an authenticated copy of the order
21 detailing passport and travel restrictions for the
22 child,

23 b. to the court:
24

1 (1) proof that the respondent has provided the
2 information in subparagraph a of this paragraph,
3 and

4 (2) an acknowledgment in a record from the relevant
5 foreign consulate or embassy that no passport
6 application has been made, or passport issued, on
7 behalf of the child,

8 c. to the petitioner, proof of registration with the
9 United States Embassy or other United States
10 diplomatic presence in the destination country and
11 with the Central Authority for the Hague Convention on
12 the Civil Aspects of International Child Abduction, if
13 that Convention is in effect between the United States
14 and the destination country, unless one of the parties
15 objects, and

16 d. a written waiver under the Privacy Act of 1974, 5
17 U.S.C., Section 552a, as amended, with respect to any
18 document, application, or other information pertaining
19 to the child authorizing its disclosure to the court
20 and the petitioner; and

21 6. Upon the petitioner's request, a requirement that the
22 respondent obtain an order from the relevant foreign country
23 containing terms identical to the child custody determination issued
24 in the United States.

1 D. In an abduction prevention order, the court may impose
2 conditions on the exercise of custody or visitation that:

3 1. Limit visitation or require that visitation with the child
4 by the respondent be supervised until the court finds that
5 supervision is no longer necessary and order the respondent to pay
6 the costs of supervision;

7 2. Require the respondent to post a bond or provide other
8 security in an amount sufficient to serve as a financial deterrent
9 to abduction, the proceeds of which may be used to pay for the
10 reasonable expenses of recovery of the child, including reasonable
11 attorney fees and costs if there is an abduction; and

12 3. Require the respondent to obtain education on the
13 potentially harmful effects to the child from abduction.

14 E. To prevent imminent abduction of a child, a court may:

15 1. Issue a warrant to take physical custody of the child under
16 Section 9 or the laws of this state other than this act;

17 2. Direct the use of law enforcement to take any action
18 reasonably necessary to locate the child, obtain return of the
19 child, or enforce a custody determination under this act or the laws
20 of this state other than this act; or

21 3. Grant any other relief allowed under the laws of this state
22 other than this act.

23 F. The remedies provided in this act are cumulative and do not
24 affect the availability of other remedies to prevent abduction.

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 561-9 of Title 43, unless there
3 is created a duplication in numbering, reads as follows:

4 A. If a petition under this act contains allegations, and the
5 court finds that there is a credible risk that the child is
6 imminently likely to be wrongfully removed, the court may issue an
7 ex parte warrant to take physical custody of the child.

8 B. The respondent on a petition under subsection A of this
9 section shall be afforded an opportunity to be heard at the earliest
10 possible time after the ex parte warrant is executed, but not later
11 than the next judicial day unless a hearing on that date is
12 impossible. In such event, the court shall hold the hearing on the
13 first judicial day possible.

14 C. An ex parte warrant under subsection A of this section to
15 take physical custody of a child shall:

16 1. Recite the facts upon which a determination of a credible
17 risk of imminent wrongful removal of the child is based;

18 2. Direct law enforcement officers to take physical custody of
19 the child immediately;

20 3. State the date and time for the hearing on the petition; and

21 4. Provide for the safe interim placement of the child pending
22 further order of the court.

23 D. If feasible, before issuing a warrant and before determining
24 the placement of the child after the warrant is executed, the court

1 may order a search of the relevant databases of the National Crime
2 Information Center system and similar state databases to determine
3 if either the petitioner or respondent has a history of domestic
4 violence, stalking, or child abuse or neglect.

5 E. The petition and warrant shall be served on the respondent
6 when or immediately after the child is taken into physical custody.

7 F. A warrant to take physical custody of a child, issued by
8 this state or another state, is enforceable throughout this state.
9 If the court finds that a less intrusive remedy will not be
10 effective, it may authorize law enforcement officers to enter
11 private property to take physical custody of the child. If required
12 by exigent circumstances, the court may authorize law enforcement
13 officers to make a forcible entry at any hour.

14 G. If the court finds, after a hearing, that a petitioner
15 sought an ex parte warrant under subsection A of this section for
16 the purpose of harassment or in bad faith, the court may award the
17 respondent reasonable attorney fees, costs, and expenses.

18 H. This act does not affect the availability of relief allowed
19 under the laws of this state other than this act.

20 SECTION 10. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 561-10 of Title 43, unless there
22 is created a duplication in numbering, reads as follows:

23 An abduction prevention order remains in effect until the
24 earliest of the:

- 1 1. Time stated in the order;
- 2 2. Emancipation of the child;
- 3 3. Child's attaining eighteen (18) years of age; or
- 4 4. Time the order is modified, revoked, vacated, or superseded
- 5 by a court with jurisdiction under Sections 551-201 through 551-203
- 6 of Title 43 of the Oklahoma Statutes or other applicable laws of
- 7 this state.

8 SECTION 11. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 561-11 of Title 43, unless there
10 is created a duplication in numbering, reads as follows:

11 In applying and construing this uniform act, consideration shall
12 be given to the need to promote uniformity of the law with respect
13 to its subject matter among states that enact it.

14 SECTION 12. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 561-12 of Title 43, unless there
16 is created a duplication in numbering, reads as follows:

17 This act modifies, limits, and supersedes the federal Electronic
18 Signatures in Global and National Commerce Act, 15 U.S.C., Section
19 7001 et seq., but does not modify, limit, or supersede 15 U.S.C.,
20 Section 7001(c), or authorize electronic delivery of any of the
21 notices described in 15 U.S.C., Section 7003(b).

22 SECTION 13. This act shall become effective November 1, 2025.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 February 19, 2025 - DO PASS