

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 79

By: Weaver

6 AS INTRODUCED

7 An Act relating to child abduction prevention;  
8 creating the Uniform Child Abduction Prevention Act;  
9 providing short title; defining terms; providing for  
cooperation and communication among courts;  
10 authorizing order or petition for abduction  
prevention measures; authorizing certain warrant;  
clarifying jurisdiction over certain matters;  
establishing requirements for certain petition;  
specifying required contents of certain petition;  
establishing factors to determine risk of child  
abduction; authorizing court to consider certain  
evidence; requiring abduction prevention order to  
contain certain information; authorizing certain  
provisions to prevent abduction of child; authorizing  
order to impose certain conditions on custody or  
visitation; authorizing certain actions to prevent  
imminent abduction of child; providing for cumulative  
remedies; authorizing ex parte warrant for certain  
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.

1  
2 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

11 As used in this act:

12 1. "Abduction" means the wrongful removal or wrongful retention  
13 of a child;

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

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

20 4. "Child custody proceeding" means a proceeding in which legal  
21 custody, physical custody, or visitation with respect to a child is  
22 at issue. The term includes a proceeding for divorce, dissolution  
23 of marriage, separation, neglect, abuse, dependency, guardianship,

1 paternity, termination of parental rights, or protection from  
2 domestic violence;

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

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

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

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

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

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

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

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

4 The provisions of the Uniform Child Custody Jurisdiction and  
5 Enforcement Act as provided in Sections 551-110, 551-111, and 551-  
6 112 of Title 43 of the Oklahoma Statutes shall apply to cooperation  
7 and communications among courts in proceedings under this act.

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

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

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

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

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

4       A. A petition under this act may be filed only in a court that  
5 has jurisdiction to make a child custody determination with respect  
6 to the child at issue under Article 2 of the Uniform Child Custody  
7 Jurisdiction and Enforcement Act, Section 551-201 et seq. of Title  
8 43 of the Oklahoma Statutes.

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

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

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

- 21       1. The name, date of birth, and gender of the child;  
22       2. The customary address and current physical location of the  
23 child;

1       3. The identity, customary address, and current physical  
2 location of the respondent;

3       4. A statement of whether a prior action to prevent abduction  
4 or domestic violence has been filed by a party or other individual  
5 or entity having custody of the child, and the date, location, and  
6 disposition of the action;

7       5. A statement of whether a party to the proceeding has been  
8 arrested for a crime related to domestic violence, stalking, or  
9 child abuse or neglect, and the date, location, and disposition of  
10 the case; and

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

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

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

20       1. Has previously abducted or attempted to abduct the child;  
21       2. Has threatened to abduct the child;  
22       3. Has recently engaged in activities that may indicate a  
23 planned abduction including, but not limited to:  
24           a. abandoning employment,

- 1                   b. selling a primary residence,
- 2                   c. terminating a lease,
- 3                   d. closing bank or other financial management accounts,
- 4                         liquidating assets, hiding or destroying financial
- 5                         documents, or conducting any unusual financial
- 6                         activities,
- 7                   e. applying for a passport or visa or obtaining travel
- 8                         documents for the respondent, a family member, or the
- 9                         child, or
- 10                  f. seeking to obtain the child's birth certificate or
- 11                         school or medical records;
- 12                  4. Has engaged in domestic violence, stalking, or child abuse
- 13                         or neglect;
- 14                  5. Has refused to follow a child custody determination;
- 15                  6. Lacks strong familial, financial, emotional, or cultural
- 16                         ties to the state or the United States;
- 17                  7. Has strong familial, financial, emotional, or cultural ties
- 18                         to another state or country;
- 19                  8. Is likely to take the child to a country that:
- 20                      a. is not a party to the Hague Convention on the Civil
- 21                             Aspects of International Child Abduction and does not
- 22                             provide for the extradition of an abducting parent or
- 23                             for the return of an abducted child,

- 1           b. is a party to the Hague Convention on the Civil  
2           Aspects of International Child Abduction but:  
3           (1) the Hague Convention on the Civil Aspects of  
4           International Child Abduction is not in force  
5           between the United States and that country,  
6           (2) is noncompliant according to the most recent  
7           compliance report issued by the United States  
8           Department of State, or  
9           (3) lacks legal mechanisms for immediately and  
10           effectively enforcing a return order under the  
11           Hague Convention on the Civil Aspects of  
12           International Child Abduction,  
13           c. poses a risk that the child's physical or emotional  
14           health or safety would be endangered in the country  
15           because of specific circumstances relating to the  
16           child or because of human rights violations committed  
17           against children,  
18           d. has laws or practices that would:  
19           (1) enable the respondent, without due cause, to  
20           prevent the petitioner from contacting the child,  
21           (2) restrict the petitioner from freely traveling to  
22           or exiting from the country because of the  
23           petitioner's gender, nationality, marital status,  
24           or religion, or

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

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

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

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

9. Is undergoing a change in immigration or citizenship status

that would adversely affect the respondent's ability to remain in the United States legally;

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

1       B. In the hearing on a petition under this act, the court shall  
2 consider any evidence that the respondent believed in good faith  
3 that the respondent's conduct was necessary to avoid imminent harm  
4 to the child or respondent and any other evidence that may be  
5 relevant to whether the respondent may be permitted to remove or  
6 retain the child.

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

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

12              1. The basis for the court's exercise of jurisdiction;  
13              2. The manner in which notice and opportunity to be heard were  
14 given to the persons entitled to notice of the proceeding;

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

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

19              5. Identification of the child's country of habitual residence  
20 at the time of the issuance of the order.

21          B. If, at a hearing on a petition under this act or on the  
22 court's own motion, the court after reviewing the evidence finds a  
23 credible risk of abduction of the child, the court shall enter an  
24 abduction prevention order. The order shall include the provisions

1 required by subsection A of this section and measures and  
2 conditions, including provisions in subsections C, D, and E of this  
3 section, that are reasonably calculated to prevent abduction of the  
4 child, giving due consideration to the custody and visitation rights  
5 of the parties. The court shall consider the age of the child, the  
6 potential harm to the child from an abduction, the legal and  
7 practical difficulties of returning the child to the jurisdiction if  
8 abducted, and the reasons for the potential abduction, including  
9 evidence of domestic violence, stalking, or child abuse or neglect.

10       C. An abduction prevention order may include one or more of the  
11 following:

12           1. An imposition of travel restrictions that require that a  
13 party traveling with the child outside a designated geographical  
14 area provide the other party with the following:

- 15              a. the travel itinerary of the child,  
16              b. a list of physical addresses and telephone numbers at  
17                 which the child can be reached at specified times, and  
18              c. copies of all travel documents;

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

- 20              a. removing the child from this state, the United States,  
21                 or another geographic area without permission of the  
22                 court or the petitioner's written consent,  
23              b. removing or retaining the child in violation of a  
24                 child custody determination,

1                   c. removing the child from school or a child care or  
2                   similar facility, or

3                   d. approaching the child at any location other than a  
4                   site designated for supervised visitation;

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

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

9                   a. a direction that the petitioner place the child's name  
10                   in the United States Department of State's Child  
11                   Passport Issuance Alert Program,

12                   b. a requirement that the respondent surrender to the  
13                   court or the petitioner's attorney any United States  
14                   or foreign passport issued in the child's name,  
15                   including a passport issued in the name of both the  
16                   parent and the child, and

17                   c. a prohibition upon the respondent from applying on  
18                   behalf of the child for a new or replacement passport  
19                   or visa;

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

22                   a. to the United States Department of State Office of  
23                   Children's Issues and the relevant foreign consulate  
24                   or embassy, an authenticated copy of the order

1 detailing passport and travel restrictions for the  
2 child,

3 b. to the court:

4 (1) proof that the respondent has provided the  
5 information in subparagraph a of this paragraph,  
6 and

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

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

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

1       6. Upon the petitioner's request, a requirement that the  
2 respondent obtain an order from the relevant foreign country  
3 containing terms identical to the child custody determination issued  
4 in the United States.

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

7           1. Limit visitation or require that visitation with the child  
8 by the respondent be supervised until the court finds that  
9 supervision is no longer necessary and order the respondent to pay  
10 the costs of supervision;

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

16           3. Require the respondent to obtain education on the  
17 potentially harmful effects to the child from abduction.

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

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

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

1       3. Grant any other relief allowed under the laws of this state  
2 other than this act.

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

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

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

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

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

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

22           2. Direct law enforcement officers to take physical custody of  
23 the child immediately;

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

1       4. Provide for the safe interim placement of the child pending  
2 further order of the court.

3           D. If feasible, before issuing a warrant and before determining  
4 the placement of the child after the warrant is executed, the court  
5 may order a search of the relevant databases of the National Crime  
6 Information Center system and similar state databases to determine  
7 if either the petitioner or respondent has a history of domestic  
8 violence, stalking, or child abuse or neglect.

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

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

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

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

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

4 An abduction prevention order remains in effect until the  
5 earliest of the:

- 6 1. Time stated in the order;
- 7 2. Emancipation of the child;
- 8 3. Child's attaining eighteen (18) years of age; or
- 9 4. Time the order is modified, revoked, vacated, or superseded

10 by a court with jurisdiction under Sections 551-201 through 551-203  
11 of Title 43 of the Oklahoma Statutes or other applicable laws of  
12 this state.

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

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

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

22 This act modifies, limits, and supersedes the federal Electronic  
23 Signatures in Global and National Commerce Act, 15 U.S.C., Section  
24 7001 et seq., but does not modify, limit, or supersede 15 U.S.C.,

1 Section 7001(c), or authorize electronic delivery of any of the  
2 notices described in 15 U.S.C., Section 7003(b).  
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4 SECTION 13. This act shall become effective November 1, 2025.  
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