

1 ENGROSSED HOUSE  
2 BILL NO. 2081

3 By: Blair of the House

4 and

5 Weaver of the Senate

6  
7 An Act relating to child abduction prevention;  
8 enacting the Uniform Child Abduction Prevention Act;  
9 defining terms; providing for cooperation and  
10 communication among courts; authorizing order or  
11 petition for abduction prevention measures;  
12 authorizing certain warrant; clarifying jurisdiction  
13 over certain matters; establishing requirements for  
14 certain petition; specifying required contents of  
15 certain petition; establishing factors to determine  
16 risk of child abduction; authorizing court to  
17 consider certain evidence; requiring abduction  
18 prevention order to contain certain information;  
19 authorizing certain provisions to prevent abduction  
20 of child; authorizing order to impose certain  
21 conditions on custody or visitation; authorizing  
certain actions to prevent imminent abduction of  
child; providing for 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.

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24 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 571-101 of Title 43, unless  
3 there 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 571-102 of Title 43, unless  
8 there 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;

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 571-103 of Title 43, unless  
24 there 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 571-104 of Title 43, unless  
7 there 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 571-105 of Title 43, unless  
22 there 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 pursuant to 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 571-106 of Title 43, unless  
9 there 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  
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 571-107 of Title 43, unless  
10 there 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,

- (2) is noncompliant according to the most recent compliance report issued by the United States Department of State, or
  - (3) lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague Convention on the Civil Aspects of International Child Abduction,

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

d. has laws or practices that would:

  - (1) enable the respondent, without due cause, to prevent the petitioner from contacting the child,
  - (2) restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status, 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,

- 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 571-108 of Title 43, unless  
5 there 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:

- (1) proof that the respondent has provided the information in subparagraph a of paragraph 5 of subsection C of this section, and
  - (2) an acknowledgment in a record from the relevant foreign consulate or embassy that no passport application has been made, or passport issued, on behalf of the child,

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

d. a written waiver under the Privacy Act, Section 552a of Title 5 of the United States Code, as amended, with respect to any document, application, or other information pertaining to the child authorizing its disclosure to the court and the petitioner; and

Upon the petitioner's request, a requirement that the court obtain an order from the relevant foreign country setting terms identical to the child custody determination issued by 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 571-109 of Title 43, unless  
3 there 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 571-110 of Title 43, unless  
22 there 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 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, 551-202, and  
6 551-203 of Title 43 of the Oklahoma Statutes or other applicable  
7 laws of this state.

8             SECTION 11.      NEW LAW      A new section of law to be codified  
9 in the Oklahoma Statutes as Section 571-111 of Title 43, unless  
10 there is created a duplication in numbering, reads as follows:

11             In applying and construing the Uniform Child Abduction  
12 Prevention Act, consideration shall be given to the need to promote  
13 uniformity of the law with respect to its subject matter among  
14 states that enact it.

15             SECTION 12.      NEW LAW      A new section of law to be codified  
16 in the Oklahoma Statutes as Section 571-112 of Title 43, unless  
17 there is created a duplication in numbering, reads as follows:

18             This act modifies, limits, and supersedes the federal Electronic  
19 Signatures in Global and National Commerce Act, Section 7001, et  
20 seq. of Title 15 of the United States Code, but does not modify,  
21 limit, or supersede Section 101(c) of the act, 15 U.S.C., Section  
22 7001(c), of that act or authorize electronic delivery of any of the  
23 notices described in Section 103(b) of that act, 15 U.S.C., Section  
24 7003(b).

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

2 Passed the House of Representatives the 24th day of March, 2025.

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4 \_\_\_\_\_  
5 Presiding Officer of the House  
of Representatives

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7 Passed the Senate the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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10 Presiding Officer of the Senate

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