

**IN THE DISTRICT COURT OF CHOCTAW COUNTY,
STATE OF OKLAHOMA**

BRITTANY N. CROW,)
)
 Petitioner,)
)
 v.)
)
 DANIEL CROW,)
)
 Defendant.)

Case No. PO-20-08
Judge Gary Brock

By _____
Laura Sumner, Court Clerk
Deputy

FILED
 IN DISTRICT COURT
 CHOCTAW COUNTY, OKLAHOMA
 JUL 21 2020


ORDER TRANSFERRING *ex parte* PROTECTIVE ORDER

On July 7, 2020, Defendant's *Motion to Transfer*, filed May 7, 2020, and his *First Supplemental Motion to Transfer*, filed June 16, 2020, came on to be heard by the Hon. Gary Brock. Petitioner Brittany N. Crow [Petitioner] appeared in person and announced she remains without counsel in this cause. Defendant Daniel Crow [Defendant] appeared with his lawyer, G. Donald Haslam, Jr. [Haslam].

The Court inquired of Petitioner by direct questioning and of Defendant by and through Haslam. The Court reviewed the court file herein including the pleadings and transcript of the Petitioner's testimony under oath on February 25, 2020. Defendant requested a record of the proceedings but no record was made because a reporter was unavailable. Accordingly, the Court makes the following detailed findings.

The Court **FINDS** Petitioner filed her *Original Petition for Divorce* in Van Zandt County, TX on February 11, 2020.

The Court **FURTHER FINDS** that the *Standing Order* affixed to and made a part of her *Original Petition for Divorce* forbids her seeking ancillary relief such as the *ex parte* relief sought and obtained herein without taking certain preliminary steps, which steps she did not take.

CERTIFICATE OF TRUE COPY
 STATE OF OKLAHOMA] IN THE
 CHOCTAW COUNTY] DISTRICT COURT
 I hereby certify that the annexed instrument
 is a true and correct copy of the original on file
 in my office.
 ATTEST:


 Laura Sumner, Court Clerk
 Deputy
 By _____
 Date 7-21-2020

The Court **FURTHER FINDS** that the *Standing Order* affixed to and made a part of her *Original Petition for Divorce* forbids her from other certain conduct, such as [i] removing the minor children Wyatt Crow [DOB 1/12/2014] and Granger Crow [DOB 11/5/2015] ["Children"] from Texas and/or removing them from school, and [ii] hiding or secreting them from Defendant and changing their current place of abode *inter alia* without taking certain preliminary steps, which steps she did not take..

The Court **FURTHER FINDS** that the Children lived their entire lives in Texas before Petitioner removed them to Oklahoma on or about February 13, 2020.

The Court **FURTHER FINDS** that Petitioner commenced this cause, her *Petition for Protective Order*, via *ex parte* proceedings on February 13, 2020.

The Court **FURTHER FINDS** that Petitioner was ordered by a Texas Court at a March 11, 2020 temporary orders hearing [TO Hearing] to restore the domicile of herself and the Children to Van Zandt County, TX.

The Court **FURTHER FINDS** that Petitioner is living with the Children in Choctaw County for the Summer of 2020.

The Court **FURTHER FINDS** that all the allegations Petitioner raises herein occurred in Texas.

The Court **FURTHER FINDS** that Petitioner sought a protective order in Van Zandt County, TX prohibiting contact of Defendant with the Children based on the same allegations raised herein *before* she urged this cause *ex parte* on February 13, 2020, but was denied such a protective order by Van Zandt County authorities.

The Court **FURTHER FINDS** that Texas is the "home state" of the Children as that term is defined in the Oklahoma Uniform Child Custody Jurisdiction Enforcement Act, and that Texas had UCCJEA jurisdiction substantially in conformity with the OUCCJEA at the commencement of this action. [43 O.S. 551-101 *et seq*][OUCCJEA].

The Court **FURTHER FINDS** that a "simultaneous proceeding" as that term is defined in the OUCCJEA exists in Van Zandt County, TX.

The Court **FURTHER FINDS** that Choctaw County, OK is an inconvenient forum under the circumstances and that a court in Van Zandt County, TX is a more appropriate forum.

The Court **FURTHER FINDS** that Petitioner sought the jurisdiction of this Court via unjustifiable conduct as that term is defined in the OUCCJEA, including [i] seeking an *ex parte* protective order based on allegations of Texas conduct by Defendant after those same allegations were rejected by Van Zandt County, Texas authorities, [ii] removing the Children from Texas, and removing them from school, and [iii] hiding or secreting them from Defendant and changing their current place of abode without taking the requisite preliminary steps per the terms of the *Standing Order*.

WHEREFORE, the **COURT ORDERS, ADJUDGES and DECREES** that it declines jurisdiction in these proceedings and this cause is transferred to Van Zandt County, TX for further proceedings and disposition. The issue of the assessment of costs, expenses, communication expenses, attorney fees, investigative fees, expenses for witnesses, travel expenses and childcare during the course of these proceedings is reserved for the Texas court.

ENTERED THIS 20 DAY OF JULY, 2020.



JUDGE OF THE DISTRICT COURT

