

Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 107.1

§ 107.1. Actions where minor child involved--Delayed final order--
Waiver--Completion of educational program--Exceptions

Currentness

A. 1. In an action for divorce where there are minor children involved, the court shall not issue a final order thereon for at least ninety (90) days from the date of filing the petition which ninety (90) days may be waived by the court for good cause shown and without objection by either party.

2. The court may require that within the ninety-day period specified by paragraph 1 of this subsection, the parties attend and complete an educational program specified by [Section 107.2](#) of this title.

B. This section shall not apply to divorces filed for any of the following causes:

1. Abandonment for one (1) year;

2. Extreme cruelty;

3. Habitual drunkenness;

4. Imprisonment of the other party in a state or federal penal institution under sentence thereto for the commission of a felony at the time the petition is filed;

5. The procurement of a final divorce decree outside this state by a husband or wife which does not in this state release the other party from the obligations of the marriage;

6. Insanity for a period of five (5) years, the insane person having been an inmate of a state institution for the insane in the State of Oklahoma, or an inmate of a state institution for the insane in some other state for such period, or an inmate of a private sanitarium, and affected with a type of insanity with a poor prognosis for recovery;

7. Conviction of any crime defined by the Oklahoma Child Abuse Reporting and Prevention Act¹ committed upon a child of either party to the divorce by either party to the divorce; or

8. A child of either party has been adjudicated deprived, pursuant to the Oklahoma Children's Code,² as a result of the actions of either party to the divorce and the party has not successfully completed the service and treatment plan required by the court.

C. After a petition has been filed in an action for divorce where there are minor children involved, the court may make any such order concerning property, children, support and expenses of the suit as provided for in [Section 110](#) of this title, to be enforced during the pendency of the action, as may be right and proper.

D. The court may issue a final order in an action for divorce where minor children are involved before the ninety-day time period set forth in subsection A of this section has expired, if the parties voluntarily participate in marital or family counseling and the court finds reconciliation is unlikely.

Credits

Laws 1992, c. 243, § 1, eff. Sept. 1, 1992; Laws 1994, c. 124, § 1, eff. Sept. 1, 1994; Laws 1996, c. 131, § 7, eff. Jan. 1, 1997; Laws 2002, c. 445, § 16, eff. Nov. 1, 2002.

Footnotes

1 Title 10, § 7101 et seq.

2 Title 10, § 7001-1.1 et seq.

43 Okl. St. Ann. § 107.1, OK ST T. 43 § 107.1

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Title 43. Marriage and Family (Refs & Annos)
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43 Okl.St. Ann. § 107.2

§ 107.2. Actions where minor child involved--Court ordered educational program

Currentness

A. In all actions for divorce, separate maintenance, guardianship, paternity, custody or visitation, including modifications or enforcements of a prior court order, where the interest of a child under eighteen (18) years of age is involved, the court may require all adult parties to attend an educational program concerning, as appropriate, the impact of separate parenting and coparenting on children, the implications for visitation and conflict management, development of children, separate financial responsibility for children and such other instruction as deemed necessary by the court. The program shall be educational in nature and not designed for individual therapy.

B. Each judicial district may adopt its own local rules governing the program.

Credits

Laws 1996, c. 131, § 8, eff. Jan. 1, 1997.

Notes of Decisions (6)

43 Okl. St. Ann. § 107.2, OK ST T. 43 § 107.2

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43 Okl.St. Ann. § 107.3

§ 107.3. Appointment of guardian ad litem--Referral to mediation or
counseling--Definitions--False accusations of child abuse or neglect

Currentness

A. 1. In any proceeding when the custody or visitation of a minor child or children is contested by any party, the court may appoint an attorney at law as guardian ad litem upon motion of the court or upon application of any party to appear for and represent the minor children.

2. The guardian ad litem may be appointed to objectively advocate on behalf of the child and act as an officer of the court to investigate all matters concerning the best interests of the child. In addition to other duties required by the court and as specified by the court, a guardian ad litem shall have the following responsibilities:

- a. review documents, reports, records and other information relevant to the case, meet with and observe the child in appropriate settings, and interview parents, caregivers and health care providers and any other person with knowledge relevant to the case including, but not limited to, teachers, counselors and child care providers,
- b. advocate for the best interests of the child by participating in the case, attending any hearings in the matter and advocating for appropriate services for the child when necessary,
- c. monitor the best interests of the child throughout any judicial proceeding,
- d. present written reports to the parties and court prior to trial or at any other time as specified by the court on the best interests of the child that include conclusions and recommendations and the facts upon which they are based, and
- e. the guardian ad litem shall, as much as possible, maintain confidentiality of information related to the case and is not subject to discovery pursuant to the Oklahoma Discovery Code.¹

3. Expenses, costs, and attorney fees for the guardian ad litem may be allocated among the parties as determined by the court.

4. On or before December 31, 2007, the Administrative Director of the Courts shall develop a standard operating manual for guardians ad litem which shall include, but not be limited to, legal obligations and responsibilities, information concerning child abuse, child development, domestic abuse, sexual abuse, and parent and child behavioral health and management including best practices. After publication of the manual, all guardians ad litem shall certify to the court in which he or she is appointed as a guardian ad litem that the manual has been read and all provisions contained therein are understood. The guardian ad litem shall also certify that he or she agrees to follow the best practices described within the standard operating manual. The Administrative

Director of the Courts shall provide public access to the standard operating manual and shall periodically review and revise the manual as deemed necessary.

B. When property, separate maintenance, or custody is at issue, the court:

1. May refer the issue or issues to mediation if feasible unless a party asserts or it appears to the court that domestic violence or child abuse has occurred, in which event the court shall halt or suspend professional mediation unless the court specifically finds that:

a. the following three conditions are satisfied:

(1) the professional mediator has substantial training concerning the effects of domestic violence or child abuse on victims,

(2) a party who is or alleges to be the victim of domestic violence is capable of negotiating with the other party in mediation, either alone or with assistance, without suffering an imbalance of power as a result of the alleged domestic violence, and

(3) the mediation process contains appropriate provisions and conditions to protect against an imbalance of power between parties resulting from the alleged domestic violence or child abuse, or

b. in the case of domestic violence involving parents, the parent who is or alleges to be the victim requests mediation and the mediator is informed of the alleged domestic violence; and

2. When custody is at issue, the court may order, in addition to or in lieu of the provisions of paragraph 1 of this subsection, that each of the parties undergo individual counseling in a manner that the court deems appropriate, if the court finds that the parties can afford the counseling.

C. As used in this section:

1. "Child abuse or neglect" shall have the same meaning as such term is defined by the Oklahoma Child Abuse Reporting and Prevention Act² or shall mean the child has been adjudicated deprived as a result of the actions or omission of either parent pursuant to the Oklahoma Children's Code;³ and

2. "Domestic violence" shall have the same meaning as such term is defined by the Protection from Domestic Abuse Act.⁴

D. During any proceeding concerning child custody, should it be determined by the court that a party has intentionally made a false or frivolous accusation to the court of child abuse or neglect against the other party, the court shall proceed with any or all of the following:

1. Find the accusing party in contempt for perjury and refer for prosecution;
2. Consider the false allegations in determining custody; and
3. Award the obligation to pay all court costs and legal expenses encumbered by both parties arising from the allegations to the accusing party.

Credits

Laws 1997, c. 403, § 8, eff. Nov. 1, 1997; Laws 2002, c. 400, § 15, eff. Nov. 1, 2002; Laws 2003, c. 3, § 20, emerg. eff. March 19, 2003; Laws 2006, c. 136, § 5, eff. Nov. 1, 2006.

Editors' Notes

VALIDITY

<Section was held unconstitutional by [Kelley v. Kelley, Okla., 175 P.3d 400 \(2007\)](#). See Notes of Decisions, post.>

[Notes of Decisions \(3\)](#)

Footnotes

- 1 [Title 12, § 3224 et seq.](#)
- 2 [Title 10, § 7101 et seq.](#)
- 3 [Title 10, § 7001-1.1 et seq.](#)
- 4 [Title 22, § 60 et seq.](#)

43 Okl. St. Ann. § 107.3, OK ST T. 43 § 107.3

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43 Okl.St. Ann. § 107.4

§ 107.4. Motion for an emergency custody hearing

Currentness

A. In a court proceeding concerning child custody or visitation, a motion for an emergency custody hearing shall include an independent report, if available, to include but not be limited to, a police report or a report from the Department of Human Services, that demonstrates that the child is in surroundings which endanger the safety of the child and that if such conditions continue, the child would likely be subject to irreparable harm. If there is no such report, the motion shall include a notarized affidavit from an individual with personal knowledge that the child is in surroundings which endanger the safety of the child and that not granting the motion would likely cause irreparable harm to the child. Upon receipt of the motion for emergency custody with supporting documentation, the court shall have seventy-two (72) hours to conduct a hearing. If the court fails to conduct a hearing within such time, the movant may present such motion to the presiding judge of the judicial district, who shall conduct an emergency custody hearing within twenty-four (24) hours of receipt of the motion.

B. If the court finds that any relevant information provided to the court upon which the court relied to make its emergency custody decision to be false, the court shall assess against the movant all costs, attorney fees, and other expenses incurred as a result of such emergency custody hearing. The movant shall pay all such costs, fees and expenses within thirty (30) days. Failure to make such payment shall be grounds for contempt, punishable by six (6) months in the county jail, a fine not to exceed One Thousand Dollars (\$1,000.00), or both such imprisonment and fine.

Credits

[Laws 2010, c. 350, § 1, eff. Nov. 1, 2010.](#)

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43 Okl.St. Ann. § 108

§ 108. Parties in equal wrong--Custody of children--Disposition of property

[Currentness](#)

That the parties appear to be in equal wrong shall not be a basis for refusing to grant a divorce, but if a divorce is granted in such circumstances, it shall be granted to both parties. In any such case or where the court grants alimony without a divorce or in any case where a divorce is refused, the court may for good cause shown make such order as may be proper for the custody, maintenance and education of the children, and for the control and equitable division and disposition of the property of the parties, or of either of them, as may be proper, equitable and just, having due regard to the time and manner of acquiring such property, whether the title thereto be in either or both of said parties.

Credits

R.L.1910, § 4966; Laws 1955, p. 142, § 1. Renumbered from [Title 12, § 1275](#) by [Laws 1989, c. 333, § 1, eff. Nov. 1, 1989](#).

[Notes of Decisions \(38\)](#)

43 Okl. St. Ann. § 108, OK ST T. 43 § 108

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Oklahoma Statutes Annotated
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43 Okl.St. Ann. § 109

§ 109. Awarding custody or appointing guardian--Joint custody--
Domestic violence, stalking, or harassment--Court considerations

Currentness

A. In awarding the custody of a minor unmarried child or in appointing a general guardian for said child, the court shall consider what appears to be in the best interests of the physical and mental and moral welfare of the child.

B. The court, pursuant to the provisions of subsection A of this section, may grant the care, custody, and control of a child to either parent or to the parents jointly.

For the purposes of this section, the terms joint custody and joint care, custody, and control mean the sharing by parents in all or some of the aspects of physical and legal care, custody, and control of their children.

C. If either or both parents have requested joint custody, said parents shall file with the court their plans for the exercise of joint care, custody, and control of their child. The parents of the child may submit a plan jointly, or either parent or both parents may submit separate plans. Any plan shall include but is not limited to provisions detailing the physical living arrangements for the child, child support obligations, medical and dental care for the child, school placement, and visitation rights. A plan shall be accompanied by an affidavit signed by each parent stating that said parent agrees to the plan and will abide by its terms. The plan and affidavit shall be filed with the petition for a divorce or legal separation or after said petition is filed.

D. The court shall issue a final plan for the exercise of joint care, custody, and control of the child or children, based upon the plan submitted by the parents, separate or jointly, with appropriate changes deemed by the court to be in the best interests of the child. The court also may reject a request for joint custody and proceed as if the request for joint custody had not been made.

E. The parents having joint custody of the child may modify the terms of the plan for joint care, custody, and control. The modification to the plan shall be filed with the court and included with the plan. If the court determines the modifications are in the best interests of the child, the court shall approve the modifications.

F. The court also may modify the terms of the plan for joint care, custody, and control upon the request of one parent. The court shall not modify the plan unless the modifications are in the best interests of the child.

G. 1. The court may terminate a joint custody decree upon the request of one or both of the parents or whenever the court determines said decree is not in the best interests of the child.

2. Upon termination of a joint custody decree, the court shall proceed and issue a modified decree for the care, custody, and control of the child as if no such joint custody decree had been made.

H. In the event of a dispute between the parents having joint custody of a child as to the interpretation of a provision of said plan, the court may appoint an arbitrator to resolve said dispute. The arbitrator shall be a disinterested person knowledgeable in domestic relations law and family counseling. The determination of the arbitrator shall be final and binding on the parties to the proceedings until further order of the court.

If a parent refuses to consent to arbitration, the court may terminate the joint custody decree.

I. 1. In every proceeding in which there is a dispute as to the custody of a minor child, a determination by the court that domestic violence, stalking, or harassment has occurred raises a rebuttable presumption that sole custody, joint legal or physical custody, or any shared parenting plan with the perpetrator of domestic violence, harassing or stalking behavior is detrimental and not in the best interest of the child, and it is in the best interest of the child to reside with the parent who is not a perpetrator of domestic violence, harassing or stalking behavior.

2. For the purposes of this subsection:

a. “domestic violence” means the threat of the infliction of physical injury, any act of physical harm or the creation of a reasonable fear thereof, or the intentional infliction of emotional distress by a parent or a present or former member of the household of the child, against the child or another member of the household, including coercive control by a parent involving physical, sexual, psychological, emotional, economic or financial abuse,

b. “stalking” means the willful course of conduct by a parent who repeatedly follows or harasses another person as defined in [Section 1173 of Title 21 of the Oklahoma Statutes](#), and

c. “harassment” means a knowing and willful course or pattern of conduct by a parent directed at another parent which seriously alarms or is a nuisance to the person, and which serves no legitimate purpose including, but not limited to, harassing or obscene telephone calls or conduct that would cause a reasonable person to have a fear of death or bodily injury.

3. If a parent is absent or relocates as a result of an act of domestic violence by the other parent, the absence or relocation shall not be a factor that weighs against the parent in determining custody or visitation.

4. The court shall consider, as a primary factor, the safety and well-being of the child and of the parent who is the victim of domestic violence or stalking behavior, in addition to other facts regarding the best interest of the child.

5. The court shall consider the history of the parent causing physical harm, bodily injury, assault, verbal threats, stalking, or harassing behavior, or the fear of physical harm, bodily injury, or assault to another person, including the minor child, in determining issues regarding custody and visitation.

Credits

Laws 1983, c. 269, § 3, operative July 1, 1983. Renumbered from [Title 12, § 1275.4](#) by [Laws 1989, c. 333, § 1, eff. Nov. 1, 1989](#); [Laws 2009, c. 307, § 1, eff. Nov. 1, 2009](#).

[Notes of Decisions \(41\)](#)

43 Okl. St. Ann. § 109, OK ST T. 43 § 109

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43 Okl.St. Ann. § 109.1

§ 109.1. Custody during parents' separation

Currentness

If the parents of a minor unmarried child are separated without being divorced, the judge of the district court, upon application of either parent, may issue any civil process necessary to inquire into the custody of said minor unmarried child. The court may award the custody of said child to either party or both, in accordance with the best interests of the child, for such time and pursuant to such regulations as the case may require. The decision of the judge shall be guided by the rules prescribed in [Section 2](#) of this act.¹

Credits

R.L. 1910, § 4384; Laws 1975, c. 352, § 1, emerg. eff. June 12, 1975; Laws 1983, c. 269, § 1, operative July 1, 1983. Renumbered from [Title 10, § 21](#) by [Laws 1990, c. 188, § 4, eff. Sept. 1, 1990](#).

[Notes of Decisions \(1\)](#)

Footnotes

¹ [Title 10, § 21.1](#).

43 Okl. St. Ann. § 109.1, OK ST T. 43 § 109.1

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43 Okl.St. Ann. § 109.3

§ 109.3. Custody, guardianship or visitation cases--Evidence of domestic abuse

Currentness

In every case involving the custody of, guardianship of or visitation with a child, the court shall consider evidence of domestic abuse, stalking and/or harassing behavior properly brought before it. If the occurrence of domestic abuse, stalking or harassing behavior is established by a preponderance of the evidence, there shall be a rebuttable presumption that it is not in the best interest of the child to have custody, guardianship, or unsupervised visitation granted to the person against whom domestic abuse, stalking or harassing behavior has been established.

Credits

Laws 2006, c. 284, § 7, emerg. eff. June 7, 2006.

43 Okl. St. Ann. § 109.3, OK ST T. 43 § 109.3

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43 Okl.St. Ann. § 109.5

§ 109.5. Voluntary relinquishment of physical custody--Presumption

Currentness

When an order has been entered which provides for payment of child support and the legal custodian places physical custody of the child with any person, subject to the provisions of the Oklahoma Children's Code ¹ or this title, without obtaining a modification of the order to change legal custody, the placement of the physical custody, by operation of law, shall create a presumption that such person with whom the child was placed has legal physical custody of the child for the purposes of the payment of child support and the obligee shall remit such child support obligation to the person with whom the placement was made.

Credits

Laws 1987, c. 230, § 20, eff. Oct. 1, 1987. Renumbered from Title 10, § 38 and amended by Laws 1998, c. 415, §§ 46, 51, emerg. eff. June 11, 1998. Renumbered from Title 10, § 7202.3 by Laws 2009, c. 233, § 208, emerg. eff. May 21, 2009; Laws 2010, c. 358, § 9, emerg. eff. June 7, 2010.

Footnotes

¹ Title 10A, § 1-1-101 et seq.

43 Okl. St. Ann. § 109.5, OK ST T. 43 § 109.5

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43 Okl.St. Ann. § 109.6

§ 109.6. Certain information and records to be available to both custodial and noncustodial parent

Currentness

Any information or any record relating to a minor child which is available to the custodial parent of the child, upon request, shall also be provided the noncustodial parent of the child. Provided, however, that this right may be restricted by the court, upon application, if such action is deemed necessary in the best interests of the child. For the purpose of this section, “information” and “record” shall include, but not be limited to, information and records kept by the school, physician and medical facility of the minor child.

Credits

Laws 1982, c. 99, § 1, operative Oct. 1, 1982. Renumbered from [Title 10, § 5.2](#) by [Laws 2009, c. 233, § 198, emerg. eff. May 21, 2009](#).

43 Okl. St. Ann. § 109.6, OK ST T. 43 § 109.6

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43 Okl.St. Ann. § 110.1

§ 110.1. Shared parenting--Policy

Currentness

It is the policy of this state to assure that minor children have frequent and continuing contact with parents who have shown the ability to act in the best interests of their children and to encourage parents to share in the rights and responsibilities of rearing their children after the parents have separated or dissolved their marriage, provided that the parents agree to cooperate and that domestic violence, stalking, or harassing behaviors as defined in [Section 109](#) of this title are not present in the parental relationship. To effectuate this policy, if requested by a parent, the court may provide substantially equal access to the minor children to both parents at a temporary order hearing, unless the court finds that shared parenting would be detrimental to the child.

Credits

Laws 1999, c. 301, § 3, eff. Nov. 1, 1999; Laws 2001, c. 61, § 1, eff. Nov. 1, 2001; Laws 2009, c. 307, § 2, eff. Nov. 1, 2009.

Notes of Decisions (2)

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43 Okl.St. Ann. § 110.1a

§ 110.1a. Oklahoma Child Supervised Visitation Program--Policy--Definitions

Currentness

- A. This section shall be known and may be cited as the “Oklahoma Child Supervised Visitation Program”.
- B. It is the policy of this state to ensure that the health, safety, and welfare of the child is paramount when supervised visitation is ordered by the court.
- C. For purposes of the Oklahoma Child Supervised Visitation Program:
1. “Supervised visitation” means the court-ordered contact between a noncustodial parent and one or more children of such parent in the presence of a third-party person who is responsible for observing and overseeing the visitation in order to provide for the safety of the child and any other parties during the visitation. The court may require supervised visitation when deemed necessary by the court to protect the child or other parties;
 2. An “alcohol-dependent person” has the same meaning as such term defined in [Section 3-403 of Title 43A of the Oklahoma Statutes](#);
 3. A “drug-dependent person” has the same meaning as such term defined in [Section 3-403 of Title 43A of the Oklahoma Statutes](#); and
 4. “Domestic abuse” has the same meaning as such term defined in [Section 60.1 of Title 22 of the Oklahoma Statutes](#).
- D. 1. The associate district judge in each county within this state may select trained volunteers to provide supervised visitation pursuant to the Oklahoma Child Supervised Visitation Program.
2. By February 15, 2005, the associate district judge of each county may appoint a judicial district supervised visitation team to:
- a. identify public and private entities which will be willing to provide location sites for purposes of the Oklahoma Child Supervised Visitation Program,
 - b. identify individuals who will be willing to serve as third-party persons to observe and oversee court-ordered supervised visitations,

- c. establish training requirements for volunteers,
- d. identify programs which may be available for the training of the volunteers including, but not limited to, the Department of Human Services, Office of the Attorney General, child advocacy centers, domestic violence groups, and the Department of Mental Health and Substance Abuse Services,
- e. develop written protocol for handling supervised visitations so as to provide safety of the child and other parties during the supervised visitation,
- f. develop application forms for volunteers applying for the Oklahoma Child Supervised Visitation Program. Information listed on the form shall include, but not be limited to:
 - (1) name, address and phone number of the volunteer,
 - (2) volunteer's place of employment and phone number,
 - (3) areas of expertise,
 - (4) listing of professional training in areas including, but not limited to, child abuse, domestic abuse, alcohol or drug abuse, mental illness or conflict management,
 - (5) consent form specifying release of information, and
 - (6) professional references, and
- g. identify which information of the parties and the child will be confidential and which may be available to others.

3. From recommendations of the team established pursuant to this subsection, the associate district judge in each county within this state may authorize one or more public or private agencies to provide location sites for the Oklahoma Child Supervised Visitation Program. A district judge may require either party requesting supervised visitation of a child to identify a trained third-party volunteer to observe and oversee the visitation. A district court shall not:

- a. require any state agency location or state employee to observe and oversee any supervised visitation, or
- b. appoint a third party to observe and oversee a supervised visitation who has not received the training as specified by the judicial district supervised visitation team unless agreed to by the parties.

4. A participating public or private agency location site may charge a fee for each visit.

E. The protocol for supervised visitation established by each judicial district supervised visitation team may require that:

1. The location site require each participant who has court-ordered supervised visitation for a child and who is participating in the supervised visitation program to sign a time log upon arrival and departure. The agency location site must have an employee assigned to verify identification of each participant, initial each signature, and record the time of each person's arrival and departure; and

2. The agency location site also contain information on each client case including, but not limited to:

a. a copy of the court order requiring supervised visitation, and

b. name of individuals authorized to pick up or deliver a child to the agency location site for supervised visitation.

F. Each judicial district supervised visitation team may include, but not be limited to:

1. Mental health professionals;

2. Police officers or other law enforcement agents;

3. Medical personnel;

4. Child protective services workers;

5. Child advocacy individuals; and

6. The district attorney or designee.

G. An associate district judge of a county, the judicial district supervised visitation team created pursuant to this section and the Office of the Court Administrator may develop an informational brochure outlining the provisions of the Oklahoma Child Supervised Visitation Program and procedures to be used by volunteers in that judicial district. The brochure may be distributed through the municipal and district court, social service agency centers, county health departments, hospitals, crisis or counseling centers, and community action agencies.

H. Except for acts of dishonesty, willful criminal acts, or gross negligence, no member of the judicial district supervised visitation team or volunteer shall be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in the performance of the duties pursuant to the provisions of this section.

I. The provisions of this section shall not apply to cases subject to the Oklahoma Children's Code¹ and the Oklahoma Juvenile Code.²

Credits

Laws 2004, c. 415, § 5, eff. Dec. 15, 2004.

Footnotes

¹ Title 10, § 7000-1.1 et seq.

² Title 10, § 7301-1.1 et seq.

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43 Okl.St. Ann. § 110.2

§ 110.2. Blood, saliva, urine or any other tests--Child custody or visitation

Currentness

In any action in which the custody of or the visitation with a child is a relevant fact and at issue, the court may order the mother, the child or father to submit to blood, saliva, urine or any other test deemed necessary by the court in determining that the custody of or visitation with the child will be in the best interests of the child. If so ordered and any party or child refuses to submit to such tests, the court may enforce its order if the rights of others and the interests of justice so require unless such individual is found to have good cause for refusing to cooperate.

Credits

Laws 2004, c. 422, § 2, eff. July 1, 2004.

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43 Okl.St.Ann. § 111

§ 111. Indirect contempt for disobedience of certain orders relating to divorce or separate maintenance actions

Currentness

Any order pertaining to the division of property pursuant to a divorce or separate maintenance action, if willfully disobeyed, may be enforced as an indirect contempt of court.

Credits

Laws 1982, c. 14, § 1. Renumbered from [Title 12, § 1276.2](#) by [Laws 1989, c. 333, § 1, eff. Nov. 1, 1989](#). Laws 1992, c. 252, § 2, eff. Sept. 1, 1992.

[Notes of Decisions \(32\)](#)

43 Okl. St. Ann. § 111, OK ST T. 43 § 111

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 111.1

§ 111.1. Minimum visitation between noncustodial parent and child--Domestic violence or stalking--Failure to pay child support--Enforcement of visitation order

Currentness

- A. 1. Any order providing for the visitation of a noncustodial parent with any of the children of such noncustodial parent shall provide a specified minimum amount of visitation between the noncustodial parent and the child unless the court determines otherwise.
2. Except for good cause shown and when in the best interests of the child, the order shall encourage additional visitations of the noncustodial parent and the child and in addition encourage liberal telephone communications between the noncustodial parent and the child.
3. The court may award visitation by a noncustodial parent who was determined to have committed domestic violence or engaged in stalking behavior as defined in [Section 109](#) of this title, if the court is able to provide for the safety of the child and the parent who is the victim of that domestic violence.
4. In a visitation order, the court shall provide for the safety of the minor child and victim of domestic violence, stalking, or harassment as defined in [Section 109](#) of this title, and subject to the provisions of [Section 109](#) of this title, may:
- a. order the exchange of a child to be facilitated by a third party where the parents do not have any contact with each other,
 - b. order an exchange of a child to occur in a protected setting,
 - c. order visitation supervised by another person or agency,
 - d. order the abusive, stalking, or harassing parent to pay a fee to help defray the costs of supervised visitation or other costs of child exchanges, including compensating third parties,
 - e. order the abusive, stalking, or harassing parent to attend and complete, to the satisfaction of the court, an intervention program for batterers certified by the Office of the Attorney General,
 - f. prohibit unsupervised or overnight visitation until the abusive, stalking, or harassing parent has successfully completed a specialized program for abusers and the parent has neither threatened nor exhibited violence for a substantial period of time,

- g. order the abusive, stalking, or harassing parent to abstain from the possession or consumption of alcohol or controlled substances during the visitation and for twenty-four (24) hours preceding visitation,
- h. order the abusive, stalking, or harassing parent to complete a danger/lethality assessment by a qualified mental health professional, and
- i. impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic violence, stalking, or harassing behavior, or another household member.

5. The court shall not order a victim of domestic violence, stalking, or harassment to be present during child visitation exchange if the victim of domestic violence, stalking, or harassment objects to being present.

6. Visitation shall be terminated if:

- a. the abusive, stalking, or harassing parent repeatedly violates the terms and conditions of visitation,
- b. the child becomes severely distressed in response to visitation, including the determination by a mental health professional or certified domestic violence specialist that visitation with the abusive, stalking, or harassing parent is causing the child severe distress which is not in the best interest of the child, or
- c. there are clear indications that the abusive, stalking, or harassing parent has threatened to either harm or flee with the child, or has threatened to harm the custodial parent.

7. Whether or not visitation is allowed, the court shall order the address of the child and the victim of domestic violence, stalking, or harassing behavior to be kept confidential if requested.

- a. The court may order that the victim of domestic violence, stalking, or harassing behavior participate in the address confidentiality program available pursuant to [Section 60.14 of Title 22 of the Oklahoma Statutes](#).
- b. The abusive, stalking, or harassing parent may be denied access to the medical and educational records of the child if those records may be used to determine the location of the child.

B. 1. Except for good cause shown, when a noncustodial parent who is ordered to pay child support and who is awarded visitation rights fails to pay child support, the custodial parent shall not refuse to honor the visitation rights of the noncustodial parent.

2. When a custodial parent refuses to honor the visitation rights of the noncustodial parent, the noncustodial parent shall not fail to pay any ordered child support or alimony.

C. 1. Violation of an order providing for the payment of child support or providing for the visitation of a noncustodial parent with any of the children of such noncustodial parent may be prosecuted as indirect civil contempt pursuant to [Section 566 of Title 21 of the Oklahoma Statutes](#) or as otherwise deemed appropriate by the court.

2. Any person complying in good faith with the provisions of [Section 852.1 of Title 21 of the Oklahoma Statutes](#), by refusing to allow his or her child to be transported by an intoxicated driver, shall have an affirmative defense to a contempt of court proceeding in a divorce or custody action.

3. Unless good cause is shown for the noncompliance, the prevailing party shall be entitled to recover court costs and attorney fees expended in enforcing the order and any other reasonable costs and expenses incurred in connection with the denied child support or denied visitation as authorized by the court.

Credits

Laws 1989, c. 285, § 1, emerg. eff. May 24, 1989; Laws 1990, c. 171, § 1, operative July 1, 1990. Renumbered from Title 12, § 1276.3 by Laws 1990, c. 171, § 3, operative July 1, 1990. Laws 1990, c. 188, § 2, eff. Sept. 1, 1990; Laws 1999, c. 301, § 1, eff. Nov. 1, 1999; Laws 2000, c. 384, § 4, eff. Nov. 1, 2000; Laws 2009, c. 143, § 3, eff. July 1, 2009; Laws 2009, c. 307, § 3, eff. Nov. 1, 2009.

[Notes of Decisions \(1\)](#)

43 Okl. St. Ann. § 111.1, OK ST T. 43 § 111.1

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 111.1A

§ 111.1A. Standard visitation schedule--Advisory guidelines

Currentness

A. By January 1, 2005, the Administrative Director of the Courts shall have developed a standard visitation schedule and advisory guidelines which may be used by the district courts of this state as deemed necessary.

B. The standard visitation schedule should include a minimum graduated visitation schedule for children under the age of five (5) years and a minimum graduated visitation schedule for children five (5) years of age through seventeen (17) years of age. In addition, the standard visitation schedule should address:

1. Midweek and weekend time-sharing;
2. Differing geographical residences of the custodian and noncustodian of the child requesting visitation;
3. Holidays, including Friday and Monday holidays;
4. Summer vacation break;
5. Midterm school breaks;
6. Notice requirements and authorized reasons for cancellations of visitation;
7. Transportation and transportation costs, including pick up and return of the child;
8. Religious, school, and extracurricular activities;
9. Grandparent and relative contact;
10. The birthday of the child;
11. Sibling visitation schedules;

12. Special circumstances, including, but not limited to, emergencies; and

13. Any other standards deemed necessary by the Administrative Director of the Courts.

C. 1. The Administrative Director of the Courts shall develop advisory guidelines for use by the district courts when parties to any action concerning the custody of a child are unable to mutually agree upon a visitation schedule.

2. The advisory guidelines should include the following considerations at a minimum:

- a. a preference for visitation schedules that are mutually agreed upon by both parents over a court-imposed solution,
- b. a visitation schedule which should maximize the continuity and stability of the life of the child,
- c. special considerations should be given to each parent to make the child available to attend family functions, including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the child or in the life of either parent which may inadvertently conflict with the visitation schedule,
- d. a visitation schedule which will not interrupt the regular school hours of the child,
- e. a visitation schedule should reasonably accommodate the work schedule of both parents and may increase the visitation time allowed to the noncustodial parent but should not diminish the standardized visitation schedule provided in [Section 111.1 of Title 43 of the Oklahoma Statutes](#),
- f. a visitation schedule should reasonably accommodate the distance between the parties and the expense of exercising visitation,
- g. each parent should permit and encourage liberal electronic contact during reasonable hours and uncensored mail privileges with the child, and
- h. each parent should be entitled to an equal division of major religious holidays celebrated by the parents, and the parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the child on the religious holiday.

D. The Administrative Director of the Courts shall:

1. Make the standard visitation schedule and advisory guidelines available to the district courts of this state; and
2. Periodically review and update the guidelines as deemed necessary.

Credits

Laws 2004, c. 422, § 1, eff. July 1, 2004.

Notes of Decisions (1)

43 Okl. St. Ann. § 111.1A, OK ST T. 43 § 111.1A

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 111.2

§ 111.2. Civil action for child stealing

Currentness

Any person who is not a party to a child custody proceeding, and who intentionally removes, causes the removal of, assists in the removal of, or detains any child under eighteen (18) years of age with intent to deny another person's right to custody of the child or visitation under an existing court order shall be liable in an action at law. Remedies available pursuant to this section are in addition to any other remedies available by law or equity and may include, but shall not be limited to, the following:

1. Damages for loss of service, society, and companionship;
2. Compensatory damages for reasonable expenses incurred in searching for the missing child or attending court hearings; and
3. The prevailing party in such action shall be awarded reasonable attorney fees.

Credits

Laws 1995, c. 219, § 1, eff. Nov. 1, 1995.

43 Okl. St. Ann. § 111.2, OK ST T. 43 § 111.2

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 111.3

§ 111.3. Interference with visitation rights of noncustodial parent--Motion for enforcement

Currentness

A. When a noncustodial parent has been granted visitation rights and those rights are denied or otherwise interfered with by the custodial parent, in addition to the remedy provided in [subsection B of Section 111.1 of Title 43 of the Oklahoma Statutes](#), the noncustodial parent may file with the court clerk a motion for enforcement of visitation rights. The motion shall be filed on a form provided by the court clerk. Upon filing of the motion, the court shall immediately:

1. Issue ex parte an order for mediation; or
2. Set a hearing on the motion, which shall be not more than twenty-one (21) days after the filing of the motion.

B. Within five (5) days of termination of mediation ordered pursuant to paragraph 1 of subsection A of this section, the mediator shall submit the record of termination and a summary of the parties' agreement, if any, to the court. Upon receipt of the record of termination, the court shall enter an order in accordance with the parties' agreement, if any, or set the matter for hearing, which shall be not more than ten (10) days after the record of termination is received by the court.

C. Notice of a hearing pursuant to subsection A or B of this section shall be given to all interested parties by certified mail, return receipt requested, or as ordered by the court.

D. If the court finds that visitation rights of the noncustodial parent have been unreasonably denied or otherwise interfered with by the custodial parent, the court shall enter an order providing for one or more of the following:

1. A specific visitation schedule;
2. Compensating visitation time for the visitation denied or otherwise interfered with, which time shall be of the same type (e.g. holiday, weekday, weekend, summer) as the visitation denied or otherwise interfered with, and shall be at the convenience of the noncustodial parent;
3. Posting of a bond, either cash or with sufficient sureties, conditioned upon compliance with the order granting visitation rights;
4. Assessment of reasonable attorney fees, mediation costs, and court costs to enforce visitation rights against the custodial parent;

5. Attendance of one or both parents at counseling or educational sessions which focus on the impact of visitation disputes on children;

6. Supervised visitation; or

7. Any other remedy the court considers appropriate, which may include an order which modifies a prior order granting child custody.

E. If the court finds that the motion for enforcement of visitation rights has been unreasonably filed or pursued by the noncustodial parent, the court may assess reasonable attorney fees, mediation costs, and court costs against the noncustodial parent.

F. Final disposition of a motion filed pursuant to this section shall take place no later than forty-five (45) days after filing of the motion.

G. The Office of the Court Administrator shall develop the form required by subsection A of this section to be used for a motion to enforce visitation rights.

Credits

[Laws 1998, c. 407, § 42, eff. Nov. 1, 1998.](#)

[Notes of Decisions \(7\)](#)

43 Okl. St. Ann. § 111.3, OK ST T. 43 § 111.3

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 111.4

§ 111.4. Protection of child from child abuse or neglect or domestic violence by parent--Suspension of visitation

Currentness

A. A parent who, in good faith and with a reasonable belief supported by fact, determines that the child of that parent is the victim of child abuse or neglect, or suffers from effects of domestic violence, may take necessary actions to protect the child, including refusing to permit visitation.

B. In cases in which there is evidence to substantiate suspected or confirmed child abuse or neglect, visitation shall be suspended.

Credits

Laws 2009, c. 307, § 4, eff. Nov. 1, 2009.

43 Okl. St. Ann. § 111.4, OK ST T. 43 § 111.4

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 112

§ 112. Care and custody of children

Currentness

A. A petition or cross-petition for a divorce, legal separation, or annulment must state whether or not the parties have minor children of the marriage. If there are minor children of the marriage, the court:

1. Shall make provision for guardianship, custody, medical care, support and education of the children;
2. Unless not in the best interests of the children, may provide for the visitation of the noncustodial parent with any of the children of the noncustodial parent; and
3. May modify or change any order whenever circumstances render the change proper either before or after final judgment in the action; provided, that the amount of the periodic child support payment shall not be modified retroactively or payment of all or a portion of the past due amount waived, except by mutual agreement of the obligor and obligee, or if the obligee has assigned child support rights to the Department of Human Services or other entity, by agreement of the Department or other entity. Unless the parties agree to the contrary, a completed child support computation form provided for in [Section 120](#) of this title shall be required to be filed with the child support order.

The social security numbers of both parents and the child shall be included on the child support order summary form provided for in [Section 120](#) of this title, which shall be submitted to the Central Case Registry as provided for in [Section 112A](#) of this title with all child support or paternity orders.

B. In any action in which there are minor unmarried children in awarding or modifying the custody of the child or in appointing a general guardian for the child, the court shall be guided by the provisions of [Section 112.5](#) of this title and shall consider what appears to be in the best interests of the child.

C. 1. When it is in the best interests of a minor unmarried child, the court shall:

- a. assure children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, and
- b. encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

2. There shall be neither a legal preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody.

3. When in the best interests of the child, custody shall be awarded in a way which assures the frequent and continuing contact of the child with both parents. When awarding custody to either parent, the court:

- a. shall consider, among other facts, which parent is more likely to allow the child or children frequent and continuing contact with the noncustodial parent, and
- b. shall not prefer a parent as a custodian of the child because of the gender of that parent.

4. In any action, there shall be neither a legal preference or a presumption for or against private or public school or home-schooling in awarding the custody of a child, or in appointing a general guardian for the child.

5. Notwithstanding any custody determination made pursuant to the Oklahoma Children's Code, when a parent of a child is required to be separated from a child due to military service, the court shall not enter a final order modifying an existing custody order until such time as the parent has completed the term of duty requiring separation. For purposes of this paragraph:

- a. in the case of a parent who is a member of the Army, Navy, Air Force, Marine Corps or Coast Guard, the term "military service" means a combat deployment, contingency operation, or natural disaster requiring the use of orders that do not permit any family member to accompany the member,
- b. in the case of a parent who is a member of the National Guard, the term "military service" means service under a call to active service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty (30) consecutive days under [32 U.S.C. 502\(f\)](#) for purposes of responding to a national emergency declared by the President and supported by federal funds. "Military service" shall include any period during which a member is absent from duty on account of sickness, wounds, leave or other lawful cause, and
- c. the court may enter a temporary custody or visitation order pursuant to the requirements of the Deployed Parents Custody and Visitation Act.

6. In making an order for custody, the court shall require compliance with [Section 112.3](#) of this title.

D. 1. Except for good cause shown, a pattern of failure to allow court-ordered visitation may be determined to be contrary to the best interests of the child and as such may be grounds for modification of the child custody order.

2. For any action brought pursuant to the provisions of this section which the court determines to be contrary to the best interests of the child, the prevailing party shall be entitled to recover court costs, attorney fees and any other reasonable costs and expenses incurred with the action.

E. Except as otherwise provided by [Section 112.1A](#) of this title, any child shall be entitled to support by the parents until the child reaches eighteen (18) years of age. If a child is regularly enrolled in and attending high school, as set forth in [Section 11-103.6 of Title 70 of the Oklahoma Statutes](#), other means of high school education, or an alternative high school education

program as a full-time student, the child shall be entitled to support by the parents until the child graduates from high school or until the age of twenty (20) years, whichever occurs first. Full-time attendance shall include regularly scheduled breaks from the school year. No hearing or further order is required to extend support pursuant to this subsection after the child reaches the age of eighteen (18) years.

F. In any case in which provision is made for the custody or support of a minor child or enforcement of such order and before hearing the matter or signing any orders, the court shall inquire whether public assistance money or medical support has been provided by the Department of Human Services, hereafter referred to as the Department, for the benefit of each child. If public assistance money, medical support, or child support services under the state child support plan as provided in [Section 237 of Title 56 of the Oklahoma Statutes](#) have been provided for the benefit of the child, the Department shall be a necessary party for the adjudication of the debt due to the State of Oklahoma, as defined in [Section 238 of Title 56 of the Oklahoma Statutes](#), and for the adjudication of paternity, child support, and medical insurance coverage for the minor children in accordance with federal regulations. When an action is filed, the petitioner shall give the Department notice of the action according to [Section 2004 of Title 12 of the Oklahoma Statutes](#). The Department shall not be required to intervene in the action to have standing to appear and participate in the action. When the Department is a necessary party to the action, any orders concerning paternity, child support, medical support, or the debt due to the State of Oklahoma shall be approved and signed by the Department.

G. In any case in which a child support order or custody order or both is entered, enforced or modified, the court may make a determination of the arrearages of child support.

Credits

R.L.1910, § 4968; Laws 1955, p. 142, § 1; Laws 1968, c. 226, § 1; Laws 1969, c. 334, § 1, emerg. eff. May 8, 1969; Laws 1973, c. 188, § 1; Laws 1974, c. 101, § 1, emerg. eff. April 30, 1974; Laws 1979, c. 93, § 1, eff. Oct. 1, 1979; Laws 1985, c. 297, § 16, operative Oct. 1, 1985; [Laws 1987, c. 230, § 14, eff. Oct. 1, 1987](#). Renumbered from [Title 12, § 1277](#) by [Laws 1989, c. 333, § 1, eff. Nov. 1, 1989](#). [Laws 1990, c. 171, § 2, operative July 1, 1990](#); [Laws 1990, c. 309, § 11, eff. Sept. 1, 1990](#); [Laws 1993, c. 307, § 1, emerg. eff. June 7, 1993](#); [Laws 1994, c. 356, § 12, eff. Sept. 1, 1994](#); [Laws 1996, c. 131, § 10, eff. Jan. 1, 1997](#); [Laws 1997, c. 403, § 10, eff. Nov. 1, 1997](#); [Laws 1998, c. 5, § 13, emerg. eff. March 4, 1998](#); [Laws 1998, c. 323, § 7, eff. Oct. 1, 1998](#); [Laws 1999, c. 301, § 2, eff. Nov. 1, 1999](#); [Laws 2000, c. 384, § 5, eff. Nov. 1, 2000](#); [Laws 2002, c. 400, § 7, eff. Nov. 1, 2002](#); [Laws 2003, c. 3, § 22, emerg. eff. March 19, 2003](#); [Laws 2006, c. 127, § 1, eff. Nov. 1, 2006](#); [Laws 2007, c. 1, § 23, emerg. eff. Feb. 22, 2007](#); [Laws 2007, c. 34, § 1, emerg. eff. April 18, 2007](#); [Laws 2009, c. 234, § 137, emerg. eff. May 21, 2009](#); [Laws 2010, c. 358, § 10, emerg. eff. June 7, 2010](#); [Laws 2011, c. 354, § 1, emerg. eff. May 26, 2011](#).

[Notes of Decisions \(529\)](#)

43 Okl. St. Ann. § 112, OK ST T. 43 § 112

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 112.2

§ 112.2. Evidence of ongoing domestic abuse or child abuse--
Determinations relating to convicted sex offenders--Presumption

Currentness

A. In every case involving the custody of, guardianship of or visitation with a child, the court shall consider for determining the custody of, guardianship of or the visitation with a child whether any person seeking custody or who has custody of, guardianship of or visitation with a child.

1. Is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act ¹ or any similar act in any other state;

2. Has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act ² or in [Section 582 of Title 57 of the Oklahoma Statutes](#);

3. Is an alcohol-dependent person or a drug-dependent person as established by clear and convincing evidence and who can be expected in the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person as a result of such dependency;

4. Has been convicted of domestic abuse within the past five (5) years;

5. Is residing with an individual who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state;

6. Is residing with a person who has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act or in [Section 582 of Title 57 of the Oklahoma Statutes](#); or

7. Is residing with a person who has been convicted of domestic abuse within the past five (5) years.

B. There shall be a rebuttable presumption that it is not in the best interests of the child to have custody or guardianship granted to a person who:

1. Is subject to or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state;

2. Has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act or in [Section 582 of Title 57 of the Oklahoma Statutes](#);
3. Is an alcohol-dependent person or a drug-dependent person as established by clear and convincing evidence and who can be expected in the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person as a result of such dependency;
4. Has been convicted of domestic abuse within the past five (5) years;
5. Is residing with a person who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state;
6. Is residing with a person who has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act or in [Section 582 of Title 57 of the Oklahoma Statutes](#); or
7. Is residing with a person convicted of domestic abuse within the past five (5) years.

C. Custody of, guardianship of, or visitation with a child shall not be granted to any person if it is established that the custody, guardianship or visitation will likely expose the child to a foreseeable risk of material harm.

D. Except as otherwise provided by the Oklahoma Child Supervised Visitation Program, court-ordered supervised visitation shall be governed by the Oklahoma Child Supervised Visitation Program.

E. For purposes of this section:

1. “Alcohol-dependent person” has the same meaning as such term is defined in [Section 3-403 of Title 43A of the Oklahoma Statutes](#);
2. “Domestic abuse” has the same meaning as such term is defined in [Section 60.1 of Title 22 of the Oklahoma Statutes](#);
3. “Drug-dependent person” has the same meaning as such term is defined in [Section 3-403 of Title 43A of the Oklahoma Statutes](#); and
4. “Supervised visitation” means a program established pursuant to Section 5 of this act.³

Credits

Laws 1991, c. 113, § 2, eff. Sept. 1, 1991; Laws 2002, c. 445, § 19, eff. Nov. 1, 2002; Laws 2003, c. 3, § 25, emerg. eff. March 19, 2003; Laws 2004, c. 415, § 4, emerg. eff. June 4, 2004.

Notes of Decisions (4)

Footnotes

1 [Title 22, § 60 et seq.](#)

2 [Title 10, § 7101 et seq.](#)

3 O.S.L.2004, c. 415, § 5 [[Title 43, § 110.1a](#)].

43 Okl. St. Ann. § 112.2, OK ST T. 43 § 112.2

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St.Ann. §112.2A

§ 112.2A. Parent's right to change child's residence

Currentness

A parent entitled to the custody of a child has a right to change his residence, subject to the power of the district court to restrain a removal which would prejudice the rights or welfare of the child.

Credits

R.L.1910, § 4382. Renumbered from [Title 10, § 19](#) by [Laws 2009, c. 233, § 202, emerg. eff. May 21, 2009](#).

[Notes of Decisions \(10\)](#)

43 Okl. St. Ann. §112.2A, OK ST T. 43 §112.2A

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 112.3

§ 112.3. Notice of proposed relocation or change of residence

Currentness

A. As used in this section:

1. "Change of residence address" means a change in the primary residence of an adult;
2. "Child" means a child under the age of eighteen (18) who has not been judicially emancipated;
3. "Person entitled to custody of or visitation with a child" means a person so entitled by virtue of a court order or by an express agreement that is subject to court enforcement;
4. "Principal residence of a child" means:
 - a. the location designated by a court to be the primary residence of the child,
 - b. in the absence of a court order, the location at which the parties have expressly agreed that the child will primarily reside, or
 - c. in the absence of a court order or an express agreement, the location, if any, at which the child, preceding the time involved, lived with the child's parents, a parent, or a person acting as parent for at least six (6) consecutive months and, in the case of a child less than six (6) months old, the location at which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period; and
5. "Relocation" means a change in the principal residence of a child over seventy-five (75) miles from the child's principal residence for a period of sixty (60) days or more, but does not include a temporary absence from the principal residence.

B. 1. Except as otherwise provided by this section, a person who has the right to establish the principal residence of the child shall notify every other person entitled to visitation with the child of a proposed relocation of the child's principal residence as required by this section.

2. Except as otherwise provided by this section, an adult entitled to visitation with a child shall notify every other person entitled to custody of or visitation with the child of an intended change in the primary residence address of the adult as required by this section.

C. 1. Except as provided by this section, notice of a proposed relocation of the principal residence of a child or notice of an intended change of the primary residence address of an adult must be given:

a. by mail to the last-known address of the person to be notified, and

b. no later than:

(1) the sixtieth day before the date of the intended move or proposed relocation, or

(2) the tenth day after the date that the person knows the information required to be furnished pursuant to this subsection, if the person did not know and could not reasonably have known the information in sufficient time to comply with the sixty-day notice, and it is not reasonably possible to extend the time for relocation of the child.

2. Except as provided by this section, the following information, if available, must be included with the notice of intended relocation of the child or change of primary residence of an adult:

a. the intended new residence, including the specific address, if known,

b. the mailing address, if not the same,

c. the home telephone number, if known,

d. the date of the intended move or proposed relocation,

e. a brief statement of the specific reasons for the proposed relocation of a child, if applicable,

f. a proposal for a revised schedule of visitation with the child, if any, and

g. a warning to the nonrelocating parent that an objection to the relocation must be made within thirty (30) days or the relocation will be permitted.

3. A person required to give notice of a proposed relocation or change of residence address under this subsection has a continuing duty to provide a change in or addition to the information required by this subsection as that information becomes known.

D. After the effective date of this act,¹ an order issued by a court directed to a person entitled to custody of or visitation with a child shall include the following or substantially similar terms:

“You, as a party in this action, are ordered to notify every other party to this action in writing of a proposed relocation of the child, change of your primary residence address, and the following information:

1. The intended new residence, including the specific address, if known;
2. The mailing address, if not the same;
3. The home telephone number, if known;
4. The date of the intended move or proposed relocation;
5. A brief statement of the specific reasons for the proposed relocation of a child, if applicable; and
6. A proposal for a revised schedule of visitation with the child, if any.

You are further ordered to give written notice of the proposed relocation or change of residence address on or before the sixtieth day before a proposed change. If you do not know and could not have reasonably known of the change in sufficient time to provide a sixty-day notice, you are ordered to give written notice of the change on or before the tenth day after the date that you know of the change.

Your obligation to furnish this information to every other party continues as long as you, or any other person, by virtue of this order, are entitled to custody of or visitation with a child covered by this order.

Your failure to obey the order of this court to provide every other party with notice of information regarding the proposed relocation or change of residence address may result in further litigation to enforce the order, including contempt of court.

In addition, your failure to notify of a relocation of the child may be taken into account in a modification of custody of, visitation with, possession of or access to the child. Reasonable costs and attorney fees also may be assessed against you if you fail to give the required notice.

If you, as the nonrelocating parent, do not file a proceeding seeking a temporary or permanent order to prevent the relocation within thirty (30) days after receipt of notice of the intent of the other party to relocate the residence of the child, relocation is authorized.”

E. 1. On a finding by the court that the health, safety, or liberty of a person or a child would be unreasonably put at risk by the disclosure of the required identifying information in conjunction with a proposed relocation of the child or change of residence of an adult, the court may order that:

- a. the specific residence address and telephone number of the child or of the adult and other identifying information shall not be disclosed in the pleadings, other documents filed in the proceeding, or the final order, except for an in camera disclosure,
- b. the notice requirements provided by this article be waived to the extent necessary to protect confidentiality and the health, safety or liberty of a person or child, and
- c. any other remedial action that the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child.

2. If appropriate, the court may conduct an ex parte hearing pursuant to this subsection.

F. 1. The court may consider a failure to provide notice of a proposed relocation of a child as provided by this section as:

- a. a factor in making its determination regarding the relocation of a child,
- b. a factor in determining whether custody or visitation should be modified,
- c. a basis for ordering the return of the child if the relocation has taken place without notice, and
- d. sufficient cause to order the person seeking to relocate the child to pay reasonable expenses and attorney fees incurred by the person objecting to the relocation.

2. In addition to the sanctions provided by this subsection, the court may make a finding of contempt if a party violates the notice requirement required by this section and may impose the sanctions authorized for contempt of a court order.

G. 1. The person entitled to custody of a child may relocate the principal residence of a child after providing notice as provided by this section unless a parent entitled to notice files a proceeding seeking a temporary or permanent order to prevent the relocation within thirty (30) days after receipt of the notice.

2. A parent entitled by court order or written agreement to visitation with a child may file a proceeding objecting to a proposed relocation of the principal residence of a child and seek a temporary or permanent order to prevent the relocation.

3. If relocation of the child is proposed, a nonparent entitled by court order or written agreement to visitation with a child may file a proceeding to obtain a revised schedule of visitation, but may not object to the proposed relocation or seek a temporary or permanent order to prevent the relocation.

4. A proceeding filed pursuant to this subsection must be filed within thirty (30) days of receipt of notice of a proposed relocation.

H. 1. The court may grant a temporary order restraining the relocation of a child, or ordering return of the child if a relocation has previously taken place, if the court finds:

- a. the required notice of a proposed relocation of a child as provided by this section was not provided in a timely manner and the parties have not presented an agreed-upon revised schedule for visitation with the child for the court's approval,
- b. the child already has been relocated without notice, agreement of the parties, or court approval, or
- c. from an examination of the evidence presented at the temporary hearing there is a likelihood that on final hearing the court will not approve the relocation of the primary residence of the child.

2. The court may grant a temporary order permitting the relocation of the child pending final hearing if the court:

- a. finds that the required notice of a proposed relocation of a child as provided by this section was provided in a timely manner and issues an order for a revised schedule for temporary visitation with the child, and
- b. finds from an examination of the evidence presented at the temporary hearing there is a likelihood that on final hearing the court will approve the relocation of the primary residence of the child.

I. A proposed relocation of a child may be a factor in considering a change of custody.

J. 1. In reaching its decision regarding a proposed relocation, the court shall consider the following factors:

- a. the nature, quality, extent of involvement, and duration of the child's relationship with the person proposing to relocate and with the nonrelocating person, siblings, and other significant persons in the child's life,
- b. the age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child,
- c. the feasibility of preserving the relationship between the nonrelocating person and the child through suitable visitation arrangements, considering the logistics and financial circumstances of the parties,
- d. the child's preference, taking into consideration the age and maturity of the child,
- e. whether there is an established pattern of conduct of the person seeking the relocation, either to promote or thwart the relationship of the child and the nonrelocating person,

- f. whether the relocation of the child will enhance the general quality of life for both the custodial party seeking the relocation and the child, including but not limited to financial or emotional benefit or educational opportunity,
- g. the reasons of each person for seeking or opposing the relocation, and
- h. any other factor affecting the best interest of the child.

2. The court may not:

- a. give undue weight to the temporary relocation as a factor in reaching its final decision, if the court has issued a temporary order authorizing a party seeking to relocate a child to move before final judgment is issued, or
- b. consider whether the person seeking relocation of the child has declared that he or she will not relocate if relocation of the child is denied.

K. The relocating person has the burden of proof that the proposed relocation is made in good faith. If that burden of proof is met, the burden shifts to the nonrelocating person to show that the proposed relocation is not in the best interest of the child.

L. 1. After notice and a reasonable opportunity to respond, the court may impose a sanction on a person proposing a relocation of the child or objecting to a proposed relocation of a child if it determines that the proposal was made or the objection was filed:

- a. to harass a person or to cause unnecessary delay or needless increase in the cost of litigation,
- b. without being warranted by existing law or was based on frivolous argument, or
- c. based on allegations and other factual contentions which had no evidentiary support or, if specifically so identified, could not have been reasonably believed to be likely to have evidentiary support after further investigation.

2. A sanction imposed under this subsection shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. The sanction may include directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the other party of some or all of the reasonable attorney fees and other expenses incurred as a direct result of the violation.

M. If the issue of relocation is presented at the initial hearing to determine custody of and visitation with a child, the court shall apply the factors set forth in this section in making its initial determination.

N. 1. The provisions of this section apply to an order regarding custody of or visitation with a child issued:

a. after the effective date of this act, and

b. before the effective date of this act, if the existing custody order or enforceable agreement does not expressly govern the relocation of the child or there is a change in the primary residence address of an adult affected by the order.

2. To the extent that a provision of this section conflicts with an existing custody order or enforceable agreement, this section does not apply to the terms of that order or agreement that govern relocation of the child or a change in the primary residence address of an adult.

Credits

[Laws 2002, c. 400, § 8, eff. Nov. 1, 2002; Laws 2008, c. 28, § 1, eff. Nov. 1, 2008.](#)

[Notes of Decisions \(23\)](#)

Footnotes

¹ O.S.L.2002, c. 400, effective November 1, 2002.

43 Okl. St. Ann. § 112.3, OK ST T. 43 § 112.3

Current with chapters of the First Regular Session of the 54th Legislature (2013) effective July 1, 2013.

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 112.5

§ 112.5. Custody or guardianship--Order of preference--Death of custodial parent--
Preference of child--Evidence of domestic abuse--Registered sex offenders

Currentness

A. Custody or guardianship of a child may be awarded to:

1. A parent or to both parents jointly;
2. A grandparent;
3. A person who was indicated by the wishes of a deceased parent;
4. A relative of either parent;
5. The person in whose home the child has been living in a wholesome and stable environment including but not limited to a foster parent; or
6. Any other person deemed by the court to be suitable and able to provide adequate and proper care and guidance for the child.

B. In applying subsection A of this section, a court shall award custody or guardianship of a child to a parent, unless a nonparent proves by clear and convincing evidence that:

1. For a period of at least twelve (12) months out of the last fourteen (14) months immediately preceding the commencement of the custody or guardianship proceeding, the parent has willfully failed, refused, or neglected to contribute to the support of the child:
 - a. in substantial compliance with a support provision or an order entered by a court of competent jurisdiction adjudicating the duty, amount, and manner of support, or
 - b. according to the financial ability of the parent to contribute to the support of the child if no provision for support is entered by a court of competent jurisdiction, or an order of modification subsequent thereto.

For purposes of this paragraph, incidental or token financial contributions shall not be considered in establishing whether a parent has satisfied his or her obligation under subparagraphs a and b of this paragraph; or

2. a. the child has been left in the physical custody of a nonparent by a parent or parents of the child for one (1) year or more, excluding parents on active duty in the military, and

b. the parent or parents have not maintained regular visitation or communication with the child.

For purposes of this paragraph, incidental or token visits or communications shall not be considered in determining whether a parent or parents have regularly maintained visitation or communication.

C. In applying subsection A of this section, a court shall award custody or guardianship of a child to a parent, unless the court finds that the parent is affirmatively unfit. There shall be a rebuttable presumption that a parent is affirmatively unfit if the parent:

1. Is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act¹ or any similar act in any other state;

2. Has been convicted of a crime listed in [Section 582 of Title 57 of the Oklahoma Statutes](#);

3. Is an alcohol-dependent person or a drug-dependent person as established by clear and convincing evidence and who can be expected in the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person as a result of such dependency;

4. Has been convicted of domestic abuse within the past five (5) years;

5. Is residing with a person who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act² or any similar act in any other state;

6. Is residing with a person who has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act³ or in [Section 582 of Title 57 of the Oklahoma Statutes](#); or

7. Is residing with a person who has been convicted of domestic abuse within the past five (5) years.

D. Subject to subsection E of this section, a custody determination made in accordance with subsections B and C of this section shall not be modified unless the person seeking the modification proves that:

1. Since the making of the order sought to be modified, there has been a permanent, material, and substantial change of conditions that directly affects the best interests of the child; and

2. That as a result of such change of circumstances, the child would be substantially better off with regard to its temporal, mental, and moral welfare if custody were modified.

E. If the custody determination made in accordance with subsections B and C indicates that custody is temporary, the determination may be modified upon a showing that the conditions which led to the custody or guardianship determination no longer exist.

Credits

Laws 1983, c. 269, § 2, operative July 1, 1983; Laws 1988, c. 238, § 5, emerg. eff. June 24, 1988; Laws 1991, c. 113, § 1, eff. Sept. 1, 1991; Laws 1997, c. 386, § 1, emerg. eff. June 10, 1997; Laws 2001, c. 141, § 1, emerg. eff. April 30, 2001; Laws 2002, c. 445, § 1, eff. Nov. 1, 2002; Laws 2003, c. 3, § 3, emerg. eff. March 19, 2003; Laws 2004, c. 415, § 2, emerg. eff. June 4, 2004; Laws 2007, c. 94, § 1, eff. Nov. 1, 2007. Renumbered from Title 10, § 21.1 and amended by Laws 2009, c. 233, §§ 2, 204, emerg. eff. May 21, 2009.

Notes of Decisions (17)

Footnotes

1 Title 10, § 7001-1.1 et seq.

2 Title 57, § 581 et seq.

3 Title 10, § 7101 et seq.

43 Okl. St. Ann. § 112.5, OK ST T. 43 § 112.5

Current with chapters of the First Regular Session of the 54th Legislature (2013) effective July 1, 2013.

Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 112.7

§ 112.7. Modification of custody--Military deployment

Currentness

A military deployment shall not be used as evidence of a substantial, material and permanent change of circumstances to warrant a permanent modification of custody.

Credits

Laws 2011, c. 354, § 2, emerg. eff. May 26, 2011.

43 Okl. St. Ann. § 112.7, OK ST T. 43 § 112.7

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 113

§ 113. Preference of child--Record of interview

Currentness

A. In any action or proceeding in which a court must determine custody or limits to or periods of visitation, the child may express a preference as to which of the parents the child wishes to have custody or limits to or periods of visitation.

B. The court shall first determine whether the best interest of the child will be served by allowing the child to express a preference as to which parent should have custody or limits to or periods of visitation with either parent. If the court so finds, then the child may express such preference or give other testimony.

C. There shall be a rebuttable presumption that a child who is twelve (12) years of age or older is of a sufficient age to form an intelligent preference.

D. If the child is of a sufficient age to form an intelligent preference, the court shall consider the expression of preference or other testimony of the child in determining custody or limits to or periods of visitation. Interviewing the child does not diminish the discretion of the court in determining the best interest of the child. The court shall not be bound by the child's choice or wishes and shall take all factors into consideration in awarding custody or limits of or period of visitation.

E. If the child is allowed to express a preference or give testimony, the court may conduct a private interview with the child in chambers without the parents, attorneys or other parties present. However, if the court has appointed a guardian ad litem for the child, the guardian ad litem shall be present with the child in chambers. The parents, attorneys or other parties may provide the court with questions or topics for the court to consider in its interview of the child; however, the court shall not be bound to ask any question presented or explore any topic requested by a parent, attorney or other party.

F. At the request of either party, a record shall be made of any child interview conducted in chambers. If the proceeding is transcribed, the parties shall be entitled to access to the transcript only if a parent or the parents appeal the custody or visitation determination.

Credits

Laws 1975, c. 183, § 1; Laws 1986, c. 196, § 1, eff. Nov. 1, 1986. Renumbered from [Title 12, § 1277.1](#) by [Laws 1989, c. 333, § 1, eff. Nov. 1, 1989](#). [Laws 2002, c. 373, § 1, emerg. eff. June 4, 2002](#); [Laws 2011, c. 229, § 1, eff. Nov. 1, 2011](#).

[Notes of Decisions \(26\)](#)

43 Okl. St. Ann. § 113, OK ST T. 43 § 113

Current with chapters of the First Regular Session of the 54th Legislature (2013) effective July 1, 2013.

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 115

§ 115. Order for child support or modification of order--Provision for income assignment

Currentness

A. Every order providing for the support of a minor child or a modification of such order, whether issued by a district court or an administrative court, shall contain an immediate income assignment provision if child support services are being provided under the state child support plan as provided under [Section 237 of Title 56 of the Oklahoma Statutes](#), regardless of whether support payments by such parent are in arrears.

B. In all child support cases arising out of an action for divorce, paternity or other proceeding in which services are not being provided under the state child support plan, the district court shall order the wage of the obligor subject to immediate income assignment, regardless of whether support payments by such parent are in arrears, unless:

1. One of the parties demonstrates and the district court finds there is good cause not to require immediate income withholding; or
2. A written agreement is reached between the parties which provides for an alternative arrangement.

C. The obligated party may execute a voluntary income assignment at any time. The voluntary assignment shall be filed with the district or administrative court and shall take effect after service on the payor, as required by [Section 1171.3 of Title 12 of the Oklahoma Statutes](#).

Credits

Laws 1985, c. 297, § 17, operative Oct. 1, 1985. Renumbered from [Title 12, § 1277.4](#) by [Laws 1989, c. 333, § 1, eff. Nov. 1, 1989](#). [Laws 1994, c. 365, § 11, eff. Sept. 1, 1994](#); [Laws 1997, c. 402, § 12, eff. July 1, 1997](#).

43 Okl. St. Ann. § 115, OK ST T. 43 § 115

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 120.2

§ 120.2. Definitions

Currentness

As used in the Parenting Coordinator Act:

1. "Parenting coordinator" means an impartial third party qualified pursuant to [subsection A of Section 120.6](#) of this title appointed by the court to assist parties in resolving issues and deciding disputed issues pursuant to the provisions of the Parenting Coordinator Act relating to parenting and other family issues in any action for dissolution of marriage, legal separation, paternity, or guardianship where a minor child is involved; and

2. "High-conflict case" means any action for dissolution of marriage, legal separation, paternity, or guardianship where minor children are involved and the parties demonstrate a pattern of ongoing:

- a. litigation,
- b. anger and distrust,
- c. verbal abuse,
- d. physical aggression or threats of physical aggression,
- e. difficulty in communicating about and cooperating in the care of their children, or
- f. conditions that in the discretion of the court warrant the appointment of a parenting coordinator.

Credits

[Laws 2001, c. 407, § 9, eff. July 1, 2001; Laws 2003, c. 302, § 6, emerg. eff. May 28, 2003.](#)

43 Okl. St. Ann. § 120.2, OK ST T. 43 § 120.2

Current with chapters of the First Regular Session of the 54th Legislature (2013) effective July 1, 2013.

Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 120.3

§ 120.3. Appointment of parenting coordinator--Party
agreement--Authority--Meetings--Parental rights--Removal

Currentness

A. In any action for dissolution of marriage, legal separation, paternity, or guardianship where minor children are involved, the court may, upon its own motion, or by motion or agreement of the parties, appoint a parenting coordinator to assist the parties in resolving issues and decide disputed issues pursuant to the provisions of the Parenting Coordinator Act related to parenting or other family issues in the case except as provided in subsection B of this section, and [subsection A of Section 120.5](#) of this title.

B. The court shall not appoint a parenting coordinator if any party objects, unless:

1. The court makes specific findings that the case is a high-conflict case; and
2. The court makes specific findings that the appointment of a parenting coordinator is in the best interest of any minor child in the case.

C. 1. The authority of a parenting coordinator shall be specified in the order appointing the parenting coordinator and limited to matters that will aid the parties in:

- a. identifying disputed issues,
- b. reducing misunderstandings,
- c. clarifying priorities,
- d. exploring possibilities for compromise,
- e. developing methods of collaboration in parenting, and
- f. complying with the court's order of custody, visitation, or guardianship.

2. The appointment of a parenting coordinator shall not divest the court of its exclusive jurisdiction to determine fundamental issues of custody, visitation, and support, and the authority to exercise management and control of the case.

3. The parenting coordinator shall not make any modification to any order, judgment or decree; however, the parenting coordinator may allow the parties to make minor temporary departures from a parenting plan if authorized by the court to do so. The appointment order should specify those matters which the parenting coordinator is authorized to determine. The order shall specify which determinations will be immediately effective and which will require an opportunity for court review prior to taking effect.

D. The parties may limit the decision-making authority of the parenting coordinator to specific issues or areas if the parenting coordinator is being appointed pursuant to agreement of the parties.

E. Meetings between the parenting coordinator and the parties need not follow any specific procedures and the meetings may be informal. All communication between the parties and the parenting coordinator shall not be confidential.

F. Nothing in the Parenting Coordinator Act shall abrogate the custodial or noncustodial parent's rights or any court-ordered visitation given to grandparents or other persons except as specifically addressed in the order appointing the parenting coordinator.

G. 1. Except as otherwise provided by this subsection, the court shall reserve the right to remove the parenting coordinator in its own discretion.

2. The court may remove the parenting coordinator upon the request and agreement of both parties. Upon the motion of either party and good cause shown, the court may remove the parenting coordinator.

Credits

[Laws 2001, c. 407, § 10, eff. July 1, 2001; Laws 2003, c. 302, § 7, emerg. eff. May 28, 2003.](#)

[Notes of Decisions \(9\)](#)

43 Okl. St. Ann. § 120.3, OK ST T. 43 § 120.3

Current with chapters of the First Regular Session of the 54th Legislature (2013) effective July 1, 2013.

Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 120.4

§ 120.4. Report of decision

Currentness

A. A report of the decisions and recommendations made by the parenting coordinator shall be filed with the court within twenty (20) days, with copies of the report provided to the parties or their counsel. There shall be no ex parte communication with the court.

B. Any decisions made by the parenting coordinator authorized by the court order and issued pursuant to the provisions of the Parenting Coordinator Act shall be binding on the parties until further order of the court.

C. 1. Any party may file with the court and serve on the parenting coordinator and all other parties an objection to the parenting coordinator's report within ten (10) days after the parenting coordinator provides the report to the parties, or within another time as the court may direct.

2. Responses to the objections shall be filed with the court and served on the parenting coordinator and all other parties within ten (10) days after the objection is served.

D. The court shall review any objections to the report and any responses submitted to those objections to the report and shall thereafter enter appropriate orders.

Credits

Laws 2001, c. 407, § 11, eff. July 1, 2001; Laws 2003, c. 302, § 8, emerg. eff. May 28, 2003.

Notes of Decisions (3)

43 Okl. St. Ann. § 120.4, OK ST T. 43 § 120.4

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Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 120.5

§ 120.5. Fees

Currentness

A. 1. No parenting coordinator shall be appointed unless the court finds that the parties have the means to pay the fees of the parenting coordinator.

2. This state shall assume no financial responsibility for payment of fees to the parenting coordinator; except that, in cases of hardship, the court, if feasible, may appoint a parenting coordinator to serve on a volunteer basis.

B. 1. The fees of the parenting coordinator shall be allocated between the parties with the relative percentages determined pursuant to the child support guidelines.

2. The court may allocate the fees between the parties differently upon a finding of good cause by the court or good cause set forth in the parenting coordinator's report.

Credits

Laws 2001, c. 407, § 12, eff. July 1, 2001; Laws 2003, c. 302, § 9, emerg. eff. May 28, 2003.

43 Okl. St. Ann. § 120.5, OK ST T. 43 § 120.5

Current with chapters of the First Regular Session of the 54th Legislature (2013) effective July 1, 2013.

Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 120.6

§ 120.6. Qualifications

Currentness

A. Each judicial district shall adopt local rules governing the qualifications of a parenting coordinator; provided, however, the qualifications adopted shall not exceed the qualifications established in subsection B of this section.

B. To be qualified as a parenting coordinator, a person shall:

1. Have a master's degree in a mental health or behavioral health field, shall have training and experience in family mediation and shall be a certified mediator under the laws of this state; or

2. Be a licensed mental health professional or licensed attorney practicing in an area related to families.

C. Parenting coordinators who are not licensed attorneys shall not be considered as engaging in the unauthorized practice of law while performing actions within the scope of his or her duties as a parenting coordinator.

Credits

Laws 2001, c. 407, § 13, eff. July 1, 2001; Laws 2003, c. 302, § 10, emerg. eff. May 28, 2003; Laws 2006, c. 99, § 1, eff. Nov. 1, 2006; Laws 2010, c. 350, § 2, eff. Nov. 1, 2010.

43 Okl. St. Ann. § 120.6, OK ST T. 43 § 120.6

Current with chapters of the First Regular Session of the 54th Legislature (2013) effective July 1, 2013.

Oklahoma Statutes Annotated
Title 43. Marriage and Family (Refs & Annos)
Divorce and Alimony

43 Okl.St. Ann. § 120.7

§ 120.7. Court expert--Procedures

Currentness

A. As used in this section, "court expert" means a parenting coordinator, guardian ad litem, custody evaluator or any other person appointed by the court in a custody or visitation proceeding involving children.

B. Before the court appoints an individual as a court expert, the following disclosures shall be made by the candidate to the parties:

1. A disclosure of any prior relationships with any party, attorney or judge in the pending action;
2. A complete resume disclosing all personal and professional qualifications to serve as a court expert;
3. Any suspensions from practice, reprimands, or other formal punishments resulting from an adjudication of complaints filed against the person with the professional licensing board or other organization authorized to receive complaints regarding the performance of the individual in question; and
4. Any criminal convictions within the past ten (10) years and inclusion on any sexual offender list.

C. A party may file an objection to the appointment of a proposed court expert within fifteen (15) days after the receipt of the disclosures required by subsection B of this section. Upon filing an objection to the proposed court expert, the court shall set the matter for hearing. If requested, the party objecting to the appointment of the proposed court expert shall be entitled to discovery related to the qualifications and appropriateness of the proposed court expert prior to hearing.

Credits

[Laws 2010, c. 105, § 1.](#)

43 Okl. St. Ann. § 120.7, OK ST T. 43 § 120.7

Current with chapters of the First Regular Session of the 54th Legislature (2013) effective July 1, 2013.