

SHORT TITLE: Child visitation; providing for motion for enforcement of visitation rights; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 998

By: Williamson

AS INTRODUCED

An Act relating to child custody; providing for motion for enforcement of visitation rights; requiring motion to be filed on certain form; providing alternative procedures for enforcement of visitation rights; determining certain time period for submission of certain mediation information; requiring certain hearing to be held within certain time period; providing for notice of parties; requiring court to order certain remedies under certain circumstances; requiring final disposition of motion within certain time period; requiring Office of the Court Administrator to develop certain form; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 111.3 of Title 43, unless there is created a duplication in numbering, reads as follows:

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 pursuant to the provisions of the Dispute Resolution Act; 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. 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.

F. 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.

SECTION 2. This act shall become effective November 1, 1998.

46-2-2079

KSM