

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 264

By: Snyder of the Senate

and

6 Reese of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to children; providing for biological
12 or legally related minor sibling visitation; creating
13 rebuttable presumption; specifying best interest of
14 child; providing for nonrelated minor sibling
15 visitation; requiring best interest of child
16 standard; specifying burden of proof; specifying
17 certain considerations; providing for certain prima
18 facie evidence; providing for termination; granting
19 certain courts jurisdiction to issue visitation
20 orders; providing for notice and venue; providing for
21 location and other costs related to visitation;
22 defining terms; providing for codification; and
23 providing an effective date.

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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 5A of Title 10, unless there is
created a duplication in numbering, reads as follows:

A. 1. There shall be a rebuttable presumption that visitation
between biological or legally related minor siblings shall be in the
best interests of such minor siblings.

2. In any action relating to the custody of children, the court
may require or provide for the reasonable visitation between such
minor biological or legally related siblings.

B. 1. Upon the death of a custodial parent of an unmarried
minor child, the court may award reasonable rights of visitation
between nonrelated minor siblings, if the court determines that such

1 visitation is in the best interests of the siblings. It shall be
2 the burden of the minor sibling or parent requesting nonrelated
3 sibling visitation to prove by a preponderance of the evidence that
4 visitation is in the best interests of the nonrelated minor
5 siblings.

6 2. In determining the best interests of the nonrelated minor
7 siblings, the court shall consider:

- 8 a. the willingness of the parent of the minor siblings to
9 encourage or maintain a relationship between the minor
10 siblings,
- 11 b. the length and quality of the relationship between the
12 minor siblings,
- 13 c. the time which has elapsed since the minor siblings
14 last had contact,
- 15 d. the preference of the minor siblings, if they are of
16 sufficient maturity to express a preference,
- 17 e. the effect that visitation will have on the
18 relationship between the minor siblings and their
19 parents,
- 20 f. the mental and physical health of the minor siblings,
21 and
- 22 g. all other factors appropriate to the particular
23 circumstances.

24 3. It shall be prima facie evidence that visitation between
25 nonrelated minor siblings is in the best interests of the minor
26 siblings if the minor siblings were living in the home of the
27 deceased parent at the time of the death of the parent.

28 4. Any visitation rights granted pursuant to this subsection
29 before the adoption of a nonrelated minor sibling shall
30 automatically terminate if a nonrelated minor sibling is adopted by
31 a person other than a stepparent or grandparent of the sibling.

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1 C. The district courts are vested with jurisdiction to issue
2 orders granting visitation between minor siblings and to enforce
3 these orders.

4 D. Notice as ordered by the court shall be given to the parent
5 having custody of the minor siblings.

6 E. Venue of an action under this section shall be in the county
7 of residence of the minor sibling or parent requesting the
8 visitation.

9 F. The court may determine the location for visitation ordered
10 pursuant to this section and require any transportation costs or
11 other costs arising from visitation to be paid by the parent of the
12 sibling or the parent requesting the minor sibling visitation.

13 G. As used in this section:

14 1. "Biological or legally related minor sibling" means sister,
15 brother, halfsister, halfbrother, or adopted brother or sister;

16 2. "Nonrelated minor sibling" means stepsister or stepbrother;
17 and

18 3. "Parent" means biological or adoptive parent or legal
19 guardian or custodian of a minor.

20 SECTION 2. This act shall become effective November 1, 1999.

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