

By: Snyder of the Senate
and
Reese of the House

[children - providing for visitation of siblings
after death of parent - codification -
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 5A of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Upon the death of a parent of an unmarried minor child, the court may award reasonable rights of visitation between siblings, if the court determines that visitation is in the best interests of the siblings. It shall be the burden of the sibling requesting visitation to prove by a preponderance of the evidence that visitation is in the best interests of the siblings.

B. In determining the best interests of the siblings, the court shall consider:

1. The willingness of the parents or guardians of the siblings to encourage or maintain a relationship between the siblings;

2. The length and quality of the relationship between the siblings;

3. The time which has elapsed since the siblings last had contact;

4. The preference of the siblings, if they are of sufficient maturity to express a preference;

5. The effect that visitation will have on the relationship between the siblings and their parents or guardians;

6. The mental and physical health of the siblings; and

7. All other factors appropriate to the particular circumstances.

C. It shall be prima facie evidence that visitation between siblings is in the best interests of the siblings if the siblings were living in the home of the deceased parent at the time of the death of the parent.

D. The district courts are vested with jurisdiction to issue orders granting visitation between siblings and to enforce these orders.

E. Notice as ordered by the court shall be given to the person or parent having custody of the siblings.

F. Venue of an action under this section shall be in the county of residence of the sibling requesting the visitation.

G. The court may determine the location for visitation ordered pursuant to this section and require any transportation costs or other costs arising from visitation to be paid by the parent or guardian of the sibling requesting the visitation.

H. Any visitation rights granted pursuant to this section before the adoption of a sibling shall automatically terminate if the sibling is adopted by a person other than a stepparent or grandparent of the sibling.

I. As used in this section:

1. "Sibling" means sister, brother, stepsister, stepbrother, halfsister, or halfbrother; and

2. "Parent" means biological or adoptive parent.

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

Passed the Senate the 23rd day of February, 1999.

President of the Senate

Passed the House of Representatives the ____ day of _____ ,
1999.

Speaker of the House of
Representatives