

ENGROSSED SENATE
BILL NO. 793

By: Williamson and Ford of the
Senate

and

Askins, Reese, Vaughn and
Boyd of the House

[child custody - minor children - burden of proof -
optional visitation rights - schedule - notice -
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 110.1 of Title 43, unless there
is created a duplication in numbering, reads as follows:

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. To effect this policy, if requested by a parent,
the court shall provide substantially equal access to the minor
children to both parents at a temporary order hearing, unless the
court finds that such shared parenting would be detrimental to such
child. The burden of proof that such shared parenting would be
detrimental to such child shall be upon the parent requesting sole
custody.

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 111.1A of Title 43, unless there
is created a duplication in numbering, reads as follows:

A. Upon the request of the noncustodial parent and when in the best interests of the child, the court may order visitation of a noncustodial parent with the child of the noncustodial parent, as follows:

1. If the noncustodial parent resides one hundred (100) miles or less from the primary residence of the child, the noncustodial parent shall have visitation with the child as follows:

- a. on weekends beginning at 6 p.m. on the first, third, and fifth Friday of each month and ending at 6 p.m. on the following Sunday or, at the noncustodial parent's election made before or at the time of the rendition of the original or modification order, and as specified in the original or modification order, beginning at the time the child's school is regularly dismissed and ending at 6 p.m. on the following Sunday, and
- b. on Wednesdays of each week during the regular school term beginning at 6 p.m. and ending at 8 p.m., or, at the noncustodial parent's election made before or at the time of the rendition of the original or modification order, and as specified in the original or modification order, on Thursdays beginning at the time the child's school is regularly dismissed and ending on Fridays at the time the child's school resumes.

2. The following provisions govern possession of the child for vacations and certain specific holidays and supersede conflicting weekend or Wednesday periods of visitation. The noncustodial parent and the custodial parent shall have the child as follows:

- a. the noncustodial parent shall have visitation in even-numbered years, beginning at 6 p.m. on the day the child is dismissed from school for the school's spring

vacation and ending at 6 p.m. on the day before school resumes after that vacation, and the custodial parent shall have the child for the same period in odd-numbered years;

b. if a noncustodial parent:

(1) gives the custodial parent written notice by May 1 of each year specifying an extended period or periods of summer visitation, the noncustodial parent shall have visitation with the child for thirty (30) days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven (7) days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven (7) consecutive days each, or

(2) does not give the custodial parent written notice by May 1 of each year specifying an extended period or periods of summer visitation, the noncustodial parent shall have visitation with the child for thirty (30) consecutive days beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31;

c. if the custodial parent gives the noncustodial parent written notice by June 1 of each year, the custodial parent shall have the child on any one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of visitation by the noncustodial parent under subparagraph b of this paragraph; provided that the custodial parent picks up the child from the noncustodial parent and returns the child to that same place; and

- d. if the custodial parent gives the noncustodial parent written notice by May 15 of each year or gives the noncustodial parent fourteen (14) days' written notice on or after May 16 of each year, the custodial parent may designate one weekend beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven (7) days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of visitation by the noncustodial parent will not take place, provided that the weekend designated does not interfere with the noncustodial parent's period or periods of extended summer visitation or with Father's Day if the noncustodial parent is the father of the child.

3. If the noncustodial parent resides more than one hundred (100) miles from the residence of the child, the noncustodial parent shall have visitation with the child as follows:

- a. either regular weekend visitation beginning on the first, third, and fifth Friday as provided under the terms applicable to parents who reside one hundred (100) miles or less apart or not more than one weekend per month of the noncustodial parent's choice beginning at 6 p.m. on the day school recesses for the weekend and ending at 6 p.m. on the day before school resumes after the weekend; provided, that the noncustodial parent gives the custodial parent fourteen (14) days' written or telephonic notice preceding a designated weekend; and provided, that the noncustodial parent elects an option for this alternative period of visitation by written notice given to the custodial parent within ninety (90) days

after the parties begin to reside more than one hundred (100) miles apart, as applicable,

- b. each year beginning on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation,
- c. if the noncustodial parent:
 - (1) gives the custodial parent written notice by May 1 of each year specifying an extended period or periods of summer visitation, the noncustodial parent shall have visitation of the child for forty-two (42) days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven (7) days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven (7) consecutive days each, or
 - (2) does not give the custodial parent written notice by May 1 of each year specifying an extended period or periods of summer visitation, the noncustodial parent shall have visitation with the child for forty-two (42) consecutive days beginning at 6 p.m. on June 15 and ending at 6 p.m. on July 27,
- d. if the custodial parent gives the noncustodial parent written notice by June 1 of each year the custodial parent shall have visitation with the child on one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of visitation by the noncustodial parent under paragraph 3 of this subsection, provided that if a period of

visitation with the noncustodial parent exceeds thirty (30) days, the custodial parent may have visitation with the child under the terms of this paragraph on two (2) nonconsecutive weekends during that time period, and further provided that the custodial parent picks up the child from the noncustodial parent and returns the child to that same place, and

- e. if the custodial parent gives the noncustodial parent written notice by June 1 of each year, the custodial parent may designate twenty-one (21) days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven (7) days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven (7) consecutive days each, during which the noncustodial parent may not have visitation with the child, provided that the period or periods so designated do not interfere with the noncustodial parent's period or periods of extended summer visitation or with Father's Day if the noncustodial parent is the father of the child.

B. The following provisions govern visitation with the child for certain specific holidays and supersede conflicting weekend or Wednesday periods of visitation without regard to the distance the parents reside apart. The noncustodial parent and the custodial parent shall have visitation with the child as follows:

1. The noncustodial parent shall have visitation with the child in even-numbered years beginning at 6 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26, and the custodial parent shall have visitation for the same period in odd-numbered years;

2. The noncustodial parent shall have visitation with the child in odd-numbered years beginning at noon on December 26 and ending at 6 p.m. on the day before school resumes after the vacation, and the custodial parent shall have visitation for the same period in even-numbered years;

3. The noncustodial parent shall have visitation with the child in odd-numbered years, beginning at 6 p.m. on the day the child is dismissed from school before Thanksgiving and ending at 6 p.m. on the following Sunday, and the custodial parent shall have visitation for the same period in even-numbered years;

4. The parent not otherwise entitled under this standard order to present visitation with a child on the child's birthday shall have visitation with the child beginning at 6 p.m. and ending at 8 p.m. on that day; provided, that the parent picks up the child from the residence of the parent entitled to visitation and returns the child to that same place;

5. The father shall have visitation with the child beginning at 6 p.m. on the Friday preceding Father's Day and ending on Father's Day at 6 p.m.; provided that, if he is not otherwise entitled under this standard order to present visitation with the child, he picks up the child from the residence of the parent entitled to visitation and returns the child to that same place; and

6. The mother shall have visitation with the child beginning at 6 p.m. on the Friday preceding Mother's Day and ending on Mother's Day at 6 p.m.; provided that, if she is not otherwise entitled under this standard order to present visitation with the child, she picks up the child from the residence of the parent entitled to visitation and returns the child to that same place.

C. 1. If a weekend period of visitation of the noncustodial parent coincides with a school holiday during the regular school term or with a federal, state, or local holiday during the summer months in which school is not in session, the weekend visitation

shall end at 6 p.m. on a Monday holiday or school holiday or shall begin at 6 p.m. Thursday for a Friday holiday or school holiday, as applicable.

2. At the noncustodial parent's election, made before or at the time of the rendition of the original or modification order, and as specified in the original or modification order, periods of visitation extended by a holiday may begin at the time the child's school is regularly dismissed.

SECTION 3. This act shall become effective November 1, 1999.

Passed the Senate the 3rd day of March, 1999.

President of the Senate

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

Speaker of the House of
Representatives