

HOUSE OF REPRESENTATIVES  
Tuesday, March 23, 1999

## Committee Substitute for ENGROSSED Senate Bill No. 264

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 264 -- By SNYDER of the Senate and REESE, GRAVES and McCARTER of the House.

An Act relating to children; providing for biological or legally related minor sibling visitation; creating rebuttable presumption; specifying best interest of child; providing for nonrelated minor sibling visitation; requiring best interest of child standard; specifying burden of proof; specifying certain considerations; providing for certain prima facie evidence; providing for termination; granting certain courts jurisdiction to issue visitation orders; providing for notice and venue; providing for location and other costs related to visitation; defining terms; 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 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 visitation is in the best interests of the siblings. It shall be the burden of the minor sibling or parent requesting nonrelated sibling visitation to prove by a preponderance of the evidence that visitation is in the best interests of the nonrelated minor siblings.

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

- a. the willingness of the parent of the minor siblings to encourage or maintain a relationship between the minor siblings,
- b. the length and quality of the relationship between the minor siblings,
- c. the time which has elapsed since the minor siblings last had contact,

- d. the preference of the minor siblings, if they are of sufficient maturity to express a preference,
- e. the effect that visitation will have on the relationship between the minor siblings and their parents,
- f. the mental and physical health of the minor siblings, and
- g. all other factors appropriate to the particular circumstances.

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

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

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

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

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

F. 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 of the sibling or the parent requesting the minor sibling visitation.

G. As used in this section:

1. "Biological or legally related minor sibling" means sister, brother, halfsister, halfbrother, or adopted brother or sister;
2. "Nonrelated minor sibling" means stepsister or stepbrother; and
3. "Parent" means biological or adoptive parent or legal guardian or custodian of a minor.

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