

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2783

By: Glover

COMMITTEE SUBSTITUTE

An Act relating to marriage and family; amending 43 O.S. 2001, Section 113, which relates to preferences of a child relating to custody and visitation; mandating certain consideration; requiring certain findings of fact supporting certain actions if requested by a party; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2001, Section 113, is amended to read as follows:

Section 113. A. In any action for divorce, legal separation, or annulment in which a court must determine custody or limits of or period of visitation, the child may express a preference as to which of its parents the child wishes to have custody. The court ~~may~~ shall determine whether the best interest of the child will be served by the child's expression of preference as to which parent should have custody or limits of or period of visitation rights of either parent. If the court so finds, the child may express such preference or give other testimony. The court may consider the expression of preference or other testimony of the child in determining custody or limits of or period of visitation. Provided, ~~however,~~ the court shall not be bound by the child's choice and may take other facts into consideration in awarding custody or limits of or period of visitation; however, if the child is of a sufficient age to form an intelligent preference and the court does not follow

the expression of preference of the child as to custody, or limits of visitation, the court shall make specific findings of fact supporting such action if requested by either party.

B. If the child expresses a preference or gives testimony, such preference or testimony may be taken by the court in chambers, with or without the parents or other parties present, at the court's discretion. If attorneys are not allowed to be present, the court shall state, for the record, the reasons for their exclusion. At the request of either party, a record shall be made of any such proceeding in chambers.

SECTION 2. This act shall become effective November 1, 2002.

48-2-8791 SD 6/12/15