

An Act

ENROLLED SENATE
BILL NO. 1612

By: Sharp and Shortey of the
Senate

and

Echols, McBride and Turner
of the House

An Act relating to enforcement of visitation rights; amending 43 O.S. 2011, Section 111.3, which relates to interference with visitation rights of noncustodial parent; requiring order to contain certain provision; updating statutory reference; modifying procedures related to enforcement of visitation rights; providing for attorney fees and court costs under certain circumstances; providing certain form; and providing an effective date.

SUBJECT: Enforcement of visitation rights

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

SECTION 1. AMENDATORY 43 O.S. 2011, Section 111.3, is amended to read as follows:

Section 111.3. A. Any order of the court providing for visitation shall contain a provision stating that the custodial parent has a duty to facilitate visitation of a minor child with the noncustodial parent.

B. When a noncustodial parent has been granted visitation rights and those rights are denied or otherwise interfered with by the custodial parent, in addition to the remedy provided in subsection B of Section 111.1 of ~~Title 43 of the Oklahoma Statutes~~

this title, the noncustodial parent may file with the court clerk a motion for enforcement of visitation rights. The motion shall be filed on a form provided by the court clerk. Upon filing of the motion, the court shall immediately:

~~1. Issue ex parte an order for mediation; or~~

~~2. Set~~ set a hearing on the motion, which shall be not more than twenty-one (21) days after the filing of the motion.

~~B. Within five (5) days of termination of mediation ordered pursuant to paragraph 1 of subsection A of this section, the mediator shall submit the record of termination and a summary of the parties' agreement, if any, to the court. Upon receipt of the record of termination, the court shall enter an order in accordance with the parties' agreement, if any, or set the matter for hearing, which shall be not more than ten (10) days after the record of termination is received by the court.~~

C. Notice of a hearing pursuant to subsection A ~~or B~~ of this section shall be given to all interested parties by certified mail, return receipt requested, or as ordered by the court.

D. If the court finds that visitation rights of the noncustodial parent have been unreasonably denied or otherwise interfered with by the custodial parent, the court shall enter an order providing for one or more of the following:

1. A specific visitation schedule;

2. Compensating visitation time for the visitation denied or otherwise interfered with, which time shall be of the same type (e.g. holiday, weekday, weekend, summer) as the visitation denied or otherwise interfered with, and shall be at the convenience of the noncustodial parent;

3. Posting of a bond, either cash or with sufficient sureties, conditioned upon compliance with the order granting visitation rights;

~~4. Assessment of reasonable attorney fees, mediation costs, and court costs to enforce visitation rights against the custodial parent;~~

~~5. Attendance of one or both parents at counseling or educational sessions which focus on the impact of visitation disputes on children;~~

~~6.~~ 5. Supervised visitation; or

~~7.~~ 6. Any other remedy the court considers appropriate, which may include an order which modifies a prior order granting child custody.

~~E. If the court finds that the motion for enforcement of visitation rights has been unreasonably filed or pursued by the noncustodial parent, the court may assess~~ The prevailing party shall be granted reasonable attorney fees, mediation costs, and court costs ~~against the noncustodial parent.~~

F. Final disposition of a motion filed pursuant to this section shall take place no later than forty-five (45) days after filing of the motion.

G. The Office of the Court Administrator shall ~~develop~~ maintain on the OSCN system the form required by subsection A of this section to be used for a motion to enforce visitation rights which shall be in substantially the following form:

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

_____, Petitioner/Plaintiff,

v.

_____, Respondent/Defendant.

Case No. _____

Assigned Judge _____

MOTION FOR ENFORCEMENT OF NON-CUSTODIAL PARENT VISITATION RIGHTS

The undersigned Non-Custodial Parent in the above case moves the Court, pursuant to the provisions of Section 111.3 of Title 43 of the Oklahoma Statutes, to enforce visitation rights which have been unreasonably denied or interfered with by the Custodial Parent.

The Name(s) and Age(s) of the Child(ren) to which my visitation rights have been unreasonably denied are:

Date of Birth: _____

Date of Birth: _____

Date of Birth: _____

The approximate date of my last visit with the Child(ren) was:

_____.

Within the past 12 months, I have visited with the Child(ren) approximately _____ of times of visitation times.

Within the past 12 months, I have been denied requested visitation approximately _____ of times of denied visitation times.

On the attached page, I have stated THE SPECIFIC DETAILS as to how and when my visitation with the Child(ren) was denied.

Signed under penalties of perjury this _____ day of _____, 20 _____.

My Signature: _____

My Full Name:

My Mailing Address:

My Telephone Numbers:

Subscribed and sworn to before me this _____ day of _____,
20__.

Notary Public (or Clerk or Judge)

My Commission Expires:

ORDER

The people of the State of Oklahoma, to the within-named defendant:

You are hereby directed to appear and answer the foregoing claim and to have with you all books, papers, and witnesses needed by you to establish your defense to the claim.

This matter shall be heard at _____ (name or address of building), in _____, County of _____, State of Oklahoma, at the hour of _____ o'clock of the _____ day of _____, 20__ . And you are further notified that in case you do not so appear judgment will be given against you as follows:

For the enforcement or modification of custody as requested by the movant.

And, in addition, for costs of the action (including attorney fees where provided by law), including costs of service of the order.

Dated this _____ day of _____, 20__.

Clerk of the Court (or Judge)

A copy of this order must be mailed by certified mail, return receipt requested to the non-moving party and return of service brought to the hearing.

SECTION 2. This act shall become effective November 1, 2014.

Passed the Senate the 20th day of May, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____