HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3001 By: Stiles

COMMITTEE SUBSTITUTE

An Act relating to child support; amending 43 O.S. 2011, Section 111.1, which relates to visitation; permitting court to suspend support payments if parent prevents visitation or hides child; requiring payments until otherwise ordered by court; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2011, Section 111.1, is amended to read as follows:

Section 111.1 A. 1. Any order providing for the visitation of a noncustodial parent with any of the children of such noncustodial parent shall provide a specified minimum amount of visitation between the noncustodial parent and the child unless the court determines otherwise.

2. Except for good cause shown and when in the best interests of the child, the order shall encourage additional visitations of the noncustodial parent and the child and in addition encourage

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~~Strike thru~~ language denotes deletion from present Statutes.

liberal telephone communications between the noncustodial parent and the child.

3. The court may award visitation by a noncustodial parent who was determined to have committed domestic violence or engaged in stalking behavior as defined in Section 109 of this title, if the court is able to provide for the safety of the child and the parent who is the victim of that domestic violence.

4. In a visitation order, the court shall provide for the safety of the minor child and victim of domestic violence, stalking, or harassment as defined in Section 109 of this title, and subject to the provisions of Section 109 of this title, may:

a. order the exchange of a child to be facilitated by a third party where the parents do not have any contact with each other,

b. order an exchange of a child to occur in a protected setting,

c. order visitation supervised by another person or agency,

d. order the abusive, stalking, or harassing parent to pay a fee to help defray the costs of supervised visitation or other costs of child exchanges, including compensating third parties,

e. order the abusive, stalking, or harassing parent to attend and complete, to the satisfaction of the court,

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an intervention program for batterers certified by the Office of the Attorney General,

f. prohibit unsupervised or overnight visitation until the abusive, stalking, or harassing parent has successfully completed a specialized program for abusers and the parent has neither threatened nor exhibited violence for a substantial period of time,

g. order the abusive, stalking, or harassing parent to abstain from the possession or consumption of alcohol or controlled substances during the visitation and for twenty-four (24) hours preceding visitation,

h. order the abusive, stalking, or harassing parent to complete a danger/lethality assessment by a qualified mental health professional, and

i. impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic violence, stalking, or harassing behavior, or another household member.

5. The court shall not order a victim of domestic violence, stalking, or harassment to be present during child visitation exchange if the victim of domestic violence, stalking, or harassment objects to being present.

6. Visitation shall be terminated if:

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a. the abusive, stalking, or harassing parent repeatedly violates the terms and conditions of visitation,

b. the child becomes severely distressed in response to visitation, including the determination by a mental health professional or certified domestic violence specialist that visitation with the abusive, stalking, or harassing parent is causing the child severe distress which is not in the best interest of the child, or

c. there are clear indications that the abusive, stalking, or harassing parent has threatened to either harm or flee with the child, or has threatened to harm the custodial parent.

7. Whether or not visitation is allowed, the court shall order the address of the child and the victim of domestic violence, stalking, or harassing behavior to be kept confidential if requested.

a. The court may order that the victim of domestic violence, stalking, or harassing behavior participate in the address confidentiality program available pursuant to Section 60.14 of Title 22 of the Oklahoma Statutes.

b. The abusive, stalking, or harassing parent may be denied access to the medical and educational records

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of the child if those records may be used to determine the location of the child.

B. 1. Except for good cause shown, when a noncustodial parent who is ordered to pay child support and who is awarded visitation rights fails to pay child support, the custodial parent shall not refuse to honor the visitation rights of the noncustodial parent.

2. When a custodial parent refuses to honor the visitation rights of the noncustodial parent, the noncustodial parent shall not fail to pay any ordered child support or alimony. <u>However, if the custodial parent prevents visitation with the noncustodial parent or hides the child from the noncustodial parent for more than six (6) months, the court may relieve the noncustodial parent of child support obligations during the period when visitation was denied. The noncustodial parent shall make all payments until otherwise ordered by the court.</u>

C. 1. Violation of an order providing for the payment of child support or providing for the visitation of a noncustodial parent with any of the children of such noncustodial parent may be prosecuted as indirect civil contempt pursuant to Section 566 of Title 21 of the Oklahoma Statutes or as otherwise deemed appropriate by the court.

2. Any person complying in good faith with the provisions of Section 852.1 of Title 21 of the Oklahoma Statutes, by refusing to allow his or her child to be transported by an intoxicated driver,

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shall have an affirmative defense to a contempt of court proceeding in a divorce or custody action.

3. Unless good cause is shown for the noncompliance, the prevailing party shall be entitled to recover court costs and attorney fees expended in enforcing the order and any other reasonable costs and expenses incurred in connection with the denied child support or denied visitation as authorized by the court.

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO PASS, As Amended.

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