

1 **SENATE FLOOR VERSION**

2 April 1, 2014

3 ENGROSSED HOUSE
4 BILL NO. 3001

By: Stiles and Sherrer of the
House

5 and

6 Crain of the Senate

7
8
9 An Act relating to child support; amending 43 O.S.
10 2011, Section 111.1, which relates to visitation;
11 permitting court to suspend support payments if
12 parent prevents visitation or hides child; requiring
13 payments until otherwise ordered by court; and
14 providing an effective date.

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

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

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

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

1 liberal telephone communications between the noncustodial parent and
2 the child.

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

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

- 12 a. order the exchange of a child to be facilitated by a
13 third party where the parents do not have any contact
14 with each other,
- 15 b. order an exchange of a child to occur in a protected
16 setting,
- 17 c. order visitation supervised by another person or
18 agency,
- 19 d. order the abusive, stalking, or harassing parent to
20 pay a fee to help defray the costs of supervised
21 visitation or other costs of child exchanges,
22 including compensating third parties,
- 23 e. order the abusive, stalking, or harassing parent to
24 attend and complete, to the satisfaction of the court,

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

3 f. prohibit unsupervised or overnight visitation until
4 the abusive, stalking, or harassing parent has

5 successfully completed a specialized program for

6 abusers and the parent has neither threatened nor

7 exhibited violence for a substantial period of time,

8 g. order the abusive, stalking, or harassing parent to

9 abstain from the possession or consumption of alcohol

10 or controlled substances during the visitation and for

11 twenty-four (24) hours preceding visitation,

12 h. order the abusive, stalking, or harassing parent to

13 complete a danger/lethality assessment by a qualified

14 mental health professional, and

15 i. impose any other condition that is deemed necessary to

16 provide for the safety of the child, the victim of

17 domestic violence, stalking, or harassing behavior, or

18 another household member.

19 5. The court shall not order a victim of domestic violence,

20 stalking, or harassment to be present during child visitation

21 exchange if the victim of domestic violence, stalking, or harassment

22 objects to being present.

23 6. Visitation shall be terminated if:

- 1 a. the abusive, stalking, or harassing parent repeatedly
2 violates the terms and conditions of visitation,
3 b. the child becomes severely distressed in response to
4 visitation, including the determination by a mental
5 health professional or certified domestic violence
6 specialist that visitation with the abusive, stalking,
7 or harassing parent is causing the child severe
8 distress which is not in the best interest of the
9 child, or
10 c. there are clear indications that the abusive,
11 stalking, or harassing parent has threatened to either
12 harm or flee with the child, or has threatened to harm
13 the custodial parent.

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

- 18 a. The court may order that the victim of domestic
19 violence, stalking, or harassing behavior participate
20 in the address confidentiality program available
21 pursuant to Section 60.14 of Title 22 of the Oklahoma
22 Statutes.
23 b. The abusive, stalking, or harassing parent may be
24 denied access to the medical and educational records

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

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

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

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

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

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
10 April 1, 2014 - DO PASS

11
12
13
14
15
16
17
18
19
20
21
22
23
24