

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 3471

By: Nelson

4  
5  
6 AS INTRODUCED

7 An Act relating to child support; amending 43 O.S.  
8 2011, Section 111.1, which relates to visitation;  
9 permitting court to suspend support payments if  
10 custodial parent prevents visitation; and providing  
11 an effective date.

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

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

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

20 2. Except for good cause shown and when in the best interests  
21 of the child, the order shall encourage additional visitations of  
22 the noncustodial parent and the child and in addition encourage  
23 liberal telephone communications between the noncustodial parent and  
24 the child.

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

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

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

- 1 f. prohibit unsupervised or overnight visitation until  
2 the abusive, stalking, or harassing parent has  
3 successfully completed a specialized program for  
4 abusers and the parent has neither threatened nor  
5 exhibited violence for a substantial period of time,  
6 g. order the abusive, stalking, or harassing parent to  
7 abstain from the possession or consumption of alcohol  
8 or controlled substances during the visitation and for  
9 twenty-four (24) hours preceding visitation,  
10 h. order the abusive, stalking, or harassing parent to  
11 complete a danger/lethality assessment by a qualified  
12 mental health professional, and  
13 i. impose any other condition that is deemed necessary to  
14 provide for the safety of the child, the victim of  
15 domestic violence, stalking, or harassing behavior, or  
16 another household member.

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

21 6. Visitation shall be terminated if:

- 22 a. the abusive, stalking, or harassing parent repeatedly  
23 violates the terms and conditions of visitation,  
24

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

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

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

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

21           b.   The abusive, stalking, or harassing parent may be  
22                  denied access to the medical and educational records  
23                  of the child if those records may be used to determine  
24                  the location of the child.

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

5 2. When a custodial parent refuses to honor the visitation  
6 rights of the noncustodial parent, the court may allow the  
7 noncustodial parent ~~shall not fail to pay~~ to suspend payment of any  
8 ordered child support or alimony for as long as the visitation does  
9 not occur.

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

16 2. Any person complying in good faith with the provisions of  
17 Section 852.1 of Title 21 of the Oklahoma Statutes, by refusing to  
18 allow his or her child to be transported by an intoxicated driver,  
19 shall have an affirmative defense to a contempt of court proceeding  
20 in a divorce or custody action.

21 3. Unless good cause is shown for the noncompliance, the  
22 prevailing party shall be entitled to recover court costs and  
23 attorney fees expended in enforcing the order and any other  
24

1 reasonable costs and expenses incurred in connection with the denied  
2 child support or denied visitation as authorized by the court.

3 SECTION 2. This act shall become effective November 1, 2014.  
4

5 54-2-9598 EK 12/30/13  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24