

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1371

By: Tadlock of the House

5 and

6 Silk of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to marriage; amending 43 O.S. 2011,
11 Section 110.1a, which relates to the Oklahoma Child
12 Supervised Visitation Program; deleting date
 requirement for certain appointments; and providing
 an effective date.

13
14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 43 O.S. 2011, Section 110.1a, is
17 amended to read as follows:

18 Section 110.1a A. This section shall be known and may be cited
19 as the "Oklahoma Child Supervised Visitation Program".

20 B. It is the policy of this state to ensure that the health,
21 safety, and welfare of the child is paramount when supervised
22 visitation is ordered by the court.

23 C. For purposes of the Oklahoma Child Supervised Visitation
24 Program:

1 1. "Supervised visitation" means the court-ordered contact
2 between a noncustodial parent and one or more children of such
3 parent in the presence of a third-party person who is responsible
4 for observing and overseeing the visitation in order to provide for
5 the safety of the child and any other parties during the visitation.
6 The court may require supervised visitation when deemed necessary by
7 the court to protect the child or other parties;

8 2. An "alcohol-dependent person" has the same meaning as such
9 term defined in Section 3-403 of Title 43A of the Oklahoma Statutes;

10 3. A "drug-dependent person" has the same meaning as such term
11 defined in Section 3-403 of Title 43A of the Oklahoma Statutes; and

12 4. "Domestic abuse" has the same meaning as such term defined
13 in Section 60.1 of Title 22 of the Oklahoma Statutes.

14 D. 1. The associate district judge in each county within this
15 state may select trained volunteers to provide supervised visitation
16 pursuant to the Oklahoma Child Supervised Visitation Program.

17 2. ~~By February 15, 2005, the~~ The associate district judge of
18 each county may appoint a judicial district supervised visitation
19 team to:

- 20 a. identify public and private entities which will be
21 willing to provide location sites for purposes of the
22 Oklahoma Child Supervised Visitation Program,
23
24

- 1 b. identify individuals who will be willing to serve as
2 third-party persons to observe and oversee court-
3 ordered supervised visitations,
4 c. establish training requirements for volunteers,
5 d. identify programs which may be available for the
6 training of the volunteers including, but not limited
7 to, the Department of Human Services, Office of the
8 Attorney General, child advocacy centers, domestic
9 violence groups, and the Department of Mental Health
10 and Substance Abuse Services,
11 e. develop written protocol for handling supervised
12 visitations so as to provide safety of the child and
13 other parties during the supervised visitation,
14 f. develop application forms for volunteers applying for
15 the Oklahoma Child Supervised Visitation Program.
16 Information listed on the form shall include, but not
17 be limited to:
18 (1) name, address and phone number of the volunteer,
19 (2) ~~volunteer's~~ place of employment and phone number
20 of the volunteer,
21 (3) areas of expertise,
22 (4) listing of professional training in areas
23 including, but not limited to, child abuse,
24

- 1 domestic abuse, alcohol or drug abuse, mental
2 illness or conflict management,
3 (5) consent form specifying release of information,
4 and
5 (6) professional references, and
6 g. identify which information of the parties and the
7 child will be confidential and which may be available
8 to others.

9 3. From recommendations of the team established pursuant to
10 this subsection, the associate district judge in each county within
11 this state may authorize one or more public or private agencies to
12 provide location sites for the Oklahoma Child Supervised Visitation
13 Program. A district judge may require either party requesting
14 supervised visitation of a child to identify a trained third-party
15 volunteer to observe and oversee the visitation. A district court
16 shall not:

- 17 a. require any state agency location or state employee to
18 observe and oversee any supervised visitation, or
19 b. appoint a third party to observe and oversee a
20 supervised visitation who has not received the
21 training as specified by the judicial district
22 supervised visitation team unless agreed to by the
23 parties.
24

1 4. A participating public or private agency location site may
2 charge a fee for each visit.

3 E. The protocol for supervised visitation established by each
4 judicial district supervised visitation team may require that:

5 1. The location site require each participant who has court-
6 ordered supervised visitation for a child and who is participating
7 in the supervised visitation program to sign a time log upon arrival
8 and departure. The agency location site must have an employee
9 assigned to verify identification of each participant, initial each
10 signature, and record the time of ~~each person's~~ arrival and
11 departure of each person; and

12 2. The agency location site also contain information on each
13 client case including, but not limited to:

14 a. a copy of the court order requiring supervised
15 visitation, and

16 b. name of individuals authorized to pick up or deliver a
17 child to the agency location site for supervised
18 visitation.

19 F. Each judicial district supervised visitation team may
20 include, but not be limited to:

21 1. Mental health professionals;

22 2. Police officers or other law enforcement agents;

23 3. Medical personnel;

24 4. Child protective services workers;

1 5. Child advocacy individuals; and

2 6. The district attorney or designee.

3 G. An associate district judge of a county, the judicial
4 district supervised visitation team created pursuant to this section
5 and the Office of the Court Administrator may develop an
6 informational brochure outlining the provisions of the Oklahoma
7 Child Supervised Visitation Program and procedures to be used by
8 volunteers in that judicial district. The brochure may be
9 distributed through the municipal and district court, social service
10 agency centers, county health departments, hospitals, crisis or
11 counseling centers, and community action agencies.

12 H. Except for acts of dishonesty, willful criminal acts, or
13 gross negligence, no member of the judicial district supervised
14 visitation team or volunteer shall be charged personally with any
15 liability whatsoever by reason of any act or omission committed or
16 suffered in the performance of the duties pursuant to the provisions
17 of this section.

18 I. The provisions of this section shall not apply to cases
19 subject to the Oklahoma Children's Code and the Oklahoma Juvenile
20 Code.

21 SECTION 2. This act shall become effective November 1, 2017.

22
23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/21/2017 - DO PASS,
24 As Coauthored.