

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1450

By: Treat

6 AS INTRODUCED

7 An Act relating to child visitation; amending 43 O.S.
8 2011, Section 110.1a, as amended by Section 1,
Chapter 230, O.S.L. 2017 (43 O.S. Supp. 2017, Section
9 110.1a), which relates to the Oklahoma Child
Supervised Visitation Program; providing for
10 confidentiality of certain records; authorizing
release of certain records upon certain showing; and
11 providing an effective date.

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

14 SECTION 1. AMENDATORY 43 O.S. 2011, Section 110.1a, as
15 amended by Section 1, Chapter 230, O.S.L. 2017 (43 O.S. Supp. 2017,
16 Section 110.1a), is amended to read as follows:

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

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

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

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. The associate district judge of each county may appoint a
18 judicial district supervised visitation team to:

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

22 b. identify individuals who will be willing to serve as
23 third-party persons to observe and oversee court-
24 ordered supervised visitations,

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

1 (6) professional references, and

2 g. identify which information of the parties and the
3 child will be confidential and which may be available
4 to others.

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

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

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

22 E. The protocol for supervised visitation established by each
23 judicial district supervised visitation team may require that:
24

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

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

10 a. a copy of the court order requiring supervised
11 visitation, and

12 b. name of individuals authorized to pick up or deliver a
13 child to the agency location site for supervised
14 visitation; and

15 3. All documentation and records created or maintained by a
16 third party designated to observe and oversee a visitation
17 including, but not limited to, case records, intake forms, audio or
18 video recordings and written observation reports shall only be made
19 available to the court and an appointed guardian ad litem, if any.
20 The court, pursuant to a show cause hearing, may release such
21 records at the request of a party upon a showing that the release is
22 in the best interest of the child.

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

1 1. Mental health professionals;

2 2. Police officers or other law enforcement agents;

3 3. Medical personnel;

4 4. Child protective services workers;

5 5. Child advocacy individuals; and

6 6. The district attorney or designee.

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

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

22 I. The provisions of this section shall not apply to cases
23 subject to the Oklahoma Children's Code and the Oklahoma Juvenile
24 Code.

SECTION 2. This act shall become effective November 1, 2018.

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