

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1371

By: Tadlock

AS INTRODUCED

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

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

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

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

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

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

1. "Supervised visitation" means the court-ordered contact between a noncustodial parent and one or more children of such parent in the presence of a third-party person who is responsible

1 for observing and overseeing the visitation in order to provide for
2 the safety of the child and any other parties during the visitation.
3 The court may require supervised visitation when deemed necessary by
4 the court to protect the child or other parties;

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

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

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

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

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

- 17 a. identify public and private entities which will be
18 willing to provide location sites for purposes of the
19 Oklahoma Child Supervised Visitation Program,
- 20 b. identify individuals who will be willing to serve as
21 third-party persons to observe and oversee court-
22 ordered supervised visitations,
- 23 c. establish training requirements for volunteers,

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

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

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

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

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

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

23 1. The location site require each participant who has court-
24 ordered supervised visitation for a child and who is participating

1 in the supervised visitation program to sign a time log upon arrival
2 and departure. The agency location site must have an employee
3 assigned to verify identification of each participant, initial each
4 signature, and record the time of ~~each person's~~ arrival and
5 departure of each person; and

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

8 a. a copy of the court order requiring supervised
9 visitation, and

10 b. name of individuals authorized to pick up or deliver a
11 child to the agency location site for supervised
12 visitation.

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

15 1. Mental health professionals;

16 2. Police officers or other law enforcement agents;

17 3. Medical personnel;

18 4. Child protective services workers;

19 5. Child advocacy individuals; and

20 6. The district attorney or designee.

21 G. An associate district judge of a county, the judicial
22 district supervised visitation team created pursuant to this section
23 and the Office of the Court Administrator may develop an
24 informational brochure outlining the provisions of the Oklahoma

1 Child Supervised Visitation Program and procedures to be used by
2 volunteers in that judicial district. The brochure may be
3 distributed through the municipal and district court, social service
4 agency centers, county health departments, hospitals, crisis or
5 counseling centers, and community action agencies.

6 H. Except for acts of dishonesty, willful criminal acts, or
7 gross negligence, no member of the judicial district supervised
8 visitation team or volunteer shall be charged personally with any
9 liability whatsoever by reason of any act or omission committed or
10 suffered in the performance of the duties pursuant to the provisions
11 of this section.

12 I. The provisions of this section shall not apply to cases
13 subject to the Oklahoma Children's Code and the Oklahoma Juvenile
14 Code.

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

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