

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3286

By: Enns

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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 orders; directing court to suspend visitation rights
10 of noncustodial parent for failure to pay child
11 support; providing exceptions; and providing an
12 effective date.

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

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

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

21 2. Except for good cause shown and when in the best interests
22 of the child, the order shall encourage additional visitations of
23 the noncustodial parent and the child and in addition encourage
24 liberal telephone communications between the noncustodial parent and
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,
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- 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~~ as provided in this
2 paragraph, when a noncustodial parent who is ordered to pay child
3 support and who is awarded visitation rights fails to pay child
4 support, the ~~eustodial parent~~ court shall ~~not refuse to honor~~
5 suspend the visitation rights of the noncustodial parent until the
6 unpaid child support is paid. The court shall not suspend
7 visitation rights if the noncustodial parent fails to pay child
8 support:

- 9 a. due to a medical hardship which leaves the parent
10 unable to work for a definite or indefinite period of
11 time, or
12 b. for a period of two (2) months if the parent becomes
13 unemployed.

14 2. When a custodial parent refuses to honor the visitation
15 rights of the noncustodial parent, the noncustodial parent shall not
16 fail to pay any ordered child support or alimony.

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

23 2. Any person complying in good faith with the provisions of
24 Section 852.1 of Title 21 of the Oklahoma Statutes, by refusing to

1 allow his or her child to be transported by an intoxicated driver,
2 shall have an affirmative defense to a contempt of court proceeding
3 in a divorce or custody action.

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

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

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