

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1756

By: Seifried

AS INTRODUCED

An Act relating to child custody; amending 43 O.S. 2021, Sections 110.1a and 112.2, which relate to the Oklahoma Child Supervised Visitation Program and child custody determinations; removing exception to certain training requirements; requiring court to consider certain factor in custody determinations; establishing rebuttable presumption against granting custody under certain circumstances; providing exception; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2021, 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

1 parent in the presence of a third-party person who is responsible
2 for observing and overseeing the visitation in order to provide for
3 the safety of the child and any other parties during the visitation.
4 The court may require supervised visitation when deemed necessary by
5 the court to protect the child or other parties;

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

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

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

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

15 2. The associate district judge of each county may appoint a
16 judicial district supervised visitation 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,
- 24

- 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) place of employment and phone number of the
16 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
25

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
25

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 arrival and departure of each
5 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. AMENDATORY 43 O.S. 2021, Section 112.2, is
16 amended to read as follows:

17 Section 112.2. A. In every case involving the custody of,
18 guardianship of or visitation with a child, the court shall consider
19 for determining the custody of, guardianship of or the visitation
20 with a child whether any person seeking custody or who has custody
21 of, guardianship of or visitation with a child:

22 1. Is or has been subject to the registration requirements of
23 the Oklahoma Sex Offenders Registration Act or any similar act in
24 any other state;

1 2. Has been convicted of a crime listed in the Oklahoma Child
2 Abuse Reporting and Prevention Act or in Section 582 of Title 57 of
3 the Oklahoma Statutes;

4 3. Is an alcohol-dependent person or a drug-dependent person as
5 established by clear and convincing evidence and who can be expected
6 in the near future to inflict or attempt to inflict serious bodily
7 harm to himself or herself or another person as a result of such
8 dependency;

9 4. Has been convicted of domestic abuse within the past five
10 (5) years;

11 5. Is residing with an individual who is or has been subject to
12 the registration requirements of the Oklahoma Sex Offenders
13 Registration Act or any similar act in any other state;

14 6. Is residing with a person who has been convicted of a crime
15 listed in the Oklahoma Child Abuse Reporting and Prevention Act or
16 in Section 582 of Title 57 of the Oklahoma Statutes; ~~or~~

17 7. Is residing with a person who has been convicted of domestic
18 abuse within the past five (5) years; or

19 8. Has had custody, guardianship, or visitation rights
20 terminated due to failure to complete or participate in any court-
21 ordered substance abuse or mental health treatment.

22 B. There shall be a rebuttable presumption that it is not in
23 the best interests of the child to have custody or guardianship
24 granted to a person who:

1 1. Is subject to or has been subject to the registration
2 requirements of the Oklahoma Sex Offenders Registration Act or any
3 similar act in any other state;

4 2. Has been convicted of a crime listed in the Oklahoma Child
5 Abuse Reporting and Prevention Act or in Section 582 of Title 57 of
6 the Oklahoma Statutes;

7 3. Is an alcohol-dependent person or a drug-dependent person as
8 established by clear and convincing evidence and who can be expected
9 in the near future to inflict or attempt to inflict serious bodily
10 harm to himself or herself or another person as a result of such
11 dependency;

12 4. Has been convicted of domestic abuse within the past five
13 (5) years;

14 5. Is residing with a person who is or has been subject to the
15 registration requirements of the Oklahoma Sex Offenders Registration
16 Act or any similar act in any other state;

17 6. Is residing with a person who has been convicted of a crime
18 listed in the Oklahoma Child Abuse Reporting and Prevention Act or
19 in Section 582 of Title 57 of the Oklahoma Statutes; ~~or~~

20 7. Is residing with a person convicted of domestic abuse within
21 the past five (5) years; or

22 8. Has had custody, guardianship, or visitation rights
23 terminated due to failure to complete or participate in any court-
24 ordered substance abuse or mental health treatment. Such rights

1 shall not be restored until the person shows completion of or
2 ongoing participation in the required treatment.

3 C. Custody of, guardianship of, or visitation with a child
4 shall not be granted to any person if it is established that the
5 custody, guardianship or visitation will likely expose the child to
6 a foreseeable risk of material harm.

7 D. Except as otherwise provided by the Oklahoma Child
8 Supervised Visitation Program, court-ordered supervised visitation
9 shall be governed by the Oklahoma Child Supervised Visitation
10 Program.

11 E. For purposes of this section:

12 1. "Alcohol-dependent person" has the same meaning as such term
13 is defined in Section 3-403 of Title 43A of the Oklahoma Statutes;

14 2. "Domestic abuse" has the same meaning as such term is
15 defined in Section 60.1 of Title 22 of the Oklahoma Statutes;

16 3. "Drug-dependent person" has the same meaning as such term is
17 defined in Section 3-403 of Title 43A of the Oklahoma Statutes; and

18 4. "Supervised visitation" means a program established pursuant
19 to Section 5 110.1a of this ~~act~~ title.

20 SECTION 3. This act shall become effective November 1, 2024.

21
22 59-2-3384 TEK 1/17/2024 10:57:36 AM
23
24
25