

1 **SENATE FLOOR VERSION**

2 February 24, 2026

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 SENATE BILL NO. 1708

By: Jech, Jett, Standridge, and  
Prieto of the Senate

6 and

7 Tedford of the House

8  
9 [ child custody - presumption - effective date ]

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11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 43 O.S. 2021, Section 109, as  
14 amended by Section 1, Chapter 24, O.S.L. 2024 (43 O.S. Supp. 2025,  
15 Section 109), is amended to read as follows:

16 Section 109. A. In awarding the custody of a minor unmarried  
17 child or in appointing a general guardian for the child, the court  
18 shall consider what appears to be in the best interests of the  
19 physical ~~and~~, mental, and moral welfare of the child. Subject to  
20 subsection I of this section, there shall be a presumption,  
21 rebuttable by a preponderance of the evidence, that joint custody  
22 and equally shared parenting time, to the extent feasible, is in the  
23 best interest of the child.

1 B. The court, pursuant to the provisions of subsection A of  
2 this section, may grant the care, custody, and control of a child to  
3 either parent or to the parents jointly.

4 For the purposes of this section, the terms joint custody and  
5 joint care, custody, and control mean the sharing by parents in all  
6 or some of the aspects of physical and legal care, custody, and  
7 control of their children.

8 C. If either or both parents have requested joint custody, the  
9 parents shall file with the court their plans for the exercise of  
10 joint care, custody, and control of their child. The parents of the  
11 child may submit a plan jointly, or either parent or both parents  
12 may submit separate plans. Any plan shall include, but is not  
13 limited to, provisions detailing the physical living arrangements  
14 for the child, child support obligations, medical and dental care  
15 for the child, school placement, and visitation rights. A plan  
16 shall be accompanied by an affidavit signed by each parent stating  
17 that the parent agrees to the plan and will abide by its terms. The  
18 plan and affidavit shall be filed with the petition for a divorce or  
19 legal separation or after the petition is filed.

20 D. The court shall issue a final plan for the exercise of joint  
21 care, custody, and control of the child or children, based upon the  
22 plan submitted by the parents, separate or jointly, with appropriate  
23 changes deemed by the court to be in the best interests of the  
24

1 child. The court also may reject a request for joint custody and  
2 proceed as if the request for joint custody had not been made.

3 E. The parents having joint custody of the child may modify the  
4 terms of the plan for joint care, custody, and control. The  
5 modification to the plan shall be filed with the court and included  
6 with the plan. If the court determines the modifications are in the  
7 best interests of the child, the court shall approve the  
8 modifications.

9 F. The court also may modify the terms of the plan for joint  
10 care, custody, and control upon the request of one parent. The  
11 court shall not modify the plan unless the modifications are in the  
12 best interests of the child.

13 G. 1. The court may terminate a joint custody decree upon the  
14 request of one or both of the parents or whenever the court  
15 determines the decree is not in the best interests of the child.

16 2. Upon termination of a joint custody decree, the court shall  
17 proceed and issue a modified decree for the care, custody, and  
18 control of the child as if no such joint custody decree had been  
19 made.

20 H. In the event of a dispute between the parents having joint  
21 custody of a child as to the interpretation of a provision of the  
22 plan, the court may appoint an arbitrator to resolve the dispute.  
23 The arbitrator shall be a disinterested person knowledgeable in  
24 domestic relations law and family counseling. The determination of

1 the arbitrator shall be final and binding on the parties to the  
2 proceedings until further order of the court. If a parent refuses  
3 to consent to arbitration, the court may terminate the joint custody  
4 decree.

5 I. 1. In every proceeding in which there is a dispute as to  
6 the custody of a minor child, a determination by the court that  
7 child abuse, domestic violence, stalking, or harassment has occurred  
8 raises a rebuttable presumption that sole custody, joint legal or  
9 physical custody, or any shared parenting plan with the perpetrator  
10 of child abuse, domestic violence, harassing, or stalking behavior  
11 is detrimental to and not in the best interest of the child, and it  
12 is in the best interest of the child to reside with the parent who  
13 is not a perpetrator of child abuse, domestic violence, harassing,  
14 or stalking behavior. Further, in such proceedings, where a parent  
15 is required to register pursuant to the Sex Offenders Registration  
16 Act, the Mary Rippy Violent Crime Offenders Registration Act, or a  
17 similar registration in another state, there shall be a presumption,  
18 rebuttable by clear and convincing evidence, that sole custody,  
19 joint legal or physical custody, or any shared parenting plan with  
20 the parent subject to any of the above acts is detrimental to and  
21 not in the best interest of the child and it is in the best interest  
22 of the child to reside with the parent who is not subject to any  
23 such registration requirements.

24 2. For the purposes of this subsection:

- 1 a. "child abuse" shall have the same meaning as "abuse"  
2 as defined pursuant to the Oklahoma Children's Code in  
3 Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
4 b. "domestic violence" means the threat of the infliction  
5 of physical injury, any act of physical harm or the  
6 creation of a reasonable fear thereof, or the  
7 intentional infliction of emotional distress by a  
8 parent or a present or former member of the household  
9 of the child, against the child or another member of  
10 the household including coercive control by a parent  
11 involving physical, sexual, psychological, emotional,  
12 economic, or financial abuse,  
13 c. "harassment" means a knowing and willful course or  
14 pattern of conduct by a parent directed at another  
15 parent which seriously alarms or is a nuisance to the  
16 person, and which serves no legitimate purpose  
17 including, but not limited to, harassing or obscene  
18 telephone calls or conduct that would cause a  
19 reasonable person to have a fear of death or bodily  
20 injury, and  
21 d. "stalking" means the willful course of conduct by a  
22 parent who repeatedly follows or harasses another  
23 person as defined in Section 1173 of Title 21 of the  
24 Oklahoma Statutes.

1           3. If a parent is absent or relocates as a result of an act of  
2 domestic violence by the other parent, the absence or relocation  
3 shall not be a factor that weighs against the parent in determining  
4 custody or visitation.

5           4. The court shall consider, as a primary factor, the safety  
6 and well-being of the child who is the victim of child abuse and of  
7 the parent who is the victim of domestic violence, harassment, or  
8 stalking behavior, in addition to other facts regarding the best  
9 interest of the child.

10          5. The court shall consider the history of the parent causing  
11 physical harm, bodily injury, assault, verbal threats, stalking, or  
12 harassing behavior, or the fear of physical harm, bodily injury, or  
13 assault to another person including the minor child, in determining  
14 issues regarding custody and visitation.

15          SECTION 2.        AMENDATORY        43 O.S. 2021, Section 112, is  
16 amended to read as follows:

17          Section 112. A. A petition or cross-petition for a divorce,  
18 legal separation, or annulment must state whether or not the parties  
19 have minor children of the marriage. If there are minor children of  
20 the marriage, the court:

21           1. Shall make provision for guardianship, custody, medical  
22 care, support, and education of the children;

23  
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1           2. Unless not in the best interests of the children, may  
2 provide for the visitation of the noncustodial parent with any of  
3 the children of the noncustodial parent; and

4           3. May modify or change any order whenever circumstances render  
5 the change proper either before or after final judgment in the  
6 action; provided, that the amount of the periodic child support  
7 payment shall not be modified retroactively or payment of all or a  
8 portion of the past due amount waived, except by mutual agreement of  
9 the obligor and obligee, or if the obligee has assigned child  
10 support rights to the Department of Human Services or other entity,  
11 by agreement of the Department or other entity. Unless the parties  
12 agree to the contrary, a completed child support computation form  
13 provided for in Section 120 of this title shall be required to be  
14 filed with the child support order.

15           The social security numbers of both parents and the child shall  
16 be included on the child support order summary form provided for in  
17 Section 120 of this title, which shall be submitted to the ~~Central~~  
18 ~~Case Registry~~ central case registry as provided for in Section 112A  
19 of this title with all child support or paternity orders.

20           B. In any action in which there are minor unmarried children in  
21 awarding or modifying the custody of the child or in appointing a  
22 general guardian for the child, the court shall be guided by the  
23 provisions of Section 112.5 of this title and shall consider what  
24 appears to be in the best interests of the child.

1 C. 1. When it is in the best interests of a minor unmarried  
2 child, the court shall:

3 a. assure children of frequent and continuing contact  
4 with both parents after the parents have separated or  
5 dissolved their marriage, and

6 b. encourage parents to share the rights and  
7 responsibilities of child rearing in order to effect  
8 this policy.

9 2. There shall be ~~neither a legal preference nor~~ a presumption  
10 ~~for or against,~~ rebuttable by a preponderance of the evidence, that  
11 joint legal custody, joint physical custody, ~~or sole custody~~ and  
12 equally shared parenting time, to the extent feasible, is in the  
13 best interest of the child. If the presumption is rebutted, the  
14 court shall construct a parenting time schedule that is consistent  
15 with the best interest of the child and maximizes the time each  
16 parent has with the child.

17 3. When in the best interests of the child, custody shall be  
18 awarded in a way which ~~assures~~ ensures the frequent and continuing  
19 contact of the child with both parents. When awarding custody to  
20 either parent, the court:

21 a. shall consider, among other facts, which parent is  
22 more likely to allow the child or children frequent  
23 and continuing contact with the noncustodial parent,  
24 and

1           b.    shall not prefer a parent as a custodian of the child  
2                   because of the gender of that parent.

3           4.    In any action, there shall be neither a legal preference or  
4 a presumption for or against private or public school or home-  
5 schooling in awarding the custody of a child, or in appointing a  
6 general guardian for the child.

7           5.    Notwithstanding any custody determination made pursuant to  
8 the Oklahoma Children's Code, when a parent of a child is required  
9 to be separated from a child due to military service, the court  
10 shall not enter a final order modifying an existing custody order  
11 until such time as the parent has completed the term of duty  
12 requiring separation. For purposes of this paragraph:

13           a.    in the case of a parent who is a member of the Army,  
14                   Navy, Air Force, Marine Corps, or Coast Guard, the  
15                   term "military service" means a combat deployment,  
16                   contingency operation, or natural disaster requiring  
17                   the use of orders that do not permit any family member  
18                   to accompany the member,

19           b.    in the case of a parent who is a member of the  
20                   National Guard, the term ~~"military service"~~ military  
21                   service means service under a call to active service  
22                   authorized by the President of the United States or  
23                   the Secretary of Defense for a period of more than  
24                   thirty (30) consecutive days under 32 U.S.C., Section

1 502(f) for purposes of responding to a national  
2 emergency declared by the President and supported by  
3 federal funds. ~~"Military service"~~ Military service  
4 shall include any period during which a member is  
5 absent from duty on account of sickness, wounds,  
6 leave, or other lawful cause, and

7 c. the court may enter a temporary custody or visitation  
8 order pursuant to the requirements of the Deployed  
9 Parents Custody and Visitation Act.

10 6. In making an order for custody, the court shall require  
11 compliance with Section 112.3 of this title.

12 D. 1. Except for good cause shown, a pattern of failure to  
13 allow court-ordered visitation may be determined to be contrary to  
14 the best interests of the child and as such may be grounds for  
15 modification of the child custody order.

16 2. For any action brought pursuant to the provisions of this  
17 section which the court determines to be contrary to the best  
18 interests of the child, the prevailing party shall be entitled to  
19 recover court costs, attorney fees, and any other reasonable costs  
20 and expenses incurred with the action.

21 E. Except as otherwise provided by Section 112.1A of this  
22 title, any child shall be entitled to support by the parents until  
23 the child reaches eighteen (18) years of age. If a child is  
24 regularly enrolled in and attending high school, as set forth in

1 Section 11-103.6 of Title 70 of the Oklahoma Statutes, other means  
2 of high school education, or an alternative high school education  
3 program as a full-time student, the child shall be entitled to  
4 support by the parents until the child graduates from high school or  
5 until the age of twenty (20) years, whichever occurs first. Full-  
6 time attendance shall include regularly scheduled breaks from the  
7 school year. No hearing or further order is required to extend  
8 support pursuant to this subsection after the child reaches the age  
9 of eighteen (18) years.

10 F. In any case in which provision is made for the custody or  
11 support of a minor child or enforcement of such order and before  
12 hearing the matter or signing any orders, the court shall inquire  
13 whether public assistance money or medical support has been provided  
14 by the Department of Human Services, ~~hereafter referred to as the~~  
15 ~~Department,~~ for the benefit of each child. If public assistance  
16 money, medical support, or child support services under the state  
17 child support plan as provided in Section 237 of Title 56 of the  
18 Oklahoma Statutes have been provided for the benefit of the child,  
19 the Department shall be a necessary party for the adjudication of  
20 the debt due to the State of Oklahoma, as defined in Section 238 of  
21 Title 56 of the Oklahoma Statutes, and for the adjudication of  
22 paternity, child support, and medical insurance coverage for the  
23 minor children in accordance with federal regulations. When an  
24 action is filed, the petitioner shall give the Department notice of

1 the action according to Section 2004 of Title 12 of the Oklahoma  
2 Statutes. The Department shall not be required to intervene in the  
3 action to have standing to appear and participate in the action.  
4 When the Department is a necessary party to the action, any orders  
5 concerning paternity, child support, medical support, or the debt  
6 due to the State of Oklahoma shall be approved and signed by the  
7 Department.

8 G. In any case in which a child support order or custody order  
9 or both is entered, enforced, or modified, the court may make a  
10 determination of the arrearages of child support.

11 SECTION 3. This act shall become effective November 1, 2026.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
13 February 24, 2026 - DO PASS AS AMENDED BY CS  
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