

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3298

By: Timmons

AS INTRODUCED

An Act relating to civil procedure; enacting the Uniform Judicial Interview of Children Act; defining terms; providing scope of act; permitting judicial officer to conduct judicial interview under certain circumstances; permitting certain parties to request judicial interview; providing considerations for the judicial officer; requiring that a judicial officer who conducts a judicial interview have training in interviewing a child; providing judicial interview procedure; directing the judicial officer to grant access to interview record under certain circumstances; directing a court to consider uniformity in applying and construing act; specifying interviews this act shall apply to; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3401 of Title 12, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Uniform Judicial Interview of Children Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3402 of Title 12, unless there is created a duplication in numbering, reads as follows:

1 In the Uniform Judicial Interview of Children Act:

2 1. "Child" means an unemancipated individual who is under  
3 eighteen (18) years of age and includes an adult who, because of  
4 physical or mental incapacity, is the subject of a covered  
5 proceeding;

6 2. "Child's attorney" means an attorney who provides legal  
7 representation for a child in a covered proceeding;

8 3. "Court" means a tribunal authorized under other law to  
9 adjudicate a covered proceeding;

10 4. "Covered proceeding" means:

11 a. a civil judicial proceeding relating to a child to  
12 determine any of the following:

- 13 (1) legal or physical custody,
- 14 (2) parenting time or visitation,
- 15 (3) relocation,
- 16 (4) nonparent custody or visitation,
- 17 (5) private adoption,
- 18 (6) guardianship or conservatorship, or
- 19 (7) another matter involving custodial  
20 responsibility, and

21 b. a proceeding under the International Child Abduction  
22 Remedies Act, 22 U.S.C. Section 9001, et seq., as  
23 amended;

1        5. "Guardian ad litem" means an individual who is appointed by  
2 the court to represent a child's best interest in a covered  
3 proceeding;

4        6. "Interview record" means a record of a judicial interview;

5        7. "Judicial interview" means communication not under oath or  
6 affirmation between a child and a judicial officer in a covered  
7 proceeding through which the judicial officer elicits the child's  
8 views;

9        8. "Judicial officer" means a judge or other individual who is  
10 authorized by other law to:

11            a. conduct a covered proceeding and make or recommend a  
12 final decision in the proceeding, and

13            b. conduct a judicial interview;

14        9. "Party" means a litigant with a direct interest subject to  
15 adjudication in the covered proceeding and does not include a child  
16 who is the subject of the proceeding;

17        10. "Person" means an individual, estate, business or nonprofit  
18 entity, public corporation, government or governmental subdivision,  
19 agency, or instrumentality, or other legal entity;

20        11. "Record" means information:

21            a. inscribed on a tangible medium, or

22            b. stored in an electronic or other medium and  
23 retrievable in perceivable form;

1        12. "State" means a state of the United States, the District of  
2 Columbia, Puerto Rico, the United States Virgin Islands, or any  
3 other territory or possession subject to the jurisdiction of the  
4 United States. The term includes a federally recognized Indian  
5 tribe;

6        13. "Testimony" means evidence provided by a witness under oath  
7 or affirmation;

8        14. "Views" means wishes, preferences, or perspectives. The  
9 term includes a child's objection to being returned in a proceeding  
10 under the International Child Abduction Remedies Act, 22 U.S.C.  
11 Section 9001, et seq., as amended.

12        SECTION 3.        NEW LAW        A new section of law to be codified  
13 in the Oklahoma Statutes as Section 3403 of Title 12, unless there  
14 is created a duplication in numbering, reads as follows:

15        A. Except as provided in subsection B of this section, this act  
16 shall apply to a covered proceeding in which other law permits a  
17 judicial officer to conduct a judicial interview of a child who is  
18 the subject of the proceeding.

19        B. This act shall not apply to:

20        1. A judicial interview conducted in a proceeding under the  
21 Oklahoma Children's Code or the Oklahoma Juvenile Code;

22        2. Testimony by a child; or

23        3. An interview conducted by a person other than a judicial  
24 officer.

1       SECTION 4.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3404 of Title 12, unless there  
3 is created a duplication in numbering, reads as follows:

4       A. Unless prohibited by other law, the child, child's attorney,  
5 guardian ad litem, or a party may request a judicial interview. The  
6 decision to conduct a judicial interview is within the judicial  
7 officer's discretion and may be at the judicial officer's own  
8 initiative.

9       B. A judicial officer may conduct a judicial interview if the  
10 judicial officer determines the judicial interview is in the child's  
11 best interest and the requirements of other law are met.

12       C. Except as provided by other law, in deciding whether a  
13 judicial interview is in the child's best interest, the judicial  
14 officer shall consider the child's expressed desire to communicate  
15 or not communicate with the judicial officer and, to the extent  
16 applicable and readily ascertainable:

17       1. The likelihood that the interview will assist the judicial  
18 officer in adjudicating the covered proceeding;

19       2. The child's age, maturity, and capacity to formulate and  
20 communicate views to the judicial officer;

21       3. The likely benefit to the child from the interview;

22       4. The potential harm to the child from the interview,  
23 including embarrassment, harassment, retaliation, and breach of a  
24

1 relationship, and the judicial officer's ability to mitigate harm  
2 while still eliciting the child's views;

3 5. The availability and suitability of other processes to  
4 elicit the child's views;

5 6. The likelihood that conducting the interview may facilitate  
6 recognition or enforcement in another state or foreign court of the  
7 decision in the covered proceeding; and

8 7. Any other relevant factor.

9 D. A judicial officer who conducts a judicial interview shall  
10 have training in interviewing a child in accordance with judicial  
11 standards established under other law of this state.

12 SECTION 5. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 3405 of Title 12, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. The judicial officer shall permit a party, the child's  
16 attorney, and the guardian ad litem to propose questions in a record  
17 for the judicial interview. The judicial officer shall determine  
18 the questions asked of the child.

19 B. The judicial officer shall require an interview record to be  
20 made.

21 C. The judicial officer shall permit the child's attorney and  
22 guardian ad litem to attend the interview in person.

1 D. The judicial officer may not permit a party or the party's  
2 attorney to attend the interview.

3 E. If all parties agree, the parties may stipulate on the  
4 record that they waive access to the interview record. A  
5 stipulation is not valid unless approved by a judicial officer. The  
6 judicial officer may not approve a stipulation unless each party  
7 stipulates that the party waives any right to access the interview  
8 record, to be informed of communication by the child during the  
9 interview, and to respond to the child's communication. Unless  
10 otherwise stated in the stipulation, a stipulation under this  
11 section precludes access to the interview record by the parties in a  
12 future covered proceeding, including an appeal.

13 F. Before starting the interview, the judicial officer shall  
14 explain to the child in an age-appropriate manner information about  
15 the interview, including:

16 1. That the child is not required to answer the judicial  
17 officer's questions;

18 2. That the child's views will be considered but the judicial  
19 officer is the decisionmaker;

20 3. That an interview record will be made;

21 4. Whether any individual will be observing or listening to  
22 the interview in real time;

23 5. Whether the interview record will be provided to the  
24 parties; and

1           6. That the judicial officer under other law of this state may  
2 be required in some circumstances to share with another person the  
3 child's communication.

4           SECTION 6.           NEW LAW           A new section of law to be codified  
5 in the Oklahoma Statutes as Section 3406 of Title 12, unless there  
6 is created a duplication in numbering, reads as follows:

7           A. Unless otherwise prohibited by a stipulation approved  
8 pursuant to subsection E of Section 5 of this act and except as  
9 provided under subsection B of this section, on request of a party  
10 and after payment of required costs, the judicial officer shall  
11 grant access to the interview record if a party appeals the final  
12 decision in the covered proceeding.

13           B. Unless otherwise prohibited by a stipulation approved  
14 pursuant to subsection E of Section 5 of this act, if the child  
15 makes a factual allegation in the judicial interview, other than  
16 communication of the child's views, that is or may be contested and  
17 is potentially dispositive in the covered proceeding, the judicial  
18 officer shall disclose the allegation to the parties and provide  
19 them an opportunity to submit evidence and legal argument in  
20 response.

21           C. The right of the child, the child's attorney, and the  
22 guardian ad litem to access the interview record and participate in  
23 the covered proceeding is governed by other law.



1 D. The judicial officer shall determine appropriate  
2 restrictions on the disclosure of the contents of the interview and  
3 the interview record to nonparties during the covered proceeding and  
4 after its conclusion.

5 E. On a finding required under Section 24A.29 of Title 51 of  
6 the Oklahoma Statutes, the court shall seal the interview record  
7 from public access.

8 F. The decision whether to permit the child to provide  
9 testimony in a covered proceeding is governed by other law.

10 SECTION 7. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3407 of Title 12, unless there  
12 is created a duplication in numbering, reads as follows:

13 In applying and construing this uniform act, a court shall  
14 consider the promotion of uniformity of the law among states that  
15 enact it.

16 SECTION 8. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 3408 of Title 12, unless there  
18 is created a duplication in numbering, reads as follows:

19 This act shall apply to a judicial interview requested or  
20 initiated on or after the effective date of this act.

21 SECTION 9. This act shall become effective November 1, 2026.

22  
23 60-2-15712 CMA 01/13/26  
24