

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3909

By: Hefner

AS INTRODUCED

An Act relating to marriage; amending 43 O.S. 2021, Section 107.3, which relates to divorce and alimony; providing information report shall contain; providing that certain manual be reviewed annually; amending 43 O.S. 2021, Section 120.7, which relates to court experts; providing information resume shall contain; prohibiting the waiver of disclosures; modifying training provisions; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2021, Section 107.3, is amended to read as follows:

Section 107.3. A. 1. In any proceeding when the custody or visitation of a minor child or children is contested by any party, the court may appoint an attorney at law as guardian ad litem upon motion of the court or upon application of any party to appear for and represent the minor children.

2. The guardian ad litem may be appointed to objectively advocate on behalf of the child and act as an officer of the court to investigate all matters concerning the best interests of the child. In addition to other duties required by the court and as

1 specified by the court, a guardian ad litem shall have the following
2 responsibilities:

- 3 a. review documents, reports, records and other
4 information relevant to the case, meet with and
5 observe the child in appropriate settings, and
6 interview parents, caregivers and health care
7 providers and any other person with knowledge relevant
8 to the case including, but not limited to, teachers,
9 counselors and child care providers,
- 10 b. advocate for the best interests of the child by
11 participating in the case, attending any hearings in
12 the matter and advocating for appropriate services for
13 the child when necessary,
- 14 c. monitor the best interests of the child throughout any
15 judicial proceeding,
- 16 d. present written factual reports to the parties and
17 court prior to trial or at any other time as specified
18 by the court on the best interests of the child, which
19 determination is solely the decision of the court.
20 Such written factual reports shall contain all
21 allegations of domestic violence against either party,
22 and
- 23 e. the guardian ad litem shall, as much as possible,
24 maintain confidentiality of information related to the

1 case and is not subject to discovery pursuant to the
2 Oklahoma Discovery Code.

3 3. Expenses, costs, and attorney fees for the guardian ad litem
4 may be allocated among the parties as determined by the court.

5 4. The Oklahoma Bar Association shall develop a standard
6 operating manual for guardians ad litem which shall include, but not
7 be limited to, legal obligations and responsibilities, information
8 concerning child abuse, child development, domestic abuse, sexual
9 abuse, and parent and child behavioral health and management
10 including best practices. After publication of the manual, all
11 guardians ad litem shall certify to the court in which he or she is
12 appointed as a guardian ad litem that the manual has been read and
13 all provisions contained therein are understood. The guardian ad
14 litem shall also certify that he or she agrees to follow the best
15 practices described within the standard operating manual. The
16 Administrative Office of the Courts shall provide public access to
17 the standard operating manual by providing a link to the manual on
18 the Oklahoma State Courts Network (OSCN) website. The standard
19 operating manual shall be reviewed and updated annually by the
20 Oklahoma Bar Association.

21 B. When property, separate maintenance, or custody is at issue,
22 the court:

23 1. May refer the issue or issues to mediation if feasible
24 unless a party asserts or it appears to the court that domestic

1 violence or child abuse has occurred, in which event the court shall
2 halt or suspend professional mediation unless the court specifically
3 finds that:

4 a. the following three conditions are satisfied:

5 (1) the professional mediator has substantial
6 training concerning the effects of domestic
7 violence or child abuse on victims,

8 (2) a party who is or alleges to be the victim of
9 domestic violence is capable of negotiating with
10 the other party in mediation, either alone or
11 with assistance, without suffering an imbalance
12 of power as a result of the alleged domestic
13 violence, and

14 (3) the mediation process contains appropriate
15 provisions and conditions to protect against an
16 imbalance of power between parties resulting from
17 the alleged domestic violence or child abuse, or

18 b. in the case of domestic violence involving parents,
19 the parent who is or alleges to be the victim requests
20 mediation and the mediator is informed of the alleged
21 domestic violence; and

22 2. When custody is at issue, the court may order, in addition
23 to or in lieu of the provisions of paragraph 1 of this subsection,
24 that each of the parties undergo individual counseling in a manner

1 that the court deems appropriate, if the court finds that the
2 parties can afford the counseling.

3 C. As used in this section:

4 1. "Child abuse or neglect" shall have the same meaning as
5 "abuse" or "neglect" as defined by Section 1-1-105 of Title 10A of
6 the Oklahoma Statutes or shall mean the child has been adjudicated
7 deprived as a result of the actions or omission of either parent
8 pursuant to the Oklahoma Children's Code; and

9 2. "Domestic violence" shall have the same meaning as such term
10 is defined by the Protection from Domestic Abuse Act.

11 D. During any proceeding concerning child custody, should it be
12 determined by the court that a party has intentionally made a false
13 or frivolous accusation to the court of child abuse or neglect
14 against the other party, the court shall proceed with any or all of
15 the following:

16 1. Find the accusing party in contempt for perjury and refer
17 for prosecution;

18 2. Consider the false allegations in determining custody; and

19 3. Award the obligation to pay all court costs and legal
20 expenses encumbered by both parties arising from the allegations to
21 the accusing party.

22 SECTION 2. AMENDATORY 43 O.S. 2021, Section 120.7, is
23 amended to read as follows:

1 Section 120.7. A. As used in this section, "court expert"
2 means a parenting coordinator, guardian ad litem, custody evaluator
3 or any other person appointed by the court in a custody or
4 visitation proceeding involving children.

5 B. Before the court appoints an individual as a court expert,
6 the following disclosures shall be made by the candidate to the
7 parties:

8 1. A disclosure of any prior relationships with any party,
9 attorney or judge in the pending action;

10 2. A complete resume disclosing all personal and professional
11 qualifications to serve as a court expert, including, but not
12 limited to, the mandatory trainings described in this section;

13 3. Any suspensions from practice, reprimands, or other formal
14 punishments resulting from an adjudication of complaints filed
15 against the person with the professional licensing board or other
16 organization authorized to receive complaints regarding the
17 performance of the individual in question; and

18 4. Any criminal convictions within the past ten (10) years and
19 inclusion on any sexual offender list.

20 C. The disclosures required to be made pursuant to subsection B
21 of this section shall not be waived by any party.

22 D. A party may file an objection to the appointment of a
23 proposed court expert within fifteen (15) days after the receipt of
24 the disclosures required by subsection B of this section. Upon

1 filing an objection to the proposed court expert, the court shall
2 set the matter for hearing. If requested, the party objecting to
3 the appointment of the proposed court expert shall be entitled to
4 discovery related to the qualifications and appropriateness of the
5 proposed court expert prior to hearing.

6 ~~D. E. In any case involving domestic violence, stalking or~~
7 ~~harassment as defined by paragraph 2 of subsection I of Section 109~~
8 ~~of this title, the~~ The court expert shall have completed ~~sixteen~~
9 ~~(16)~~ six (6) hours of domestic violence training prior to
10 appointment and shall complete two (2) continuing hours of domestic
11 violence training annually that includes, but is not limited to,
12 information regarding the danger and lethality of domestic violence,
13 the causes and dynamics of domestic violence, the impact of domestic
14 violence upon victims and children, and the characteristics of a
15 batterer as a parent.

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

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