

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1082

By: Tedford

COMMITTEE SUBSTITUTE

An Act relating to marriage and family; amending 43 O.S. 2021, Section 109, as amended by Section 1, Chapter 24, O.S.L. 2024 (43 O.S. Supp. 2024, Section 109), which relates to awarding child custody; modifying factors to consider for child custody; modifying determinations for terminating custody agreements; and providing an effective date.

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

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

Section 109. A. In awarding the custody of a minor unmarried child or in appointing a general guardian for the child, the court shall consider what ~~appears to be~~ is in the best interests of the physical and mental and moral welfare of the child.

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

1 there shall be a presumption, rebuttable by a preponderance of
2 evidence that joint custody and equally shared parenting time is in
3 the best interest of the child.

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 for
14 the child, child support obligations, medical and dental care for
15 the child, school placement, and visitation rights. A plan shall be
16 accompanied by an affidavit signed by each parent stating that the
17 parent agrees to the plan and will abide by its terms. The plan and
18 affidavit shall be filed with the petition for a divorce or legal
19 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.

3 If a parent refuses to consent to arbitration, the court may
4 terminate the joint custody 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 is
11 detrimental and not in the best interest of the child, and it is in
12 the best interest of the child to reside with the parent who is not
13 a perpetrator of child abuse, domestic violence, harassing or
14 stalking behavior. Further, in proceedings stated above, where a
15 parent is a registrant on the Sex Offenders Registration Act, the
16 Mary Rippy Violent Crime Offenders Registration Act, or similar
17 registration in another state, there shall be a rebuttable
18 presumption that sole custody, joint legal or physical custody, or
19 any shared parenting plan with the parent subject to any of the
20 above registries is detrimental and not in the best interest of the
21 child and it is in the best interest of the child to reside with the
22 parent who is not subject to any of the above registries.

23 2. For the purposes of this subsection:
24

- 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. This act shall become effective November 1, 2025.

16
17
18
19
20
21
22
23
24

60-1-13268 JBH 03/06/25