

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1082

By: Tedford

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9 POLICY COMMITTEE RECOMMENDATION

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

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

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

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

1 B. ~~The court, pursuant~~ Pursuant to the provisions of subsection
2 A of this section, may grant the care, custody, and control of a
3 child to either parent or to the parents jointly, and there shall be
4 a presumption, rebuttable by a preponderance of evidence that joint
5 custody and equally shared parenting time is in the best interest of
6 the child.

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

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

23 D. The court shall issue a final plan for the exercise of joint
24 care, custody, and control of the child or children, based upon the

1 plan submitted by the parents, separate or jointly, with appropriate
2 changes deemed by the court to be in the best interests of the
3 child. The court also may reject a request for joint custody and
4 proceed as if the request for joint custody had not been made.

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

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

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

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

22 H. In the event of a dispute between the parents having joint
23 custody of a child as to the interpretation of a provision of the
24 plan, the court may appoint an arbitrator to resolve the dispute.

1 The arbitrator shall be a disinterested person knowledgeable in
2 domestic relations law and family counseling. The determination of
3 the arbitrator shall be final and binding on the parties to the
4 proceedings until further order of the court.

5 If a parent refuses to consent to arbitration, the court may
6 terminate the joint custody decree.

7 I. 1. In every proceeding in which there is a dispute as to
8 the custody of a minor child, a determination by the court that
9 child abuse, domestic violence, stalking, or harassment has occurred
10 raises a rebuttable presumption that sole custody, joint legal or
11 physical custody, or any shared parenting plan with the perpetrator
12 of child abuse, domestic violence, harassing or stalking behavior is
13 detrimental and not in the best interest of the child, and it is in
14 the best interest of the child to reside with the parent who is not
15 a perpetrator of child abuse, domestic violence, harassing or
16 stalking behavior.

17 2. For the purposes of this subsection:

18 a. "child abuse" shall have the same meaning as "abuse"
19 as defined pursuant to the Oklahoma Children's Code in
20 Section 1-1-105 of Title 10A of the Oklahoma Statutes,

21 b. "domestic violence" means the threat of the infliction
22 of physical injury, any act of physical harm or the
23 creation of a reasonable fear thereof, or the
24 intentional infliction of emotional distress by a

1 parent or a present or former member of the household
2 of the child, against the child or another member of
3 the household including coercive control by a parent
4 involving physical, sexual, psychological, emotional,
5 economic or financial abuse,

6 c. "harassment" means a knowing and willful course or
7 pattern of conduct by a parent directed at another
8 parent which seriously alarms or is a nuisance to the
9 person, and which serves no legitimate purpose
10 including, but not limited to, harassing or obscene
11 telephone calls or conduct that would cause a
12 reasonable person to have a fear of death or bodily
13 injury, and

14 d. "stalking" means the willful course of conduct by a
15 parent who repeatedly follows or harasses another
16 person as defined in Section 1173 of Title 21 of the
17 Oklahoma Statutes.

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

22 4. The court shall consider, as a primary factor, the safety
23 and well-being of the child who is the victim of child abuse and of
24 the parent who is the victim of domestic violence, harassment, or

1 stalking behavior, in addition to other facts regarding the best
2 interest of the child.

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

8 SECTION 2. This act shall become effective November 1, 2025.

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