

1 ENGROSSED HOUSE
2 BILL NO. 1082

By: Tedford and Woolley of the
House

3 and

4 Prieto of the Senate
5

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

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

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

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

21 B. ~~The court, pursuant~~ Pursuant to the provisions of subsection
22 A of this section, the court may grant the care, custody, and
23 control of a child to either parent or to the parents jointly, and
24 there shall be a presumption, rebuttable by a preponderance of

1 evidence, that joint custody and equally shared parenting time is in
2 the best interest of the child.

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

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

19 D. The court shall issue a final plan for the exercise of joint
20 care, custody, and control of the child or children, based upon the
21 plan submitted by the parents, separate or jointly, with appropriate
22 changes deemed by the court to be in the best interests of the
23 child. The court also may reject a request for joint custody and
24 proceed as if the request for joint custody had not been made.

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

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

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

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

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

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

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

21 2. For the purposes of this subsection:

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

1 b. "domestic violence" means the threat of the infliction
2 of physical injury, any act of physical harm or the
3 creation of a reasonable fear thereof, or the
4 intentional infliction of emotional distress by a
5 parent or a present or former member of the household
6 of the child, against the child or another member of
7 the household including coercive control by a parent
8 involving physical, sexual, psychological, emotional,
9 economic or financial abuse,

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

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

22 3. If a parent is absent or relocates as a result of an act of
23 domestic violence by the other parent, the absence or relocation
24

1 shall not be a factor that weighs against the parent in determining
2 custody or visitation.

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

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

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

14 Passed the House of Representatives the 24th day of March, 2025.

15

16

Presiding Officer of the House
of Representatives

17

18

19 Passed the Senate the _____ day of _____, 2025.

20

21

Presiding Officer of the Senate

22

23

24