

## **BILL SUMMARY**

1<sup>st</sup> Session of the 60<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 1082</b>
<b>Version:</b>	<b>INT</b>
<b>Request Number:</b>	<b>10111</b>
<b>Author:</b>	<b>Tedford</b>
<b>Date:</b>	<b>2/19/2025</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

### **Research Analysis**

HB 1082, as introduced, dictates that there must be an assumption that shared custody and parenting time is in the best interest of the child, unless there is a preponderance of evidence that indicates otherwise. If an equal parenting deviation is warranted, the court will construct a parenting time schedule. In creating this parenting schedule, the court must consider the following: the parents' wishes, the child's preferences, the interaction and interrelationship with the child and their parents, siblings, and other relevant people, the motivation of the adults participating in the custody proceeding, the child's adjustment and continuing proximity to their home, school and community, the mental and physical health of all individuals, the likelihood that a party will allow frequent, meaningful, and continuing contact with the other parent except in the finding that the other parent engaged in domestic violent and abuse against the party or the child and it's found that continuing a relationship will endanger the health or safety of either the party or the child, and the finding that domestic violence, stalking, or harassment has occurred.

The court may terminate a joint custody agreement upon the request of both parents. The court may not terminate a joint custody decree upon one parent's request if made earlier than two years after its date unless the court permits it on the basis that there is reason to believe that the child's present environment might be damaging and that joint care is not in the child's best interest or a parent has placed the child with another guardian and no longer exercises their care, custody, and control of the child. During the hearing on the parent's motion, the court must consider all relevant factors including the interaction and the interrelationship with the child and any other person who may significantly affect the child's best interests, the mental and physical health of all individuals involved, repeated and substantial failure, without good cause, of either parent to observed provisions of the decree that affect the child, but this can't be the sole basis for modification of custody orders, and the extent to which domestic violence and abuse has affected the child and their relationship to their parents. Upon termination of a joint custody decree, the court must construct a visitation schedule which maximizes time each parent has with the child and is consistent with ensuring the child's welfare. Attorney fees and costs will be assessed against the party seeking modification if the court finds that the action is vexatious and constitutes harassment.

Prepared By: Suzie Nahach

### **Fiscal Analysis**

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

### **Other Considerations**

None.

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