

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
FOR  
4 HOUSE BILL NO. 1082

By: Tedford

5

6

7 COMMITTEE SUBSTITUTE

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

12

13

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

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

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

22 B. ~~The court, pursuant~~ Pursuant to the provisions of subsection  
23 A of this section, the court may grant the care, custody, and  
24 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

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:

- a. "child abuse" shall have the same meaning as "abuse" as defined pursuant to the Oklahoma Children's Code in Section 1-1-105 of Title 10A of the Oklahoma Statutes,
  - b. "domestic violence" means the threat of the infliction of physical injury, any act of physical harm or the creation of a reasonable fear thereof, or the intentional infliction of emotional distress by a parent or a present or former member of the household of the child, against the child or another member of the household including coercive control by a parent involving physical, sexual, psychological, emotional, economic or financial abuse,
  - c. "harassment" means a knowing and willful course or pattern of conduct by a parent directed at another parent which seriously alarms or is a nuisance to the person, and which serves no legitimate purpose including, but not limited to, harassing or obscene telephone calls or conduct that would cause a reasonable person to have a fear of death or bodily injury, and
  - d. "stalking" means the willful course of conduct by a parent who repeatedly follows or harasses another person as defined in Section 1173 of Title 21 of the 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      60-1-13268           JBH           03/06/25

18  
19  
20  
21  
22  
23  
24