

Oklahoma Divorce Laws

Title 43 Marriage And Family

Divorce And Alimony

§ 43-101. Grounds for divorce.

The district court may grant a divorce for any of the following causes:

First. Abandonment for one (1) year.

Second. Adultery.

Third. Impotency.

Fourth. When the wife at the time of her marriage, was pregnant by another than her husband.

Fifth. Extreme cruelty.

Sixth. Fraudulent contract.

Seventh. Incompatibility.

Eighth. Habitual drunkenness.

Ninth. Gross neglect of duty.

Tenth. Imprisonment of the other party in a state or federal penal institution under sentence thereto for the commission of a felony at the time the petition is filed.

Eleventh. The procurement of a final divorce decree without this state by a husband or wife which does not in this state release the other party from the obligations of the marriage.

Twelfth. Insanity for a period of five (5) years, the insane person having been an inmate of a state institution for the insane in the State of Oklahoma, or inmate of a state institution for the insane in some other state for such period, or of a private sanitarium, and affected with a type of insanity with a poor prognosis for recovery; provided, that no divorce shall be granted because of insanity until after a thorough examination of such insane person by three physicians, one of which physicians shall be a superintendent of the hospital or sanitarium for the insane, in which the insane defendant is confined, and the other two physicians to be appointed by the court before whom the action is pending, any two of such physicians shall agree that such insane person, at the time the petition in the divorce action is filed, has a poor prognosis for recovery; provided, further, however, that no divorce shall be granted on this ground to any person whose husband or wife is an inmate of a state institution in any other than the State of Oklahoma, unless the person applying for such divorce shall have been a resident of the State of Oklahoma for at least five (5) years prior to the commencement of an action; and provided further, that a decree granted on this ground shall not relieve the successful party from contributing

to the support and maintenance of the defendant. The court shall appoint a guardian ad litem to represent the insane defendant, which appointment shall be made at least ten (10) days before any decree is entered.

§ 43-102. Residence of plaintiff or defendant

A. Except as otherwise provided by subsection B of this section, the petitioner or the respondent in an action for divorce or annulment of a marriage must have been an actual resident, in good faith, of the state, for six (6) months immediately preceding the filing of the petition.

B. Any person who has been a resident of any United States army post or military reservation within the State of Oklahoma, for six (6) months immediately preceding the filing of the petition, may bring action for divorce or annulment of a marriage or may be sued for divorce or annulment of a marriage.

§ 43-103. Venue for any action for divorce, annulment of a marriage or legal separation.

A. The venue of any action for divorce, annulment of a marriage or legal separation may be in the following counties:

1. An action for divorce or annulment of a marriage may be filed in the county in which the petitioner has been a resident for the thirty (30) days immediately preceding the filing of the petition or in the county in which the respondent is a resident; provided, the action may be assigned for trial in any county within the judicial district by the chief judge of the district; and

2. An action for legal separation may be brought in the county in which either party is a resident at the time of the filing of the petition.

B. The court may, upon application of a party, transfer an action for divorce, annulment of marriage or legal separation at any time after filing of the petition to any county where venue would be proper under subsection A of this section if the requirements of subsection C or D of this section are met.

C. The court shall grant a party's application for change of venue when the other party is not a resident of this state at the time the application for change of venue is filed, or the plaintiff has departed from this state and has been absent for more than six (6) months preceding the date the application for change of venue is filed, and transfer is requested to the county where the applying party resides in this state.

D. The court shall grant a party's application for change of venue when the court determines that it is an inconvenient forum under the circumstances and the court in another county is a more appropriate forum consistent with the factors in subsection B of Section 551-207 of the Uniform Child Custody Jurisdiction and Enforcement Act^[fn1] after substitution of the word "county" for the word "state" in such section of the act, and transfer is requested to the county where the applying party resides in the state.

§ 43-104. Personal Jurisdiction in certain divorce actions.

A court may exercise personal jurisdiction over a person, whether or not a resident of this state, who lived within this state in a marital or parental relationship, or both, as to all obligations for alimony and child support where the other party to the marital relationship continues to reside in this state. When the person who is subject to the jurisdiction of the

court has departed from the state, he may be served outside of the state by any method that is authorized by the statutes of this state.

§ 43-105. Petition and summons.

- A. A proceeding for dissolution of marriage, an annulment of a marriage, or a legal separation shall be titled "In re the Marriage of _____ and _____"
- B. The initial pleading in all proceedings under this title shall be denominated a petition. The person filing the petition shall be called the petitioner. A responsive pleading shall be denominated a response. The person filing the responsive pleading shall be called the respondent. Other pleadings shall be denominated as provided in the Rules of Civil Procedure, except as otherwise provided in this section.
- C. The petition must be verified as true, by the affidavit of the petitioner.
- D. A summons may issue thereon, and shall be served, or publication made, as in other civil cases.
- E. Wherever it occurs in this title or in any other title of the Oklahoma Statutes or in any forms or court documents prepared pursuant to the provisions of the Oklahoma Statutes, the term "divorce" shall mean and be deemed to refer to a "dissolution of marriage" unless the context or subject matter otherwise requires.

§ 43-106. Response

- A. The respondent, in his or her response, may allege a cause for a dissolution of marriage, annulment of the marriage or legal separation against the petitioner, and may have the same relief thereupon as he or she would be entitled to for a like cause if he or she were the petitioner.
- B. When new matter is set up in the answer, it shall be verified as to such new matter by the affidavit of the respondent.

§ 43-107.1. Actions where minor child involved - Delayed final order - Waiver - Completion of educational program - Exceptions.

- A. 1. In an action for divorce where there are minor children involved, the court shall not issue a final order thereon for at least ninety (90) days from the date of filing the petition which ninety (90) days may be waived by the court for good cause shown and without objection by either party.
- 2. The court may require that within the ninety-day period specified by paragraph 1 of this subsection, the parties attend and complete an educational program specified by Section 107.2[43-107.2] of this title.
- B. This section shall not apply to divorces filed for any of the following causes:
 - 1. Abandonment for one (1) year;
 - 2. Extreme cruelty;

3. Habitual drunkenness;

4. Imprisonment of the other party in a state or federal penal institution under sentence thereto for the commission of a felony at the time the petition is filed;

5. The procurement of a final divorce decree outside this state by a husband or wife which does not in this state release the other party from the obligations of the marriage; 6. Insanity for a period of five (5) years, the insane person having been an inmate of a state institution for the insane in the State of Oklahoma, or an inmate of a state institution for the insane in some other state for such period, or an inmate of a private sanitarium, and affected with a type of insanity with a poor prognosis for recovery;

7. Conviction of any crime defined by the Oklahoma Child Abuse Reporting and Prevention Act committed upon a child of either party to the divorce by either party to the divorce; or

8. A child of either party has been adjudicated deprived, pursuant to the Oklahoma Children's Code, as a result of the actions of either party to the divorce and the party has not successfully completed the service and treatment plan required by the court.

C. After a petition has been filed in an action for divorce where there are minor children involved, the court may make any such order concerning property, children, support and expenses of the suit as provided for in Section 110[43-110] of this title, to be enforced during the pendency of the action, as may be right and proper.

D. The court may issue a final order in an action for divorce where minor children are involved before the ninety-day time period set forth in subsection A of this section has expired, if the parties voluntarily participate in marital or family counseling and the court finds reconciliation is unlikely.

§ 43-107.2. Actions where minor child involved - Court ordered educational program.

A. In all actions for divorce, separate maintenance, guardianship, paternity, custody or visitation, including modifications or enforcements of a prior court order, where the interest of a child under eighteen (18) years of age is involved, the court may require all adult parties to attend an educational program concerning, as appropriate, the impact of separate parenting and coparenting on children, the implications for visitation and conflict management, development of children, separate financial responsibility for children and such other instruction as deemed necessary by the court. The program shall be educational in nature and not designed for individual therapy.

B. Each judicial district may adopt its own local rules governing the program.

§ 43-107.3. Appointment of guardian ad litem - Referral to mediation or counseling - Definitions - False accusations of child abuse or neglect.

A. 1. In any proceeding when the custody or visitation of a minor child or children is contested by any party, the court may appoint an attorney at law as guardian ad litem on the court's motion or upon application of any party to appear for and represent the minor children.

2. The guardian ad litem may be appointed to objectively advocate on behalf of the child and act as an officer of the court to investigate all matters concerning the best interests of the child. In addition to other duties required by the court and as specified by the court, a guardian ad litem shall have the following responsibilities:

- a. review documents, reports, records and other information relevant to the case, meet with and observe the child in appropriate settings, and interview parents, caregivers and health care providers and any other person with knowledge relevant to the case including, but not limited to, teachers, counselors and child care providers,
- b. advocate for the child's best interests by participating in the case, attending any hearings in the matter and advocating for appropriate services for the child when necessary,
- c. monitor the child's best interests throughout any judicial proceeding,
- d. present written reports to the parties and court prior to trial or at any other time as specified by the court on the child's best interests that include conclusions and recommendations and the facts upon which they are based, and
- e. the guardian ad litem shall, as much as possible, maintain confidentiality of information related to the case and is not subject to discovery pursuant to the Oklahoma Discovery Code.

3. Expenses, costs, and attorney's fees for the guardian ad litem may be allocated among the parties as determined by the court.

B. When property, separate maintenance, or custody is at issue, the court:

1. May refer the issue or issues to mediation if feasible unless a party asserts or it appears to the court that domestic violence or child abuse has occurred, in which event the court shall halt or suspend professional mediation unless the court specifically finds that:

a. the following three conditions are satisfied:

- (1) the professional mediator has substantial training concerning the effects of domestic violence or child abuse on victims,
- (2) a party who is or alleges to be the victim of domestic violence is capable of negotiating with the other party in mediation, either alone or with assistance, without suffering an imbalance of power as a result of the alleged domestic violence, and
- (3) the mediation process contains appropriate provisions and conditions to protect against an imbalance of power between parties resulting from the alleged domestic violence or child abuse, or

b. in the case of domestic violence involving parents, the parent who is or alleges to be the victim requests mediation and the mediator is informed of the alleged domestic violence; and

2. When custody is at issue, the court may order, in addition to or in lieu of the provisions of paragraph 1 of this subsection, that each of the parties undergo individual counseling in a manner that the court deems appropriate, if the court finds that the parties can afford the counseling.

C. As used in this section:

1. "Child abuse or neglect" shall have the same meaning as such term is defined by the Oklahoma Child Abuse Reporting and Prevention Act or shall mean the child has been adjudicated deprived as a result of the actions or omission of either parent pursuant to the Oklahoma Children's Code; and

2. "Domestic violence" shall have the same meaning as such term is defined by the Protection from Domestic Abuse Act.

D. During any proceeding concerning child custody, should it be determined by the court that a party has intentionally made a false or frivolous accusation to the court of child abuse or neglect against the other party, the court shall proceed with any or all of the following:

1. Find the accusing party in contempt for perjury and refer for prosecution;

2. Consider the false allegations in determining custody; and

3. Award the obligation to pay all court costs and legal expenses encumbered by both parties arising from the allegations to the accusing party.

§ 43-108. Parties in equal wrong - Custody of children - Disposition of property.

That the parties appear to be in equal wrong shall not be a basis for refusing to grant a divorce, but if a divorce is granted in such circumstances, it shall be granted to both parties. In any such case or where the court grants alimony without a divorce or in any case where a divorce is refused, the court may for good cause shown make such order as may be proper for the custody, maintenance and education of the children, and for the control and equitable division and disposition of the property of the parties, or of either of them, as may be proper, equitable and just, having due regard to the time and manner of acquiring such property, whether the title thereto be in either or both of said parties.

§ 43-109. Awarding Custody or Appointing Guardian-Best interest of child - Joint custody.

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

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

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

C. If either or both parents have requested joint custody, said parents shall file with the court their plans for the exercise of joint care, custody, and control of their child. The parents of the child may submit a plan jointly, or either parent or

both parents may submit separate plans. Any plan shall include but is not limited to provisions detailing the physical living arrangements for the child, child support obligations, medical and dental care for the child, school placement, and visitation rights. A plan shall be accompanied by an affidavit signed by each parent stating that said parent agrees to the plan and will abide by its terms. The plan and affidavit shall be filed with the petition for a divorce or legal separation or after said petition is filed.

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

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

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

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

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

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

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

§ 43-109.1. Custody during parents' separation.

If the parents of a minor unmarried child are separated without being divorced, the judge of the district court, upon application of either parent, may issue any civil process necessary to inquire into the custody of said minor unmarried child. The court may award the custody of said child to either party or both, in accordance with the best interests of the child, for such time and pursuant to such regulations as the case may require. The decision of the judge shall be guided by the rules prescribed in Section 2 of this act.

§ 43-109.2. Paternity determination.

Except as otherwise provided by Section 3[10-3] of Title 10 of the Oklahoma Statutes, in any action concerning the custody of a minor unmarried child or the determination of child support, the court may determine if the parties to the action are the parents of the children. If the parties to the action are the parents of the children, the court may determine

which party should have custody of said children, may award child support to the parent to whom it awards custody, and may make an appropriate order for payment of costs and attorney's fees.

§ 43-110. Automatic temporary injunction - Temporary orders.

A. 1. Except as otherwise provided by this subsection, upon the filing of a petition for dissolution of marriage, annulment of a marriage or legal separation by the petitioner and upon personal service of the petition and summons on the respondent, or upon waiver and acceptance of service by the respondent, an automatic temporary injunction shall be in effect against both parties pursuant to the provisions of this section:

a. restraining the parties from transferring, encumbering, concealing, or in any way disposing of without the written consent of the other party or an order of the court, any marital property, except in the usual course of business, for the purpose of retaining an attorney for the case or for the necessities of life and requiring each party to notify the other party of any proposed extraordinary expenditures and to account to the court for all extraordinary expenditures made after the injunction is in effect,

b. restraining the parties from:

(1) intentionally or knowingly damaging or destroying the tangible property of the parties, or of either of them, including, but not limited to, any document that represents or embodies anything of value,

(2) making any withdrawal for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account,

(3) withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policies on either party or their children,

(4) changing or in any manner altering the beneficiary designation on any life insurance policies on the life of either party or any of their children,

(5) canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property or persons,

(6) opening or diverting mail addressed to the other party, and

(7) signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instruments payable to either party without the personal signature of the other party,

c. requiring the parties to maintain all presently existing health, property, life and other insurance which the individual is presently carrying on any member of this family unit, and to cooperate as necessary in the filing and processing of claims. Any employer-provided health insurance currently in existence shall remain in full force and effect for all family members,

d. enjoining both parties from molesting or disturbing the peace of the other party or of the children to the marriage,

- e. restraining both parties from disrupting or withdrawing their children from an educational facility and programs where the children historically have been enrolled, or day care,
- f. restraining both parties from hiding or secreting their children from the other party, and
- g. restraining both parties from removing the minor children of the parties, if any, beyond the jurisdiction of the State of Oklahoma, acting directly or in concert with others, except for vacations of two (2) weeks or less duration, without the prior written consent of the other party, which shall not be unreasonably withheld.
2. a. The provisions of the automatic temporary injunction shall be printed as an attachment to the summons and the petition and entitled "Automatic Temporary Injunction Notice".
- b. The automatic temporary injunction notice shall contain a provision which will allow the parties to waive the automatic temporary injunction. In addition, the provision must state that unless both parties have agreed and have signed their names in the space provided, that the automatic temporary injunction will be effective. Along with the waiver provision, the notice shall contain a check box and space available for the signatures of the parties.
3. The automatic temporary injunction shall become an order of the court upon fulfillment of the requirements of paragraph 1 of this subsection unless and until:
- a. the automatic temporary injunction is waived by the parties. Both parties must indicate on the automatic temporary injunction notice in the space provided that the parties have both agreed to waive the automatic temporary injunction. Each party must sign his or her own name on the notice in the space provided, or
- b. a party, no later than three (3) days after service on the party, files an objection to the injunction and requests a hearing. Provided, the automatic temporary injunction shall remain in effect until the hearing and a judge orders the injunction removed.
4. The automatic temporary injunction shall be dissolved upon the granting of the dissolution of marriage, final order of legal separation or other final order.
5. Nothing in this subsection shall preclude either party from applying to the court for further temporary orders, pursuant to this section, an expanded automatic temporary injunction, or modification or revocation thereto.
6. a. With regard to an automatic temporary injunction, when a petition for dissolution of marriage, annulment of a marriage, or a legal separation is filed and served, a peace officer shall use every reasonable means to enforce the injunction which enjoins both parties from molesting or disturbing the peace of the other party or the children of the marriage against a petitioner or respondent, whenever:
- (1) there is exhibited by a respondent or by the petitioner to the peace officer a copy of the petition or summons, with an attached Temporary Injunction Notice, duly filed and issued pursuant to this section, together with a certified copy of the affidavit of service of process or a certified copy of the waiver and acceptance of service, and
- (2) the peace officer has cause to believe that a violation of the automatic temporary injunction has occurred,

b. A peace officer shall not be held civilly or criminally liable for his or her action pursuant to this paragraph if his or her action is in good faith and without malice.

B. After a petition has been filed in an action for dissolution of marriage or legal separation either party may request the court to issue:

1. A temporary order:

a. regarding child custody, support or visitation,

b. regarding spousal maintenance,

c. regarding payment of debt,

d. regarding possession of property,

e. regarding attorney fees, and

f. providing other injunctive relief proper in the circumstances.

All applications for temporary orders shall set forth the factual basis for the application and shall be verified by the party seeking relief. The application and a notice of hearing shall be served on the other party in any manner provided for in the Rules of Civil Procedure.

The court shall not issue a temporary order until at least five (5) days' notice of hearing is given to the other party.

After notice and hearing, a court may issue a temporary order granting the relief as provided by this paragraph; and/or

2. A temporary restraining order. If the court finds on the basis of a verified application and testimony of witnesses that irreparable harm will result to the moving party, or a child of a party if no order is issued before the adverse party or attorney for the adverse party can be heard in opposition, the court may issue a temporary restraining order which shall become immediately effective and enforceable without requiring notice and opportunity to be heard to the other party. If a temporary restraining order is issued pursuant to this paragraph, the motion for a temporary order shall be set within ten (10) days.

C. Any temporary orders and the automatic temporary injunction, or specific terms thereof, may be vacated or modified prior to or in conjunction with a final decree on a showing by either party of facts necessary for vacation or modification. Temporary orders and the automatic temporary injunction terminate when the final judgment on all issues, except attorney fees and costs, is rendered or when the action is dismissed. The court may reserve jurisdiction to rule on an application for a contempt citation for a violation of a temporary order or the automatic temporary injunction which is filed any time prior to the time the temporary order or injunction terminates.

D. Upon granting a decree of dissolution of marriage, annulment of a marriage, or legal separation, the court may require either party to pay such reasonable expenses of the other as may be just and proper under the circumstances.

E. The court may in its discretion make additional orders relative to the expenses of any such subsequent actions, including but not limited to writs of habeas corpus, brought by the parties or their attorneys, for the enforcement or modification of any interlocutory or final orders in the dissolution of marriage action made for the benefit of either party or their respective attorneys.

§ 43-110.1. Policy for equal access to the minor children by parents

It is the policy of this state to assure that minor children have frequent and continuing contact with parents who have shown the ability to act in the best interests of their children and to encourage parents to share in the rights and responsibilities of rearing their children after the parents have separated or dissolved their marriage. To effectuate this policy, if requested by a parent, the court shall provide substantially equal access to the minor children to both parents at a temporary order hearing, unless the court finds that such shared parenting would be detrimental to such child. The burden of proof that such shared parenting would be detrimental to such child shall be upon the parent requesting sole custody and the reason for such determination shall be documented in the court record.

§ 43-110.1a. Oklahoma Child Supervised Visitation Program - Policy - Definitions

A. This section shall be known and may be cited as the "Oklahoma Child Supervised Visitation Program".

B. It is the policy of this state to ensure that the health, safety, and welfare of the child is paramount when supervised visitation is ordered by the court.

C. For purposes of the Oklahoma Child Supervised Visitation Program:

1. "Supervised visitation" means the court-ordered contact between a noncustodial parent and one or more children of such parent in the presence of a third-party person who is responsible for observing and overseeing the visitation in order to provide for the safety of the child and any other parties during the visitation. The court may require supervised visitation when deemed necessary by the court to protect the child or other parties;

2. An "alcohol-dependent person" has the same meaning as such term defined in Section 3-403[43A-3-403] of Title 43A of the Oklahoma Statutes;

3. A "drug-dependent person" has the same meaning as such term defined in Section 3-403[43A-3-403] of Title 43A of the Oklahoma Statutes; and

4. "Domestic abuse" has the same meaning as such term defined in Section 60.1[22-60.1] of Title 22 of the Oklahoma Statutes.

D. 1. The associate district judge in each county within this state may select trained volunteers to provide supervised visitation pursuant to the Oklahoma Child Supervised Visitation Program.

2. By February 15, 2005, the associate district judge of each county may appoint a judicial district supervised visitation team to:

- a. identify public and private entities which will be willing to provide location sites for purposes of the Oklahoma Child Supervised Visitation Program,
 - b. identify individuals who will be willing to serve as third-party persons to observe and oversee court-ordered supervised visitations,
 - c. establish training requirements for volunteers,
 - d. identify programs which may be available for the training of the volunteers including, but not limited to, the Department of Human Services, Office of the Attorney General, child advocacy centers, domestic violence groups, and the Department of Mental Health and Substance Abuse Services,
 - e. develop written protocol for handling supervised visitations so as to provide safety of the child and other parties during the supervised visitation,
 - f. develop application forms for volunteers applying for the Oklahoma Child Supervised Visitation Program. Information listed on the form shall include, but not be limited to:
 - (1) name, address and phone number of the volunteer,
 - (2) volunteer's place of employment and phone number,
 - (3) areas of expertise,
 - (4) listing of professional training in areas including, but not limited to, child abuse, domestic abuse, alcohol or drug abuse, mental illness or conflict management,
 - (5) consent form specifying release of information, and
 - (6) professional references, and
 - g. identify which information of the parties and the child will be confidential and which may be available to others.
3. From recommendations of the team established pursuant to this subsection, the associate district judge in each county within this state may authorize one or more public or private agencies to provide location sites for the Oklahoma Child Supervised Visitation Program. A district judge may require either party requesting supervised visitation of a child to identify a trained third-party volunteer to observe and oversee the visitation. A district court shall not:
- a. require any state agency location or state employee to observe and oversee any supervised visitation, or
 - b. appoint a third party to observe and oversee a supervised visitation who has not received the training as specified by the judicial district supervised visitation team unless agreed to by the parties.
4. A participating public or private agency location site may charge a fee for each visit.

E. The protocol for supervised visitation established by each judicial district supervised visitation team may require that:

1. The location site require each participant who has court-ordered supervised visitation for a child and who is participating in the supervised visitation program to sign a time log upon arrival and departure. The agency location site must have an employee assigned to verify, identification of each participant, initial each signature, and record the time of each person's arrival and departure; and

2. The agency location site also contain information on each client case including, but not limited to:

a. a copy of the court order requiring supervised visitation, and

b. name of individuals authorized to pick up or deliver a child to the agency location site for supervised visitation.

F. Each judicial district supervised visitation team may include, but not be limited to:

1. Mental health professionals;

2. Police officers or other law enforcement agents;

3. Medical personnel;

4. Child protective services workers;

5. Child advocacy individuals; and

6. The district attorney or designee.

G. An associate district judge of a county, the judicial district supervised visitation team created pursuant to this section and the Office of the Court Administrator may develop an informational brochure outlining the provisions of the Oklahoma Child Supervised Visitation Program and procedures to be used by volunteers in that judicial district. The brochure may be distributed through the municipal and district court, social service agency centers, county health departments, hospitals, crisis or counseling centers, and community action agencies.

H. Except for acts of dishonesty, willful criminal acts, or gross negligence, no member of the judicial district supervised visitation team or volunteer shall be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in the performance of the duties pursuant to the provisions of this section.

I. The provisions of this section shall not apply to cases subject to the Oklahoma Children's Code and the Oklahoma Juvenile Code.

§ 43-110.2. Blood, saliva, urine or any other tests - Child custody or visitation

In any action in which the custody of or the visitation with a child is a relevant fact and at issue, the court may order the mother, the child or father to submit to blood, saliva, urine or any other test deemed necessary by the court in determining that the custody of or visitation with the child will be in the best interests of the child. If so ordered and any

party or child refuses to submit to such tests, the court may enforce its order if the rights of others and the interests of justice so require unless such individual is found to have good cause for refusing to cooperate.

§ 43-111. Indirect Contempt for disobedience of certain orders relating to divorce or separate maintenance actions.

Any order pertaining to the division of property pursuant to a divorce or separate maintenance action, if willfully disobeyed, may be enforced as an indirect contempt of court.

§ 43-111.1. Minimum Visitation between noncustodial parent and child - Failure to pay child support - Enforcement of visitation order.

A. 1. Any order providing for the visitation of a noncustodial parent with any of the children of such noncustodial parent shall provide a specified minimum amount of visitation between the noncustodial parent and the child unless the court determines otherwise.

2. Except for good cause shown and when in the best interests of the child, the order shall encourage additional visitations of the noncustodial parent and the child and in addition encourage liberal telephone communications between the noncustodial parent and the child.

B. 1. Except for good cause shown, when a noncustodial parent who is ordered to pay child support and who is awarded visitation rights fails to pay child support, the custodial parent shall not refuse to honor the noncustodial parent's visitation rights.

2. When a custodial parent refuses to honor a noncustodial parent's visitation rights, the noncustodial parent shall not fail to pay any ordered child support or alimony.

C. 1. Violation of an order providing for the payment of child support or providing for the visitation of a noncustodial parent with any of the children of such noncustodial parent may be prosecuted as indirect civil contempt pursuant to Section 566[21-566] of Title 21 of the Oklahoma Statutes or as otherwise deemed appropriate by the court.

2. Unless good cause is shown for the noncompliance, the prevailing party shall be entitled to recover court costs and attorney fees expended in enforcing the order and any other reasonable costs and expenses incurred in connection with the denied child support or denied visitation as authorized by the court.

§ 43-111.1A. Standard visitation schedule - Advisory guidelines

A. By January 1, 2005, the Administrative Director of the Courts shall have developed a standard visitation schedule and advisory guidelines which may be used by the district courts of this state as deemed necessary.

B. The standard visitation schedule should include a minimum graduated visitation schedule for children under the age of five (5) years and a minimum graduated visitation schedule for children five (5) years of age through seventeen (17) years of age. In addition, the standard visitation schedule should address:

1. Midweek and weekend time-sharing;

2. Differing geographical residences of the custodian and noncustodian of the child requesting visitation;
 3. Holidays, including Friday and Monday holidays;
 4. Summer vacation break;
 5. Midterm school breaks;
 6. Notice requirements and authorized reasons for cancellations of visitation;
 7. Transportation and transportation costs, including pick up and return of the child;
 8. Religious, school, and extracurricular activities;
 9. Grandparent and relative contact;
 10. The birthday of the child;
 11. Sibling visitation schedules;
 12. Special circumstances, including, but not limited to, emergencies; and
 13. Any other standards deemed necessary by the Administrative Director of the Courts.
- C. 1. The Administrative Director of the Courts shall develop advisory guidelines for use by the district courts when parties to any action concerning the custody of a child are unable to mutually agree upon a visitation schedule.
2. The advisory guidelines should include the following considerations at a minimum:
 - a. a preference for visitation schedules that are mutually agreed upon by both parents over a court-imposed solution,
 - b. a visitation schedule which should maximize the continuity and stability of the life of the child,
 - c. special considerations should be given to each parent to make the child available to attend family functions, including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the child or in the life of either parent which may inadvertently conflict with the visitation schedule,
 - d. a visitation schedule which will not interrupt the regular school hours of the child,
 - e. a visitation schedule should reasonably accommodate the work schedule of both parents and may increase the visitation time allowed to the noncustodial parent but should not diminish the standardized visitation schedule provided in Section 111.1[43-111.1] of Title 43 of the Oklahoma Statutes,
 - f. a visitation schedule should reasonably accommodate the distance between the parties and the expense of exercising visitation,

g. each parent should permit and encourage liberal electronic contact during reasonable hours and uncensored mail privileges with the child, and

h. each parent should be entitled to an equal division of major religious holidays celebrated by the parents, and the parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the child on the religious holiday.

D. The Administrative Director of the Courts shall:

1. Make the standard visitation schedule and advisory guidelines available to the district courts of this state; and
2. Periodically review and update the guidelines as deemed necessary.

§ 43-111.2. Civil action for child stealing.

Any person who is not a party to a child custody proceeding, and who intentionally removes, causes the removal of, assists in the removal of, or detains any child under eighteen (18) years of age with intent to deny another person's right to custody of the child or visitation under an existing court order shall be liable in an action at law. Remedies available pursuant to this section are in addition to any other remedies available by law or equity and may include, but shall not be limited to, the following:

1. Damages for loss of service, society, and companionship;
2. Compensatory damages for reasonable expenses incurred in searching for the missing child or attending court hearings; and
3. The prevailing party in such action shall be awarded reasonable attorney fees.

§ 43-111.3. Interference with visitation rights of noncustodial parent - Motion for enforcement.

A. When a noncustodial parent has been granted visitation rights and those rights are denied or otherwise interfered with by the custodial parent, in addition to the remedy provided in subsection B of Section 111.1[43-111.1] of Title 43 of the Oklahoma Statutes, the noncustodial parent may file with the court clerk a motion for enforcement of visitation rights. The motion shall be filed on a form provided by the court clerk. Upon filing of the motion, the court shall immediately:

1. Issue ex parte an order for mediation; or
2. Set a hearing on the motion, which shall be not more than twenty-one (21) days after the filing of the motion.

B. Within five (5) days of termination of mediation ordered pursuant to paragraph 1 of subsection A of this section, the mediator shall submit the record of termination and a summary of the parties' agreement, if any, to the court. Upon receipt of the record of termination, the court shall enter an order in accordance with the parties' agreement, if any, or set the matter for hearing, which shall be not more than ten (10) days after the record of termination is received by the court.

C. Notice of a hearing pursuant to subsection A or B of this section shall be given to all interested parties by certified mail, return receipt requested, or as ordered by the court.

D. If the court finds that visitation rights of the noncustodial parent have been unreasonably denied or otherwise interfered with by the custodial parent, the court shall enter an order providing for one or more of the following:

1. A specific visitation schedule;
2. Compensating visitation time for the visitation denied or otherwise interfered with, which time shall be of the same type (e.g. holiday, weekday, weekend, summer) as the visitation denied or otherwise interfered with, and shall be at the convenience of the noncustodial parent;
3. Posting of a bond, either cash or with sufficient sureties, conditioned upon compliance with the order granting visitation rights;
4. Assessment of reasonable attorney fees, mediation costs, and court costs to enforce visitation rights against the custodial parent;
5. Attendance of one or both parents at counseling or educational sessions which focus on the impact of visitation disputes on children;
6. Supervised visitation; or
7. Any other remedy the court considers appropriate, which may include an order which modifies a prior order granting child custody.

E. If the court finds that the motion for enforcement of visitation rights has been unreasonably filed or pursued by the noncustodial parent, the court may assess reasonable attorney fees, mediation costs, and court costs against the noncustodial parent.

F. Final disposition of a motion filed pursuant to this section shall take place no later than forty-five (45) days after filing of the motion.

G. The Office of the Court Administrator shall develop the form required by subsection A of this section to be used for a motion to enforce visitation rights.

§ 43-112. Care and custody of children.

A. A petition or cross-petition for a divorce, legal separation, or annulment must state whether or not the parties have minor children of the marriage. If there are minor children of the marriage, the court:

1. Shall make provision for guardianship, custody, medical care, support and education of the children;
2. Unless not in the best interests of the children, may provide for the visitation of the noncustodial parent with any of the children of the noncustodial parent; and

3. May modify or change any order whenever circumstances render the change proper either before or after final judgment in the action; provided, that the amount of the periodic child support payment shall not be modified retroactively or payment of all or a portion of the past due amount waived, except by mutual agreement of the obligor and obligee, or if the obligee has assigned child support rights to the Department of Human Services or other entity, by agreement of the Department or other entity. Unless the parties agree to the contrary, a completed child support computation form provided for in Section 120[43-120] of this title shall be required to be filed with the child support order.

The social security numbers of both parents and the child shall be included on the child support order summary form provided for in Section 120[43-120] of this title, which shall be submitted to the Central Case Registry as provided for in Section 112A[43-112A] of this title with all child support or paternity orders.

B. In any action in which there are minor unmarried children in awarding or modifying the custody of the child or in appointing a general guardian for the child, the court shall be guided by the provisions of Section 21.1[10-21.1] of Title 10 of the Oklahoma Statutes and shall consider what appears to be in the best interests of the child.

C. 1. When it is in the best interests of a minor unmarried child, the court shall:

a. assure children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, and

b. encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

2. There shall be neither a legal preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody.

3. When in the best interests of the child, custody shall be awarded in a way which assures the frequent and continuing contact of the child with both parents. When awarding custody to either parent, the court:

a. shall consider, among other facts, which parent is more likely to allow the child or children frequent and continuing contact with the noncustodial parent, and

b. shall not prefer a parent as a custodian of the child because of the gender of that parent.

4. In any action, there shall be neither a legal preference or a presumption for or against private or public school or home-schooling in awarding the custody of a child, or in appointing a general guardian for the child.

5. In making an order for custody, the court shall require compliance with Section 8 of this act.

D. 1. Except for good cause shown, a pattern of failure to allow court-ordered visitation may be determined to be contrary to the best interests of the child and as such may be grounds for modification of the child custody order.

2. For any action brought pursuant to the provisions of this section which the court determines to be contrary to the best interests of the child, the prevailing party shall be entitled to recover court costs, attorney fees and any other reasonable costs and expenses incurred with the action.

E. Except as otherwise provided by Section 112.1A[43-112.1A] of this title, any child shall be entitled to support by the parents until the child reaches eighteen (18) years of age. If a dependent child is regularly and continuously attending high school, said child shall be entitled to support by the parents through the age of eighteen (18) years. No hearing shall be required to extend such support through the age of eighteen (18) if the child is regularly and continuously attending high school.

F. In any case in which provision is made for the custody or support of a minor child or enforcement of such order, the court shall inquire whether public assistance money or medical support has been provided by the Department of Human Services for the benefit of each child. If public assistance money or medical support has been provided for the benefit of the child, the Department of Human Services shall be a necessary party for the just adjudication and establishment of the debt due and owing the State of Oklahoma, as defined in Section 238[56-238] of Title 56 of the Oklahoma Statutes, for the just adjudication and establishment of paternity, current child support, and medical insurance coverage for the minor children in accordance with federal regulations.

G. In any case in which a child support order or custody order or both is entered, enforced or modified, the court may make a determination of the arrearages of child support.

§ 43-112.1A. Definitions - Child Support - Parental Rights and Duties - Actions and Jurisdiction

A. In this section:

1. "Adult child" means a child eighteen (18) years of age or older.
2. "Child" means a son or daughter of any age.

B. 1. The court may order either or both parents to provide for the support of a child for an indefinite period and may determine the rights and duties of the parents if the court finds that:

- a. the child, whether institutionalized or not, requires substantial care and personal supervision because of a mental or physical disability and will not be capable of self-support, and
- b. the disability exists, or the cause of the disability is known to exist, on or before the eighteenth birthday of the child.

2. A court that orders support under this section shall designate a parent of the child or another person having physical custody or guardianship of the child under a court order to receive the support for the child. The court may designate a child who is eighteen (18) years of age or older to receive the support directly.

C. 1. A suit provided by this section may be filed only by:

- a. a parent of the child or another person having physical custody or guardianship of the child under a court order, or
- b. the child if the child:

(1) is eighteen (18) years of age or older,

(2) does not have a mental disability, and

(3) is determined by the court to be capable of managing the child's financial affairs.

2. The parent, the child, if the child is eighteen (18) years of age or older, or other person may not transfer or assign the cause of action to any person, including a governmental or private entity or agency, except for an assignment made to the Title IV-D agency.

D. 1. A suit under this section may be filed:

a. regardless of the age of the child, and

b. as an independent cause of action or joined with any other claim or remedy provided by this title.

2. If no court has continuing, exclusive jurisdiction of the child, an action under this section may be filed as an original suit.

3. If there is a court of continuing, exclusive jurisdiction, an action under this section may be filed as a suit for modification pursuant to Section 115[43-115] of this title.

E. In determining the amount of support to be paid after a child's eighteenth birthday, the specific terms and conditions of that support, and the rights and duties of both parents with respect to the support of the child, the court shall determine and give special consideration to:

1. Any existing or future needs of the adult child directly related to the adult child's mental or physical disability and the substantial care and personal supervision directly required by or related to that disability;

2. Whether the parent pays for or will pay for the care or supervision of the adult child or provides or will provide substantial care or personal supervision of the adult child;

3. The financial resources available to both parents for the support, care, and supervision of the adult child; and

4. Any other financial resources or other resources or programs available for the support, care, and supervision of the adult child.

F. An order provided by this section may contain provisions governing the rights and duties of both parents with respect to the support of the child and may be modified or enforced in the same manner as any other order provided by this title.

§ 43-112.2. Evidence of ongoing domestic abuse or child abuse - Determinations relating to convicted sex offenders - Presumption

A. In every case involving the custody of, guardianship of or visitation with a child, the court shall consider for determining the custody of, guardianship of or the visitation with a child whether any person seeking custody or who has custody of, guardianship of or visitation with a child.

1. Is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state;
 2. Has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act or in Section 582[57-582] of Title 57 of the Oklahoma Statutes;
 3. Is an alcohol-dependent person or a drug-dependent person as established by clear and convincing evidence and who can be expected in the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person as a result of such dependency;
 4. Has been convicted of domestic abuse within the past five (5) years;
 5. Is residing with an individual who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state;
 6. Is residing with a person who has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act or in Section 582[57-582] of Title 57 of the Oklahoma Statutes; or
 7. Is residing with a person who has been convicted of domestic abuse within the past five (5) years.
- B. There shall be a rebuttable presumption that it is not in the best interests of the child to have custody or guardianship granted to a person who:
1. Is subject to or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state;
 2. Has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act or in Section 582[57-582] of Title 57 of the Oklahoma Statutes;
 3. Is an alcohol-dependent person or a drug-dependent person as established by clear and convincing evidence and who can be expected in the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person as a result of such dependency;
 4. Has been convicted of domestic abuse within the past five (5) years;
 5. Is residing with a person who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state;
 6. Is residing with a person who has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act or in Section 582[57-582] of Title 57 of the Oklahoma Statutes; or
 7. Is residing with a person convicted of domestic abuse within the past five (5) years.
- C. Custody of, guardianship of, or visitation with a child shall not be granted to any person if it is established that the custody, guardianship or visitation will likely expose the child to a foreseeable risk of material harm.

D. Except as otherwise provided by the Oklahoma Child Supervised Visitation Program, court-ordered supervised visitation shall be governed by the Oklahoma Child Supervised Visitation Program.

E. For purposes of this section:

1. "Alcohol-dependent person" has the same meaning as such term is defined in Section 3-403[43A-3-403] of Title 43A of the Oklahoma Statutes;

2. "Domestic abuse" has the same meaning as such term is defined in Section 60.1[22-60.1] of Title 22 of the Oklahoma Statutes;

3. "Drug-dependent person" has the same meaning as such term is defined in Section 3-403[43A-3-403] of Title 43A of the Oklahoma Statutes; and

4. "Supervised visitation" means a program established pursuant to Section 5 of this act.

§ 43-112.3. Notice of proposed relocation or change of residence.

A. As used in this section:

1. "Change of residence address" means a change in the primary residence of an adult;

2. "Child" means a child under the age of eighteen (18) who has not been judicially emancipated;

3. "Person entitled to custody of or visitation with a child" means a person so entitled by virtue of a court order or by an express agreement that is subject to court enforcement;

4. "Principal residence of a child" means:

a. the location designated by a court to be the primary residence of the child,

b. in the absence of a court order, the location at which the parties have expressly agreed that the child will primarily reside, or

c. in the absence of a court order or an express agreement, the location, if any, at which the child, preceding the time involved, lived with the child's parents, a parent, or a person acting as parent for at least six (6) consecutive months and, in the case of a child less than six (6) months old, the location at which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period; and

5. "Relocation" means a change in the principal residence of a child over seventy-five (75) miles from the child's principal residence for a period of sixty (60) days or more, but does not include a temporary absence from the principal residence.

B. 1. Except as otherwise provided by this section, a person who has the right to establish the principal residence of the child shall notify every other person entitled to visitation with the child of a proposed relocation of the child's principal residence as required by this section.

2. Except as otherwise provided by this section, an adult entitled to visitation with a child shall notify every other person entitled to custody of or visitation with the child of an intended change in the primary residence address of the adult as required by this section.

C. 1. Except as provided by this section, notice of a proposed relocation of the principal residence of a child or notice of an intended change of the primary residence address of an adult must be given:

a. by mail to the last-known address of the person to be notified, and

b. no later than:

(1) the sixtieth day before the date of the intended move or proposed relocation, or

(2) the tenth day after the date that the person knows the information required to be furnished pursuant to this subsection, if the person did not know and could not reasonably have known the information in sufficient time to comply with the sixty-day notice, and it is not reasonably possible to extend the time for relocation of the child.

2. Except as provided by this section, the following information, if available, must be included with the notice of intended relocation of the child or change of primary residence of an adult:

a. the intended new residence, including the specific address, if known,

b. the mailing address, if not the same,

c. the home telephone number, if known,

d. the date of the intended move or proposed relocation,

e. a brief statement of the specific reasons for the proposed relocation of a child, if applicable,

f. a proposal for a revised schedule of visitation with the child, if any, and

g. a warning to the nonrelocating parent that an objection to the relocation must be made within thirty (30) days or the relocation will be permitted.

3. A person required to give notice of a proposed relocation or change of residence address under this subsection has a continuing duty to provide a change in or addition to the information required by this subsection as that information becomes known.

D. After the effective date of this act, an order issued by a court directed to a person entitled to custody of or visitation with a child shall include the following or substantially similar terms:

"You, as a party in this action, are ordered to notify every other party to this action of a proposed relocation of the child, change of your primary residence address, and the following information:

1. The intended new residence, including the specific address, if known;
2. The mailing address, if not the same;
3. The home telephone number, if known;
4. The date of the intended move or proposed relocation;
5. A brief statement of the specific reasons for the proposed relocation of a child, if applicable; and
6. A proposal for a revised schedule of visitation with the child, if any.

You are further ordered to give notice of the proposed relocation or change of residence address on or before the sixtieth day before a proposed change. If you do not know and could not have reasonably known of the change in sufficient time to provide a sixty-day notice, you are ordered to give notice of the change on or before the tenth day after the date that you know of the change.

Your obligation to furnish this information to every other party continues as long as you, or any other person, by virtue of this order, are entitled to custody of or visitation with a child covered by this order.

Your failure to obey the order of this court to provide every other party with notice of information regarding the proposed relocation or change of residence address may result in further litigation to enforce the order, including contempt of court.

In addition, your failure to notify of a relocation of the child may be taken into account in a modification of custody of, visitation with, possession of or access to the child. Reasonable costs and attorney fees also may be assessed against you if you fail to give the required notice.

If you, as the nonrelocating parent, do not file a proceeding seeking a temporary or permanent order to prevent the relocation within thirty (30) days after receipt of notice of the intent of the other party to relocate the residence of the child, relocation is authorized."

E. 1. On a finding by the court that the health, safety, or liberty of a person or a child would be unreasonably put at risk by the disclosure of the required identifying information in conjunction with a proposed relocation of the child or change of residence of an adult, the court may order that:

- a. the specific residence address and telephone number of the child or of the adult and other identifying information shall not be disclosed in the pleadings, other documents filed in the proceeding, or the final order, except for an in camera disclosure,
- b. the notice requirements provided by this article be waived to the extent necessary to protect confidentiality and the health, safety or liberty of a person or child, and

- c. any other remedial action that the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child.
2. If appropriate, the court may conduct an ex parte hearing pursuant to this subsection.
- F. 1. The court may consider a failure to provide notice of a proposed relocation of a child as provided by this section as:
- a. a factor in making its determination regarding the relocation of a child,
 - b. a factor in determining whether custody or visitation should be modified,
 - c. a basis for ordering the return of the child if the relocation has taken place without notice, and
 - d. sufficient cause to order the person seeking to relocate the child to pay reasonable expenses and attorney fees incurred by the person objecting to the relocation.
2. In addition to the sanctions provided by this subsection, the court may make a finding of contempt if a party violates the notice requirement required by this section and may impose the sanctions authorized for contempt of a court order.
- G. 1. The person entitled to custody of a child may relocate the principal residence of a child after providing notice as provided by this section unless a parent entitled to notice files a proceeding seeking a temporary or permanent order to prevent the relocation within thirty (30) days after receipt of the notice.
2. A parent entitled by court order or written agreement to visitation with a child may file a proceeding objecting to a proposed relocation of the principal residence of a child and seek a temporary or permanent order to prevent the relocation.
3. If relocation of the child is proposed, a nonparent entitled by court order or written agreement to visitation with a child may file a proceeding to obtain a revised schedule of visitation, but may not object to the proposed relocation or seek a temporary or permanent order to prevent the relocation.
4. A proceeding filed pursuant to this subsection must be filed within thirty (30) days of receipt of notice of a proposed relocation.
- H. 1. The court may grant a temporary order restraining the relocation of a child, or ordering return of the child if a relocation has previously taken place, if the court finds:
- a. the required notice of a proposed relocation of a child as provided by this section was not provided in a timely manner and the parties have not presented an agreed-upon revised schedule for visitation with the child for the court's approval,
 - b. the child already has been relocated without notice, agreement of the parties, or court approval, or
 - c. from an examination of the evidence presented at the temporary hearing there is a likelihood that on final hearing the court will not approve the relocation of the primary residence of the child.

2. The court may grant a temporary order permitting the relocation of the child pending final hearing if the court:
 - a. finds that the required notice of a proposed relocation of a child as provided by this section was provided in a timely manner and issues an order for a revised schedule for temporary visitation with the child, and
 - b. finds from an examination of the evidence presented at the temporary hearing there is a likelihood that on final hearing the court will approve the relocation of the primary residence of the child.
- I. A proposed relocation of a child may be a factor in considering a change of custody.
- J. 1. In reaching its decision regarding a proposed relocation, the court shall consider the following factors:
 - a. the nature, quality, extent of involvement, and duration of the child's relationship with the person proposing to relocate and with the nonrelocating person, siblings, and other significant persons in the child's life,
 - b. the age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child,
 - c. the feasibility of preserving the relationship between the nonrelocating person and the child through suitable visitation arrangements, considering the logistics and financial circumstances of the parties,
 - d. the child's preference, taking into consideration the age and maturity of the child,
 - e. whether there is an established pattern of conduct of the person seeking the relocation, either to promote or thwart the relationship of the child and the nonrelocating person,
 - f. whether the relocation of the child will enhance the general quality of life for both the custodial party seeking the relocation and the child, including but not limited to financial or emotional benefit or educational opportunity,
 - g. the reasons of each person for seeking or opposing the relocation, and
 - h. any other factor affecting the best interest of the child.
2. The court may not:
 - a. give undue weight to the temporary relocation as a factor in reaching its final decision, if the court has issued a temporary order authorizing a party seeking to relocate a child to move before final judgment is issued, or
 - b. consider whether the person seeking relocation of the child has declared that he or she will not relocate if relocation of the child is denied.
- K. The relocating person has the burden of proof that the proposed relocation is made in good faith. If that burden of proof is met, the burden shifts to the nonrelocating person to show that the proposed relocation is not in the best interest of the child.

L. 1. After notice and a reasonable opportunity to respond, the court may impose a sanction on a person proposing a relocation of the child or objecting to a proposed relocation of a child if it determines that the proposal was made or the objection was filed:

a. to harass a person or to cause unnecessary delay or needless increase in the cost of litigation,

b. without being warranted by existing law or was based on frivolous argument, or

c. based on allegations and other factual contentions which had no evidentiary support or, if specifically so identified, could not have been reasonably believed to be likely to have evidentiary support after further investigation.

2. A sanction imposed under this subsection shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. The sanction may include directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the other party of some or all of the reasonable attorney fees and other expenses incurred as a direct result of the violation.

M. If the issue of relocation is presented at the initial hearing to determine custody of and visitation with a child, the court shall apply the factors set forth in this section in making its initial determination.

N. 1. The provisions of this section apply to an order regarding custody of or visitation with a child issued:

a. after the effective date of this act, and

b. before the effective date of this act, if the existing custody order or enforceable agreement does not expressly govern the relocation of the child or there is a change in the primary residence address of an adult affected by the order.

2. To the extent that a provision of this section conflicts with an existing custody order or enforceable agreement, this section does not apply to the terms of that order or agreement that govern relocation of the child or a change in the primary residence address of an adult.

§ 43-113. Preference of child

A. In any action or proceeding in which a court must determine custody or limits of or period of visitation, the child may express a preference as to which of its parents the child wishes to have custody.

B. 1. The court shall determine whether the best interest of the child will be served by the child's expression of preference as to which parent should have custody or limits of or period of visitation rights of either parent. If the court so finds, the child may express such preference or give other testimony.

2. If the child is of a sufficient age to form an intelligent preference, the court shall consider the expression of preference or other testimony of the child in determining custody or limits of or period of visitation. The court shall not be bound by the child's choice and may take other facts into consideration in awarding custody or limits of or period of visitation. However, if the child is of a sufficient age to form an intelligent preference and the court does not follow the expression

of preference of the child as to custody, or limits of visitation, the court shall make specific findings of fact supporting such action if requested by either party.

3. There shall be a rebuttable presumption that a child who is twelve (12) years of age or older is of a sufficient age to form an intelligent preference.

C. If the child expresses a preference or gives testimony, such preference or testimony may be taken by the court in chambers without the parents or other parties present. If attorneys are not allowed to be present, the court shall state, for the record, the reasons for their exclusion. At the request of either party, a record shall be made of any such proceeding in chambers.

§ 43-114. Interest on Delinquent Child Support and Suit Moneys Payments.

Interest on delinquent court-ordered child support payments and payments of suit money.

Court-ordered child support payments and court-ordered payments of suit moneys shall draw interest at the rate of ten percent (10%) per year from the date they become delinquent, and the interest shall be collected in the same manner as the payments upon which the interest accrues.

§ 43-115. Orders for child support or modification of order - Provision for income assignment.

A. Every order providing for the support of a minor child or a modification of such order, whether issued by a district court or an administrative court, shall contain an immediate income assignment provision if child support services are being provided under the state child support plan as provided under Section 237[56-237] of Title 56 of the Oklahoma Statutes, regardless of whether support payments by such parent are in arrears.

B. In all child support cases arising out of an action for divorce, paternity or other proceeding in which services are not being provided under the state child support plan, the district court shall order the wage of the obligor subject to immediate income assignment, regardless of whether support payments by such parent are in arrears, unless:

1. One of the parties demonstrates and the district court finds there is good cause not to require immediate income withholding; or
2. A written agreement is reached between the parties which provides for an alternative arrangement.

C. The obligated party may execute a voluntary income assignment at any time. The voluntary assignment shall be filed with the district or administrative court and shall take effect after service on the payor, as required by Section 1171.3[12-1171.3] of Title 12 of the Oklahoma Statutes.

§ 43-116. Security, Bond or other guarantee for Child Support.

The district or administrative court may order a person obligated to support a minor child to post a security, bond, or other guarantee in a form and amount satisfactory to the court to ensure the payment of child support.

§ 43-117. Modification, Suspension or Termination of order for income assignment.

A. Except as otherwise provided by subsection B of this section, the person obligated to pay support or the person entitled to the support may petition the district or administrative court to:

1. Modify, suspend, or terminate the order for income assignment because of a modification, suspension, or termination of the underlying order for support; or
2. Modify the amount of income to be withheld to reflect payment in full of the delinquency by income assignment or otherwise; or
3. Suspend the order for income assignment because of inability to deliver income withheld to the person entitled to support payments due to the failure of the person entitled to support to provide a mailing address or other means of delivery.

B. If the income assignment has been initiated by the Department of Human Services, the district court shall notify the Department of Human Services prior to the termination, modification, or suspension of the income assignment order.

§ 43-118. Child support guidelines

A. Except in those cases where parties represented by counsel have agreed to a different disposition, there shall be a rebuttable presumption in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the following guidelines is the correct amount of child support to be awarded.

B. The district or administrative court may deviate from the amount of child support indicated by the child support guidelines if the amount of support so indicated is unjust, inequitable, unreasonable, or inappropriate under the circumstances, or not in the best interests of the child. If the district or administrative court deviates from the amount of child support indicated by the child support guidelines, the court shall make specific findings of fact supporting such action.

C. The court shall not take into account any stepchildren of such parent in making the determination, but in making such determination, the court may take into account the reasonable support obligations of either parent as to only natural, legal, or legally adopted minor children in the custody of the parent.

D. For purposes of this section and in determining child support, the noncustodial parent shall be designated the obligor and the custodial parent shall be designated the obligee.

E. The child support guidelines are as follows:

1. All child support shall be computed as a percentage of the combined gross income of both parents. The Child Support Guideline Schedule as provided in Section 119[43-119] of this title shall be used for such computation. The child support obligations of each parent shall be computed. The obligor's share shall be paid monthly to the obligee and shall be due on a specific date;
2. a.(1) "Gross income", subject to paragraph 3 of this subsection, includes earned and passive income from any source, except as excluded in this section.

(2) "Earned income" is defined as income received from labor, or the sale of goods or services and includes, but is not limited to, income from:

- (a) salaries,
- (b) wages,
- (c) commissions,
- (d) bonuses, and
- (e) severance pay.

(3) "Passive income" is defined as all other income and includes, but is not limited to, income from:

- (a) dividends,
- (b) pensions,
- (c) rent,
- (d) interest income,
- (e) trust income,
- (f) annuities,
- (g) social security benefits,
- (h) workers' compensation benefits,
- (i) unemployment insurance benefits,
- (j) disability insurance benefits,
- (k) gifts,
- (l) prizes, and
- (m) royalties.

b. Specifically excluded from gross income are:

- (1) actual child support received for children not before the court, and

(2) benefits received from means-tested public assistance programs including, but not limited to:

(a) Temporary Assistance for Needy Families (TANF),

(b) Supplemental Security Income (SSI),

(c) Food Stamps, and

(d) General Assistance and State Supplemental Payments for Aged, Blind and the Disabled;

3. a. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" is defined as gross receipts minus ordinary and necessary expenses required for self-employment or business operations.

b. Specifically excluded from ordinary and necessary expenses for purposes of this paragraph are amounts determined by the district or administrative court to be inappropriate for determining gross income for purposes of calculating child support.

c. The district or administrative court shall carefully review income and expenses from self-employment or operation of a business to determine an appropriate level of gross income available to the parent to satisfy a child support obligation.

d. The district or administrative court shall deduct from self-employment gross income an amount equal to the employer contribution for F.I.C.A. tax which an employer would withhold from an employee's earnings on an equivalent gross income amount. A determination of business income for tax purposes shall not control for purposes of determining a child support obligation.

e. Expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business shall be counted as income if they are significant and reduce personal living expenses. Such payments may include but are not limited to a company car, free housing, or reimbursed meals;

4. a. For purposes of computing gross income of the parents, the district or administrative court shall include for each parent, whichever is most equitable, either:

(1) all earned and passive monthly income,

(2) all passive income, and earned income equivalent to a forty-hour work week plus such overtime and supplemental income as the court deems equitable,

(3) the average of the gross monthly income for the time actually employed during the previous three (3) years, or

(4) the minimum wage paid for a forty-hour work week.

b. If equitable, the district or administrative court may instead impute as gross monthly income for either parent the amount a person with comparable education, training and experience could reasonably expect to earn.

- c. If a parent is permanently physically or mentally incapacitated, the child support obligation shall be computed on the basis of actual monthly gross income;
5. The amount of any preexisting district or administrative court order for current child support for children not before the court or for support alimony arising in a prior case shall be deducted from gross income to the extent payment is actually made under the order;
6. The amount of reasonable expenses of the parties attributable to debt service for preexisting, jointly acquired debt of the parents may be deducted from gross income to the extent payment of the debt is actually made. In any case where deduction for debt service is made, the district or administrative court may provide for prospective upward adjustments of support made possible by the reasonably anticipated reduction or elimination of any debt service;
7. The results of paragraphs 2, 3, 4, 5 and 6 of this subsection shall be denominated "adjusted gross income";
8. In cases in which one parent has sole custody, the adjusted monthly gross income of both parents shall be added together and the Child Support Guideline Schedule consulted for the total combined base monthly obligation for child support;
9. After the total combined child support is determined, the percentage share of each parent shall be allocated by computing the percentage contribution of each parent to the combined adjusted gross income and allocating that same percentage to the child support obligation to determine the base child support obligation of each parent;
10. a. In cases where shared parenting time has been ordered by a district court or agreed to by the parents, the base monthly obligation shall be adjusted. "Shared parenting time" means that each parent has physical custody of the child or children overnight for more than one hundred twenty (120) nights each year.
- b. An adjustment for shared parenting time shall be made to the base monthly child support obligation by the following formula: The total combined base monthly child support obligation shall be multiplied by one and one-half (1 ½). The result shall be designated the adjusted combined child support obligation.
- c. To determine each parent's adjusted child support obligation, the adjusted combined child support obligation shall be divided between the parents in proportion to their respective adjusted gross incomes.
- d. (1) The percentage of time a child spends with each parent shall be calculated by determining the number of nights the child is in the physical custody of each parent and dividing that number by three hundred sixty-five (365).
- (2) Each parent's share of the adjusted combined child support obligation shall then be multiplied by the percentage of time the child spends with the other parent to determine the base child support obligation owed to the other parent.
- (3) The respective adjusted base child support obligations for each parent are then offset, with the parent owing more base child support paying the difference between the two amounts to the other, parent. The base child support obligation of the parent owing the lesser amount is then set at zero dollars.

e. The parent owing the greater amount of base child support shall pay the difference between the two amounts as a child support order. In no case shall the amount of child support ordered to be paid exceed the amount of child support which would otherwise be ordered to be paid if the parents did not participate in shared parenting time.

f. In no event shall the provisions of this paragraph be construed to authorize or allow the payment of child support by the custodial parent to the noncustodial parent;

11. a. The actual medical and dental insurance premium for the child shall be allocated between the parents in the same proportion as their adjusted gross income and shall be added to the base child support obligation. If the insurance policy covers a person other than the child before the court, only that portion of the premium attributed to the child before the court shall be allocated and added to the base child support obligation.

b. If the obligor pays the medical insurance premium, the obligor shall receive credit against the base child support obligation for the obligee's allocated share of the medical insurance premium.

c. If the obligee pays the medical insurance premium, the obligor shall pay the obligor's allocated share of the medical insurance premium to the obligee as part of the base child support obligation;

12. In cases of split custody, where each parent is awarded custody of at least one of their natural or legally adopted children, the child support obligation for each parent shall be calculated by application of the child support guidelines for each custodial arrangement. The parent with the larger child support obligation shall pay the difference between the two amounts to the parent with the smaller child support obligation;

13. a. The district or administrative court shall determine the "actual" child care expenses reasonably necessary to enable either or both parents to:

(1) be employed,

(2) seek employment, or

(3) attend school or training to enhance employment income.

b. When the obligee is participating in the Department of Human Services child care subsidy program as provided under Section 230.50[56-230.50] of Title 56 of the Oklahoma Statutes, the Child Care Eligibility/Rates Schedule established by the Department shall be used to determine the amount to be treated as actual child care costs incurred. When applying the schedule to determine the family share copayment amount, the obligor's share of the base monthly obligation for child support and the obligee's gross income shall be considered as the obligee's monthly income. The actual child care costs incurred shall be the family share copayment amount indicated on the schedule which shall be allocated and paid monthly in the same proportion as base child support. The Department of Human Services shall promulgate rules, as necessary, to implement the provisions of this subparagraph.

c. The actual child care costs incurred for the purposes authorized by this paragraph shall be allocated and paid monthly in the same proportion as base child support.

d. The district or administrative court shall require the obligee to provide the obligor with timely documentation of any change in the amount of the child care costs. Upon request by the obligor, whose requests shall not exceed one each month, or upon order of the court, the obligee shall provide the documentation of the amount of incurred child care costs which are related to employment, employment search or education or training as authorized by this paragraph.

e. If the court determines that it will not cause detriment to the child or will not cause undue hardship to either parent, in lieu of payment of child care expenses incurred during employment, employment search, or while the obligee is attending school or training, the obligor may provide care for the child during that time;

14. Reasonable and necessary medical, dental, orthodontic, optometric, psychological, or any other physical or mental health expenses of the child incurred by either parent and not reimbursed by insurance may be allocated in the same proportion as the parents' adjusted gross income as separate items that are not added to the base child support obligation. If reimbursement is required, the parent who incurs the expense shall be reimbursed by the other parent within thirty (30) days of receipt of documentation of the expense;

15. Transportation expenses of a child between the homes of the parents may be divided between the parents in proportion to their adjusted gross income;

16. a. (1) Child support orders may be modified upon a material change in circumstances.

(2) Modification of the Child Support Guideline Schedule shall not alone be a material change in circumstances for child support orders in existence on November 1, 1999.

(3) Providing support for children born to or adopted by either parent after the entry of a child support order shall not alone be considered a material change in circumstances.

(4) An order of modification shall be effective upon the date the motion to modify was filed, unless the parties agree to the contrary or the court makes a specific finding of fact that the material change of circumstance did not occur until a later date.

b. (1) A child support order shall not be modified retroactively regardless of whether support was ordered in a temporary order, a decree of divorce, an order establishing paternity, modification of an order of support, or other action to establish or to enforce support.

(2) All final orders shall state whether past due support and interest has accrued pursuant to any temporary order and the amount due, if any; however, failure to state a past due amount shall not bar collection of that amount after entry of the final support order.

c. The amount of a child support order shall not be construed to be an amount per child unless specified by the district or administrative court in the order. A child reaching the age of majority or otherwise ceasing to be entitled to support pursuant to the support order shall constitute a material change in circumstances, but shall not automatically serve to modify the order;

17. a. When a child support order is entered or modified, the parents may agree or the district or administrative court may require a periodic exchange of information for an informal review and adjustment process.

b. When an existing child support order does not contain a provision which requires an informal review and adjustment process, either parent may request the other parent to provide the information necessary for the informal review and adjustment process. Information shall be provided to the requesting parent within forty-five (45) days of the request.

c. Requested information may include verification of income, proof and cost of children's medical insurance, and current and projected child care costs. If shared parenting time has been awarded by the court, documentation of past and prospective overnight visits shall be exchanged.

d. Exchange of requested information may occur once a year or less often, by regular mail.

e. (1) If the parents agree to a modification of a child support order, their agreement shall be in writing on a standard agreed order form provided for in Section 120[43-120] of this title and shall comply with the child support guidelines.

(2) The standard agreed order form, the standard child support guideline calculation form, and the standard financial affidavit form shall be submitted to the district or administrative court.

(3) The standard agreed order form and supporting documents submitted shall be reviewed by the district or administrative court for approval to confirm that the standard agreed order form and documents comply with the child support guidelines and that all necessary parties have been notified. The approved standard agreed order form shall be filed with the court.

(4) If the standard agreed order form does not comply with the child support guidelines, or all necessary parties have not been notified, the matter shall be set for hearing.

f. (1) If the parents fail to cooperate in the exchange of information, either parent may move for a modification hearing or for mediation. The district or administrative court on its own motion may refer the parents to a mediator.

(2) If referred to mediation, and modification is subsequently found to be appropriate, the modification shall be effective on the date the motion was filed.

(3) Costs for mediation, if any, shall be paid by the parent who failed to cooperate in the exchange of information. Otherwise, the court may assess costs equally between the parents, or as determined by the court;

18. Child support orders may include such provisions as the district or administrative court deems appropriate to assure that the child support payments to the custodial parent are used for the support of the child;

19. The district or administrative court shall require and enforce a complete disclosure of assets by both parents on a financial affidavit form prescribed by the Administrative Office of the Courts;

20. Child support orders issued for prior-born children of the payor may not be modified for the purpose of providing support for later-born children;

21. The court, to the extent reasonably possible, shall make provision in an order for prospective adjustment of support to address any foreseen changes including, but not limited to, changes in medical insurance, child care expenses, medical expenses, and extraordinary costs;

22. The social security numbers of both parents and the children who are the subject of a paternity or child support order shall be included in the support order summary form provided for in Section 120[43-120] of this title; and

23. A completed support order summary form shall be presented to the judge with all paternity and child support orders, and no such order shall be signed by the judge without presentation of the form.

§ 43-118.1. Review of Child Support Orders - Compliance with child support guidelines and provision for medical coverage - Disclosure of Financial Status.

A. In all cases in which child support services are being provided under the state child support plan as provided in Section 237[56-237] of Title 56 of the Oklahoma Statutes, the Department shall conduct a review upon the request of any party or upon its own decision. All procedures for reviews will be conducted pursuant to rules promulgated by the Department. Prior to such review, all parties shall receive notice of the review as provided by law. If the Department determines that individual awards are not in accordance with such guidelines, the case shall be presented to the district or administrative court for action. The district or administrative court shall review the award to determine its compliance with child support guidelines and order modification if appropriate.

B. In any proceeding to establish or modify a support order, each party shall completely disclose his or her financial status.

§ 43-118.2. Employer sponsored health care coverage

A. When a parent is required by a court or administrative order to provide health coverage which is available through an employer doing business in this state, the employer is required:

1. To permit the parent to enroll under family coverage any child who is otherwise eligible for coverage without regard to any enrollment season restrictions;

2. To enroll the child under family coverage and to deduct the employee's cost of the coverage from the employee's wages. The enrollment shall be made upon application to the employer by the child's custodial person, by the state agency administering the Medicaid program or the state agency administering the child support program under Title IV-D of the Social Security Act;

3. Not to disenroll or eliminate coverage of a child unless the employer is provided satisfactory written evidence that:

a. the court order is no longer in effect,

b. the child is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment, or

c. the employer has eliminated family health coverage for all of its employees;

4. Upon request, to provide complete information to the custodial person, the state agency administering the Medicaid program or the state agency administering the child support program under Title IV-D of the Social Security Act regarding

any insurance benefits to which the child is entitled, and any forms, publications, or documents necessary to apply for or to utilize the benefits;

5. Permit the custodial person, the designated agency administering the State Medicaid Program, or the provider with approval, to submit claims for covered services without the approval of the noncustodial parent; and

6. Make payments on claims submitted in accordance with paragraph 5 of this subsection directly to the custodial person, the designated agency administering the State Medicaid Program, or the provider.

B. If child support services are being provided under the state child support plan as provided under Section 237[56-237] of Title 56 of the Oklahoma Statutes, the Child Support Enforcement Division shall notify the parent's employer to enroll the child in health care coverage available under the employer's plan by sending the employer a National Medical Support Notice issued pursuant to Section 466(a)(19) of the Social Security Act, and Section 609(a)(5)(C) of the Employee Retirement Income Security Act of 1974. The employer shall comply with the National Medical Support Notice. The employer may be fined up to Two Hundred Dollars (\$200.00) per month per child for each failure to comply with the requirements of the National Medical Support Notice. Fines collected shall be remitted to the Child Support Revenue Enhancement Fund created pursuant to Section 225[56-225] of Title 56 of the Oklahoma Statutes.

C. An employer may not be fined under this section where an employee fails to contribute his or her portion of a health insurance premium.

D. The Department of Human Services shall promulgate rules as necessary to implement the provisions of this section.

§ 43-118.3. Request for wage and tax information.

On or after April 15th of each year, the obligor or obligee may make a written request to the other party for the other party's previous tax year W-2 forms, 1099 form, or other wage and tax information. This request shall be served upon the other party in the same manner prescribed for the service of summons in a civil action, and the original request shall be filed in the court file. The party receiving such a written request shall provide the requesting party a copy of the requested information by certified mail within ten (10) days of receiving the written request. If a motion to modify child support is subsequently filed by the requesting party, and it is shown to the court that the non-moving party failed to comply with this section, the court may award the moving party his or her attorneys fees and costs incurred as a result of the failure to provide requested information.

§ 43-118.4. Assignment of child support - Attorney fees

A. Child support or any claim thereto shall not be directly or indirectly assigned, except as provided in subsection B of this section and in subsection C of Section 237[56-237] of Title 56 of the Oklahoma Statutes. Any assignment of child support to the Department of Human Services shall have first priority over any prior or subsequent assignment.

B. Child support may be assigned to an attorney for the purpose of providing legal representation in child support proceedings. The assignment shall be consistent with the Oklahoma Rules of Professional Conduct and shall not exceed fifty percent (50%) of the net amount of the child support collected and remitted to the obligee.

§ 43-119. Computation of child support obligations.

A. Child support shall be computed in accordance with the following Child Support Guideline Schedule:

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS

If Combined Monthly Income
 One Child
 Two Children
 Three Children
 Four Children
 Five Children
 Six Children
 or More Children
 Total Support Amount is equal to or above

50 50 50 50 50 50 50

650 50 50 50 88 118 141

700 50 50 101 122 154 176

750 61 07 132 156 198 207

800 94 41 165 190 239 242

850 127 174 199 224 274 276

900 159 207 232 258 308 311

950 192 240 265 291 342 345

1,000 206 272 298 325 375 379

1,050 215 305 332 359 409 414

1,100 224 326 365 392 443 448

1,150 232 338 397 425 476 481

1,200 241 351 415 458 497 515

1,250 249 363 430 475 515 551

1,300 257 375 443 490 531 568

1,350 265 386 457 504 547 585

1,400 273 397 470 519 562 602

1,450 280 408 483 533 578 618

1,500 288 419 496 548 594 635

1,550 296 430 509 562 609 652

1,600 304 442 522 576 625 669

1,650 312 453 535 591 640 685

1,700 319 464 548 605 656 702

1,750 327 475 561 620 672 719

1,800 335 486 574 634 687 735

1,850 343 497 587 648 703 752

1,900 351 509 600 663 718 769

1,950 358 520 613 677 734 785

2,000 366 531 626 691 750 802

2,050 374 542 639 706 765 819

2,100 382 554 652 720 781 835

2,150 390 565 665 735 796 852

2,200 398 576 678 749 812 869

2,250 406 587 691 763 828 886

2,300 414 599 704 778 843 902

2,350 422 610 717 792 859 919

2,400 430 621 730 807 874 936

2,450 437 632 743 821 890 952

2,500 445 643 755 835 905 968

2,550 451 653 768 848 919 984

2,600 458 663 780 862 934 1,000
2,650 465 673 792 875 949 1,015
2,700 472 683 804 888 963 1,030
2,750 477 691 814 900 975 1,043
2,800 483 700 824 911 987 1,056
2,850 489 708 834 922 999 1,069
2,900 494 716 844 933 1,011 1,082
2,950 500 725 854 944 1,023 1,095
3,000 505 733 864 955 1,035 1,107
3,050 511 741 874 966 1,047 1,120
3,100 517 749 884 977 1,059 1,133
3,150 521 756 892 986 1,069 1,143
3,200 525 761 897 992 1,075 1,150
3,250 528 766 903 998 1,081 1,157
3,300 532 771 908 1,003 1,088 1,164
3,350 535 776 913 1,009 1,094 1,170
3,400 539 780 919 1,015 1,100 1,177
3,450 543 785 924 1,021 1,107 1,184
3,500 546 790 929 1,027 1,113 1,191
3,550 550 795 935 1,033 1,119 1,198
3,600 553 800 940 1,039 1,126 1,205
3,650 557 805 945 1,045 1,132 1,211
3,700 560 809 951 1,050 1,139 1,218

3,750 564 814 956 1,056 1,145 1,225
3,800 567 819 961 1,062 1,151 1,232
3,850 571 824 966 1,068 1,158 1,239
3,900 574 828 972 1,074 1,164 1,245
3,950 577 832 977 1,079 1,170 1,252
4,000 580 837 982 1,085 1,176 1,258
4,050 583 841 987 1,090 1,182 1,265
4,100 586 845 992 1,096 1,188 1,271
4,150 589 850 997 1,102 1,194 1,278
4,200 592 854 1,002 1,107 1,200 1,284
4,250 595 859 1,007 1,113 1,206 1,291
4,300 598 863 1,012 1,119 1,213 1,297
4,350 601 867 1,017 1,124 1,219 1,304
4,400 604 872 1,023 1,130 1,225 1,311
4,450 607 876 1,028 1,136 1,231 1,317
4,500 610 880 1,033 1,141 1,237 1,324
4,550 613 885 1,038 1,147 1,243 1,330
4,600 617 890 1,044 1,154 1,250 1,338
4,650 622 897 1,052 1,162 1,260 1,348
4,700 626 903 1,059 1,171 1,269 1,358
4,750 631 910 1,067 1,179 1,278 1,368
4,800 636 916 1,075 1,188 1,287 1,377
4,850 640 923 1,082 1,196 1,296 1,387

4,900 645 930 1,090 1,205 1,306 1,397
4,950 650 936 1,098 1,213 1,315 1,407
5,000 654 943 1,105 1,222 1,324 1,417
5,050 659 950 1,113 1,230 1,333 1,427
5,100 664 956 1,121 1,239 1,343 1,437
5,150 668 963 1,129 1,247 1,352 1,446
5,200 673 969 1,136 1,256 1,361 1,456
5,250 678 976 1,144 1,264 1,370 1,466
5,300 682 982 1,151 1,272 1,379 1,475
5,350 686 987 1,157 1,279 1,386 1,483
5,400 689 992 1,163 1,285 1,393 1,490
5,450 692 997 1,168 1,291 1,400 1,498
5,500 696 1,002 1,174 1,297 1,406 1,505
5,550 699 1,007 1,180 1,304 1,413 1,512
5,600 703 1,012 1,185 1,310 1,420 1,519
5,650 706 1,017 1,191 1,316 1,427 1,527
5,700 709 1,022 1,197 1,322 1,433 1,534
5,750 713 1,027 1,203 1,329 1,441 1,542
5,800 717 1,032 1,209 1,336 1,448 1,550
5,850 721 1,038 1,216 1,343 1,456 1,558
5,900 724 1,043 1,222 1,350 1,464 1,566
5,950 728 1,049 1,228 1,357 1,471 1,574
6,000 732 1,054 1,234 1,364 1,479 1,582

6,050 736 1,060 1,241 1,371 1,487 1,591
6,100 741 1,067 1,249 1,380 1,496 1,601
6,150 746 1,074 1,257 1,389 1,506 1,612
6,200 751 1,081 1,266 1,398 1,516 1,622
6,250 756 1,088 1,274 1,407 1,526 1,633
6,300 761 1,095 1,282 1,417 1,536 1,643
6,350 765 1,102 1,290 1,426 1,545 1,653
6,400 770 1,109 1,298 1,435 1,555 1,664
6,450 775 1,116 1,306 1,444 1,565 1,674
6,500 780 1,123 1,315 1,453 1,575 1,685
6,550 785 1,130 1,323 1,462 1,584 1,695
6,600 790 1,137 1,331 1,471 1,594 1,706
6,650 795 1,144 1,339 1,480 1,604 1,716
6,700 800 1,151 1,347 1,489 1,614 1,727
6,750 805 1,158 1,355 1,498 1,623 1,737
6,800 810 1,165 1,364 1,507 1,633 1,748
6,850 815 1,172 1,372 1,516 1,643 1,758
6,900 819 1,179 1,380 1,525 1,653 1,768
6,950 824 1,186 1,388 1,534 1,663 1,779
7,000 829 1,193 1,396 1,543 1,672 1,789
7,050 834 1,200 1,404 1,552 1,682 1,800
7,100 838 1,206 1,411 1,560 1,691 1,809
7,150 842 1,211 1,418 1,567 1,698 1,817

7,200 846 1,217 1,424 1,574 1,706 1,825
7,250 850 1,222 1,430 1,581 1,713 1,833
7,300 853 1,228 1,437 1,588 1,721 1,842
7,350 857 1,233 1,443 1,595 1,729 1,850
7,400 861 1,238 1,450 1,602 1,736 1,858
7,450 864 1,244 1,456 1,609 1,744 1,866
7,500 868 1,249 1,462 1,616 1,751 1,874
7,550 872 1,254 1,469 1,623 1,759 1,882
7,600 875 1,260 1,475 1,630 1,767 1,890
7,650 879 1,265 1,481 1,637 1,774 1,899
7,700 883 1,270 1,488 1,644 1,782 1,907
7,750 887 1,276 1,494 1,651 1,790 1,915
7,800 890 1,281 1,500 1,658 1,797 1,923
7,850 894 1,287 1,507 1,665 1,805 1,931
7,900 898 1,292 1,513 1,672 1,812 1,939
7,950 901 1,297 1,519 1,679 1,820 1,947
8,000 905 1,303 1,526 1,686 1,828 1,955
8,050 909 1,308 1,532 1,693 1,835 1,964
8,100 912 1,313 1,538 1,700 1,843 1,972
8,150 916 1,319 1,545 1,707 1,850 1,980
8,200 920 1,324 1,551 1,714 1,858 1,988
8,250 924 1,330 1,557 1,721 1,866 1,996
8,300 927 1,335 1,564 1,728 1,873 2,004

8,350 931 1,340 1,570 1,735 1,881 2,012
8,400 935 1,346 1,577 1,742 1,888 2,021
8,450 938 1,351 1,583 1,749 1,896 2,029
8,500 943 1,357 1,590 1,757 1,905 2,038
8,550 949 1,363 1,597 1,765 1,913 2,047
8,600 954 1,369 1,605 1,773 1,922 2,057
8,650 959 1,375 1,612 1,781 1,931 2,066
8,700 964 1,381 1,619 1,789 1,939 2,075
8,750 969 1,387 1,626 1,797 1,948 2,084
8,800 974 1,393 1,633 1,805 1,957 2,093
8,850 979 1,399 1,641 1,813 1,965 2,103
8,900 984 1,405 1,648 1,821 1,974 2,112
8,950 989 1,411 1,655 1,829 1,982 2,121
9,000 995 1,417 1,662 1,837 1,991 2,130
9,050 1,000 1,423 1,669 1,845 2,000 2,140
9,100 1,005 1,429 1,677 1,853 2,008 2,149
9,150 1,010 1,435 1,684 1,861 2,017 2,158
9,200 1,015 1,441 1,691 1,869 2,026 2,167
9,250 1,020 1,447 1,698 1,877 2,034 2,177
9,300 1,025 1,453 1,706 1,885 2,043 2,186
9,350 1,030 1,459 1,713 1,893 2,052 2,195
9,400 1,035 1,465 1,720 1,901 2,060 2,204
9,450 1,040 1,471 1,727 1,909 2,069 2,214

9,500 1,046 1,477 1,734 1,917 2,077 2,223
9,550 1,051 1,483 1,742 1,924 2,086 2,232
9,600 1,056 1,489 1,749 1,932 2,095 2,241
9,650 1,061 1,495 1,756 1,940 2,103 2,251
9,700 1,066 1,501 1,763 1,948 2,112 2,260
9,750 1,071 1,507 1,770 1,956 2,121 2,269
9,800 1,076 1,513 1,778 1,964 2,129 2,278
9,850 1,081 1,519 1,785 1,972 2,138 2,288
9,900 1,086 1,525 1,792 1,980 2,147 2,297
9,950 1,091 1,531 1,799 1,988 2,155 2,306
10,000 1,097 1,537 1,807 1,996 2,164 2,315
10,050 1,102 1,543 1,814 2,004 2,173 2,325
10,100 1,107 1,549 1,821 2,012 2,181 2,334
10,150 1,112 1,555 1,828 2,020 2,190 2,343
10,200 1,117 1,561 1,835 2,028 2,198 2,352
10,250 1,122 1,567 1,843 2,036 2,207 2,362
10,300 1,127 1,574 1,850 2,044 2,216 2,371
10,350 1,132 1,580 1,857 2,052 2,224 2,380
10,400 1,137 1,586 1,864 2,060 2,233 2,389
10,450 1,142 1,592 1,871 2,068 2,242 2,399
10,500 1,148 1,598 1,879 2,076 2,250 2,408
10,550 1,153 1,604 1,886 2,084 2,259 2,417
10,600 1,158 1,610 1,893 2,092 2,268 2,426

10,650 1,163 1,616 1,900 2,100 2,276 2,436
10,700 1,168 1,622 1,907 2,108 2,285 2,445
10,750 1,173 1,628 1,915 2,116 2,293 2,454
10,800 1,178 1,634 1,922 2,124 2,302 2,463
10,850 1,183 1,640 1,929 2,132 2,311 2,473
10,900 1,188 1,646 1,936 2,140 2,319 2,482
10,950 1,193 1,652 1,944 2,148 2,328 2,491
11,000 1,199 1,658 1,951 2,156 2,337 2,500
11,050 1,204 1,664 1,958 2,164 2,345 2,509
11,100 1,209 1,670 1,965 2,172 2,354 2,519
11,150 1,214 1,676 1,972 2,180 2,363 2,528
11,200 1,219 1,682 1,980 2,188 2,371 2,537
11,250 1,221 1,686 1,984 2,193 2,377 2,543
11,300 1,223 1,689 1,898 2,197 2,382 2,549
11,350 1,225 1,693 1,993 2,202 2,387 2,554
11,400 1,227 1,697 1,997 2,207 2,392 2,560
11,450 1,229 1,700 2,001 2,212 2,397 2,565
11,500 1,231 1,704 2,006 2,216 2,403 2,571
11,550 1,233 1,708 2,010 2,221 2,408 2,576
11,600 1,235 1,711 2,014 2,226 2,413 2,582
11,650 1,237 1,715 2,019 2,231 2,418 2,587
11,700 1,239 1,719 2,023 2,235 2,423 2,593
11,750 1,241 1,723 2,027 2,240 2,428 2,598

11,800 1,243 1,726 2,031 2,245 2,433 2,604
11,850 1,245 1,730 2,036 2,249 2,438 2,609
11,900 1,247 1,734 2,040 2,254 2,444 2,615
11,950 1,249 1,737 2,044 2,259 2,449 2,620
12,000 1,251 1,741 2,049 2,264 2,454 2,626
12,050 1,253 1,745 2,053 2,268 2,459 2,631
12,100 1,255 1,748 2,057 2,273 2,464 2,637
12,150 1,257 1,752 2,061 2,278 2,469 2,642
12,200 1,259 1,756 2,066 2,283 2,474 2,648
12,250 1,261 1,759 2,070 2,287 2,479 2,653
12,300 1,263 1,763 2,074 2,292 2,485 2,659
12,350 1,265 1,767 2,079 2,297 2,490 2,664
12,400 1,267 1,770 2,083 2,302 2,495 2,669
12,450 1,270 1,774 2,087 2,306 2,500 2,675
12,500 1,272 1,778 2,091 2,311 2,505 2,680
12,550 1,274 1,781 2,096 2,316 2,510 2,686
12,600 1,276 1,785 2,100 2,320 2,515 2,691
12,650 1,278 1,789 2,104 2,325 2,520 2,697
12,700 1,280 1,792 2,109 2,330 2,526 2,702
12,750 1,282 1,796 2,113 2,335 2,531 2,708
12,800 1,284 1,800 2,117 2,339 2,536 2,713
12,850 1,286 1,803 2,121 2,344 2,541 2,719
12,900 1,288 1,807 2,126 2,349 2,546 2,724

12,950 1,290 1,811 2,130 2,354 2,551 2,730
13,000 1,292 1,814 2,134 2,358 2,556 2,735
13,050 1,294 1,818 2,138 2,363 2,562 2,741
13,100 1,296 1,822 2,143 2,368 2,567 2,746
13,150 1,298 1,825 2,147 2,372 2,572 2,752
13,200 1,300 1,829 2,151 2,377 2,577 2,757
13,250 1,302 1,833 2,156 2,382 2,582 2,763
13,300 1,304 1,836 2,160 2,387 2,587 2,768
13,350 1,306 1,840 2,164 2,391 2,592 2,774
13,400 1,308 1,844 2,168 2,396 2,597 2,779
13,450 1,310 1,847 2,173 2,401 2,603 2,785
13,500 1,312 1,851 2,177 2,406 2,608 2,790
13,550 1,314 1,855 2,181 2,410 2,613 2,796
13,600 1,316 1,858 2,186 2,415 2,618 2,801
13,650 1,318 1,862 2,190 2,420 2,623 2,807
13,700 1,320 1,866 2,194 2,425 2,628 2,812
13,750 1,322 1,869 2,198 2,429 2,633 2,818
13,800 1,324 1,873 2,203 2,434 2,638 2,823
13,850 1,326 1,877 2,207 2,439 2,644 2,829
13,900 1,328 1,880 2,211 2,443 2,649 2,834
13,950 1,330 1,884 2,216 2,448 2,654 2,840
14,000 1,332 1,888 2,220 2,453 2,659 2,845
14,050 1,334 1,891 2,224 2,458 2,664 2,851

14,100 1,336 1,895 2,228 2,462 2,669 2,856
14,150 1,338 1,899 2,233 2,467 2,674 2,862
14,200 1,340 1,902 2,237 2,472 2,679 2,867
14,250 1,342 1,906 2,240 2,477 2,685 2,873
14,300 1,344 1,910 2,246 2,481 2,690 2,878
14,350 1,346 1,913 2,250 2,486 2,695 2,884
14,400 1,348 1,917 2,254 2,491 2,700 2,889
14,450 1,350 1,921 2,258 2,496 2,705 2,894
14,500 1,352 1,924 2,263 2,500 2,710 2,900
14,550 1,354 1,928 2,267 2,505 2,715 2,905
14,600 1,356 1,932 2,271 2,510 2,721 2,911
14,650 1,358 1,935 2,276 2,514 2,726 2,916
14,700 1,360 1,939 2,280 2,519 2,731 2,922
14,750 1,362 1,943 2,284 2,524 2,736 2,927
14,800 1,364 1,946 2,288 2,529 2,741 2,933
14,850 1,366 1,950 2,293 2,533 2,746 2,938
14,900 1,368 1,954 2,297 2,538 2,751 2,944
14,950 1,370 1,957 2,301 2,543 2,756 2,949
15,000 1,372 1,961 2,305 2,548

B. If combined gross monthly income exceeds Fifteen Thousand Dollars (\$15,000.00), the child support shall be that amount computed for a monthly income of Fifteen Thousand Dollars (\$15,000.00) and an additional amount determined by the court.

C. If there are more than six children, the child support shall be that amount computed for six children and an additional amount determined by the court.

§ 43-120.1. Parenting Coordinator Act - Short Title.

Sections 120.1[43-120.1] through 120.5[43-120.5] of this title shall be known and may be cited as the "Parenting Coordinator Act".

§ 43-120.2. Definitions

As used in the Parenting Coordinator Act:

1. "Parenting coordinator" means an impartial third party qualified pursuant to subsection A of Section 120.6[43-120.6] of this title appointed by the court to assist parties in resolving issues and deciding disputed issues pursuant to the provisions of the Parenting Coordinator Act relating to parenting and other family issues in any action for dissolution of marriage, legal separation, paternity, or guardianship where a minor child is involved; and
2. "High-conflict case" means any action for dissolution of marriage, legal separation, paternity, or guardianship where minor children are involved and the parties demonstrate a pattern of ongoing:
 - a. litigation,
 - b. anger and distrust,
 - c. verbal abuse,
 - d. physical aggression or threats of physical aggression,
 - e. difficulty in communicating about and cooperating in the care of their children, or
 - f. conditions that in the discretion of the court warrant the appointment of a parenting coordinator.

§ 43-120.3. Appointment of parenting coordinator - Party agreement - Authority - Meetings - Parental rights - Removal

A. In any action for dissolution of marriage, legal separation, paternity, or guardianship where minor children are involved, the court may, upon its own motion, or by motion or agreement of the parties, appoint a parenting coordinator to assist the parties in resolving issues and decide disputed issues pursuant to the provisions of the Parenting Coordinator Act related to parenting or other family issues in the case except as provided in subsection B of this section, and subsection A of Section 120.5[43-120.5] of this title.

B. The court shall not appoint a parenting coordinator if any party objects, unless:

1. The court makes specific findings that the case is a high-conflict case; and
2. The court makes specific findings that the appointment of a parenting coordinator is in the best interest of any minor child in the case.

C. 1. The authority of a parenting coordinator shall be specified in the order appointing the parenting coordinator and limited to matters that will aid the parties in:

- a. identifying disputed issues,
- b. reducing misunderstandings,
- c. clarifying priorities,
- d. exploring possibilities for compromise,
- e. developing methods of collaboration in parenting, and
- f. complying with the court's order of custody, visitation, or guardianship.

2. The appointment of a parenting coordinator shall not divest the court of its exclusive jurisdiction to determine fundamental issues of custody, visitation, and support, and the authority to exercise management and control of the case.

3. The parenting coordinator shall not make any modification to any order, judgment or decree; however, the parenting coordinator may allow the parties to make minor temporary departures from a parenting plan if authorized by the court to do so. The appointment order should specify those matters which the parenting coordinator is authorized to determine. The order shall specify which determinations will be immediately effective and which will require an opportunity for court review prior to taking effect.

D. The parties may limit the decision-making authority of the parenting coordinator to specific issues or areas if the parenting coordinator is being appointed pursuant to agreement of the parties.

E. Meetings between the parenting coordinator and the parties need not follow any specific procedures and the meetings may be informal. All communication between the parties and the parenting coordinator shall not be confidential.

F. Nothing in the Parenting Coordinator Act shall abrogate the custodial or noncustodial parent's rights or any court-ordered visitation given to grandparents or other persons except as specifically addressed in the order appointing the parenting coordinator.

G. 1. Except as otherwise provided by this subsection, the court shall reserve the right to remove the parenting coordinator in its own discretion.

2. The court may remove the parenting coordinator upon the request and agreement of both parties. Upon the motion of either party and good cause shown, the court may remove the parenting coordinator.

§ 43-120.4. Report of decision

A. A report of the decisions and recommendations made by the parenting coordinator shall be filed with the court within twenty (20) days, with copies of the report provided to the parties or their counsel. There shall be no ex parte communication with the court.

B. Any decisions made by the parenting coordinator authorized by the court order and issued pursuant to the provisions of the Parenting Coordinator Act shall be binding on the parties until further order of the court.

C. 1. Any party may file with the court and serve on the parenting coordinator and all other parties an objection to the parenting coordinator's report within ten (10) days after the parenting coordinator provides the report to the parties, or within another time as the court may direct.

2. Responses to the objections shall be filed with the court and served on the parenting coordinator and all other parties within ten (10) days after the objection is served.

D. The court shall review any objections to the report and any responses submitted to those objections to the report and shall thereafter enter appropriate orders.

§ 43-121. Disposition of property - Restoration of Wife's Maiden Name - Alimony.

When a divorce is granted, the wife shall be restored to her maiden or former name if she so desires. The court shall enter its decree confirming in each spouse the property owned by him or her before marriage and the undisposed-of property acquired after marriage by him or her in his or her own right. Either spouse may be allowed such alimony out of real and personal property of the other as the court shall think reasonable, having due regard to the value of such property at the time of the divorce. Alimony may be allowed from real or personal property, or both, or in the form of money judgment, payable either in gross or in installments, as the court may deem just and equitable. As to such property, whether real or personal, which has been acquired by the parties jointly during their marriage, whether the title thereto be in either or both of said parties, the court shall, subject to a valid antenuptial contract in writing, make such division between the parties as may appear just and reasonable, by a division of the property in kind, or by setting the same apart to one of the parties, and requiring the other thereof to be paid such sum as may be just and proper to effect a fair and just division thereof. The court may set apart a portion of the separate estate of a spouse to the other spouse for the support of the children of the marriage where custody resides with that spouse.

§ 43-122. Effect of divorce.

A divorce granted at the instance of one party shall operate as a dissolution of the marriage contract as to both, and shall be a bar to any claim of either party in or to the property of the other, except in cases where actual fraud shall have been committed by or on behalf of the successful party.

§ 43-123. Remarriage and cohabitation - Appeal from judgment.

It shall be unlawful for either party to an action for divorce whose former husband or wife is living to marry in this state a person other than the divorced spouse within six (6) months from date of decree of divorce granted in this state, or to cohabit with such other person in this state during said period if the marriage took place in another state; and if an appeal be commenced from said decree, it shall be unlawful for either party to such cause to marry any other person and cohabit with such person in this state until the expiration of thirty (30) days from the date on which final judgment shall be rendered pursuant to such appeal. Any person violating the provisions of this section by such marriage shall be deemed guilty of the felony of bigamy. Any person violating the provisions of this section by such cohabitation shall be deemed guilty of the felony of adultery.

An appeal from a judgment granting or denying a divorce shall be made in the same manner as in any other civil case.

§ 43-124. Bigamy a felony.

Every person convicted of bigamy as such offense is defined in Section 123[43-123] of this title shall guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than three (3) years.

§ 43-125. Validation of Judgment Annuling Marriage or Granting Divorce.

A judgment or decree, heretofore rendered by a court having jurisdiction of the parties, annulling a marriage and/or granting a divorce, on the grounds that one of the parties had been previously married and divorced and said divorce decree had not become final, is hereby validated.

§ 43-126. Remarriage As Ground for Annulment.

A marriage wherein one of the parties had not been divorced for six (6) months shall hereafter in this state be ground for annulment of marriage by either party.

§ 43-127. Time When Judgment is Final in Divorce-Appeal.

Every decree of divorce shall recite the day and date when the judgment was rendered. If an appeal be taken from a judgment granting or denying a divorce, that part of the judgment does not become final and take effect until the appeal is determined. If an appeal be taken from any part of a judgment in a divorce action except the granting of the divorce, the divorce shall be final and take effect from the date the decree of divorce is rendered, provided neither party thereto may marry another person until six (6) months after the date the decree of divorce is rendered; that part of the judgment appealed shall not become final and take effect until the appeal be determined.

§ 43-128. Avoidance of marriage of incompetents.

When either of the parties to a marriage shall be incapable, from want of age or understanding, of contracting such marriage, the same may be declared void by the district court, in an action brought by the incapable party or by the parent or guardian of such party; but the children of such marriage begotten before the same is annulled, shall be legitimate. Cohabitation after such incapacity ceases, shall be a sufficient defense to any such action.

§ 43-129. Alimony without divorce.

The wife or husband may obtain alimony from the other without a divorce, in an action brought for that purpose in the district court, for any of the causes for which a divorce may be granted. Either may make the same defense to such action as he might to an action for divorce, and may, for sufficient cause, obtain a divorce from the other in such action.

§ 43-130. Evidence.

Upon the trial of an action for a divorce, or for alimony the court may admit proof of the admissions of the parties to be received in evidence, carefully excluding such as shall appear to have been obtained by connivance, fraud, coercion or

other improper means. Proof of cohabitation, and reputation of the marriage of the parties, may be received as evidence of the marriage. But no divorce shall be granted without proof.

§ 43-131. Residency in Divorce Action.

A married person who meets the residence requirements prescribed by law for bringing a divorce action in this state may seek a divorce in this state, though the other spouse resides elsewhere.

§ 43-132. Parties may testify.

In any action for divorce hereafter tried, the parties thereto, or either of them, shall be competent to testify in like manner, respecting any fact necessary or proper to be proven, as parties to other civil actions are allowed to testify.

§ 43-133. Setting aside of divorce decrees upon petition of parties.

When a decree of divorce has been issued by a district or superior court, said court is hereby authorized to dissolve said decree at any future time, in or out of the term wherein the decree was granted, provided that both parties to the divorce action file a petition, signed by both parties, asking that said decree be set aside and held for naught. And further provided that both parties seeking to have the decree set aside shall make proof to the court that neither one has married a third party during the time since the issuance of the decree of divorce.

§ 43-134. Alimony Payments - Termination - Payments pertaining to support and division of property - Cohabitation by former spouse.

A. In any divorce decree which provides for periodic alimony payments, the court shall plainly state, at the time of entering the original decree, the dollar amount of all or a portion of each payment which is designated as support and the dollar amount of all or a portion of the payment which is a payment pertaining to a division of property. The court shall specify in the decree that the payments pertaining to a division of property shall continue until completed. Payments pertaining to a division of property are irrevocable and not subject to subsequent modification by the court making the award. An order for the payment of money pursuant to a divorce decree, whether designated as support or designated as pertaining to a division of property shall not be a lien against the real property of the person ordered to make such payments unless the court order specifically provides for a lien on real property. An arrearage in payments of support reduced to a judgment may be a lien against the real property of the person ordered to make such payments.

B. The court shall also provide in the divorce decree that upon the death or remarriage of the recipient, the payments for support, if not already accrued, shall terminate. The court shall order the judgment for the payment of support to be terminated, and the lien released upon the presentation of proper proof of death of the recipient unless a proper claim is made for any amount of past-due support payments by an executor, administrator, or heir within ninety (90) days from the date of death of the recipient. Upon proper application the court shall order payment of support terminated and the lien discharged after remarriage of the recipient, unless the recipient can make a proper showing that some amount of support is still needed and that circumstances have not rendered payment of the same inequitable, provided the recipient commences an action for such determination, within ninety (90) days of the date of such remarriage.

C. The voluntary cohabitation of a former spouse with a member of the opposite sex shall be a ground to modify provisions of a final judgment or order for alimony as support. If voluntary cohabitation is alleged in a motion to modify

the payment of support, the court shall have jurisdiction to reduce or terminate future support payments upon proof of substantial change of circumstances of either party to the divorce relating to need for support or ability to support. As used in this subsection, the term cohabitation means the dwelling together continuously and habitually of a man and a woman who are in a private conjugal relationship not solemnized as a marriage according to law, or not necessarily meeting all the standards of a common-law marriage. The petitioner shall make application for modification and shall follow notification procedures used in other divorce decree modification actions. The court that entered the divorce decree shall have jurisdiction over the modification application.

D. Except as otherwise provided in subsection C of this section, the provisions of any divorce decree pertaining to the payment of alimony as support may be modified upon proof of changed circumstances relating to the need for support or ability to support which are substantial and continuing so as to make the terms of the decree unreasonable to either party. Modification by the court of any divorce decree pertaining to the payment of alimony as support, pursuant to the provisions of this subsection, may extend to the terms of the payments and to the total amount awarded; provided however, such modification shall only have prospective application.

E. Pursuant to the federal Uniformed Services Former Spouse's Protection Act (PL 97-252), the provisions of subsection D of this section shall have retrospective and prospective application with regards to modifications for the purpose of obtaining support or payments pertaining to a division of property on divorce decrees which become final after June 26, 1981.

F. The provisions of subsections C and D of this section shall have retrospective and prospective application with regards to modifications of the provisions of a final judgment or order for alimony as support, or of a divorce decree pertaining to the payment of alimony as support, regardless of the date that the order, judgment, or decree was entered.

§ 43-135. Lien for Arrearage in Child Support Payments

A. An arrearage in payment of child support reduced to an order of the court or administrative order of the Department of Human Services or any past due payment or installment of child support that is a judgment and lien by operation of law may be a lien against the real and personal property of the person ordered to make the support payments.

B. Past due amounts of child support shall become a lien by operation of law upon the real and personal property of the person ordered to make the payments at the time they become past due.

C. 1. A judgment or order providing for the payment of current support or an arrearage of child support shall be a lien upon real property owned by the person obligated to pay support or upon any real property which may be acquired by the person prior to the release of the lien. Notice of the lien on real property shall be given by the filing of a statement of judgment pursuant to Section 706[12-706] of Title 12 of the Oklahoma Statutes with the county clerk of the county where the property is located.

2. If child support services are being provided under the state child support plan as provided under Section 237[56-237] of Title 56 of the Oklahoma Statutes, the amount reflected in the official records of the Centralized Support Registry provided for in Section 413[43-413] of this title shall constitute the amount of the lien on the obligor's real property, regardless of the amount reflected in the statement of judgment.

3. The judgment or order shall not become a lien for any sums prior to the date they severally become due and payable. A child support judgment shall become dormant as a lien upon real property five (5) years from the date the statement of judgment is filed of record with the county clerk unless the judgment lien is extended in accordance with subsection C of Section 759[12-759] of Title 12 of the Oklahoma Statutes.

D. A judgment providing for the payment of an arrearage of child support or pursuant to which a past due amount has accrued shall become a lien upon benefits payable as a lump sum received from a workers' compensation claim of the person ordered to pay the support upon the filing of an affidavit and a certified copy of the judgment or order with the Administrator of the Workers' Compensation Court, if a proceeding for compensation under the Workers' Compensation Act has been initiated by or on behalf of the obligor. If a proceeding for compensation has not been initiated, an affidavit and a certified copy of the judgment or order shall be served by certified mail upon the entity responsible for paying workers' compensation benefits to the person ordered to pay support.

E. The provisions of this section shall be available to an agency of another state responsible for implementing the child support enforcement program set forth in Title IV-D, of the Social Security Act seeking to enforce a judgment for child support.

F. The provisions of this section shall not authorize a sale of any property to enforce a lien which is otherwise exempted by state law.

G. A lien shall be released upon the full payment of the amount of the arrearage.

H. The person entitled to support or the Department of Human Services on behalf of its clients and recipients is authorized to enforce the liens created pursuant to this section and to execute releases or partial releases of the liens.

§ 43-136. Mailing of alimony and support Payments - Evidence of Support Payments - Income Assignment fee.

A. If a judicial order, judgment or decree directs that the payment of child support, alimony, temporary support or any similar type of payment be made through the office of the court clerk, then it shall be the duty of the court to transmit such payments to the payee by first class United States mail, if requested to do so by the payee. Such payments shall be mailed to the payee at the address specified in writing by the payee. In the event of a change in address of the payee it shall be the duty of the payee to furnish to the court clerk in writing the new address of the payee.

B. A report of child support payments with a certificate of authenticity executed by the court clerk is admissible into evidence in court or in an administrative proceeding as self-authenticated.

C. A fee not to exceed Twenty-five Dollars (\$25.00) shall be charged and collected for any post decree application to initiate an income assignment in addition to any other fees authorized by law. The fee shall not be charged or collected for income assignments requested at the time of the filing of the original petition or entered at the time of a divorce decree. The person entitled to support is entitled to collect said fees paid pursuant to this subsection from the person obligated to pay support through civil proceedings.

§ 43-137. Past Due Payments to operate as judgments - Cessation of lien after period of years - Duration of arrearage payment schedules.

A. Any payment or installment of child support ordered pursuant to any order, judgment, or decree of the district court or administrative order of the Department of Human Services is, on and after the date it becomes past due, a judgment by operation of law. Judgments for past due support shall:

1. Have the full force and effect of any other judgment of this state, including the ability to be enforced by any method available under the laws of this state to enforce and collect money judgments; and
2. Be entitled to full faith and credit as a judgment in this state and any other state.

B. A child support judgment shall not become dormant for any purpose, except that it shall cease to be a lien upon real property five (5) years from the date it is filed of record with the county clerk in the county where the property is located, unless the judgment lien is extended in accordance with subsection

1. Except as otherwise provided by court order, a judgment for past due child support shall be enforceable until paid in full.
2. An order that provides for payment of child support, if willfully disobeyed, may be enforced by indirect civil contempt proceedings, notwithstanding that the support payment is a judgment on and after the date it becomes past due. After the implementation of the Centralized Support Registry, any amounts determined to be past due by the Department of Human Services may subsequently be enforced by indirect civil contempt proceedings.

C. An arrearage payment schedule set by a court or administrative order shall not exceed three (3) years, unless imposition of a payment schedule would be unjust, inequitable, unreasonable, or inappropriate under the circumstances, or not in the best interests of the child or children involved. When making this determination, reasonable support obligations of either parent for other children in the custody of the parent may be considered. If an arrearage payment schedule that exceeds three (3) years is set, specific findings of fact supporting the action shall be made.

§ 43-138. Recording of costs in child support enforcement cases - Assessment against nonprevailing party.

Costs incurred in a child support enforcement case in which a party is represented by an office operated by or for the benefit of the Oklahoma Department of Human Services shall be recorded by the court clerk. The reasonable costs may be assessed by the court against the nonprevailing party at the conclusion of the proceedings.

§ 43-139. Legal Right to Child Support.

The Legislature finds and declares that child support is a basic legal right of the state's parents and children, that mothers and fathers have a legal obligation to provide financial support for their children and that child support payments can have a substantial impact on child poverty and state welfare expenditures. It is therefore the Legislature's intent to encourage payment of child support to decrease overall costs to the state's taxpayers while increasing the amount of financial support collected for the state's children by authorizing the district courts of this state and the Department of Human Services to order the revocation, suspension, nonissuance or nonrenewal of an occupational, professional, business, or any recreational license or permit, or permit including, but not limited to, a hunting and fishing license or other authorization issued pursuant to the Oklahoma Wildlife conservation Code, Section 1-101[29-1-101] et seq. of Title 29 of the Oklahoma Statutes, and certificates of title for vessels and motors and other licenses of registration issued pursuant to the Oklahoma Vessel and Motor Registration Act, Section 4001[63-4001] et seq. of Title 63 of the Oklahoma

Statutes, and the driving privilege of or to order probation for a parent who is in noncompliance with an order for support for at least ninety (90) days or failing, after receiving appropriate notice to comply with subpoenas or warrants relating to paternity or child support proceedings.

§ 43-139.1. Definitions - Revocation or suspension of various licenses as remedy for noncompliance with support order

A. As used in this section and Section 6-201.1[47-6-201.1] of Title 47 of the Oklahoma Statutes:

1. "Licensing board" means any bureau, department, division, board, agency or commission of this state or of a municipality in this state that issues a license;
2. "Noncompliance with an order for support" means that the obligor has failed to make child support payments required by a child support order in an amount equal to the child support payable for at least ninety (90) days or has failed to make full payments pursuant to a court-ordered payment plan for at least ninety (90) days or has failed to obtain or maintain health insurance coverage as required by an order for support for at least ninety (90) days or has failed, after receiving appropriate notice to comply with subpoenas or orders relating to paternity or child support proceedings or has failed to comply with an order to submit to genetic testing to determine paternity;
3. "Order for support" means any judgment or order for the support of dependent children or an order to submit to genetic testing to determine paternity issued by any court of this state or other state or any judgment or order issued in accordance with an administrative procedure established by state law that affords substantial due process and is subject to judicial review;
4. "Department" means the Department of Human Services;
5. "License" means a license, certificate, registration, permit, approval or other similar document issued by a licensing board granting to an individual a right or privilege to engage in a profession, occupation, or business, or any recreational license or permit including, but not limited to, a hunting and fishing license or other authorization issued pursuant to the Oklahoma Wildlife Conservation Code, certificates of title for vessels and motors and other licenses or registrations issued pursuant to the Oklahoma Vessel and Motor Registration Act, or a driver license or other permit issued pursuant to Title 47 of the Oklahoma Statutes;
6. "Obligor" means the person who is required to make payments or comply with other provisions of an order for support;
7. "Person entitled" means:
 - a. a person to whom a support debt or support obligation is owed,
 - b. the Department of Human Services or a public agency of another state that has the right to receive current or accrued support payments or that is providing support enforcement services, or
 - c. a person designated in a support order or as otherwise specified by the court; and

8. "Payment plan" includes, but is not limited to, a plan approved by the court that provides sufficient security to ensure compliance with a support order and/or that incorporates voluntary or involuntary income assignment or a similar plan for periodic payment on an arrearage and, if applicable, current and future support.

B. 1. Except as otherwise provided by this subsection, the district courts of this state are hereby authorized to order the revocation, suspension, nonissuance or nonrenewal of a license or the placement of the obligor on probation who is in noncompliance with an order for support.

2. If the obligor is a licensed attorney, the court may report the matter to the State Bar Association to revoke or suspend the professional license of the obligor or other appropriate action in accordance with the rules of professional conduct and disciplinary proceedings.

3. Pursuant to Section 6-201.1[47-6-201.1] of Title 47 of the Oklahoma Statutes, the district or administrative courts of this state are hereby authorized to order the revocation or suspension of a driver license of an obligor who is in noncompliance with an order of support.

4. The remedy under this section is in addition to any other enforcement remedy available to the court.

C. 1. At any hearing involving the support of a child, if the district court finds evidence presented at the hearing that an obligor is in noncompliance with an order for support and the obligor is licensed by any licensing board, the court, in addition to any other enforcement action available, may suspend or revoke the license of the obligor who is in noncompliance with the order of support or place the obligor on probation.

2. If the obligor enters into a court-ordered payment plan to repay past due support and provides proof to the court that the obligor is complying with all other provisions of the order for support, the court may place the obligor on probation and allow the obligor to practice or continue to practice the obligor's profession, occupation or business, or to operate a motor vehicle. Probation shall be conditioned upon full compliance with the order. If the court grants probation, the probationary period shall not exceed three (3) years, and the terms of probation shall provide for automatic suspension or revocation of the license if the obligor does not fully comply with the order. If the court orders probation, the appropriate licensing board shall not be notified and no action is required of that board.

D. When all support due is paid in full and the obligor has complied with all other provisions of the order for support, the obligor may file a motion with the court for reinstatement of the obligor's licenses and the motion shall be set for hearing. If the court finds the obligor has paid all support due in full and has complied with all other provisions of the order for support, the court shall reinstate the obligor's licenses.

E. 1. An obligor may file a motion with the court for reinstatement of the obligor's licenses prior to payment in full of all support due and the motion shall be set for hearing.

2. The court may reinstate the obligor's licenses if the obligor has:

a. paid the current child support and the monthly arrearage payments each month for the current month and two months immediately preceding, or paid an amount equivalent to three months of child support and arrearage payments which satisfies the current child support and monthly arrearage payments for the current month and two months immediately preceding,

b. disclosed all information regarding health insurance availability and obtained and maintained health insurance coverage required by an order for support,

c. complied with all subpoenas and orders relating to paternity or child support proceedings,

d. complied with all orders to submit to genetic testing to determine paternity, and

e. disclosed all employment and address information.

3. If the court terminates the order of suspension, revocation, nonissuance or nonrenewal, it shall place the obligor on probation, conditioned upon the obligor's complying with any payment plan and the provisions of the order for support.

4. If the obligor fails to comply with the terms of probation, the court may refuse to reinstate the obligor's licenses and driving privileges unless the obligor makes additional payments in an amount determined by the court to be sufficient to ensure future compliance, and the obligor complies with the other terms set by the court.

F. The obligor shall serve on the custodian or the state a copy of the motion for reinstatement of the obligor's licenses and notice of hearing pursuant to Section 2005[12-2005] of Title 12 of the Oklahoma Statutes, or if there is an address of record, by regular mail to the address of record on file with the central case registry pursuant to Section 112A[43-112A] of this title. When child support services are being provided pursuant to Section 237[56-237] of Title 56 of the Oklahoma Statutes, the obligor shall serve a copy of the motion for reinstatement of the obligor's licenses on the Department of Human Services.

G. If the court orders termination of the order of suspension or revocation, the obligor shall send a copy of the order reinstating the obligor's licenses to the licensing board and the custodian and to the Department of Human Services when child support services are being provided pursuant to Section 237[56-237] of Title 56 of the Oklahoma Statutes.

H. Entry of this order does not limit the ability of the court to issue a new order requiring the licensing board to revoke or suspend the license of the same obligor in the event of another delinquency or failure to comply.

I. Upon receipt of a court order to suspend or revoke the license of an obligor, the licensing board shall comply with the order by:

1. Determining if the licensing board has issued a license to the individual whose name appears on the order for support;

2. Notifying the obligor of the suspension or revocation;

3. Demanding surrender of the license, if required;

4. Entering the suspension or revocation of the license on the appropriate records; and

5. Reporting the suspension or revocation of the license as appropriate.

J. Upon receipt of a court order to not issue or not renew the license of an obligor, the licensing board shall implement by:

1. Determining if the licensing board has received an application for issuance or renewal of a license from the individual whose name appears on the order of support;

2. Notifying the obligor of the nonissuance or nonrenewal; and

3. Entering the nonissuance or nonrenewal of the license as appropriate.

K. An order, issued by the court, directing the licensing board to suspend, revoke, not issue or not renew the license of the obligor shall be processed and implemented by the licensing board without any additional review or hearing and shall continue until the court or appellate court advises the licensing board by order that the suspension, revocation, nonissuance or nonrenewal is terminated.

L. The licensing board has no jurisdiction to modify, remand, reverse, vacate, or stay the order of the court for the suspension, revocation, nonissuance or nonrenewal of a license.

M. In the event of suspension, revocation, nonissuance or nonrenewal of a license, any funds paid by the obligor to the licensing board for costs related to issuance, renewal, or maintenance of a license shall not be refunded to the obligor.

N. A licensing board may charge the obligor a fee to cover the administrative costs incurred by the licensing board to administer the provisions of this section. Fees collected pursuant to this section by a licensing board which has an agency revolving fund shall be deposited in the agency revolving fund for the use by the licensing board to pay the costs of administering this section. Otherwise, the administrative costs shall be deposited in the General Revenue Fund of the state.

O. Each licensing board shall promulgate rules necessary for the implementation and administration of this section.

P. The licensing board is exempt from liability to the obligor for activities conducted in compliance with Section 139[43-139] et seq. of this title.

Q. The provisions of this section may be used to revoke or suspend the licenses and driving privileges of the custodian of a child who fails to comply with an order to submit to genetic testing to determine paternity.

R. A final order entered pursuant to this section may be appealed to the Supreme Court of Oklahoma pursuant to Section 990A[12-990A] of Title 12 of the Oklahoma Statutes.

Note: Laws may have changed since our last update. For the latest information on these divorce laws, speak to a local divorce lawyer in the state.