

Draft Bill – Oklahoma Equal Parenting & Family Law Reform

BILL NO. _____

By: _____

An Act relating to marriage and family; amending Title 43 of the Oklahoma Statutes, Sections 109 and related provisions;

establishing a rebuttable presumption of equal parenting time; prohibiting sex-based bias in custody determinations;

providing for equal rights of responsible parents; defining and criminalizing parental alienation; providing penalties;

requiring judicial training; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. §109 is amended to read as follows:

A. In any proceeding for custody or visitation, there shall be a rebuttable presumption that joint legal custody and substantially equal (50/50) physical parenting time is in the best interests of the child.

B. This presumption may be rebutted only by clear and convincing evidence that equal parenting time would endanger the child's physical, emotional, or mental well-being.

C. In making any determination under this section, the court shall not consider the sex or gender of either parent. Decisions shall be based solely on the demonstrated ability of each parent to provide for the best interests of the child.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 109.3 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. A "responsible parent" is defined as a parent who is willing and able to provide care, support, and guidance for the child.

B. Responsible parents shall be granted equal rights and responsibilities in decisions concerning the child's education, health care, religion, and extracurricular activities, unless the court finds by clear and convincing evidence that limitation of such rights is necessary to protect the best interests of the child.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 109.4 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. "Parental alienation" means intentional conduct by one parent designed to interfere with or damage the relationship between the child and the other parent, including but not limited to:

1. Willful denial of court-ordered visitation or parenting time;
2. False, derogatory, or misleading statements made to the child about the other parent;
3. Persistent refusal to comply with custody or visitation orders.

B. Any person found guilty of parental alienation shall be guilty of a Class C misdemeanor, punishable by a fine not exceeding Five Hundred Dollars (\$500.00), community service, mandatory counseling, or such other sanctions as the court may deem appropriate.

C. In addition to criminal penalties, the court may order make-up visitation, modification of custody or visitation orders, or other equitable remedies necessary to restore and protect the parent-child relationship.

SECTION 4. Judicial Training.

A. All judges presiding over family law matters shall receive training on equal parenting standards and parental alienation.

B. The Administrative Office of the Courts shall ensure such training is included in continuing judicial education requirements.

SECTION 5. Effective Date.

This act shall become effective November 1, 2026.