

PROPOSED LEGISLATIVE DRAFT

Oklahoma State Legislature 89th Legislature — 2026 Session

Senate Bill No. ____ By: Senator Weaver and Representative West

An Act relating to child custody and parental interference; amending Title 43 of the Oklahoma Statutes; creating new provisions concerning custodial interference, parental notification, and child protection measures; providing penalties; establishing judicial education requirements; authorizing custody reassignment and therapeutic interventions; recognizing parental alienation as emotional abuse; requiring expert testimony; assigning enforcement authority; establishing civil remedies; ensuring multi-state and federal coordination; providing fiscal appropriations; establishing appeal rights; ensuring tribal court coordination; requiring administrative rulemaking; penalizing false allegations; mandating guardian ad litem appointment; and designating enforcement leadership; and providing an effective date.

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

SECTION 1. **AMENDATORY.** Title 43 of the Oklahoma Statutes is hereby amended to include the following:

Section 112.6. **Custodial Interference, Parental Notification, and Child Protection Measures**

A. **Scope of Application** This section applies to any parent, legal guardian, or person with lawful custodial or visitation rights as defined by Oklahoma court order.

B. **Notification Requirement** Any parent or guardian unable to comply with a court-ordered custody or visitation arrangement due to in-patient treatment, incarceration, or verified emergency circumstance shall provide notification to the other parent, guardian, or managing conservator within seventy-two (72) hours, directly or through a designated legal representative.

Notification as required under this subsection shall be made in writing via certified mail, court-approved electronic communication platform, or other verifiable means as established by court rule. Failure to notify in accordance with these requirements shall constitute indirect contempt of court.

C. **Criminal Custodial Interference Offense**

1. Any parent, guardian, or person acting in concert with said parties who knowingly entices, persuades, manipulates, or coerces a minor child under eighteen (18) years of age to leave the lawful custody of another parent, guardian, or conservator without legal justification commits the offense of custodial interference.
2. a. First offense shall be classified as a Class C misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00). b. A second offense shall be classified as a Class B misdemeanor. c. Upon the third offense or where the child is removed beyond Oklahoma state jurisdiction, the offense shall be classified as a state jail felony.

Actions under this subsection must be commenced within two (2) years from the date of the alleged offense.

D. Parental Alienation Clause Knowingly engaging in behaviors intended to manipulate, alienate, or unduly influence a minor child against the other lawful parent or guardian, including but not limited to false allegations, repeated derogatory remarks, or intentional interference with lawful visitation, shall constitute custodial interference as defined in this section.

For the purposes of this subsection, the court shall require clear and convincing evidence of intentional acts. Examples include documented false reports, witness testimony, or recorded communication demonstrating deliberate manipulation.

E. Custody Reassignment and Therapeutic Intervention Authority Upon clear and convincing evidence of custodial interference or parental alienation as defined in this section, the court shall have authority to modify or reassign custodial and visitation rights in the best interests of the child, including transferring primary custody to the non-offending parent.

In addition to criminal penalties, the court may order therapeutic intervention, including but not limited to family reunification therapy, counseling for the minor child, or supervised visitation adjustments, as deemed necessary to restore parent-child relationships and mitigate harm caused by custodial interference.

F. Out-of-State Removal Provision Removal of a minor child in violation of court-ordered custody from the State of Oklahoma shall automatically elevate the offense to a state jail felony.

This section shall be enforced consistent with the Uniform Child Custody Jurisdiction and Enforcement Act, as adopted by the State of Oklahoma, to ensure reciprocal enforcement across state lines.

G. Judicial Education Mandate The Oklahoma Department of Mental Health and Substance Abuse Services, in coordination with the Administrative Office of the Courts, shall develop and provide annual training for judges, court-appointed professionals, and mediators regarding:

1. The psychological impact of parental alienation.
2. Best practices in identifying and adjudicating custodial interference cases.
3. Updated case law and evidence-based family systems research.

Completion of the training described in this subsection shall be required as a condition for annual judicial certification and renewal of court-appointed professional licenses. Judges who fail to complete required training shall be suspended from presiding over family law matters until compliance is achieved.

H. Recognition of Emotional Abuse and Family Violence Custodial interference and parental alienation as defined herein shall be considered forms of emotional abuse and family violence under Oklahoma child welfare and domestic violence statutes where applicable.

I. Expert Testimony and Assessment Requirement Prior to issuing final adjudication under this section, the court shall require comprehensive psychological testing and evaluations for both parents and minor children involved. This testing shall include:

1. Baseline psychological assessments to identify emotional, behavioral, and cognitive patterns;

2. Educational evaluations establishing current academic performance and comparing it to baseline educational performance to assess for emotional IQ decline or other developmental impacts;
3. Independent child welfare assessments conducted by licensed professionals qualified in family systems and child psychology.

Costs associated with the assessments required in this subsection shall be assigned equitably by the court, with consideration for financial hardship. The court may authorize state-funded psychological and educational assessments in cases where parents demonstrate financial need, as defined by Oklahoma Department of Human Services guidelines.

The court shall also consider expert testimony interpreting these assessments before making final custody or visitation determinations under this section. Mandatory testing shall apply only upon judicial determination that probable cause exists based on preliminary evidence or findings.

J. Enforcement and Implementation Authority

1. The Oklahoma Department of Public Safety shall have primary jurisdiction to investigate allegations of criminal custodial interference as defined in this section.
2. Oklahoma District Courts shall have the authority to issue emergency relief orders, including temporary custody reassignment and supervised visitation directives, upon preliminary findings of custodial interference.
3. The Administrative Office of the Courts shall monitor judicial training compliance and suspend family court adjudication authority from any judge failing to complete required training as specified in Section G.
4. The Oklahoma Department of Human Services shall establish guidelines for the protection and interview of minor children involved in custodial interference proceedings, including but not limited to safeguards regarding child testimony.
5. The Oklahoma Attorney General's Office shall provide civil protections for individuals reporting suspected custodial interference or parental alienation in good faith, consistent with existing whistleblower and mandatory reporter statutes.

K. Legislative Intent It is the intent of the Legislature to safeguard the emotional and developmental well-being of children involved in custody disputes, ensuring both parents maintain meaningful relationships absent evidence of abuse or danger, and to hold accountable those who intentionally disrupt lawful custody arrangements.

L. Civil Remedies and Private Right of Action In addition to criminal penalties and court-ordered custody remedies, any parent, guardian, or conservator harmed by custodial interference as defined in this section shall have a private right of action for civil damages, including attorney fees, court costs, mental health treatment costs, and punitive damages as determined by the court.

M. Federal and Multi-State Coordination Clause Oklahoma courts shall recognize and give full faith and credit to valid judgments, protective orders, and custody determinations from other U.S. states,

territories, and federal courts regarding custodial interference and parental alienation, consistent with the Uniform Child Custody Jurisdiction and Enforcement Act and federal law.

N. Fiscal Impact and Appropriations The Oklahoma Legislature shall appropriate necessary funding to the Oklahoma Department of Human Services and Department of Mental Health and Substance Abuse Services for the purpose of implementing the provisions outlined in this act, including but not limited to psychological and educational assessments, training programs, and enforcement activities.

O. Appeals and Due Process Orders issued under this section shall be subject to appeal in accordance with Oklahoma family law procedures and constitutional due process rights. All parties shall retain the right to legal representation, notice, and a fair hearing under existing Oklahoma and United States law.

P. Tribal Court Coordination Nothing in this act shall infringe upon the jurisdiction or authority of tribal courts operating under sovereign law. The State of Oklahoma shall coordinate enforcement efforts with tribal judicial systems in cases involving enrolled tribal members or tribal jurisdiction.

Q. Administrative Rulemaking Requirement The Oklahoma Department of Human Services, the Oklahoma Department of Public Safety, and the Administrative Office of the Courts shall promulgate rules and procedures necessary to implement and enforce the provisions of this act within six (6) months of its effective date.

R. False Claims Penalty Any person who knowingly files a false or frivolous claim of custodial interference or parental alienation under this act shall be subject to civil penalties as determined by the court, including attorney fees, court costs, and sanctions for contempt.

S. Guardian ad Litem (GAL) Requirement In any case where psychological testing and educational evaluations are ordered under this act, the court shall appoint a Guardian ad Litem or independent child advocate to represent the best interests of the minor child or children involved. Such appointment shall be mandatory and not discretionary.

T. Enforcement Coordination Leadership The Oklahoma Administrative Office of the Courts shall serve as the lead coordinating agency for cross-agency implementation and enforcement of this act. The Administrative Office of the Courts shall monitor compliance and provide oversight of interdepartmental collaboration between the Oklahoma Department of Human Services, Oklahoma Department of Public Safety, and the Oklahoma Attorney General's Office.

U. Effective Date This act shall become effective November 1, 2026.

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