

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2137

By: McDugle

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6 AS INTRODUCED

7 An Act relating to marriage; amending 43 O.S. 2021,
8 Sections 150.1 and 150.3, which relate to the
9 Deployed Parents Custody and Visitation Act;
10 modifying definition; providing for the designation
of certain individuals to exercise visitation rights
under certain circumstances; and providing an
effective date.

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

14 SECTION 1. AMENDATORY 43 O.S. 2021, Section 150.1, is
15 amended to read as follows:

16 Section 150.1 As used in the Deployed Parents Custody and
17 Visitation Act:

18 1. "Civilian personnel" means direct-hire, permanent civilian
19 employees of the Department of Defense;

20 2. "Close and substantial relationship" means a relationship in
21 which a bond has been forged between the child and the other person
22 by regular contact or communication;

23 3. "Custodial responsibility" refers to legal custody, physical
24 custody or visitation rights with respect to a child;

1 4. "Deploying parent" means a legal parent of a minor child or
2 the legal guardian of a child, who is a member of the United States
3 Armed Forces, civilian personnel or contractor serving in designated
4 combat zones or duty stations and who is deployed ~~or~~, has been
5 notified of an impending deployment, or is actively serving in a
6 duty station outside of the parent's home city;

7 5. "Deployment" means the temporary transfer of a
8 servicemember, civilian personnel or contractor serving in
9 designated combat zones in compliance with official orders to
10 another location in support of combat, contingency operation, or
11 natural disaster requiring the use of orders for a period of more
12 than thirty (30) consecutive days, during which family members are
13 not authorized to accompany the servicemember at government expense.
14 Deployment shall include any period during which a servicemember,
15 civilian personnel or contractor serving in designated combat zones
16 is absent from duty on account of sickness, wounds, leave or other
17 lawful cause, and shall also include any transfer pursuant to
18 military orders requiring presence in a foreign country;

19 6. "Guardian" means a person who has been appointed as a
20 guardian of a minor or incapacitated adult pursuant to the
21 requirements of Title 30 of the Oklahoma Statutes. The term shall
22 include a limited guardian, but shall not include a guardian ad
23 litem;

1 7. "Nondeploying parent" means a legal parent or guardian who
2 is not deployed and who has a child or ward in common with a
3 deploying parent;

4 8. "Servicemember" means a member of either:

5 a. the active or reserve components of the Army, Navy,
6 Air Force, Marine Corps, or Coast Guard, or

7 b. the active or reserve components of the National
8 Guard; and

9 9. "Visitation" means the right to take a child for a limited
10 period of time to a place other than the habitual residence of the
11 child.

12 SECTION 2. AMENDATORY 43 O.S. 2021, Section 150.3, is
13 amended to read as follows:

14 Section 150.3 A. In order to ensure an ongoing relationship
15 with the child while deployed or while serving in a duty station
16 outside of the parent's home city, pursuant to the Deployed Parents
17 Custody and Visitation Act, upon application to the court by the
18 deploying parent, the court shall designate a family member or
19 another person with a close and substantial relationship to the
20 child to exercise his or her visitation rights, unless the court
21 determines it is not in the best interests of the child.

22 B. Visitation awarded pursuant to this section derives from the
23 deploying parent's own right to custodial responsibility. Neither
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1 this section nor a court order permitting designation shall be
2 deemed to create any separate or permanent rights to visitation.

3 SECTION 3. This act shall become effective November 1, 2023.

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