

Tulsa County Family Court Policies & Procedures

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I. POLICY STATEMENT

It is the policy and purpose of TULSA COUNTY FAMILY COURT to ensure the Domestic Relations Division of the Tulsa County District Court is a system designed to:

Minimize conflict;

Promote the well-being of children;

Conserve family resources;

Encourage alternate dispute resolution; and

Preserve the integrity of trials.

II. DISSOLUTION WITH MINOR CHILDREN

A. THE CONFERENCE JUDGE

i. Objectives:

1. Orientation and information for litigants with minor children.
2. Identification of issues;
3. Facilitate access to court for attorneys and litigants;
4. Facilitation of discovery;
5. Efficient use of court resources (docket control and docket case management to facilitate resolution of conflict);
6. Coordination with other dockets involving related family matters;
7. Enter orders on procedural matters (scheduling, discovery, *etc.*);
8. Enter consensual orders on substantive matters; and
9. Refer to community resources.

ii. Procedural Process:

1. Petition or Post-Decree Action filed.
2. Case is assigned to conference Judge.
 - a. All cases involving minor children will be set before the conference Judge at the time of filing for a Parenting Plan Conference.
 - b. After the Parenting Plan Conference, any disputed issues will be referred to the regularly assigned trial Judge for resolution by hearing.
3. Procedure for cases with minor children:
 - a. When Plaintiff/Movant files an action or modification, that party will receive the following:
 - (1) Instruction Sheet;
 - (2) "Helping Children Cope with Divorce" seminar information;

- (3) **Temporary Order Financial Declaration** form (only when a new case is filed); and
 - (4) **Notice of Parenting Plan Conference.**
- b. The **Parenting Plan Conference** shall be held promptly as scheduled by the Court Clerk.
- c. Petitioner shall serve on Respondent, within five (5) working days of filing, the following:
 - (1) Summons;
 - (2) Petition/Motion;
 - (3) Instruction Sheet;
 - (4) "Helping Children Cope with Divorce" seminar information;
 - (5) **Temporary Order Financial Declaration** form (only when a new case is filed); and
 - (6) **Notice of Parenting Plan Conference.**
- d. The parties should exchange the **Temporary Order Financial Declaration** before the **Parenting Plan Conference**. In addition, the parties are **required** to provide income information (ex. W-2, pay stubs, income tax returns) and health insurance information prior to the **Parenting Plan Conference**. **(See Local Rules DR5)**
- e. At the **Parenting Plan Conference** the Judge will enter an initial Scheduling Conference Order and any orders upon which the parties can agree.
- f. If the parties are unable to come to an agreement resolving a Temporary Order, the Judge shall refer them for a hearing before the assigned Judge.
- g. If the Defendant/Respondent fails to appear at the **Parenting Plan Conference**, and the proper service has been effectuated, the Judge may enter an Initial Scheduling Conference Order and enter default temporary orders as properly requested by written motion.
- h. The Court may enter appropriate sanctions and/or orders for failure to provide income and/or health insurance information or a Temporary Order Financial Declaration.

4. Special Circumstances: When family violence, including violence between adults, child physical abuse, and/or child sexual abuse is alleged, a written family violence statement describing the allegations shall be submitted to the Judge. The statement shall be verified under oath. This may be in the form of the Petition. Any perjury found should be referred to the District Attorney pursuant to 21 O.S. § 500 and 504. In reporting allegations to the appropriate authorities, the Judge should be guided by appropriate law. (See 10 O.S. § 7104). When appropriate, the Court shall appoint the public defender.
5. Procedure for Final Decrees:
 - a. In cases where an **agreement** has been reached, no hearings will be scheduled by the Court. It is the duty of the parties to present any Orders to the Court for entry.
 - b. In cases where **no agreement** has been reached, it is the duty of the parties to make application for a Scheduling Conference and/or Temporary Order Hearing before the assigned trial Judge. The entry of a Scheduling Order is a condition precedent to setting a Pretrial Conference or trial setting.
 - c. It is the duty of the Plaintiff/Movant to effect proper service.
6. The Judge may do the following at any appearance:
 - a. Provide orientation to the Domestic Relations court system;
 - b. Supply information on community resources;
 - c. Enter scheduling orders and other temporary orders;
 - d. Order mediation or other dispute temporary orders;
 - e. Develop and enter a parenting plan;
 - f. Set a review date;
 - g. Enter consensual orders on the merits;
 - h. Order the parties to Family Court Case Coordination;
 - i. Order the parties to Family Assessment;
 - j. Order the parties to a Parenting Coordinator; and
 - k. Order a party to affordable counseling.

B. PARENT COORDINATOR (SEE 43 O.S. §120.1 ET SEQ.)

1. **Policy Statement:** Parenting coordination is to provide a child-focused alternative dispute resolution process whereby a parenting coordinator assists the parents in creating or implementing a parenting plan by facilitating the resolution of disputes between the parents. This is accomplished by facilitating communication, providing education, making recommendations, and making limited decisions within the scope of the Court's order of referral.

2. Procedure for Parenting Coordinator Reports:

a. **Parenting Coordinator:** Shall follow the statutory mandates set out in 43 O.S. § 120.1 *et seq.* and in accordance with Tulsa County Family Court policy and will provide a copy of their report directly to the attorneys/parties and the Court.

b. **Attorneys/Participants:** If there are no objections to the Parenting Coordinator's report, counsel for the party requesting the meeting shall prepare and present to the Court an order confirming the report within twenty (20) days. If either party has an objection to the Parenting Coordinator's report, a **specific** objection shall be filed within the statutory time frame with a copy provided to the assigned Judge. Any response to the objection shall also be filed within the statutory time frame, with a copy provided to the assigned Judge.

c. **Judges:** The assigned Judge will review the reports from the Parenting Coordinator within 14 days. If no objection has been filed within the statutory time frame, the Court may do an order confirming all or part of the recommendations, or if deemed necessary, may set a status conference with the parties within thirty (30) days. If an objection has been filed, the Court may rule on the objections after all statutory time frames have passed or, if deemed necessary, set the matter for legal arguments within thirty (30) days. After arguments, the Court may rule on all issues or set the matter for hearing at its earliest setting.

d. **Clerks:** Will provide copies of any court decisions and/or notice of any court setting to the attorneys/parties and parenting coordinator within five (5) days of filing.

3. Evaluation of the Parent Coordinator:

The Quality Assurance Panel shall develop protocol to ensure the integrity and the quality of the Parenting Coordinator, and the process utilized by the Coordinator.

III. DISSOLUTION WITHOUT MINOR CHILDREN

A. FAMILY LAW COURT

i. Objectives:

1. Orientation and information for litigants;
2. Identification of issues;
3. Facilitate access to court for attorneys and litigants;
4. Facilitation of discovery;
5. Efficient use of court resources (docket control and docket case management to facilitate resolution of conflict);
6. Coordination with other dockets involving related family matters;
7. Enter orders on procedural matters (scheduling, discovery, etc.);
8. Enter consensual orders on substantive matters; and
9. Refer to community resources.

ii. Procedural Process:

1. Petition or Post-Decree Action filed.
2. Any disputed issues will be referred to the regularly assigned trial Judge for resolution by hearing.
3. Procedure for cases without minor children:
 - a. When Plaintiff/Movant files an action or modification, that party will receive the following:
 - (1) Instruction Sheet;
 - (2) **Temporary Order Financial Declaration** form (only when a new case is filed); and
 - b. Petitioner shall serve on Respondent, within five (5) working days of filing, the following:
 - (1) Summons;
 - (2) Petition/Motion;
 - (3) Instruction Sheet;

- (4) **Temporary Order Financial Declaration form** (only when a new case is filed); and
 - c. The parties should exchange the **Temporary Order Financial Declaration**. In addition, the parties are required to comply with local rule DR5 within the time limits set forth in the Rule.
 - d. The Judge will enter an Initial Scheduling Conference Order and any orders upon which the parties can agree.
 - e. If the Defendant/Respondent fails to appear, and proper service has been effectuated, the Judge may enter an Initial Scheduling Conference Order and enter default temporary orders as properly requested by written motion.
 - f. The Court may enter appropriate sanctions and/or orders for failure to comply with DR5 or to provide a Temporary Order Financial Declaration.
4. Procedure for Final Decrees:
- a. In cases where an **agreement** has been reached, no hearings will be scheduled by the Court. It is the duty of the parties to present any Orders to the Court for entry. No orders may be presented earlier than 11 days from time of initial filing.
 - b. In cases where **no agreement** has been reached, it is the duty of the parties to make application for a Scheduling Conference before the assigned trial Judge. The entry of a Scheduling Order is a condition precedent to setting a Pretrial Conference or trial setting.
 - c. It is the duty of the Plaintiff/Petitioner/Movant to effect proper service.
5. The Judge may do the following at any appearance:
- a. Provide orientation to the Domestic Relations court system;
 - b. Supply information on community resources;
 - c. Enter a scheduling order and other temporary orders;
 - d. Order mediation or other dispute resolution methods;
 - e. Set a review date;
 - f. Enter consensual orders on the merits;

- g. Order the parties to the Family Court Case Coordinator;
- h. Order a party to affordable counseling.

IV. COURT RULE FOR MEDIATION IN FAMILY LAW CASES

Except for good cause shown, the court shall order every case to mediation pursuant to 43 O.S. § 107.3 and 12 O.S. § 1821 *et seq.* Cases involving domestic violence must show that the preconditions of 43 O.S. § 107.3 (B) (1) (a) are met prior to mediation.

V. CASES WITH DOMESTIC VIOLENCE ISSUES

iii. Objectives:

1. When a written domestic violence statement is submitted, pursuant to 10 O.S. § 7104, the following considerations must be performed or taken into account in any subsequent conferencing between parties:
 - a. Orientation and information for litigants;
 - b. Facilitation of domestic violence pre-screening for parties prior to any conferencing where domestic violence between parties is at issue. Pre-screening would necessarily include personal interview, risk assessment for identified victim, and recognition of the level of domestic violence in a relationship. Pre-screening is best administered by an independent screener who has no stake in the outcome of the screening process and is highly trained in the dynamics of domestic violence;
 - c. Following pre-screening, advice to the Court where conferencing between parties with domestic violence issues either may proceed without special accommodations; should proceed with modifications to the mediation such as “shuttling” or “caucusing”; or create an ineffective method for resolving custody disputes;
 - d. In cases where conferencing proceeds, recognition and provision for maximum physical safety for parties in conferencing atmosphere;
 - e. If existent, acknowledge any Protective Order between parties and arrange for conferencing via telephone or “shuttle” or “caucus” mediation to minimize safety concerns;
 - f. Recognize any discussion and negotiation between parties is effected by the dynamics of domestic violence when parties’ are expected to articulate their interests and needs;
 - g. Understanding the equation for decision-making is different for parties in an abusive relationship;

- h. The Parenting Coordinator shall complete domestic violence training and training for alternate mediation techniques prior to receiving assignments for conferencing in cases with domestic violence;
- i. Refer to community resources.

iv. Procedural Process:

- 1. Dissolution with Minor Children, please refer to the Procedural Process in Section II.
- 2. Dissolution without Minor Children, please refer to the Procedural Process in Section III.

V. QUALITY ASSURANCE PANEL

i. Purpose:

- 1. Develop a protocol for the review of confidential materials by this panel.
- 2. Review registration forms and required attachments of mediators and Parenting Coordinator.
- 3. Approve, disapprove, or when necessary, disqualify professionals to provide mediation and high conflict resolution.
- 4. Receive and review complaints about process and procedures.
- 5. Review and refine policies and procedures.
- 6. Make changes in the policies and procedures.
- 7. Make recommendations for future appointments to this Panel.
- 8. This Panel shall not receive complaints that go to the merits of any individual case.

ii. Membership:

- 1. The Panel shall consist of seventeen voting members. The initial appointments shall be for staggered terms. Subsequent appointments shall be for three (3) year terms, except for the judiciary.
- 2. The voting body of the Panel shall be as follows:
 - a. Four members will represent the judiciary: the Chief Judge of the Domestic Relations Division, and three other members of the Tulsa County Judiciary;

- b. Four members will represents the Family Law Division of the Tulsa County Bar Association;
 - c. Four licensed mental health professionals, representing various disciplines; and
 - d. Standing positions of Child Support Services, DVIS, Legal Aid, Public Defender's Office and Family and Children's Services.
3. The members from the categories set forth in paragraph 2 shall be chosen by the Presiding Judge of the Fourteenth Judicial District.
4. The Presiding Judge is an ex officio non-voting member of the Panel.
5. The Family Resource Coordinator, if any, shall be an ex officio member of the Panel.
6. Any member of the Panel who is absent from two or more regularly scheduled meetings of the Panel in a one-year period, may be removed as a Panel member.
7. Any vacancy on the Panel, whether by resignation or removal as set forth in paragraph 6 shall be filled by the Presiding Judge upon recommendation of the Panel.

iii. Meetings:

1. The Panel will meet as necessary to accomplish its purpose and to assist in maintaining Tulsa County Family Court Policies and Procedures.
2. The Panel shall be chaired by the Chief Judge of the Domestic Relations Division of Tulsa County.
3. For voting purposes, a quorum constitutes nine members.