



OKLAHOMA CITY UNIVERSITY  
SCHOOL OF LAW

Oklahoma City University School of Law

---

From the SelectedWorks of Jennifer S. Prilliman

---

August 2011

# Children and Family Law: A Practitioner's Resource Guide

Contact  
Author

Start Your Own  
SelectedWorks

Notify Me  
of New Work



Available at: [http://works.bepress.com/jennifer\\_prilliman/1](http://works.bepress.com/jennifer_prilliman/1)

# Children

and the LAW

## Children and Family Law: A Practitioner's Resource Guide

By Jennifer Stevenson Prilliman

Legal matters involving family members are some of the most difficult to assist our clients through. The situations are often emotionally charged and every case is unique. Navigating these matters when a child is involved becomes even more complicated due to the number of emotional, financial and public policy considerations involved. Knowing where to begin the research process will reduce the time and cost of resolving the matter for both the client and attorney. This article provides an introduction to research resources available for attorneys working with adoption, guardianship, child support, paternity and custody cases. This is not an exhaustive list, but will provide a new or experienced attorney with a basic set of resources to begin proceeding in a family law matter involving children.

### OKLAHOMA STATUTES AND RELATED UNIFORM LAWS

- Oklahoma Indian Child Welfare Act, Okla. Stat. tit. 10, §§40-40.9 (2011) — Passed in 1982 in compliance with the federal Indian Child Welfare Act of 1978,<sup>1</sup> this act provides a framework for proceeding when finding placement for a child who is a member of or eligible to be a member of a Native American tribe.

- Oklahoma Adoption Code, Okla. Stat. tit 10, §§7501-1.1 to 7510-3.3 (2011) — The Adoption Code addresses both child and adult adoptions. The Adoption Code provides an outline and specifications for the adoption process in Oklahoma and many of the required basic forms are imbedded in the code itself, such as the “Perma-

nent Relinquishment Form” found at Okla. Stat. tit. 10 §§7503-2.3.

- Oklahoma Uniform Parentage Act, Okla. Stat. tit 10, §§7700-101 to 7800 (2011) — Adopted in 2006<sup>2</sup> from the *Uniform Parentage Act (2000) (Revised 2002)*<sup>3</sup> prepared by the Uniform Law Commission, this act sets out the guidelines for determining and enforcing parentage.

- Oklahoma Children's Code, Okla. Stat. tit. 10A, §§1-1-101 to 1-10-102 (2011) — In the unfortunate circumstance where a child is determined to be deprived, the Children's Code provides advocates, family members and foster parents with “the foundation and process” for intervention.

- Okla. Stat. Title 30 Guardian and Ward — When confronted with a situation where a minor needs to be placed in a new home due to his or her parents' death or inability to continue to care for the child, a guardian will need to be appointed. This title covers both the guardianship of minors and adults and the rules for conservatorship.

- Divorce and Alimony, Okla. Stat. tit. 43, §§101 to 140 (2011) — These statutes set out the basic requirements for divorce, alimony, custody and child support. Experienced family law attorneys are well versed in these statutes. However, if you are taking on your first divorce case or have not worked in family law for a while, you will want to review these statutes carefully.

- Parenting Coordinator Act, Okla. Stat. tit. 43, §§120.1 to 120.7 (2011) — Custody and support agreements are often contentious and difficult to negotiate. The court may appoint, either with or without permission of the parties, a parenting coordinator to facilitate a parenting agreement.

- Oklahoma Uniform Child Custody Jurisdiction & Enforcement Act, Okla. Stat. tit. §§43, 551-101 to 551-402 (2011) — Based on the Uniform Law Commission's Uniform Child Custody and Enforcement Act (1997),<sup>4</sup> this uniform act replaced the Uniform Child Custody Jurisdiction Act and revised Oklahoma's laws to comply with federal standards, namely the Parental Kidnapping Prevention Act of 1980.<sup>5</sup> It creates consistent standards for interstate enforcement of child custody and visitation agreements.<sup>6</sup>

- Oklahoma Uniform Interstate Family Support Act, Okla. Stat. tit. §§601-100 to 601-901 (2011) — Similar to the above act, this act was adopted from several of the Uniform Law Commission's uniform acts of the same name.<sup>7</sup> This act regulates the enforcement of interstate child and family support agreements. In 2008 the Uniform Law Commission finalized a new version of the act. Currently Oklahoma has not adopted the 2008 act.

#### UNIFORM LAW COMMISSION

The Uniform Law Commission's comments accompanying the Uniform Parentage Act, Uniform Child Custody and Jurisdiction Enforcement Act, and the Uniform Interstate Family Support Act supply a wealth of interpretative information for an attorney. The final-

ized versions of the acts with comments are freely available in HTML and PDF format from the Uniform Law Commission's website.<sup>8</sup> Thomson West's publication *Uniform Laws Annotated (U.L.A.)* contains the acts with the commission's comments and with added West annotations to law review articles, *Corpus Juris Secundum* and *American Jurisprudence 2nd* articles, notes of decisions, and West Key Number references. The *U.L.A.* also summarizes state adoption practices and language variations from state to state. The print version is updated with an annual pocket part. Depending on your contract, the *U.L.A.* may also be available through Westlaw and WestlawNext. LexisNexis's *Martindale-Hubbell Uniform and Model Acts* database and HeinOnline both carry the uniform laws.

#### OKLAHOMA SPECIFIC TREATIES, HANDBOOKS, AND STATUTE COMPILATIONS

The books discussed below are Oklahoma specific resources. Most of these resources are available in the OCU School of Law Library, OU College of Law Library, and the TU College of Law Library. Please call any of these libraries or your local county law library for more information.

- Melissa DeLacerda, *Oklahoma Family Law*, Oklahoma Practice Series Vol. 4 (St. Paul, MN: Thomson/West 2007) — *Oklahoma Family Law*, a part of the *Oklahoma Practice Series*, is an excellent resource for experienced and beginning attorneys. It explains the family law statutes, provides sample forms and petitions, provides practice tips and includes valuable case and statute citations. It is available in print and through Westlaw and WestlawNext. Chapters 6-12 explain child custody and visitation, child support, parenting coordinators and the Uniform Interstate Family Support Act. This text is updated with annual pocket parts.

- Michelle C. Harrington, *Oklahoma Family Law: Direct and Cross Examination Suggested Questions, Ideas and Outlines* (Dallas: Imprimatur Press 2004) — This text provides sample examination questions for most matters relating to divorce and custody, including divorce with minor children, custody and suits affecting the parent-child relationship.

- Robert G. Spector, Carolyn S. Thompson and D. Marianne Brower Blair, *Oklahoma Family Law: Divorce and Adoption Statutes and Rules Annotated 2010-2011* (Dallas: Imprimatur Press

2010) — This comprehensive compilation of annotated Oklahoma divorce and adoption statutes and rules is an affordable alternative to purchasing West's *Oklahoma Statutes Annotated* or the *Uniform Laws Annotated*. The annotations include statute cross references, case citations with analysis and related uniform law comments. New editions are printed annually.

- Robert G. Spector, *Oklahoma Family Law: The Handbook 2010-2011* (Dallas: Imprimatur Press 2010) — A complementary text to *Oklahoma Family Law: Statutes and Rules Annotated*, chapters five and six of this resource provide an analysis of child custody, visitation and support. It offers explanation of the policy behind many of Oklahoma's statutes and citations to relevant case law.

- C. Steven Hager, *Indian Child Welfare Act: Case and Analysis* CD-ROM, Colline Meeked (Oklahoma City: Oklahoma Indian Legal Services 15th ed. 2011) — A PDF on a CD-ROM, this resource analyzes both federal and state case law impacting the act. It includes Oklahoma and Federal statutes, Department of Interior rules and basic forms. The PDF is easily searchable and user friendly. This detailed compilation is available from Oklahoma Indian Legal Services for \$35.<sup>9</sup>

- *West's Oklahoma Family Law 2011* (St. Paul, MN: Thomson/ West 2010) — This statute compilation pulls together most of Oklahoma's family law statutes. What is nice about this resource is the combined index which allows you to easily find related statutes in different titles. It is updated annually.

- *2005 OBA/CLE Formbook* on CD, OBA Continuing Legal Education Department (Oklahoma City: OBA 2005) — This collection of Oklahoma specific forms includes adoption forms, Native American adoption forms and family law forms. The complete index of forms is available on the OBA website.<sup>10</sup>

- Archived CLE — There are too many informative CLE programs to list, but often an archived CLE is available for purchase. When you pay for an archived CLE course, you are able to watch the program and download the program materials. This is an excellent way to learn about a new topic directly from a practitioner. Archived CLE may be purchased through the OBA. If you do not want to watch the videos you may elect to purchase only the print materials for a reduced cost.

## TREATISES-MULTI JURISDICTION

- Joan Heifetz Hollinger *et. al*, *Adoption Law and Practice* (New York: Matthew Bender & Co. 2010) — This comprehensive treatise covers all aspects of domestic and international adoption. It is available as an annually updated three-volume loose-leaf set or electronically from LexisNexis.

- Sandra Morgan Little, *Child Custody and Visitation: Law and Practice* (Matthew Bender & Co. 2010) — This four-volume loose-leaf set discusses a wide range of custody-related issues including international child custody enforcement, disputes between parties and mediation. It is updated twice a year. It is also available electronically from LexisNexis.

- Sarah H. Ramsey and Douglas E. Abrams, *Children and the Law in a Nutshell* (St. Paul, MN: Thomson/West 3rd 2008) — Providing a general overview of laws related to children and juveniles and the policy and history behind those laws, this *Nutshell* is a good basic text for anyone needing a quick refresher course on children's legal issues. It covers all aspects of children and the law including criminal law, family law, torts and property.

- Laura W. Morgan, *Child Support Guidelines: Interpretation and Application* (New York: Aspen Law and Business 2010) — This guide walks lawyers through the steps of applying child support guidelines and when and how to deviate from those guidelines. It is updated annually and available electronically from *Westlaw*, *WestlawNext*, and *LoisLaw*.

- *BNA Family Law Reporter* (Washington D.C.: Bureau of National Affairs 2011) — This reporter with state family law decisions, news and analysis is available as a weekly updated loose-leaf publication or as a subscription-based online source. The online version is updated daily.

- Barbara Ann Atwood, *Children, Tribes, and States: Adoption and Custody Conflicts Over American Indian Children* (Durham, NC: Carolina Academic Press 2010) — Written by the Mary Ann Richey Professor of Law at the University of Arizona, this text provides an in-depth examination of the Indian Child Welfare Act and the relationship between tribes and states in placement cases.

- Jean Koh Peters, *Representing Children in Child Protective Proceedings: Ethical and Practical Dimensions*, 3rd International Ed. (Newark, NJ:

Matthew Bender & Co. 2007) — This book covers both domestic and international law and examines policy and ethical factors that should be considered by lawyers representing children. The book includes sample ethical problems and solutions.

- B.J. Jones, Mark Tilden and Kelly Gaines-Stoner, *The Indian Child Welfare Act Handbook: A Legal Guide to the Custody and Adoption of Native American Children* with CD-ROM, 2nd ed. (Chicago: ABA Section of Family Law 2009) — Updating the 1995 edition, this work offers a comprehensive overview and discussion of the federal Indian Child Welfare Act. This well-researched handbook includes extensive citations, a table of cases, addresses for the federally recognized tribes and appendices with forms, checklist and other practitioner tools.

- Robert M. Galatzer-Levy, Louis Kraus and Jeanne Galatzer-Levy, *The Scientific Basis of Child Custody Decisions* 2nd ed. (Hoboken, NJ: John Wiley & Sons Inc. 2009) — Determining the “best interest of the child” is a complicated undertaking. This collection of empirical and psychology-based studies from the legal and mental health communities analyzing methods of determining the best interest of the child offers valuable insight to the process. Topics include the impact of divorce on children, psychological tests for custody evaluations, children and high-conflict divorces, custody evaluation when parents have psychiatric disorders, joint custody and improving and evaluating a child’s attachment to their caregivers.

- Margaret S. Price, *Special Needs Children and Divorce: A Practical Guideline to Evaluating and Handling Cases* (Chicago: ABA Section of Family Law 2009) — Divorcing spouses with children with special and/or medical needs will have additional obstacles when preparing custody agreements and child support determinations. This book offers guidance, forms, case analysis and practice tips.

## ADDITIONAL RESOURCES

- ABA Center on Children and the Law<sup>11</sup> — The Center on Children and the Law is an ABA community for attorneys representing and advocating for children.

- *Child Law Practice*<sup>12</sup> — Published by the ABA, this monthly publication for lawyers and judges provides policy updates, case law updates and discussions of ethical issues. A subscription is required for this publication.

- Google Scholar<sup>13</sup> — Google Scholar is a free tool that allows users to search for citations to scholarly publications. It now includes law reviews and court decisions. After finding citations in Google Scholar, you can retrieve them from subscription databases or visit your local law library.

- *Oklahoma Family Law Journal* — The May 2010 and June 2010 editions of this publication are available online.<sup>14</sup> Older editions may be available in your local law library.

- *Oklahoma Bar Journal Forms: Family Law*<sup>15</sup> — Currently this list includes passport alert forms and writ of habeas corpus forms. The forms are available in Microsoft Word, Word Perfect and HTML.

- OKLAW.org<sup>16</sup> — OKLAW.org is sponsored by Legal Aid Services of Oklahoma, the Legal Services Corporation and ProBono.net. The section on family law includes a compilation of important DHS links, tribal court links and relevant forms. This is a great resource to bookmark. Rather than surfing the web for these resources or spending time trying to locate items on the DHS or a county court’s website, OKLAW.org aggregates those links together in one location.

- Tribal Court Clearinghouse: Indian Child Welfare Act Information<sup>17</sup> — The Tribal Court Clearinghouse brings together many primary and secondary web-based resources related to tribal law. The section on the Indian Child Welfare Act includes links to important resources and organizations such as the National Indian Child Welfare Association and the Native American Rights Fund’s *Practical Guide to the Indian Child Welfare Act*.

1. Pub. L. No. 95-608, 92 Stat. 3069; 25 USC §§1901-1963. (Supp. 2009).

2. See OKLA STAT. TIT. 10 §§7700-101 *et. seq.*

3. UNIF. PARENTAGE ACT (revised 2002), 9B U.L.A. 356-505 (Supp. 2010).

4. UNIF. CHILD CUSTODY AND ENFORCEMENT ACT 1997, 9 IA U.L.A. 649-706 (Supp. 2010).

5. Pub. L. No. 96-611, §§6 to 10, 94 Stat. 3568; 28 U.S.C. §1738A (Supp. 2009); 42 U.S.C. §663 (Supp. 2009).

6. UNIF. CHILD CUSTODY AND ENFORCEMENT ACT, Prefatory Note 1, 1997 available at [www.law.upenn.edu/bll/archives/ulc/uccja/fin-11997act.pdf](http://www.law.upenn.edu/bll/archives/ulc/uccja/fin-11997act.pdf) (last visited May 9, 2011); 9 IA U.L.A. Prefatory Note 650 (Supp. 2010).

7. UNIF. INTERSTATE FAMILY SUPPORT ACT 1992, 1996 & 2001, 9 U.L.A. 159-802 (Supp. 2010).

8. Uniform Law Commission, THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS, [www.nccusl.org](http://www.nccusl.org) (last visited May 9, 2011).

9. The Indian Child Welfare Act, OKLAHOMA INDIAN LEGAL SERVICES, [www.oilsonline.org/The\\_Indian\\_Child\\_Welfare\\_Act.html](http://www.oilsonline.org/The_Indian_Child_Welfare_Act.html) (last visited May 9, 2011).

10. OBA/CLE 2005 Form Book: Index of Forms, OKLAHOMA BAR ASSOCIATION, [www.okbar.org/cle/formbookcontents.htm](http://www.okbar.org/cle/formbookcontents.htm) (last visited May 9, 2011).

11. Center on Children and the Law, AMERICAN BAR ASSOCIATION, [www.americanbar.org/groups/child\\_law.html](http://www.americanbar.org/groups/child_law.html).

12. Child Law Practice Online, AMERICAN BAR ASSOCIATION, <http://apps.americanbar.org/child/clp/> (last visited May 10, 2011).

13. GOOGLE SCHOLAR, <http://scholar.google.com/> (last visited May 10, 2011).

14. Family Law Journal, OKLAHOMA BAR ASSOCIATION, [www.okbar.org/family/journal/](http://www.okbar.org/family/journal/) (last visited May 10, 2011).

15. Bar Journal Forms: Family Law, OKLAHOMA BAR ASSOCIATION, <http://my.okbar.org/family.htm> (last visited May 11, 2011)

16. OKLAW.ORG, [www.oklaw.org/OK/index.cfm](http://www.oklaw.org/OK/index.cfm).

17. TRIBAL LAW AND POLICY INSTITUTE, Indian Child Welfare Act Information, TRIBAL COURT CLEARINGHOUSE, [www.tribal-institute.org/lists/icwa.htm](http://www.tribal-institute.org/lists/icwa.htm) (last visited May 9, 2011).

## ABOUT THE AUTHOR



Jennifer Stevenson Prilliman is the current reference librarian for public, clinical and student services at the OCU School of Law, where she also serves as adjunct faculty. She earned her J.D. from the OU College of Law in 2005 and her masters in information and library studies from OU in 2010. She is a member of the OBA Law Day and Bar Technology committees.

## Clerk of the Appellate Courts Relocates to New Oklahoma Judicial Center

The Clerk of the Appellate Courts moved its office to the new Oklahoma Judicial Center on Tuesday, July 5. After July 5, 2011, all appellate filings shall be made at the following address:

**Clerk of the Appellate Courts  
Oklahoma Judicial Center  
2100 N. Lincoln Blvd., Suite 4  
Oklahoma City, OK  
73105-4907**

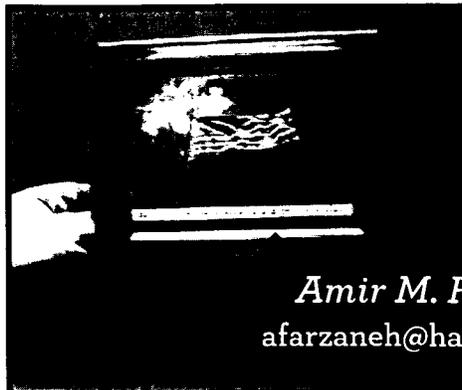
**Also note, the new phone number will be 556-9400**

**On Monday, July 11, 2011, the Court of Criminal Appeals moved to the new Oklahoma Judicial Center.**

**The new address will be:**

**Court of Criminal Appeals  
Oklahoma Judicial Center  
2100 N. Lincoln Blvd., 3rd Floor  
Oklahoma City, Oklahoma,  
73105-4907.**

All the telephone numbers for the Court of Criminal Appeals have changed effective July 11, 2011. The new main line number will be 405-556-9600. For a complete list of telephone and room numbers for the Judges, Staff Attorneys and Employees of the Court of Criminal Appeals, please go to [www.okcca.net/online](http://www.okcca.net/online) and click the "contact" tab.



## Informed.

Hall Estill has the knowledge and experience to effectively and efficiently handle difficult and intricate immigration cases.

**Amir M. Farzaneh | 405-528-2222  
afarzaneh@hallestill.com | www.farzaneh.com**

**HALL  
ESTILL  
ATTORNEYS AT LAW**