



IN THE DISTRICT COURT OF TULSA COUNTY

STATE OF OKLAHOMA

2017 JUL 13 PM 3:02

DISTRICT COURT
FILED

JUL 13 2017

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

IN RE THE MATTER OF:)

[REDACTED])

Petitioner,)

AND)

[REDACTED])

Respondent.)

**PETITIONER'S MOTION TO MODIFY CUSTODY (CONSERVATORSHIP),
VISITATION (POSSESSION) SCHEDULE, AND CHILD SUPPORT**

COMES NOW, Petitioner, [REDACTED], by and through his counsel of record, pursuant to 43 O.S. §§ 109, 112 and 118, requests this Court to modify the terms of custody (conservatorship in the Texas order), visitation (possession in the Texas order) schedule and modify child support. In support thereof, Petitioner alleges and states as follows:

1. The parties were divorced on July 29, 2017 by way of a Final Decree of Divorce ("Decree") in Denton County, Texas under case number [REDACTED]. A copy of the Decree is has been filed herein with the Court and is incorporated fully herein by reference.

2. As part of the divorce the parties were awarded joint managing conservatorship (joint custody) of their two (2) minor children, to wit: [REDACTED], born January 2008, and A.M. Raisinghani born July 2011. Pursuant to the Decree, the parties shared decision making authority for the minor children and shared time with the children pursuant to a possession (visitation) schedule.

3. The Decree further established that Petitioner would pay regular monthly child support in the amount of \$1,266.9 per month to Respondent. Further the parties were ordered to pay 50% of all uninsured health care expenses of the minor children.

4. The Decree remains in full force and effect today and have not otherwise been permanently modified.

5. Since the entry of the Decree, on or about July 31, 2016, Respondent relocated with the minor children to Oklahoma as Respondent had the exclusive right to designate the primary residence of the minor children. This relocation was contemplated and accounted for in the Decree.

6. This Court has jurisdiction to modify the aforementioned Decree pursuant to the terms of the Uniform Child Custody Jurisdiction and Enforcement Act, 45 O.S. § 551-101 *et seq.* and the Uniform Interstate Family Support Act, 43 O.S. § 601-100 *et seq.* Neither the Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.*, nor the Oklahoma Indian Child Welfare Act, 10 O.S. § 40 *et seq.*, are applicable to this case. Moreover, Oklahoma is the new home state of the minor children and it is the best interests of the children that this Court exercise said jurisdiction.

7. In accordance with 43 O.S. § 551-209, Petitioner submits the following information:

- a. The Petitioner has participated in another proceeding concerning custody and visitation of the minor children, to wit: case number [REDACTED] before the 16th Judicial District of Denton County, Texas in which a child custody determination was made in the Final Decree of Divorce filed therein on July 29, 2017 (“Texas Case”);
- b. Petitioner knows of no other proceeding beside the Texas Case, that could affect the current proceeding; and
- c. Petitioner does not know of any other person, not a party to these proceedings, who has physical custody of the children or claims to have custody or visitation

rights respect to the children.

8. Petitioner states that the place of residence of the minor children for the past five years has been California, Oklahoma and Flower Mound, Denton County, Texas until July 2016; since August 4, 2016 the children have resided in Tulsa, Tulsa County, Oklahoma.

9. Since the entry of the Decree, there have occurred permanent, material, and substantial changes in circumstances such that joint custody and the current visitation schedule is no longer in the best interest of the minor children, including but not limited to the following:

- a. Respondent's actions have harmed and/or put the children in immediate risk of harm;
- b. Respondent has verbally abused the children, using profanity and referring to the children with derogatory phrases;
- c. Respondent has neglected the children by locking them out of their home and not being aware of their whereabouts;
- d. Respondent has neglected the children's wellbeing with her actions, including but not limited to:
 - i. Failure to get the children to school on time;
 - ii. Failure to pick the children up from school on time;
 - iii. Failure to provide food for the children while at school; and
 - iv. Failure to attend to the children's school work and grades.
- e. Respondent has told the children on more than one occasion that they were going to live with Petitioner;
- f. Respondent has blamed the children for Respondent's actions and Respondent's situation in life;

- g. Respondent has made false allegations to third parties that the children have harmed Respondent;
- h. The children no longer feel safe, loved or cared for by Respondent; and
- i. Respondent recently has indicated to Petitioner that she has received multiple job offers from all over the United States and intends to move from Tulsa and wants to take the children with her.

10. Petitioner anticipates the discovery of additional facts in support of his motion and therefore, reserves the assertion of additional allegations pending completion of discovery and pretrial.

11. Based on the above and foregoing, joint custody is no longer in the best interests of the minor children and same should, therefore, be terminated. Further, Petitioner avers that he is the fit and proper parent to be awarded sole care, custody and control of the parties' minor children, subject to Respondent's right to reasonable visitation and any visitation limitations imposed by this court.

12. Child support should be modified in accordance with the Oklahoma Child Support Guidelines, including monthly child support (with the Petitioner not being responsible for any child support payment from the date this motion is approved) and requiring each party pay their respective percentage of all uncovered medical and dental expenses incurred on behalf of the minor children which are not covered by insurance, as well as employment, employment search or education related daycare for the children and extracurricular expenses for the children.

13. Petitioner requests that the decision regarding his attorney fees, costs, and litigation expenses incurred herein be reserved.

WHEREFORE, Petitioner respectfully requests this Court his Motion as set forth herein

and award Petitioner sole custody of the minor children subject to Respondent's visitation, modify child support, and for such other and further relief to which this Court believes Petitioner to be entitled.

Respectfully submitted,



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ATTORNEYS FOR PETITIONER,


VERIFICATION

STATE OF TEXAS

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COUNTY OF DENTON

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[REDACTED] of lawful age, being first duly sworn, upon oath, deposes and states:
he is the Petitioner above-named; that he has read the above and foregoing, and, that he believes the
information contained therein to be true and correct to the best of his knowledge and belief.

[REDACTED]

SUBSCRIBED and sworn to before me this date July 10th, 2017.



[Handwritten Signature]
Notary Public