



*[Handwritten signature]*

IN THE DISTRICT COURT IN FOR TULSA COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
**FILED**  
2018 APR 11 AM 11:40  
Petitioner, )

vs.

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUN )

Docket "A"

Defendant. )

**MOTION TO VACATE OR MODIFY JULY 14, 2017 VISITATION ORDER,  
MOTION TO ENFORCE VISITATION (O.S. 43 § 111.3), APPLICATION FOR  
CONTEMPT CITATION (O.S. 43 § 111.1 AND MOTION TO SET PARTIES'  
MOTIONS TO MODIFY CHILD SUPPORT FOR HEARING**

COMES NOW, the Petitioner, by and through his attorney of record, James C. Morton, and for his Motion to Vacate or Modify July 14, 2017 Visitation Order, Motion to Enforce Visitation, Application for Contempt Citation and Motion to Set Parties Motions to Modify Child Support alleges and states as follows:

**MOTION TO VACATE OR MODIFY JULY 14, 2017 VISITATION ORDER**

1. That on July 14, 2017 this Court entered an Interim Visitation Order associated with Respondent's Emergency Motion.
2. That said Order was by its own terms, anticipated modification or vacation.
3. That DHS has completed its investigation into the allegations of the Respondent associated with her emergency motion and all allegations have been "unsubstantiated" except for the allegation of "abuse" which was "ruled out".
4. That no reason exists for the continued restrictions imposed on the Petitioner's visitation with the parties' minor child and same should be vacated and his Decree based visitation reinstated.

**MOTION TO ENFORCE**

5. That the current Order of Visitation entered by the Court on July 14, 2017 specifically provides Petitioner with visitation with the parties' minor child "every other Saturday from 12:00 p.m. to 5:00 p.m. and Sunday from 12:00 p.m. to 5:00 p.m.".

6. That the Respondent has denied or otherwise interfered with the Petitioner's visitation in that the Petitioner has not had the ordered visitation from October 2017 to present. A period of twenty four (24) weeks of which Petitioner was, by Court order, to have visitation twelve (12) weekends (Saturday and Sunday, 12:00 to 5:00).

7. That by statute (O.S. 43 § 111.3) the Respondent has duty to "facilitate" the Petitioner's visitation in addition to the Court's order that the visitation occur.

8. That the Petitioner seeks enforcement of the visitation ordered pursuant to O.S. 43 § 111.3.

9. That on August 1, 2012, this Court, when addressing the Respondent's denial or interference with Petitioner's visitation, ruled as follows:

"There is no reason for withholding visitation. Court reserves switching custody. Attorney fees awarded."

10. That the Respondent's denial or interference with the Petitioner's visitation has been continued.

**APPLICATION FOR CONTEMPT**

11. That on July 14, 2017, this Court entered an Order specifying the Petitioner's visitation with the parties' minor child to which Respondent signed with counsel.

12. That since October 2017, the Respondent has failed to comply with the Court's visitation order and the Petitioner has had no visitation.

13. That pursuant to statute O.S. 43 § 111.3, the Respondent has a duty to facilitate the Petitioner's ordered visitation.

14. That the Respondent has established a pattern of conduct of denying or otherwise interfering with the Petitioner's visitation.

15. That the Respondent enables the child in declining visitation and offers no support of the Court's ordered visitation.

16. That the Respondent has spoken negatively about Petitioner to and/or in front of the child thereby negating the Petitioner to the child. Further, the child has been made aware of the Court and financial issues between the parties.

17. That the Respondent's conduct constitutes Civil Indirect Contempt of Court for which Respondent should be punished per O.S. 43 § 111.1 (C) 1. and O.S. 21 § 852.1.

**MOTION TO SET PARTIES' MOTIONS TO MODIFY CHILD  
SUPPORT FOR HEARING**

18. That on September 30, 2010, the Respondent filed a Motion to Modify including a Request to Modify Child Support which has not been heard or withdrawn.

19. That on August 23, 2010, the Petitioner filed a Motion to Modify Child Support with DHS: office of Administrative Hearings, which has never been heard or withdrawn.

20. That on October 12, 2017, the Court removed from the Administrative Court the Motions to Modify Child Support and same is set on the Court's docket on April 17, 2018 at 10:00.

**WHEREFORE**, premises considered, the Petitioner prays this Honorable Court set a date and time certain for hearing Petitioner's Motions and order Respondent to appear and show cause, if any, why the above requested relief should not be granted and why she

should not be punished for contempt of Court. Further, Petitioner prays for an award of his attorney fees and costs incurred herein, pursuant to O.S. 43 § 111.1 (C) 3., O.S. 43 § 110 (E) and O.S. 21 § 852.1

Respectfully submitted,



---

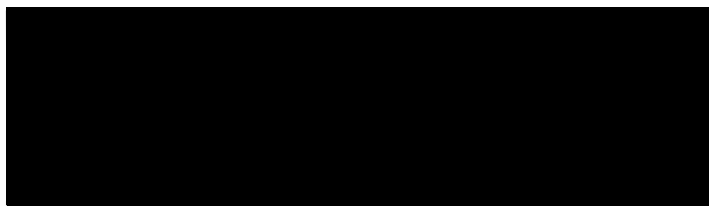
James C. Morton, OBA #13601  
1516 S. Boston, suite 316  
Tulsa, Oklahoma 74119  
Telephone: (918) 496-0328  
Facsimile: (918) 496-2383  
Attorney for the Petitioner

VERIFICATION

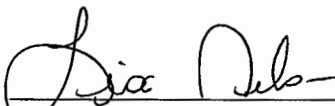
STATE OF OKLAHOMA            )  
  ) ss.  
TULSA COUNTY                    )

I, [REDACTED], of lawful age, being duly sworn on oath, state:

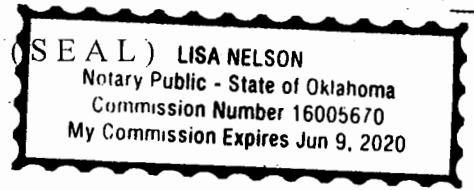
That he has read the above and foregoing document and knows the contents thereof, and that the matters and things therein stated are true and correct to the best of his knowledge, information and belief.



SUBSCRIBED AND SWORN to me before this 10 day of April, 2018.

  
\_\_\_\_\_  
Notary Public

#

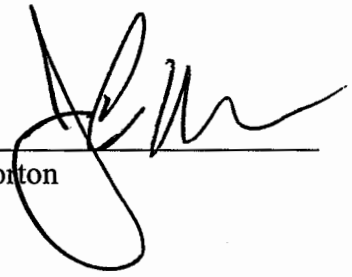


CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing Motion was mailed on this \_\_\_\_ day of \_\_\_\_\_, 2018 to:

Breeann Rice  
109 N. Broadway  
Coweta, OK 74429

DHS, Stephanie Baker  
4444 S. Houston  
Tulsa, OK 74127

  
\_\_\_\_\_  
James C. Morton