

SHORT TITLE: Divorce; providing exception for use of certain grounds; effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 799

By: Ford

AS INTRODUCED

An Act relating to divorce; amending 43 O.S. 1991, Section 101, which relates to grounds for divorce; limiting use of certain grounds; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 1991, Section 101, is amended to read as follows:

Section 101. The district court may grant a divorce for any of the following causes:

~~First.~~ 1. Abandonment for one (1) year-; i

~~Second.~~ 2. Adultery-; i

~~Third.~~ 3. Impotency-; i

~~Fourth.~~ 4. When the wife at the time of her marriage, was pregnant by another than her husband-; i

~~Fifth.~~ 5. Extreme cruelty-; i

~~Sixth.~~ 6. Fraudulent contract-; i

~~Seventh.~~ 7. Incompatibility-, except when there are minor children of the marriage;

~~Eighth.~~ 8. Habitual drunkenness-; i

~~Ninth.~~ 9. Gross neglect of duty-; i

~~Tenth.~~ 10. Imprisonment of the other party in a state or federal penal institution at the time the petition is filed under

sentence ~~thereto~~ for the commission of a felony ~~at the time the~~
~~petition is filed.~~;

~~Eleventh.~~ 11. The procurement of a final divorce decree without
this state by a husband or wife which does not in this state release
the other party from the obligations of the marriage; or

~~Twelfth.~~ 12. Insanity for a period of five (5) years, the
insane person having been an inmate of a state institution for the
insane in ~~the State of Oklahoma~~ this state, or inmate of a state
institution for the insane in some other state for ~~such period~~ five
(5) years, or of a private sanitarium, and affected with a type of
insanity with a poor prognosis for recovery; provided, that no
divorce shall be granted because of insanity until after a thorough
examination of ~~such~~ the insane person by three physicians, one of
~~which physicians~~ whom shall be a superintendent of the hospital or
sanitarium for the insane, in which the insane defendant is
confined, and the other two physicians to be appointed by the court
before whom the action is pending, any two of ~~such~~ the physicians
shall agree that ~~such~~ the insane person, at the time the petition in
the divorce action is filed, has a poor prognosis for recovery;
provided, further, however, that no divorce shall be granted on this
ground to any person whose husband or wife is an inmate of a state
institution in ~~any other than the State of Oklahoma~~ another state,
unless the person applying for such divorce shall have been a
resident of ~~the State of Oklahoma~~ this state for at least five (5)
years prior to the commencement of an action; and provided further,
that a decree granted on this ground shall not relieve the
successful party from contributing to the support and maintenance of
the defendant. The court shall appoint a guardian ad litem to
represent the insane defendant, which appointment shall be made at
least ten (10) days before any decree is entered.

SECTION 2. This act shall become effective November 1, 1998.

46-2-1826

KSM