

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1083

By: Wilt, Adkins, Balkman,
Ericson, Friskup, Nance,
O'Neal, Peters, Peterson,
Pope (Tim), Smaligo,
Steele, Tibbs, Wright and
Young of the House

and

Snyder and Rabon of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to marriage and family; amending 43 O.S. 1991, Section 103, as amended by Section 7, Chapter 310, O.S.L. 1998 (43 O.S. Supp. 2000, Section 103), which relates to venue of divorce; authorizing change of venue of divorce, annulment of marriage and separate maintenance, at any time after filing petition; requiring change of venue upon certain circumstance; and declaring an emergency.

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

SECTION 1. AMENDATORY 43 O.S. 1991, Section 103, as amended by Section 7, Chapter 310, O.S.L. 1998 (43 O.S. Supp. 2000, Section 103), is amended to read as follows:

Section 103. A. The venue of actions for divorce, annulment of marriages, and separate maintenance may be in the following counties:

1. An action for divorce or annulment of a marriage may be filed in the county in which the plaintiff has been a resident for the thirty (30) days immediately preceding the filing of the petition or in the county in which the defendant is a resident; provided, the action may be assigned for trial in any county within the judicial district by the chief judge of the district; and

2. An action for separate maintenance may be brought in the county in which either party is a resident at the time of the filing of the petition.

B. The court may, upon application of a party, transfer an action for divorce, annulment of marriage or separate maintenance at any time after filing of the petition to any county where venue would be proper under subsection A of this section if the requirements of subsection C or D of this section are met.

C. The court shall grant a party's application for change of venue when the other party is not a resident of this state at the time the application for change of venue is filed, or the plaintiff has departed from this state and has been absent for more than six (6) months preceding the date the application for change of venue is filed, and transfer is requested to the county where the applying party resides in this state.

D. The court shall grant a party's application for change of venue when the court determines that it is an inconvenient forum under the circumstances and the court in another county is a more appropriate forum consistent with the factors in subsection B of Section 551-207 of the Uniform Child Custody Jurisdiction and Enforcement Act after substitution of the word "county" for the word "state" in such section of the act, and transfer is requested to the county where the applying party resides in the state.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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