

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 28

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;;

~~Second.~~ 2. Adultery;;

~~Third.~~ 3. Impotency;;

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

~~Fifth.~~ 5. Extreme cruelty;;

~~Sixth.~~ 6. Fraudulent contract;;

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

~~Eighth.~~ 8. Habitual drunkenness;;

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

~~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, 2001.