

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2441

By: Wright

COMMITTEE SUBSTITUTE

An Act relating to marriage and family; amending 43 O.S. 2001, Section 107.1, as amended by Section 16, Chapter 445, O.S.L. 2002 (43 O.S. Supp. 2005, Section 107.1), which relates to divorce and alimony; extending the time period before the proper issuance of a certain order; adding a time component before an issuance of an order for divorce without minor children; deleting authorization for a waiver of certain time requirement; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2001, Section 107.1, as amended by Section 16, Chapter 445, O.S.L. 2002 (43 O.S. Supp. 2005, Section 107.1), is amended to read as follows:

Section 107.1 A. 1. In an action for divorce where there are minor children involved, the court shall not issue a final order thereon for at least ~~ninety (90)~~ one hundred eighty (180) days from the date of filing the petition ~~which ninety (90) days may be waived by the court for good cause shown and without objection by either party.~~ In all other divorces where there are no minor children involved, the court shall not issue a final order thereon for at least ninety (90) days from the date of filing the petition.

2. The court may require that within the ~~ninety-day~~ one-hundred-eighty-day period specified by paragraph 1 of this subsection, the parties attend and complete an educational program specified by Section 107.2 of this title.

B. This section shall not apply to divorces filed for any of the following causes:

1. Abandonment for one (1) year;

2. Extreme cruelty;

3. Habitual drunkenness;

4. Imprisonment of the other party in a state or federal penal institution under sentence thereto for the commission of a felony at the time the petition is filed;

5. The procurement of a final divorce decree outside this state by a husband or wife which does not in this state release the other party from the obligations of the marriage;

6. 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, or an inmate of a state institution for the insane in some other state for such period, or an inmate of a private sanitarium, and affected with a type of insanity with a poor prognosis for recovery;

7. Conviction of any crime defined by the Oklahoma Child Abuse Reporting and Prevention Act committed upon a child of either party to the divorce by either party to the divorce; or

8. A child of either party has been adjudicated deprived, pursuant to the Oklahoma Children's Code, as a result of the actions of either party to the divorce and the party has not successfully completed the service and treatment plan required by the court.

C. After a petition has been filed in an action for divorce where there are minor children involved, the court may make any such order concerning property, children, support and expenses of the suit as provided for in Section 110 of this title, to be enforced during the pendency of the action, as may be right and proper.

~~D. The court may issue a final order in an action for divorce where minor children are involved before the ninety day time period set forth in subsection A of this section has expired, if the parties voluntarily participate in marital or family counseling and the court finds reconciliation is unlikely.~~

SECTION 2. This act shall become effective November 1, 2006.

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