

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2225

By: Wright

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5  
6 AS INTRODUCED

7 An Act relating to marriage; amending 43 O.S. 2001,  
8 Section 107.1, as amended by Section 16, Chapter 445,  
9 O.S.L. 2002 (43 O.S. Supp. 2007, Section 107.1),  
10 which relates to time for final order for divorce;  
11 requiring ninety-day period between the date of  
12 filing the petition for divorce and the final order  
13 issued by the court for any action for divorce;  
14 providing for court order concerning property,  
15 children, support and expenses in any action for  
16 divorce; providing for exception to ninety-day period  
17 between filing the petition for divorce and the final  
18 order for any action for divorce; and providing an  
19 effective date.

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

21 SECTION 1. AMENDATORY 43 O.S. 2001, Section 107.1, as  
22 amended by Section 16, Chapter 445, O.S.L. 2002 (43 O.S. Supp. 2007,  
23 Section 107.1), is amended to read as follows:

24 Section 107.1 A. 1. In ~~an~~ any action for divorce ~~where there~~  
~~are 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 which ninety (90) days may be waived by the court for good  
cause shown and without objection by either party.

1           2. The court may require that within the ninety-day period  
2 specified by paragraph 1 of this subsection if there are minor  
3 children involved, the parties attend and complete an educational  
4 program specified by Section 107.2 of this title.

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

7           1. Abandonment for one (1) year;

8           2. Extreme cruelty;

9           3. Habitual drunkenness;

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

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

16          6. Insanity for a period of five (5) years, the insane person  
17 having been an inmate of a state institution for the insane in the  
18 State of Oklahoma, or an inmate of a state institution for the  
19 insane in some other state for such period, or an inmate of a  
20 private sanitarium, and affected with a type of insanity with a poor  
21 prognosis for recovery;

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

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

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

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

15 SECTION 2. This act shall become effective November 1, 2008.

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17 51-2-9350 MMP 12/31/07

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