

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2011

By: Laughlin

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5  
6 AS INTRODUCED

7 An Act relating to marriage and family; amending 43  
8 O.S. 2001, Section 101, which relates to grounds for  
9 divorce; updating obsolete language; and providing an  
10 effective date.

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 43 O.S. 2001, Section 101, is  
14 amended to read as follows:

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

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

18 ~~Second.~~ 2. Adultery-;

19 ~~Third.~~ 3. Impotency-;

20 ~~Fourth.—When~~ 4. Pregnancy of the wife at the time of ~~her~~  
21 ~~marriage, was pregnant by another~~ a person other than her husband-;

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

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

24 ~~Seventh.~~ 7. Incompatibility-;

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

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

3 ~~Tenth.~~ 10. Imprisonment of the other party in a state or  
4 federal penal institution under sentence thereto for the commission  
5 of a felony at the time the petition is filed-;

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

9 ~~Twelfth.~~ Insanity 12. Mental illness for a period of five (5)  
10 years, the ~~insane~~ mentally ill person having been ~~an inmate of a~~  
11 ~~state institution for the insane in the State of Oklahoma, or inmate~~  
12 ~~of a state institution for the insane in some other state for such~~  
13 ~~period, or of a private sanitarium~~ received inpatient treatment or  
14 care in a facility within or certified by the Department of Mental  
15 Health and Substance Abuse, a state psychiatric hospital of this or  
16 another state, or a licensed private institution for such period,  
17 and affected with a type of ~~insanity~~ mental illness with a poor  
18 prognosis for recovery; provided, that no divorce shall be granted  
19 because of ~~insanity~~ mental illness until after a thorough  
20 examination of such ~~insane~~ mentally ill person by three physicians,  
21 one of which physicians shall be ~~a superintendent of the hospital or~~  
22 ~~sanitarium for the insane~~ the executive director or equivalent of  
23 the facility, in which the ~~insane~~ mentally ill defendant is  
24 confined, and the other two physicians to be appointed by the court

1 before whom the action is pending, any two of such physicians shall  
2 agree that such ~~insane~~ mentally ill person, at the time the petition  
3 in the divorce action is filed, has a poor prognosis for recovery;  
4 provided, further, however, that no divorce shall be granted on this  
5 ground to any person whose husband or wife is ~~an inmate of a state~~  
6 institution receiving inpatient treatment or care in a state  
7 operated or certified facility in any other than the State of  
8 Oklahoma, unless the person applying for such divorce shall have  
9 been a resident of the State of Oklahoma for at least five (5) years  
10 prior to the commencement of an action; and provided further, that a  
11 decree granted on this ground shall not relieve the successful party  
12 from contributing to the support and maintenance of the defendant.  
13 The court shall appoint a guardian ad litem to represent the ~~insane~~  
14 mentally ill defendant, which appointment shall be made at least ten  
15 (10) days before any decree is entered.

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

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