

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1749

6 By: Nelson

7 COMMITTEE SUBSTITUTE

8 An Act relating to marriage and family; amending 43  
9 O.S. 2001, Sections 101 and 107.2, which relate to  
10 divorce requirements and procedure; modifying  
11 requirements for divorces based on incompatibility;  
12 requiring certain educational program in certain  
13 divorces; and providing an effective date.

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

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

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

19 First. Abandonment for one (1) year.

20 Second. Adultery.

21 Third. Impotency.

22 Fourth. When the wife at the time of her marriage, was pregnant  
23 by another than her husband.

24 Fifth. Extreme cruelty.

1 Sixth. Fraudulent contract.

2 Seventh. Incompatibility. Provided, however, if there is a  
3 minor child or children of the marriage both parties shall be  
4 required to attend an educational program concerning the impact of  
5 divorce on children as provided in Section 107.2 of this title.

6 Eighth. Habitual drunkenness.

7 Ninth. Gross neglect of duty.

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

11 Eleventh. The procurement of a final divorce decree without  
12 this state by a husband or wife which does not in this state release  
13 the other party from the obligations of the marriage.

14 Twelfth. Insanity for a period of five (5) years, the insane  
15 person having been an inmate of a state institution for the insane  
16 in the State of Oklahoma, or inmate of a state institution for the  
17 insane in some other state for such period, or of a private  
18 sanitarium, and affected with a type of insanity with a poor  
19 prognosis for recovery; provided, that no divorce shall be granted  
20 because of insanity until after a thorough examination of such  
21 insane person by three physicians, one of which physicians shall be  
22 a superintendent of the hospital or sanitarium for the insane, in  
23 which the insane defendant is confined, and the other two physicians  
24 to be appointed by the court before whom the action is pending, any

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

14 SECTION 2. AMENDATORY 43 O.S. 2001, Section 107.2, is  
15 amended to read as follows:

16 Section 107.2 A. In all actions for divorce, separate  
17 maintenance, guardianship, paternity, custody or visitation,  
18 including modifications or enforcements of a prior court order,  
19 where the interest of a child under eighteen (18) years of age is  
20 involved, the court may require all adult parties to attend an  
21 educational program concerning, as appropriate, the impact of  
22 separate parenting and coparenting on children, the implications for  
23 visitation and conflict management, development of children,  
24 separate financial responsibility for children and such other

1 instruction as deemed necessary by the court. The program shall be  
2 educational in nature and not designed for individual therapy.

3 B. In actions for divorce based upon incompatibility, if there  
4 is a minor child of the marriage, the parties shall attend a program  
5 designed to educate the parties concerning the impact of divorce  
6 upon children. If a private program designed to educate the parties  
7 concerning the impact of divorce is available, the court may order  
8 attendance to that program. If no program is available then each  
9 judicial district shall recruit and present several volunteers who  
10 can speak to the parties of the consequences that divorce has on the  
11 well-being and development of children. Adults who were minors at  
12 the time their parents divorced shall be included with the several  
13 volunteers. Each judicial district shall offer the program  
14 frequently enough to ensure that each party shall have an  
15 opportunity to attend the program within a reasonable amount of  
16 time.

17 C. Each judicial district may adopt its own local rules  
18 governing the ~~program~~ programs.

19 SECTION 3. This act shall become effective November 1, 2011.

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21 53-1-7084 CJB 03/03/11  
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