

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1749

By: Nelson

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5
6 AS INTRODUCED

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

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

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

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

18 First. Abandonment for one (1) year.

19 Second. Adultery.

20 Third. Impotency.

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

23 Fifth. Extreme cruelty.

24 Sixth. Fraudulent contract.

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

5 Eighth. Habitual drunkenness.

6 Ninth. Gross neglect of duty.

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

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

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

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

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

15 Section 107.2 A. In all actions for divorce, separate
16 maintenance, guardianship, paternity, custody or visitation,
17 including modifications or enforcements of a prior court order,
18 where the interest of a child under eighteen (18) years of age is
19 involved, the court may require all adult parties to attend an
20 educational program concerning, as appropriate, the impact of
21 separate parenting and coparenting on children, the implications for
22 visitation and conflict management, development of children,
23 separate financial responsibility for children and such other
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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. Each judicial district shall recruit and present
7 several volunteers who can speak to the parties of the consequences
8 that divorce has on the well-being and development of children.
9 Each judicial district shall offer the program frequently enough to
10 ensure that each party shall have an opportunity to attend the
11 program within a reasonable amount of time.

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

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

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16 53-1-6268 SDR 01/19/11
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