

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2249

By: Nelson and Nollan of the
House

and

Standridge of the Senate

8 An Act relating to marriage and family; amending 43
9 O.S. 2011, Sections 101 and 107.2, which relate to
10 divorce requirements and procedure; modifying
11 requirements for divorces based on incompatibility;
12 requiring educational program in certain divorces;
13 providing for alternative if program is not
14 available; specifying frequency of program; requiring
15 report of certain data; and providing an effective
16 date.

14 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
15 entire bill and insert

16 "[marriage and family - divorce requirements and
17 procedure - incompatibility - report - effective
18 date]

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

20 SECTION 1. AMENDATORY 43 O.S. 2011, Section 101, is
21 amended to read as follows:

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

24 First. Abandonment for one (1) year.

1 Second. Adultery.

2 Third. Impotency.

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

5 Fifth. Extreme cruelty.

6 Sixth. Fraudulent contract.

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

11 Eighth. Habitual drunkenness.

12 Ninth. Gross neglect of duty.

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

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

19 Twelfth. Insanity for a period of five (5) years, the insane
20 person having been an inmate of a state institution for the insane
21 in the State of Oklahoma, or inmate of a state institution for the
22 insane in some other state for such period, or of a private
23 sanitarium, and affected with a type of insanity with a poor
24 prognosis for recovery; provided, that no divorce shall be granted

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

19 SECTION 2. AMENDATORY 43 O.S. 2011, Section 107.2, is
20 amended to read as follows:

21 Section 107.2 A. ~~In~~ Except as provided in subsection B of this
22 section, all actions for divorce, separate maintenance,
23 guardianship, paternity, custody or visitation, including
24 modifications or enforcements of a prior court order, where the

1 interest of a child under eighteen (18) years of age is involved,
2 the court may require all adult parties to attend an educational
3 program concerning, as appropriate, the impact of separate parenting
4 and coparenting on children, the implications for visitation and
5 conflict management, development of children, separate financial
6 responsibility for children and such other instruction as deemed
7 necessary by the court. The program shall be educational in nature
8 and not designed for individual therapy.

9 B. In actions for divorce based upon incompatibility, if there
10 is a minor child of the marriage, the parties shall attend a program
11 designed to educate the parties concerning the negative effects of
12 divorce upon children. The program shall also include a component
13 relating to reconciliation. The parties may elect to participate in
14 either a program created or approved by the Oklahoma Marriage
15 Initiative, if available, or a program developed by the local
16 judicial district. If no such program is available, each judicial
17 district shall recruit and present several volunteers, including
18 adults who were minors at the time their parents divorced, who can
19 speak to the parties of the negative consequences that divorce has
20 on the well-being and development of children. Each judicial
21 district shall offer the program frequently enough to ensure that
22 each party shall have an opportunity to attend the program within a
23 reasonable amount of time, or the program should be made available
24 for each party to complete online. A final order for divorce shall

1 not be granted until the petitioner completes a program as required
2 by this subsection.

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

5 D. The Oklahoma Marriage Initiative shall report the number of
6 actions for divorce that were dismissed after participating in the
7 program, the number of programs that were completed and the number
8 of program participants for each fiscal year. The report shall
9 include data collected from each judicial district offering a
10 program designed by the district, as well as programs administered
11 by the Oklahoma Marriage Initiative. The report shall be published
12 on the Oklahoma Marriage Initiative website and distributed to the
13 Governor, Speaker of the House of Representatives, Minority Leader
14 of the House of Representatives, President Pro Tempore of the Senate
15 and Minority Leader of the Senate."

16 SECTION 3. This act shall become effective November 1, 2014.

17 and when the title is restored, amend the title to
18 conform

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