

05/19/2014 03:54:14 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2249

By: Nelson of the House and Standridge of the Senate

Title: Marriage and family; modifying requirements for divorces based on incompatibility; program; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB2249 CCR (A)
HOUSE CONFEREES

Hulbert, Arthur

Kern, Sally



McDaniel, Jeannie

McNiel, Skye



Nelson, Jason



Newell, Tom



Nollan, Jadine



Ownbey, Pat

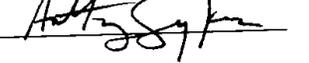
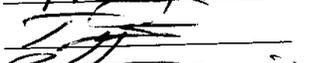
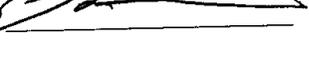


Pittman, Anastasia

Sherrer, Ben

HB2249 CCR A

SENATE CONFEREES

Standridge	
Sykes	
Brecheen	
Simpson	
Ivester	
Garrison	

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2249

By: Nelson and Nollan of the
House

7 and

8 Standridge of the Senate

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to marriage and family; amending 43
12 O.S. 2011, Sections 101 and 107.2, which relate to
13 divorce requirements and procedure; modifying
14 requirements for divorces based on incompatibility;
15 requiring attendance of educational program in
16 certain divorces; describing contents of program;
17 setting minimum and maximum cost for program;
18 requiring certificate of completion; directing filing
19 of certificate; mandating provider carry insurance
20 and maintain records; requiring completion in certain
21 time frame; providing waiver for good cause;
22 providing for report of certain data; describing
23 contents of report; directing publication and
24 distribution of report; and providing an effective
date.

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

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

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

3 First. Abandonment for one (1) year.

4 Second. Adultery.

5 Third. Impotency.

6 Fourth. When the wife at the time of her marriage⁷ was pregnant
7 by another than her husband.

8 Fifth. Extreme cruelty.

9 Sixth. Fraudulent contract.

10 Seventh. Incompatibility. Provided, however, where the
11 interest of a child under eighteen (18) years of age is involved,
12 the adult parties shall attend an educational program concerning the
13 impact of divorce on children as provided in subsection B of Section
14 107.2 of this title.

15 Eighth. Habitual drunkenness.

16 Ninth. Gross neglect of duty.

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

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

23 Twelfth. Insanity for a period of five (5) years, the insane
24 person having been an inmate of a state institution for the insane

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

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

1 Section 107.2 A. ~~In~~ Except as provided in subsection B of this
2 section, in all actions for divorce, separate maintenance,
3 guardianship, paternity, custody or visitation, including
4 modifications or enforcements of a prior court order, where the
5 interest of a child under eighteen (18) years of age is involved,
6 the court may require all adult parties to attend an educational
7 program concerning, as appropriate, the impact of separate parenting
8 and coparenting on children, the implications for visitation and
9 conflict management, development of children, separate financial
10 responsibility for children and such other instruction as deemed
11 necessary by the court. The program shall be educational in nature
12 and not designed for individual therapy.

13 B. In actions for divorce based upon incompatibility filed on
14 or after November 1, 2014, where the interest of a child under
15 eighteen (18) years of age is involved, the adult parties shall
16 attend, either separately or together, an educational program
17 concerning the impact of divorce on children. The program shall
18 include the following components:

19 1. Short-term and longitudinal effects of divorce on child
20 well-being;

21 2. Reconciliation as an optional outcome;

22 3. Effects of family violence;

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1 4. Potential child behaviors and emotional states during and
2 after divorce including information on how to respond to the child's
3 needs;

4 5. Communication strategies to reduce conflict and facilitate
5 cooperative coparenting; and

6 6. Area resources, including but not limited to nonprofit
7 organizations or religious entities available to address issues of
8 substance abuse or other addictions, family violence, behavioral
9 health, individual and couples counseling, and financial planning.

10 Program attendees shall be required to pay a fee of not less
11 than Fifteen Dollars (\$15.00) and not more than Sixty Dollars
12 (\$60.00) to the program provider to offset the costs of the program.

13 A certificate of completion shall be issued upon satisfying the
14 attendance and fee requirements of the program, and the certificate
15 of completion shall be filed with the court. The program provider
16 shall carry general liability insurance and maintain an accurate
17 accounting of all business transactions and funds received in
18 relation to the program. The program shall be completed prior to
19 the temporary order or within forty-five (45) days of receiving a
20 temporary order. However, and in all events, a final disposition of
21 child custody shall not be granted until the parties complete the
22 program required by this subsection. The court may waive attendance
23 of the program for good cause shown.

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

3 D. The Administrative Office of the Courts may enter into a
4 memorandum of understanding with a state entity or other
5 organization in order to compile data including but not limited to
6 the number of actions for divorce that were dismissed after
7 participating in the program, the number of programs that were
8 completed and the number of program participants for each fiscal
9 year. The report shall include data collected from each judicial
10 district. The report shall be published on the Administrative
11 Office of the Courts website and distributed to the Governor,
12 Speaker of the House of Representatives, Minority Leader of the
13 House of Representatives, President Pro Tempore of the Senate and
14 Minority Leader of the Senate.

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

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17 54-2-11030 EK 05/15/14

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