

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2249

By: Nelson

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8 COMMITTEE SUBSTITUTE

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

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

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

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

21 First. Abandonment for one (1) year.

22 Second. Adultery.

23 Third. Impotency.

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

3 Fifth. Extreme cruelty.

4 Sixth. Fraudulent contract.

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

9 Eighth. Habitual drunkenness.

10 Ninth. Gross neglect of duty.

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

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

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

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

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

19 Section 107.2 A. In all actions for divorce, separate
20 maintenance, guardianship, paternity, custody or visitation,
21 including modifications or enforcements of a prior court order,
22 where the interest of a child under eighteen (18) years of age is
23 involved, the court may require all adult parties to attend an
24 educational program concerning, as appropriate, the impact of

1 separate parenting and coparenting on children, the implications for
2 visitation and conflict management, development of children,
3 separate financial responsibility for children and such other
4 instruction as deemed necessary by the court. The program shall be
5 educational in nature and not designed for individual therapy.

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

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

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

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