

An Act

ENROLLED HOUSE
BILL NO. 2249

By: Nelson, Nollan and
McCullough of the House

and

Standridge of the Senate

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

SUBJECT: Divorce

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:

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

First. Abandonment for one (1) year.

Second. Adultery.

Third. Impotency.

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

Fifth. Extreme cruelty.

Sixth. Fraudulent contract.

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

Eighth. Habitual drunkenness.

Ninth. Gross neglect of duty.

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

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

Twelfth. Insanity for a period of five (5) years, the insane person having been an inmate of a state institution for the insane in the State of Oklahoma, or inmate of a state institution for the insane in some other state for such period, or of a private sanitarium, and affected with a type of insanity with a poor prognosis for recovery; provided, that no divorce shall be granted because of insanity until after a thorough examination of such insane person by three physicians, one of ~~which physicians~~ whom shall be a superintendent of the hospital or sanitarium for the insane~~7~~ in which the insane defendant is confined, and the other two ~~physicians~~ to be appointed by the court before whom the action is pending, and any two of such physicians shall agree that such insane person, at the time the petition in the divorce action is filed, has a poor prognosis for recovery; provided, further, however, that no divorce shall be granted on this ground to any person whose husband or wife is an inmate of a state institution in any other than the State of Oklahoma, unless the person applying for such divorce shall

have been a resident of the State of Oklahoma for at least five (5) years prior to the commencement of an action; and provided further, that a decree granted on this ground shall not relieve the successful party from contributing to the support and maintenance of the defendant. The court shall appoint a guardian ad litem to represent the insane defendant, which appointment shall be made at least ten (10) days before any decree is entered.

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

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

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

1. Short-term and longitudinal effects of divorce on child well-being;
2. Reconciliation as an optional outcome;
3. Effects of family violence;
4. Potential child behaviors and emotional states during and after divorce including information on how to respond to the child's needs;
5. Communication strategies to reduce conflict and facilitate cooperative coparenting; and

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

Program attendees shall be required to pay a fee of not less than Fifteen Dollars (\$15.00) and not more than Sixty Dollars (\$60.00) to the program provider to offset the costs of the program. A certificate of completion shall be issued upon satisfying the attendance and fee requirements of the program, and the certificate of completion shall be filed with the court. The program provider shall carry general liability insurance and maintain an accurate accounting of all business transactions and funds received in relation to the program. The program shall be completed prior to the temporary order or within forty-five (45) days of receiving a temporary order. However, and in all events, a final disposition of child custody shall not be granted until the parties complete the program required by this subsection. The court may waive attendance of the program for good cause shown.

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

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

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

Passed the House of Representatives the 22nd day of May, 2014.

Presiding Officer of the House
of Representatives

Passed the Senate the 23rd day of May, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____