

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

## FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 2249, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

\_\_\_\_\_  
Senator Standridge

Standridge-TEK-FS-Req#3592  
4/3/2014 12:09 PM

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 2249

By: Nelson and Nollan of the  
House

6 and

7 Standridge of the Senate

8  
9 FLOOR SUBSTITUTE

10 [marriage and family - divorce requirements and  
11 procedure - incompatibility - report - effective  
12 date]

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

14 SECTION 1. AMENDATORY 43 O.S. 2011, 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. 2011, Section 107.2, is  
14 amended to read as follows:

15 Section 107.2 A. ~~In~~ Except as provided in subsection B of this  
16 section, all actions for divorce, separate maintenance,  
17 guardianship, paternity, custody or visitation, including  
18 modifications or enforcements of a prior court order, where the  
19 interest of a child under eighteen (18) years of age is involved,  
20 the court may require all adult parties to attend an educational  
21 program concerning, as appropriate, the impact of separate parenting  
22 and coparenting on children, the implications for visitation and  
23 conflict management, development of children, separate financial  
24 responsibility for children and such other instruction as deemed

1 necessary by the court. The program shall be educational in nature  
2 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 negative effects of  
6 divorce upon children. The program shall also include a component  
7 relating to reconciliation. The parties may elect to participate in  
8 either a program created or approved by the Oklahoma Marriage  
9 Initiative, if available, or a program developed by the local  
10 judicial district. If no such program is available, each judicial  
11 district shall recruit and present several volunteers, including  
12 adults who were minors at the time their parents divorced, who can  
13 speak to the parties of the negative consequences that divorce has  
14 on the well-being and development of children. Each judicial  
15 district shall offer the program frequently enough to ensure that  
16 each party shall have an opportunity to attend the program within a  
17 reasonable amount of time, or the program should be made available  
18 for each party to complete online. A final order for divorce shall  
19 not be granted until the petitioner completes a program as required  
20 by this subsection.

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

23 D. The Oklahoma Marriage Initiative shall report the number of  
24 actions for divorce that were dismissed after participating in the

1 program, the number of programs that were completed and the number  
2 of program participants for each fiscal year. The report shall  
3 include data collected from each judicial district offering a  
4 program designed by the district, as well as programs administered  
5 by the Oklahoma Marriage Initiative. The report shall be published  
6 on the Oklahoma Marriage Initiative website and distributed to the  
7 Governor, Speaker of the House of Representatives, Minority Leader  
8 of the House of Representatives, President Pro Tempore of the Senate  
9 and Minority Leader of the Senate.

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

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12 54-2-3592            TEK            4/3/2014 12:09:12 PM

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