

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 460

By: Floyd of the Senate

3 and

4 Nelson of the House

5
6
7 [domestic violence - requiring certain waiver under
8 certain circumstances - effective date]
9

10 AUTHOR: Add the following House Coauthor: Sherrer

11 AUTHOR: Add the following Senate Coauthor: Pittman

12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
13 entire bill and insert

14 "An Act relating to domestic violence; amending 43
15 O.S. 2011, Sections 107.2, as amended by Section 2,
16 Chapter 428, O.S.L. 2014, and 120.7 (43 O.S. Supp.
17 2014, Section 107.2), which relate to court-ordered
18 educational program and court experts; authorizing
19 certain waiver under certain circumstances;
20 requiring certain training; and providing an
21 effective date.

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

23 SECTION 1. AMENDATORY 43 O.S. 2011, Section 107.2, as
24 amended by Section 2, Chapter 428, O.S.L. 2014 (43 O.S. Supp. 2014,
Section 107.2), is amended to read as follows:

1 Section 107.2 A. 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;
- 23
24

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 Nothing in this subsection shall be interpreted to prevent a program
14 provider from waiving the fee or reducing the fee as the provider
15 deems appropriate. A certificate of completion shall be issued upon
16 satisfying the attendance and fee requirements of the program, and
17 the certificate of completion shall be filed with the court. The
18 program provider shall carry general liability insurance and
19 maintain an accurate accounting of all business transactions and
20 funds received in relation to the program. The program shall be
21 completed prior to the temporary order or within forty-five (45)
22 days of receiving a temporary order. However, and in all events, a
23 final disposition of child custody shall not be granted until the
24 parties complete the program required by this subsection. The court

1 may waive attendance of the program for good cause shown which shall
2 include, but not be limited to, where domestic violence, stalking or
3 harassment as defined by paragraph 2 of subsection I of Section 109
4 of this title occurred during the marriage.

5 C. Each judicial district may adopt its own local rules
6 governing the programs.

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

19 SECTION 2. AMENDATORY 43 O.S. 2011, Section 120.7, is
20 amended to read as follows:

21 Section 120.7 A. As used in this section, "court expert" means
22 a parenting coordinator, guardian ad litem, custody evaluator or any
23 other person appointed by the court in a custody or visitation
24 proceeding involving children.

1 B. Before the court appoints an individual as a court expert,
2 the following disclosures shall be made by the candidate to the
3 parties:

4 1. A disclosure of any prior relationships with any party,
5 attorney or judge in the pending action;

6 2. A complete resume disclosing all personal and professional
7 qualifications to serve as a court expert;

8 3. Any suspensions from practice, reprimands, or other formal
9 punishments resulting from an adjudication of complaints filed
10 against the person with the professional licensing board or other
11 organization authorized to receive complaints regarding the
12 performance of the individual in question; and

13 4. Any criminal convictions within the past ten (10) years and
14 inclusion on any sexual offender list.

15 C. A party may file an objection to the appointment of a
16 proposed court expert within fifteen (15) days after the receipt of
17 the disclosures required by subsection B of this section. Upon
18 filing an objection to the proposed court expert, the court shall
19 set the matter for hearing. If requested, the party objecting to
20 the appointment of the proposed court expert shall be entitled to
21 discovery related to the qualifications and appropriateness of the
22 proposed court expert prior to hearing.

23 D. In any case involving domestic violence, stalking or
24 harassment as defined by paragraph 2 of subsection I of Section 109

1 of this title, the court expert shall have completed sixteen (16)
2 hours of domestic violence training that includes, but is not
3 limited to, information regarding the danger and lethality of
4 domestic violence, the causes and dynamics of domestic violence, the
5 impact of domestic violence upon victims and children, and the
6 characteristics of a batterer as a parent.

7 SECTION 3. This act shall become effective November 1, 2015."

8 Passed the House of Representatives the 21st day of April, 2015.

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12 Presiding Officer of the House of
Representatives

13 Passed the Senate the ____ day of _____, 2015.

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17 Presiding Officer of the Senate