STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 460

By: Floyd and Pittman of the Senate

and

Nelson and Sherrer of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to domestic violence; amending 43 O.S. 2011, Sections 107.2, as amended by Section 2, Chapter 428, O.S.L. 2014, and 120.7 (43 O.S. Supp. 2014, Section 107.2), which relate to court-ordered educational program and court experts; decreasing certain minimum fee; authorizing waiver of certain program fee under specified circumstances; allowing certain payment by third party; authorizing waiver of program attendance under certain circumstances; requiring certain training; and providing an effective date.

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

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

Section 107.2 A. 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)~~ Ten Dollars ($10.00) and not more than Sixty Dollars ($60.00) to the program provider to offset the costs of the program. The fee may be waived by the court if an attendee uses a qualified program that is provided free of charge. Nothing in this paragraph shall prohibit a third party from paying the fee to the program provider for an attendee. 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 which shall include, but not be limited to,

where domestic violence, stalking or harassment as defined by paragraph 2 of subsection I of Section 109 of this title occurred during the marriage.

C. Each judicial district may adopt its own local rules governing the 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 2. AMENDATORY 43 O.S. 2011, Section 120.7, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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