

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 460

By: Floyd

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6 AS INTRODUCED

7 An Act relating to domestic violence; amending 43
8 O.S. 2011, Sections 107.2, as amended by Section 2,
9 Chapter 428, O.S.L. 2014, and 120.7 (43 O.S. Supp.
10 2014, Section 107.2), which relate to court-ordered
11 educational program and court experts; requiring
12 certain waiver under certain circumstances; requiring
13 certain training; and providing an effective date.

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

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

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

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

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

11 1. Short-term and longitudinal effects of divorce on child
12 well-being;

13 2. Reconciliation as an optional outcome;

14 3. Effects of family violence;

15 4. Potential child behaviors and emotional states during and
16 after divorce including information on how to respond to the child's
17 needs;

18 5. Communication strategies to reduce conflict and facilitate
19 cooperative coparenting; and

20 6. Area resources, including but not limited to nonprofit
21 organizations or religious entities available to address issues of
22 substance abuse or other addictions, family violence, behavioral
23 health, individual and couples counseling, and financial planning.
24

1 Program attendees shall be required to pay a fee of not less
2 than Fifteen Dollars (\$15.00) and not more than Sixty Dollars
3 (\$60.00) to the program provider to offset the costs of the program.
4 A certificate of completion shall be issued upon satisfying the
5 attendance and fee requirements of the program, and the certificate
6 of completion shall be filed with the court. The program provider
7 shall carry general liability insurance and maintain an accurate
8 accounting of all business transactions and funds received in
9 relation to the program. The program shall be completed prior to
10 the temporary order or within forty-five (45) days of receiving a
11 temporary order. However, and in all events, a final disposition of
12 child custody shall not be granted until the parties complete the
13 program required by this subsection. The court ~~may~~ shall waive
14 attendance of the program for good cause shown which shall include,
15 but not be limited to, when it is not in the best interest of the
16 child or where domestic violence, stalking or harassment as defined
17 by paragraph 2 of subsection I of Section 109 of this title occurred
18 during the marriage.

19 C. Each judicial district may adopt its own local rules
20 governing the programs.

21 D. The Administrative Office of the Courts may enter into a
22 memorandum of understanding with a state entity or other
23 organization in order to compile data including but not limited to
24 the number of actions for divorce that were dismissed after

1 participating in the program, the number of programs that were
2 completed and the number of program participants for each fiscal
3 year. The report shall include data collected from each judicial
4 district. The report shall be published on the Administrative
5 Office of the Courts website and distributed to the Governor,
6 Speaker of the House of Representatives, Minority Leader of the
7 House of Representatives, President Pro Tempore of the Senate and
8 Minority Leader of the Senate.

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

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

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

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

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

22 3. Any suspensions from practice, reprimands, or other formal
23 punishments resulting from an adjudication of complaints filed
24 against the person with the professional licensing board or other

1 organization authorized to receive complaints regarding the
2 performance of the individual in question; and

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

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

13 D. In any case involving domestic violence, stalking or
14 harassment as defined by paragraph 2 of subsection I of Section 109
15 of this title, the court expert shall have completed sixteen (16)
16 hours of domestic violence training that includes, but is not
17 limited to, information regarding the danger and lethality of
18 domestic violence, the causes and dynamics of domestic violence, the
19 impact of domestic violence upon victims and children, and the
20 characteristics of a batterer as a parent.

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

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