

1 **SENATE FLOOR VERSION**

2 February 10, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 460

5 By: Floyd

6 **[domestic violence - requiring certain waiver under**
7 **certain circumstances - effective date]**

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

7 1. Short-term and longitudinal effects of divorce on child
8 well-being;

9 2. Reconciliation as an optional outcome;

10 3. Effects of family violence;

11 4. Potential child behaviors and emotional states during and
12 after divorce including information on how to respond to the child's
13 needs;

14 5. Communication strategies to reduce conflict and facilitate
15 cooperative coparenting; and

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

20 Program attendees shall be required to pay a fee of not less
21 than Fifteen Dollars (\$15.00) and not more than Sixty Dollars
22 (\$60.00) to the program provider to offset the costs of the program.
23 A certificate of completion shall be issued upon satisfying the
24 attendance and fee requirements of the program, and the certificate

1 of completion shall be filed with the court. The program provider
2 shall carry general liability insurance and maintain an accurate
3 accounting of all business transactions and funds received in
4 relation to the program. The program shall be completed prior to
5 the temporary order or within forty-five (45) days of receiving a
6 temporary order. However, and in all events, a final disposition of
7 child custody shall not be granted until the parties complete the
8 program required by this subsection. The court ~~may~~ shall waive
9 attendance of the program for good cause shown which shall include,
10 but not be limited to, when it is not in the best interest of the
11 child or where domestic violence, stalking or harassment as defined
12 by paragraph 2 of subsection I of Section 109 of this title occurred
13 during the marriage.

14 C. Each judicial district may adopt its own local rules
15 governing the programs.

16 D. The Administrative Office of the Courts may enter into a
17 memorandum of understanding with a state entity or other
18 organization in order to compile data including but not limited to
19 the number of actions for divorce that were dismissed after
20 participating in the program, the number of programs that were
21 completed and the number of program participants for each fiscal
22 year. The report shall include data collected from each judicial
23 district. The report shall be published on the Administrative
24 Office of the Courts website and distributed to the Governor,

1 Speaker of the House of Representatives, Minority Leader of the
2 House of Representatives, President Pro Tempore of the Senate and
3 Minority Leader of the Senate.

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

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

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

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

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

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

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

24

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
19 February 10, 2015 - DO PASS AS AMENDED
20
21
22
23
24