

1 ENGROSSED SENATE  
2 BILL NO. 460

3 By: Floyd of the Senate

4 and

5 Nelson of the House

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 may 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 unless such fee is waived by the court. A certificate of completion  
24 shall be issued upon satisfying the attendance and fee requirements

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

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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.  
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1                   Passed the Senate the 3rd day of March, 2015.  
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5                   Presiding Officer of the Senate  
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9                   Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
10                   2015.  
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Presiding Officer of the House  
of Representatives