

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 460

By: Floyd and Pittman of the
Senate

and

Nelson of the House

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10 COMMITTEE SUBSTITUTE

11 [domestic violence - requiring certain waiver under
12 certain circumstances - effective date]

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

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

20 Section 107.2 A. Except as provided in subsection B of this
21 section, in all actions for divorce, separate maintenance,
22 guardianship, paternity, custody or visitation, including
23 modifications or enforcements of a prior court order, where the
24 interest of a child under eighteen (18) years of age is involved,

1 the court may require all adult parties to attend an educational
2 program concerning, as appropriate, the impact of separate parenting
3 and coparenting on children, the implications for visitation and
4 conflict management, development of children, separate financial
5 responsibility for children and such other instruction as deemed
6 necessary by the court. The program shall be educational in nature
7 and not designed for individual therapy.

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

14 1. Short-term and longitudinal effects of divorce on child
15 well-being;

16 2. Reconciliation as an optional outcome;

17 3. Effects of family violence;

18 4. Potential child behaviors and emotional states during and
19 after divorce including information on how to respond to the child's
20 needs;

21 5. Communication strategies to reduce conflict and facilitate
22 cooperative coparenting; and

23 6. Area resources, including but not limited to nonprofit
24 organizations or religious entities available to address issues of

1 substance abuse or other addictions, family violence, behavioral
2 health, individual and couples counseling, and financial planning.

3 Program attendees shall be required to pay a fee of not less
4 than Fifteen Dollars (\$15.00) and not more than Sixty Dollars
5 (\$60.00) to the program provider to offset the costs of the program.
6 Nothing in this subsection shall be interpreted to prevent a program
7 provider from waiving the fee or reducing the fee as the provider
8 deems appropriate. A certificate of completion shall be issued upon
9 satisfying the attendance and fee requirements of the program, and
10 the certificate of completion shall be filed with the court. The
11 program provider shall carry general liability insurance and
12 maintain an accurate accounting of all business transactions and
13 funds received in relation to the program. The program shall be
14 completed prior to the temporary order or within forty-five (45)
15 days of receiving a temporary order. However, and in all events, a
16 final disposition of child custody shall not be granted until the
17 parties complete the program required by this subsection. The court
18 may waive attendance of the program for good cause shown which shall
19 include, but not be limited to, where domestic violence, stalking or
20 harassment as defined by paragraph 2 of subsection I of Section 109
21 of this title occurred during the marriage.

22 C. Each judicial district may adopt its own local rules
23 governing the programs.

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

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

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

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

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

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

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

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

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

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

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

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5 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
6 dated 04/01/2015 - DO PASS, As Amended and Coauthored.
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