

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL 460

By: Floyd and Pittman of the  
Senate

6 and

7 Nelson and Sherrer of the  
8 House

9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to domestic violence; amending 43  
12 O.S. 2011, Sections 107.2, as amended by Section 2,  
13 Chapter 428, O.S.L. 2014, and 120.7 (43 O.S. Supp.  
14 2014, Section 107.2), which relate to court-ordered  
15 educational program and court experts; decreasing  
16 certain minimum fee; authorizing waiver of certain  
17 program fee under specified circumstances; allowing  
18 certain payment by third party; authorizing waiver of  
19 program attendance under certain circumstances;  
20 requiring certain training; and providing an  
21 effective date.

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

23 SECTION 1. AMENDATORY 43 O.S. 2011, Section 107.2, as  
24 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,

1 guardianship, paternity, custody or visitation, including  
2 modifications or enforcements of a prior court order, where the  
3 interest of a child under eighteen (18) years of age is involved,  
4 the court may require all adult parties to attend an educational  
5 program concerning, as appropriate, the impact of separate parenting  
6 and coparenting on children, the implications for visitation and  
7 conflict management, development of children, separate financial  
8 responsibility for children and such other instruction as deemed  
9 necessary by the court. The program shall be educational in nature  
10 and not designed for individual therapy.

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

- 17 1. Short-term and longitudinal effects of divorce on child  
18 well-being;
- 19 2. Reconciliation as an optional outcome;
- 20 3. Effects of family violence;
- 21 4. Potential child behaviors and emotional states during and  
22 after divorce including information on how to respond to the child's  
23 needs;

24

1 5. Communication strategies to reduce conflict and facilitate  
2 cooperative coparenting; and

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

7 Program attendees shall be required to pay a fee of not less  
8 than ~~Fifteen Dollars (\$15.00)~~ Ten Dollars (\$10.00) and not more than  
9 Sixty Dollars (\$60.00) to the program provider to offset the costs  
10 of the program. The fee may be waived by the court if an attendee  
11 uses a qualified program that is provided free of charge. Nothing  
12 in this paragraph shall prohibit a third party from paying the fee  
13 to the program provider for an attendee. A certificate of  
14 completion shall be issued upon satisfying the attendance and fee  
15 requirements of the program, and the certificate of completion shall  
16 be filed with the court. The program provider shall carry general  
17 liability insurance and maintain an accurate accounting of all  
18 business transactions and funds received in relation to the program.  
19 The program shall be completed prior to the temporary order or  
20 within forty-five (45) days of receiving a temporary order.  
21 However, and in all events, a final disposition of child custody  
22 shall not be granted until the parties complete the program required  
23 by this subsection. The court may waive attendance of the program  
24 for good cause shown which shall include, but not be limited to,

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

4 C. Each judicial district may adopt its own local rules  
5 governing the programs.

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

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

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

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

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

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

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

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

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

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

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

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

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