

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 460

By: Floyd of the Senate

and

Nelson of the House

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9 COMMITTEE SUBSTITUTE

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

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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

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

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

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

14 2. Reconciliation as an optional outcome;

15 3. Effects of family violence;

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

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

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

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

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

22 D. The Administrative Office of the Courts may enter into a
23 memorandum of understanding with a state entity or other
24 organization in order to compile data including but not limited to

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

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

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

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

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

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

23 3. Any suspensions from practice, reprimands, or other formal
24 punishments resulting from an adjudication of complaints filed

1 against the person with the professional licensing board or other
2 organization authorized to receive complaints regarding the
3 performance of the individual in question; and

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

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

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

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