

TULSA DIVORCE PROCEDURE

The laws regarding divorces in Oklahoma apply uniformly throughout the state, but the procedures used change from county to county. A colleague of mine who practices in Oklahoma County has frequently referred to Tulsa's unique procedures by referring to our county as the "sovereign state of Tulsa".

All divorces are commenced the same way, regardless of the venue in which they are filed. Lawyers prepare divorce petitions, summons forms, and motions for temporary orders. In Tulsa, when minor children are involved, we prepare and have the court issue a notice of parenting plan conference (PPC).

The parenting plan conference is an opportunity for the clients to see a judge, and hear about methods of collaboration, and advice about how to deal with each other while their case is going on. The Court also shows the clients a film on the effects of divorce on children. Lawyers are excused at the start of the parenting plan conference. At the conclusion of the conference, the parties get together, with their attorneys' and discuss whether they can agree on the terms of a temporary order and child support computation. If the parties' are able to work out an agreement, they use a form prepared by the Court for Temporary Order Agreements. These agreements generally deal with custody, visitation, child support, and a temporary division of the parties' debts and property. Once signed and in effect, these orders govern both parties during the pendency of the divorce, and are enforceable by both parties.

Within 20 days of the date of service of summons prior to the PPC or no later than 24 hours before the Parenting Plan Conference, the parties are required by local rule DR 5 to exchange copies of the following documents:

- a. An accurate and provable statement of the parties' gross monthly income received from all sources within (90) days prior to the date of service;
- b. An accurate and provable statement of monthly employment-related child care expenses;
- c. Evidence of medical insurance coverage and premium cost; d. An accurate and provable list of monthly living expense.

If, for any reason, the parties are not able to work out a temporary order agreement, they are required to meet with the PPC judge, presently Judge Tammy Bruce. At this meeting the court inquires of both parties as to why they were unable to reach an agreement. Judge Bruce then attempts to make suggestions to encourage an agreement. If those suggestions don't resolve the parties' disagreements, the parties are given a "referral" for a temporary order hearing in front of the judge assigned to their case. That hearing will occur roughly four to six weeks after the PPC.

DR 5 requires that no later than 48 hours prior to the Temporary Order hearing, the parties must exchange copies of:

- a. An accurate and provable statement of the parties' gross monthly income received from all sources within (90) days prior to the date of the temporary order hearing;

- b. Complete tax returns for three (3) years prior to the date of the temporary order hearing;
- c. An accurate and provable statement of monthly employment-related child care expenses for 90 days prior to the temporary order hearing;
- d. Evidence of medical insurance coverage and premium cost;
- e. An accurate and provable list of all marital debts, stating the purpose of the debt and the amount of monthly payments for all existing debts and obligations; and
- f. An accurate and provable list of monthly living expense.

At the temporary order hearing, the parties will present their evidence on all issues and the Court will decide them for the parties.

Once a temporary order is in place, either by agreement or decision of the court, the temporary order will remain in effect during the rest of the case, unless circumstances require a modification of those orders. Modifications of temporary orders are addressed to the discretion of the court, and the court can set requests to modify the temporary orders for hearing, or deny the parties requests and require the parties to wait to address those requests until trial. Every judge is different in this respect.

Discovery, through interrogatories, request to produce documents, subpoenas and/or depositions frequently commence at or about the time of the entry of a temporary order. Our Courts are frequently requiring the parties to enter into scheduling orders that require the parties to complete discovery, mediation and the “helping children cope

with divorce” seminar by dates certain, so that the case will move on pace through to conclusion.

If the parties are unable to settle the issues in their case after the entry of a temporary order, before they may proceed to trial, the Court will order them to attend a mediation, with a trained certified mediator. The mediator will attempt to facilitate a complete resolution of the parties’ divorce case.

If the parties are unable to settle some, part or all of their case, whatever remains unsettled will be set for pre-trial and trial. A pre-trial conference requires preparation of all exhibits and a list of witnesses who will testify at trial. A pre-trial conference Order will set out all the issues to be tried, as well as the witnesses and exhibits of both parties. The Order will also set a date for the trial.

At trial, the parties will present their witnesses and exhibits to the court, in accordance with the rules of Evidence. At or after trial, the court will issue a ruling on the issues presented at trial, and one of the attorneys will be directed by the court to prepare the final order.

This process will generally take a minimum of six months from start to finish, and can take much longer if there is protracted discovery or settlement efforts.