

Effective 7/1/2014

30-3-11.4 Mandatory orientation course for divorcing parties -- Purpose -- Curriculum -- Exceptions.

- (1) There is established a mandatory divorce orientation course for all parties with minor children who file a petition for temporary separation or for a divorce. A couple with no minor children are not required, but may choose to attend the course. The purpose of the course shall be to educate parties about the divorce process and reasonable alternatives.
- (2) A petitioner shall attend a divorce orientation course no more than 60 days after filing a petition for divorce.
- (3) With the exception of temporary restraining orders pursuant to Rule 65, Utah Rules of Civil Procedures, a party may file, but the court may not hear, temporary orders until the party seeking temporary orders has completed the divorce orientation course.
- (4) The respondent shall attend the divorce orientation course no more than 30 days after being served with a petition for divorce.
- (5) The clerk of the court shall provide notice to a petitioner of the requirement for the course, and information regarding the course shall be included with the petition or motion, when served on the respondent.
- (6) The divorce orientation course shall be neutral, unbiased, at least one hour in duration, and include:
 - (a) options available as alternatives to divorce;
 - (b) resources available from courts and administrative agencies for resolving custody and support issues without filing for divorce;
 - (c) resources available to improve or strengthen the marriage;
 - (d) a discussion of the positive and negative consequences of divorce;
 - (e) a discussion of the process of divorce;
 - (f) options available for proceeding with a divorce, including:
 - (i) mediation;
 - (ii) collaborative law; and
 - (iii) litigation; and
 - (g) a discussion of post-divorce resources.
- (7) The course may be provided in conjunction with the mandatory course for divorcing parents required by Section 30-3-11.3.
- (8) The Administrative Office of the Courts shall administer the course pursuant to Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.
- (9) The course may be through live instruction, video instruction, or through an online provider.
- (10) Each participant shall pay the costs of the course, which may not exceed \$30, to the independent contractor providing the course at the time and place of the course. A petitioner who attends a live instruction course within 30 days of filing may not be charged more than \$15 for the course. A respondent who attends a live instruction course within 30 days of being served with a petition for divorce may not be charged more than \$15 for the course.
 - (a) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and deposited in the Children's Legal Defense Account described in Section 51-9-408.
 - (b) A participant who is unable to pay the costs of the course may attend without payment and request an Affidavit of Impecuniosity from the provider to be filed with the petition or motion. The provider shall be reimbursed for its costs by the Administrative Office of the Courts. A petitioner who is later determined not to meet the qualifications for impecuniosity may be ordered to pay the costs of the course.

- (11) Appropriations from the General Fund to the Administrative Office of the Courts for the divorce orientation course shall be used to pay the costs of an indigent petitioner who is determined to be impecunious as provided in Subsection (10)(b).
- (12) The Online Court Assistance Program shall include instructions with the forms for divorce which inform the petitioner of the requirement of this section.
- (13) Both parties shall attend a divorce orientation course before a divorce decree may be entered, unless waived by the court. A certificate of completion constitutes evidence to the court of course completion by the parties.
- (14) It shall be an affirmative defense in all divorce actions that the divorce orientation requirement was not complied with, and the action may not continue until a party has complied.
- (15) The Administrative Office of the Courts shall adopt a program to evaluate the effectiveness of the mandatory educational course. Progress reports shall be provided if requested by the Judiciary Interim Committee.

Amended by Chapter 347, 2014 General Session