

DIVORCE MEDIATION PROGRAM

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Ben C. Ferry

LONG TITLE

General Description:

This bill creates a domestic mediation program for divorce actions.

Highlighted Provisions:

This bill:

- ▶ creates a mediation program for divorce actions;
- ▶ makes the mediation program mandatory; and
- ▶ allows parties to be excused for good cause.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

30-3-39, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **30-3-39** is enacted to read:

30-3-39. Mediation program.

(1) There is established a mandatory domestic mediation program to help reduce the time and tensions associated with obtaining a divorce.

(2) If, after the filing of an answer to a complaint of divorce, there are any remaining



28 contested issues, the parties shall participate in good faith in at least one session of mediation.

29 (3) The parties shall use a mediator qualified to mediate domestic disputes under
30 criteria established by the Judicial Council in accordance with Section 78-31b-5.

31 (4) Unless otherwise ordered by the court or the parties agree upon a different payment
32 arrangement, the cost of mediation shall be divided equally between the parties.

33 (5) The director of dispute resolution programs for the courts or the mediator may
34 excuse either party from the requirement to mediate for good cause.

35 (6) Mediation shall be conducted in accordance with the Utah Rules of Court-Annexed
36 Alternative Dispute Resolution.

Legislative Review Note
as of 12-7-04 1:09 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-07-04 8:03 AM

The Judiciary Interim Committee recommended this bill.

State Impact

This bill requires a General Fund appropriation of \$78,800 to the Courts. Of this amount, \$75,800 is ongoing to coordinate the mandatory program established by this bill and \$3,000 is for one-time start-up costs. Over time, there could be a reduction of the increase in court litigation for domestic disputes and divorce.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$78,800	\$75,800	\$0	\$0
TOTAL	\$78,800	\$75,800	\$0	\$0

Individual and Business Impact

This legislation will require individuals to attempt mediation. Mediation costs between \$75 and \$200 per hour. This cost would be split between the disputing parties.

Office of the Legislative Fiscal Analyst