

1 **DIVORCE EDUCATION AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lorie D. Fowlke**

5 Senate Sponsor: Lyle W. Hillyard

7 **LONG TITLE**

8 **General Description:**

9 This bill allows the court to require unmarried parents to attend a course designed to
10 educate and sensitize parents to the needs of their child or children.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ permits the court to require unmarried parents who are involved in a custody or
14 parent-time proceeding to attend an educational course to sensitize both parents to
15 the needs of their child or children.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **30-3-11.3**, as last amended by Chapter 167, Laws of Utah 1994

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

25 Section 1. Section **30-3-11.3** is amended to read:

26 **30-3-11.3. Mandatory educational course for divorcing parents -- Purpose --**
27 **Curriculum -- Exceptions.**



28 (1) There is established a mandatory course for divorcing parents as a pilot program in
 29 the third and fourth judicial districts to be administered by the Administrative Office of the
 30 Courts from July 1, 1992, to June 30, 1994. On July 1, 1994, an approved course shall be
 31 implemented in all judicial districts. The mandatory course is designed to educate and
 32 sensitize divorcing parties to their children's needs both during and after the divorce process.

33 (2) The Judicial Council shall adopt rules to implement and administer this program.

34 (3) As a prerequisite to receiving a divorce decree, both parties are required to attend a
 35 mandatory course on their children's needs after filing a complaint for divorce and receiving a
 36 docket number, unless waived under Section 30-3-4. If that requirement is waived, the court
 37 may permit the divorce action to proceed.

38 (4) The court may require unmarried parents to attend this educational course when
 39 those parents are involved in a visitation or custody proceeding before the court.

40 [~~(4)~~] (5) The mandatory course shall instruct both parties about divorce and its impacts
 41 on:

42 (a) their child or children;

43 (b) their family relationship; ~~H→~~ [~~and~~] ~~←H~~

44 (c) their financial responsibilities for their child or children ~~H→~~ [~~;~~] ~~and~~

44a (d) that domestic violence has a harmful effect on children and family
 44b relationships. ~~←H~~

45 [~~(5)~~] (6) The Administrative Office of the Courts shall administer the course pursuant
 46 to Title 63, Chapter 56, Utah Procurement Code, through private or public contracts and
 47 organize the program in each of Utah's judicial districts. The contracts shall provide for the
 48 recoupment of administrative expenses through the costs charged to individual parties,
 49 pursuant to Subsection [~~(7)~~] (8).

50 [~~(6)~~] (7) A certificate of completion constitutes evidence to the court of course
 51 completion by the parties.

52 [~~(7)~~] (8) (a) Each party shall pay the costs of the course to the independent contractor
 53 providing the course at the time and place of the course. A fee of \$8 shall be collected, as part
 54 of the course fee paid by each participant, and deposited in the Children's Legal Defense
 55 Account, described in Section 63-63a-8.

56 (b) Each party who is unable to pay the costs of the course may attend the course
 57 without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of
 58 impecuniosity filed in the district court. In those situations, the independent contractor shall be

59 reimbursed for its costs from the appropriation to the Administrative Office of the Courts for
60 "Mandatory Educational Course for Divorcing Parents Program." Before a decree of divorce
61 may be entered, the court shall make a final review and determination of impecuniosity and
62 may order the payment of the costs if so determined.

63 ~~[(8)]~~ (9) Appropriations from the General Fund to the Administrative Office of the
64 Courts for the "Mandatory Educational Course for Divorcing Parents Program" shall be used to
65 pay the costs of an indigent parent who makes a showing as provided in Subsection ~~[(7)]~~ (8)(b).

66 ~~[(9)]~~ (10) The Administrative Office of the Courts shall adopt a program to evaluate
67 the effectiveness of the mandatory educational course. Progress reports shall be provided
68 annually to the Judiciary Interim Committee.

Legislative Review Note
as of 11-9-05 6:19 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 12-16-05 11:01 AM

The Judiciary Interim Committee recommended this bill.

Fiscal Note
Bill Number HB0027

Divorce Education Amendments

12-Jan-06

1:33 PM

State Impact

No fiscal impact.

Individual and Business Impact

Individuals required by the courts to attend divorce education would pay the course costs. No business impact.

Office of the Legislative Fiscal Analyst