

DIVORCE ORIENTATION

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a divorce orientation course as a pilot program in the Third and Fourth Judicial Districts.

Highlighted Provisions:

This bill:

- ▶ creates a pilot program in the Third and Fourth Judicial Districts requiring a divorce orientation course before a complaint can be filed;
- ▶ requires that the course be taught by certain persons certified by the Administrative Office of the Courts;
- ▶ specifies the curriculum and length for the course;
- ▶ allows the Administrative Office of the Courts to combine divorce orientation with the mandatory divorce education course;
- ▶ provides for a provider fee of not more than \$20, and makes provision for those who cannot pay;
- ▶ requires that information about the course be provided to both petitioner and respondent and encourages both to attend; and
- ▶ prohibits the continuance of the divorce action until the petitioner has taken the course.

Monies Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **30-3-2.5**, Utah Code Annotated 1953

33

34 *Be it enacted by the Legislature of the state of Utah:*35 Section 1. Section **30-3-2.5** is enacted to read:36 **30-3-2.5. Divorce orientation -- Pilot program in Third and Fourth District**37 **Courts.**38 (1) Prior to the filing of a complaint for divorce, a petitioner in the Third or Fourth
39 Judicial District shall attend a divorce orientation course. A certificate of completion, dated no
40 more than six months prior, shall be filed with the petition.41 (2) The clerk of the court shall provide to a petitioner who attempts to file a ~~H~~→ [complaint]
41a petition ←H42 for divorce without the certificate of completion, a list of providers certified to provide divorce
43 orientation and a copy of this section.44 (3) A divorce orientation course shall be at least one hour in duration and include:45 (a) options available as alternatives to divorce;46 (b) resources available from courts and administrative agencies for resolving custody
47 and support issues without filing for divorce;48 (c) resources available to improve the marriage and to address the issues that are
49 causing the marriage to break down, including but not limited to marriage counseling and
50 marriage education;51 (d) a discussion of the consequences of divorce;52 (e) a discussion of the process of divorce; and53 (f) options available for proceeding with a divorce, such as:54 (i) mediation;55 (ii) collaboration; and56 (iii) litigation.57 (4) The following persons may provide divorce orientation courses after certification
58 by the Administrative Office of the Courts:

59 (a) licensed attorneys;

60 (b) mediators on the roster of mediators maintained by the Administrative Office of the
61 Courts;

62 (c) marriage and family therapists licensed under Title 58, Chapter 60, Part 2, Social
63 Worker Licensing Act, Part 3, Marriage and Family Therapist Licensing Act, Part 4,

64 Professional Counselor Licensing Act, or Title 58, Chapter 61, Psychologist Licensing Act ~~H→~~ , or
64a **an unlicensed therapist acting under the supervision of a certified marriage and family**
64b **therapist ~~←H~~ ;**

65 (d) any member of the clergy ~~H→~~ , or a person acting under the supervision of a
65a **certified member of the clergy ~~←H~~ ;**

66 (e) marriage education providers; or

67 (f) any other provider approved by the court.

68 (5) The course may be provided in conjunction with the mandatory course for
69 divorcing parents required by Section 30-3-11.3.

70 (6) The Administrative Office of the Courts shall administer the course pursuant to
71 Title 63, Chapter 56, Utah Procurement Code, through private or public contracts and organize
72 the program as a pilot program in the Third and Fourth Judicial Districts.

73 (7) Each participant shall pay the costs of the course, which may not exceed \$20, to the
74 course provider. A participant who is unable to pay the costs of the course may attend without
75 payment and request an Affidavit of Impecuniosity from the provider to be filed with the
76 complaint. The provider shall be reimbursed for its costs by the Administrative Office of the
77 Courts. A petitioner who is later determined not to meet the qualifications for impecuniosity
78 may be ordered to pay the costs of the course.

79 (8) Appropriations from the General Fund to the Administrative Office of the Courts
80 for the Divorce Orientation Course shall be used to pay the costs of an indigent petitioner who
81 is determined to be impecunious as provided in Subsection (7).

82 (9) The Online Court Assistance Program shall include instructions with the forms for
83 divorce that inform the petitioner of the requirement of this section.

84 (10) Both parties are encouraged to attend a divorce orientation course. Information
85 regarding the course shall be included with the complaint when served on the respondent.

86 (11) ~~H→~~ In the event a temporary restraining order is requested in conjunction with a
86a **divorce petition, the petitioner shall take the divorce orientation course within 30 days of filing**
86b **the petition.**

86c (12) ~~←H~~ It shall be an affirmative defense in all divorce actions that the prefiling
87 requirements were not complied with, and the action may not continue until the petitioner has
88 complied.

88a **Legislative Review Note**

88b **as of 2-1-06 11:53 AM**

88c Based on a limited legal review, this legislation has not been determined to have a high
88d probability of being held unconstitutional.

88e **Office of Legislative Research and General Counsel**

AMENDED NOTE

State Impact

Passage of this bill would require an increase of \$100,000 in ongoing General Fund.
Two FTEs would be added to the Courts.

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>
General Fund	\$100,000	\$100,000	\$0	\$0
TOTAL	\$100,000	\$100,000	\$0	\$0

Individual and Business Impact

May increase individual costs.

Office of the Legislative Fiscal Analyst