

**DIVORCE ORIENTATION COURSE TIMING**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jim Nielson**

Senate Sponsor: Mark B. Madsen

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**LONG TITLE**

**General Description:**

This bill amends provisions of the mandatory divorce orientation course.

**Highlighted Provisions:**

This bill:

- ▶ requires a party to a divorce to complete the divorce orientation course prior to the court hearing any temporary orders; and
- ▶ allows for the divorce orientation course to be completed through live instruction, video instruction, or through an online provider.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2014.

**Utah Code Sections Affected:**

AMENDS:

**30-3-11.4**, as last amended by Laws of Utah 2012, Chapter 347

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

Section 1. Section **30-3-11.4** is amended to read:

**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

30 minor children are not required, but may choose to attend the course. The purpose of the  
31 course shall be to educate parties about the divorce process and reasonable alternatives.

32 (2) A petitioner shall attend a divorce orientation course no more than 60 days after  
33 filing a petition for divorce.

34 (3) With the exception of temporary restraining orders pursuant to Rule 65, Utah Rules  
35 of Civil Procedures, a party may file, but the court may not hear, temporary orders until the  
36 party seeking temporary orders has completed the divorce orientation course.

37 [~~3~~] (4) The respondent shall attend the divorce orientation course no more than 30  
38 days after being served with a petition for divorce.

39 [~~4~~] (5) The clerk of the court shall provide notice to a petitioner of the requirement  
40 for the course, and information regarding the course shall be included with the petition or  
41 motion, when served on the respondent.

42 [~~5~~] (6) The divorce orientation course shall be neutral, unbiased, at least one hour in  
43 duration, and include:

- 44 (a) options available as alternatives to divorce;
- 45 (b) resources available from courts and administrative agencies for resolving custody  
46 and support issues without filing for divorce;
- 47 (c) resources available to improve or strengthen the marriage;
- 48 (d) a discussion of the positive and negative consequences of divorce;
- 49 (e) a discussion of the process of divorce;
- 50 (f) options available for proceeding with a divorce, including:
  - 51 (i) mediation;
  - 52 (ii) collaborative law; and
  - 53 (iii) litigation; and
  - 54 (g) a discussion of post-divorce resources.

55 [~~6~~] (7) The course may be provided in conjunction with the mandatory course for  
56 divorcing parents required by Section 30-3-11.3.

57 [~~7~~] (8) The Administrative Office of the Courts shall administer the course pursuant

58 to Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.

59 (9) The course may be through live instruction, video instruction, or through an online  
60 provider.

61 ~~[(8)]~~ (10) Each participant shall pay the costs of the course, which may not exceed  
62 ~~[\$20]~~ \$30, to the independent contractor providing the course at the time and place of the  
63 course. A petitioner who attends a live instruction course within 30 days of filing may not be  
64 charged more than \$15 for the course. A respondent who attends a live instruction course  
65 within 30 days of being served with a petition for divorce may not be charged more than \$15  
66 for the course.

67 (a) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and  
68 deposited in the Children's Legal Defense Account described in Section 51-9-408.

69 (b) A participant who is unable to pay the costs of the course may attend without  
70 payment and request an Affidavit of Impecuniosity from the provider to be filed with the  
71 petition or motion. The provider shall be reimbursed for its costs by the Administrative Office  
72 of the Courts. A petitioner who is later determined not to meet the qualifications for  
73 impecuniosity may be ordered to pay the costs of the course.

74 ~~[(9)]~~ (11) Appropriations from the General Fund to the Administrative Office of the  
75 Courts for the divorce orientation course shall be used to pay the costs of an indigent petitioner  
76 who is determined to be impecunious as provided in Subsection ~~[(8)]~~ (10)(b).

77 ~~[(10)]~~ (12) The Online Court Assistance Program shall include instructions with the  
78 forms for divorce which inform the petitioner of the requirement of this section.

79 ~~[(11)]~~ (13) Both parties shall attend a divorce orientation course before a divorce  
80 decree may be entered, unless waived by the court. A certificate of completion constitutes  
81 evidence to the court of course completion by the parties.

82 ~~[(12)]~~ (14) It shall be an affirmative defense in all divorce actions that the divorce  
83 orientation requirement was not complied with, and the action may not continue until a party  
84 has complied.

85 ~~[(13)]~~ (15) The Administrative Office of the Courts shall adopt a program to evaluate

86 the effectiveness of the mandatory educational course. Progress reports shall be provided if  
87 requested by the Judiciary Interim Committee.

88           Section 2. **Effective date.**

89           This bill takes effect on July 1, 2014.