

1st Sub. S.B. 141
JUDICIARY AMENDMENTS

Senator **Lyle W. Hillyard** proposes the following amendments:

1. Page 2, Line 36:

36 {~~30-3-11.4, as last amended by Laws of Utah 2014, Chapter 347~~}

2. Page 4, Line 91 through Page 6, Line 154:

91 {~~Section 3. Section 30-3-11.4 is amended to read:~~

92 ~~—— 30-3-11.4. Mandatory orientation course for divorcing parties -- Purpose --~~

93 ~~Curriculum -- Exceptions:~~

94 ~~—— (1) There is established a mandatory divorce orientation course for all parties with~~
95 ~~minor children who file a petition for temporary separation or for a divorce. A couple with no~~
96 ~~minor children are not required, but may choose to attend the course. The purpose of the~~
97 ~~course shall be to educate parties about the divorce process and reasonable alternatives:~~

98 ~~—— (2) A petitioner shall attend a divorce orientation course no more than 60 days after~~
99 ~~filing a petition for divorce:~~

100 ~~—— (3) With the exception of temporary restraining orders pursuant to Rule 65, Utah Rules~~
101 ~~of Civil Procedures, a party may file, but the court may not hear, temporary orders until the~~
102 ~~party seeking temporary orders has completed the divorce orientation course:~~

103 ~~—— (4) The respondent shall attend the divorce orientation course no more than 30 days~~
104 ~~after being served with a petition for divorce:~~

105 ~~—— (5) The clerk of the court shall provide notice to a petitioner of the requirement for the~~
106 ~~course, and information regarding the course shall be included with the petition or motion,~~
107 ~~when served on the respondent:~~

108 ~~—— (6) The divorce orientation course shall be neutral, unbiased, at least one hour in~~
109 ~~duration, and include:~~

110 ~~—— (a) options available as alternatives to divorce;~~

111 ~~—— (b) resources available from courts and administrative agencies for resolving custody~~
112 ~~and support issues without filing for divorce;~~

113 ~~—— (c) resources available to improve or strengthen the marriage;~~

114 ~~—— (d) a discussion of the positive and negative consequences of divorce;~~

115 ~~—— (e) a discussion of the process of divorce;~~

116 ~~—— (f) options available for proceeding with a divorce, including:~~

117 ~~—— (i) mediation;~~

118 ~~—— (ii) collaborative law; and~~

119 ~~—— (iii) litigation; and~~
120 ~~—— (g) a discussion of post-divorce resources.~~
121 ~~—— (7) The course may be provided in conjunction with the mandatory course for~~
122 ~~divorcing parents required by Section 30-3-11.3.~~
123 ~~—— (8) The Administrative Office of the Courts shall administer the course pursuant to~~
124 ~~Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.~~
125 ~~—— (9) The course may be through live instruction, video instruction, or through an online~~
126 ~~provider.~~
127 ~~—— (10) Each participant shall pay the costs of the course, which may not exceed \$30, to~~
128 ~~the independent contractor providing the course at the time and place of the course. A~~
129 ~~petitioner who attends a live instruction course within 30 days [of] before filing may not be~~
130 ~~charged more than \$15 for the course. A respondent who attends a live instruction course~~
131 ~~within 30 days of being served with a petition for divorce may not be charged more than \$15~~
132 ~~for the course.~~
133 ~~—— (a) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and~~
134 ~~deposited in the Children's Legal Defense Account described in Section 51-9-408.~~
135 ~~—— (b) A participant who is unable to pay the costs of the course may attend without~~
136 ~~payment and request an Affidavit of Impecuniosity from the provider to be filed with the~~
137 ~~petition or motion. The provider shall be reimbursed for its costs by the Administrative Office~~
138 ~~of the Courts. A petitioner who is later determined not to meet the qualifications for~~
139 ~~impecuniosity may be ordered to pay the costs of the course.~~
140 ~~—— (11) Appropriations from the General Fund to the Administrative Office of the Courts~~
141 ~~for the divorce orientation course shall be used to pay the costs of an indigent petitioner who is~~
142 ~~determined to be impecunious as provided in Subsection (10)(b).~~
143 ~~—— (12) The Online Court Assistance Program shall include instructions with the forms for~~
144 ~~divorce which inform the petitioner of the requirement of this section.~~
145 ~~—— (13) Both parties shall attend a divorce orientation course before a divorce decree may~~
146 ~~be entered, unless waived by the court. A certificate of completion constitutes evidence to the~~
147 ~~court of course completion by the parties.~~
148 ~~—— (14) It shall be an affirmative defense in all divorce actions that the divorce orientation~~
149 ~~requirement was not complied with, and the action may not continue until a party has~~
150 ~~complied.~~
151 ~~—— (15) The Administrative Office of the Courts shall adopt a program to evaluate the~~
152 ~~effectiveness of the mandatory educational course. Progress reports shall be provided if~~
153 ~~requested by the Judiciary Interim Committee. }~~
154 Section {4} 3 . Section 77-20-1 is amended to read:

3. Page 8, Line 212:

212 Section {5} 4 . Section 77-22-2.5 is amended to read:

4. *Page 11, Line 311:*

311 Section ~~{6}~~ 5 . Section **78A-2-301** is amended to read:

5. *Page 16, Line 482:*

482 Section ~~{7}~~ 6 . Section **78A-2-601** is amended to read:

6. *Page 17, Line 499:*

499 Section ~~{8}~~ 7 . Section **78A-7-118** is amended to read:

7. *Page 18, Line 541:*

541 Section ~~{9}~~ 8 . Section **78A-7-202** is amended to read:

8. *Page 20, Line 598:*

598 Section ~~{10}~~ 9 . Section **78B-1-122** is amended to read: