

Effective 9/1/2024

Part 1
General Provisions

81-4-101 Definitions for chapter.

As used in this chapter:

- (1) "Alimony" means financial support made to a spouse or former spouse for the support and maintenance of that spouse.
- (2) "Child support" means the same as that term is defined in Section 81-6-101.

Enacted by Chapter 366, 2024 General Session

81-4-102 Action for annulment or divorce as alternative relief.

Nothing in this chapter shall be construed to prevent the filing of an action requesting an annulment or a divorce as alternative relief.

Renumbered and Amended by Chapter 366, 2024 General Session

81-4-103 Nunc pro tunc order by court.

Upon a court's finding of good cause and giving of such notice as may be ordered, the court may enter an order nunc pro tunc in a matter relating to marriage, divorce, legal separation, or annulment of marriage.

Renumbered and Amended by Chapter 366, 2024 General Session

81-4-104 Temporary separation order.

- (1) An individual may file an action for a temporary separation order, without filing a petition for divorce, by filing a petition for temporary separation and motion for temporary orders if:
 - (a) the individual is lawfully married to the individual from whom the separation is sought; and
 - (b)
 - (i) both parties are residents of the state for at least 90 days before the day on which the action is filed; or
 - (ii) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(4)(a)(ii).
- (2) The temporary orders are valid for one year after the day on which the hearing for the order is held or until one of the following occurs:
 - (a) a petition for divorce is filed and consolidated with the petition for temporary separation; or
 - (b) the case is dismissed.
- (3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.
- (4)
 - (a) If the parties to the temporary separation action have a minor child, the parties shall attend the divorce orientation course described in Section 81-4-105:
 - (i) for the petitioner, within 60 days after the day on which the petition is filed; and
 - (ii) for the respondent, within 30 days after the day on which the respondent is served.
 - (b) If the parties to the temporary separation action do not have a minor child, the parties may choose to attend the divorce orientation course described in Section 81-4-105.

- (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation course requirement.
- (d) A petition shall include information regarding the divorce orientation course requirement when the petition is served on the respondent.
- (5) For a party that is unable to pay the costs of the divorce orientation course, and before the court enters a decree of divorce in the action, the court shall:
 - (a) make a final determination of indigency; and
 - (b) order the party to pay the costs of the divorce orientation course if the court determines the party is not indigent.
- (6)
 - (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the temporary separation petition until the moving party completes the divorce orientation course.
 - (b) It is an affirmative defense in a temporary separation action that a party has not completed the divorce orientation course and the action may not continue until a party has complied with the divorce orientation course.
- (7)
 - (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the divorce orientation course, on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.
 - (b) If the requirement is waived, the court may permit the temporary separation action to proceed.
- (8) The petitioner shall serve the petition for a temporary separation order in accordance with the Utah Rules of Civil Procedure.
- (9) If a party files for divorce within one year after the day on which the petition for temporary separation is filed, the filing fee for a petition for temporary separation shall be credited towards the filing fee for a divorce.

Renumbered and Amended by Chapter 366, 2024 General Session

81-4-105 Mandatory orientation course for divorce or temporary separation actions.

- (1)
 - (a) 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.
 - (b) A couple with no minor children is not required, but may choose to attend the course.
- (2) The divorce orientation course shall be neutral, unbiased, and at least one hour in duration.
- (3) The divorce orientation course shall educate the parties about the divorce process and reasonable alternatives, including instructing the parties on:
 - (a) options available as alternatives to divorce;
 - (b) resources available from courts and administrative agencies for resolving custody and support issues without filing for divorce;
 - (c) resources available to improve or strengthen the marriage;
 - (d) a discussion of the positive and negative consequences of divorce;
 - (e) a discussion of the process of divorce;
 - (f) options available for proceeding with a divorce, including:
 - (i) mediation;
 - (ii) collaborative law; and
 - (iii) litigation; and

- (g) a discussion of post-divorce resources.
- (4) The divorce orientation course may be provided in conjunction with a mandatory parenting course required by Section 81-9-103.
- (5) The Administrative Office of the Courts shall administer the divorce orientation course, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts and organize the program in each of Utah's judicial districts.
- (6) The divorce orientation course may be through live instruction, video instruction, or through an online provider.
- (7)
 - (a) A party shall pay the cost of the divorce orientation course to the independent contractor providing the course at the time and place of the course.
 - (b) A party may not be charged more than \$30 to participate in the divorce orientation course.
 - (c) A petitioner may not be charged more than \$15 to participate in the divorce orientation course if the petitioner attends a live instruction course within 30 days after the day on which the petitioner filed the action.
 - (d) A respondent may not be charged more than \$15 to participate in the divorce orientation course if the respondent attends a live instruction course within 30 days after the day on which the respondent is served with the action.
 - (e) A fee of \$5 shall be collected, as part of the divorce orientation course fee paid by each participant, and deposited in the Children's Legal Defense Account described in Section 51-9-408.
 - (f) Each party who is unable to pay the costs of the course may attend the divorce orientation course, without payment, upon a prima facie showing of indigency as evidenced by an affidavit of indigency filed in the district court in accordance with Section 78A-2-302.
 - (g) The Administrative Office of the Courts shall use appropriations from the Children's Legal Defense Account to reimburse an independent contractor for the costs of a party who is unable to pay for the divorce orientation course under Subsection (7)(f).
- (8) The Online Court Assistance Program shall include instructions with the forms for divorce that inform the petitioner of the requirement of this section.
- (9) A certificate of completion constitutes evidence to the court of completion of the divorce orientation course by the parties.
- (10) The Administrative Office of the Courts shall:
 - (a) adopt a program to evaluate the effectiveness of the divorce orientation course described in this section; and
 - (b) provide progress reports to the Judiciary Interim Committee if requested.

Renumbered and Amended by Chapter 366, 2024 General Session