

DIVORCE EDUCATION AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

30-3-11.3. Mandatory educational course for divorcing parents -- Purpose --

Curriculum -- Exceptions.

(1) There is established a mandatory course for divorcing parents as a pilot program in 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; [~~and~~]

44 (c) their financial responsibilities for their child or children[-]; and

45 (d) that domestic violence has a harmful effect on children and family relationships.

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

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

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

57 (b) Each party who is unable to pay the costs of the course may attend the course

58 without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of
59 impecuniosity filed in the district court. In those situations, the independent contractor shall be
60 reimbursed for its costs from the appropriation to the Administrative Office of the Courts for
61 "Mandatory Educational Course for Divorcing Parents Program." Before a decree of divorce
62 may be entered, the court shall make a final review and determination of impecuniosity and
63 may order the payment of the costs if so determined.

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

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