

1 **DIVORCE EDUCATION AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lorie D. Fowlke**

5 Senate Sponsor: Lyle W. Hillyard

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7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **30-3-11.3**, as last amended by Chapter 167, Laws of Utah 1994

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

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

26 **30-3-11.3. Mandatory educational course for divorcing parents -- Purpose --**  
27 **Curriculum -- Exceptions.**



28 (1) There is established a mandatory course for divorcing parents as a pilot program in  
29 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.

45 [~~(5)~~] (6) The Administrative Office of the Courts shall administer the course pursuant  
46 to Title 63, Chapter 56, Utah Procurement Code, through private or public contracts and  
47 organize the program in each of Utah's judicial districts. The contracts shall provide for the  
48 recoupment of administrative expenses through the costs charged to individual parties,  
49 pursuant to Subsection [~~(7)~~] (8).

50 [~~(6)~~] (7) A certificate of completion constitutes evidence to the court of course  
51 completion by the parties.

52 [~~(7)~~] (8) (a) Each party shall pay the costs of the course to the independent contractor  
53 providing the course at the time and place of the course. A fee of \$8 shall be collected, as part  
54 of the course fee paid by each participant, and deposited in the Children's Legal Defense  
55 Account, described in Section 63-63a-8.

56 (b) Each party who is unable to pay the costs of the course may attend the course  
57 without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of  
58 impecuniosity filed in the district court. In those situations, the independent contractor shall be

59 reimbursed for its costs from the appropriation to the Administrative Office of the Courts for  
60 "Mandatory Educational Course for Divorcing Parents Program." Before a decree of divorce  
61 may be entered, the court shall make a final review and determination of impecuniosity and  
62 may order the payment of the costs if so determined.

63       ~~[(8)]~~ (9) Appropriations from the General Fund to the Administrative Office of the  
64 Courts for the "Mandatory Educational Course for Divorcing Parents Program" shall be used to  
65 pay the costs of an indigent parent who makes a showing as provided in Subsection ~~[(7)]~~ (8)(b).

66       ~~[(9)]~~ (10) The Administrative Office of the Courts shall adopt a program to evaluate  
67 the effectiveness of the mandatory educational course. Progress reports shall be provided  
68 annually to the Judiciary Interim Committee.

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**Legislative Review Note**  
**as of 11-9-05 6:19 PM**

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

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
**as of 12-16-05 11:01 AM**

The Judiciary Interim Committee recommended this bill.