

DIVORCE WAITING PERIOD AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill restores the 90-day waiting period required for divorces.

Highlighted Provisions:

This bill:

- ▶ restores the 90-day waiting period before a hearing may be held in a divorce; and
- ▶ creates an exception if the court finds that extraordinary circumstances exist that

allow the waiver of the 90-day period.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-7, as last amended by Laws of Utah 1994, Chapter 167

30-3-18, as last amended by Laws of Utah 1997, Chapter 215

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

Section 1. Section **30-3-7** is amended to read:

30-3-7. When decree becomes absolute.

(1) The decree of divorce becomes absolute:



28 (a) on the date it is signed by the court and entered by the clerk in the register of
 29 actions [~~if both the parties who have a child or children have completed attendance at the~~
 30 ~~mandatory course for divorcing parents as provided in Section 30-3-11.3 except if the court~~
 31 ~~waives the requirement, on its own motion or on the motion of one of the parties, upon~~
 32 ~~determination that course attendance and completion are not necessary, appropriate, feasible, or~~
 33 ~~in the best interest of the parties];~~

34 (b) at the expiration of a period of time the court may specifically designate, unless an
 35 appeal or other proceedings for review are pending; or

36 (c) when the court, before the decree becomes absolute, for sufficient cause otherwise
 37 orders.

38 (2) The court, upon application or on its own motion for good cause shown, may
 39 waive, alter, or extend a designated period of time before the decree becomes absolute, but not
 40 to exceed six months from the signing and entry of the decree.

41 Section 2. Section **30-3-18** is amended to read:

42 **30-3-18. Waiting period for hearing after filing for divorce -- Exemption -- Use of**
 43 **counseling and education services not to be construed as condonation or promotion.**

44 (1) Unless the court[~~, for good cause shown and set forth in the findings;~~] finds that
 44a **H→ the divorcing parties have no children, or ←H**
 45 extraordinary circumstances exist and otherwise orders, no hearing for decree of divorce [~~shall~~]
 46 may be held by the court until 90 days [~~shall have~~] has elapsed from the filing of the complaint,
 47 provided the court may make [~~such~~] any interim orders as [~~may be~~] it considers just and
 48 equitable.

49 [~~(2) The 90-day period as provided in Subsection (1) shall not apply in any case where~~
 50 ~~both parties have completed the mandatory educational course for divorcing parents as~~
 51 ~~provided in Section 30-3-11.3.]~~

52 [(~~3~~)] (2) The use of counseling, mediation, and education services provided under this
 53 chapter may not be construed as condoning the acts that may constitute grounds for divorce on
 54 the part of either spouse nor of promoting divorce.

Legislative Review Note
as of 2-17-11 11:33 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 140

SHORT TITLE: Divorce Waiting Period Amendments

SPONSOR: Peterson, V.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.