

DIVORCE WAITING PERIOD AMENDMENTS

2012 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 2011, Chapter 297

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:

(a) on the date it is signed by the court and entered by the clerk in the register of 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
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 but the court may make interim orders as ~~[may be]~~ it considers just and equitable.

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

51 ~~[(3)]~~ (2) The use of counseling, mediation, and education services provided under this
52 chapter may not be construed as condoning the acts that may constitute grounds for divorce on
53 the part of either spouse nor of promoting divorce.