



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 9, 2015

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 141**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 141**, JUDICIARY AMENDMENTS and that it be amended as follows, considered read for the second time, and placed on the Consent Calendar.

1. Page 2, Line 36:

36 {~~30-3-11.4, as last amended by Laws of Utah 2014, Chapter 347~~}

2. Page 4, Line 91 through Page 6, Line 154:

91 {~~Section 3. Section 30-3-11.4 is amended to read:~~
92 ~~30-3-11.4. Mandatory orientation course for divorcing parties -- Purpose --~~
93 ~~Curriculum -- Exceptions.~~
94 ~~—(1) There is established a mandatory divorce orientation course for all parties~~
95 ~~with~~
96 ~~minor children who file a petition for temporary separation or for a divorce. A~~
97 ~~couple with no~~
98 ~~minor children are not required, but may choose to attend the course. The purpose~~
99 ~~of the~~
100 ~~course shall be to educate parties about the divorce process and reasonable~~
101 ~~alternatives.~~
102 ~~—(2) A petitioner shall attend a divorce orientation course no more than 60 days~~
103 ~~after~~

Bill Number



SB0141S01

Action Class



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Action Code



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99 ~~filing a petition for divorce:~~

100 ~~— (3) With the exception of temporary restraining orders pursuant to Rule 65, Utah Rules~~
101 ~~of Civil Procedures, a party may file, but the court may not hear, temporary orders until the~~
102 ~~party seeking temporary orders has completed the divorce orientation course:~~

103 ~~— (4) The respondent shall attend the divorce orientation course no more than 30 days~~
104 ~~after being served with a petition for divorce:~~

105 ~~— (5) The clerk of the court shall provide notice to a petitioner of the requirement for the~~
106 ~~course, and information regarding the course shall be included with the petition or motion;~~
107 ~~when served on the respondent:~~

108 ~~— (6) The divorce orientation course shall be neutral, unbiased, at least one hour in~~
109 ~~duration, and include:~~

110 ~~— (a) options available as alternatives to divorce;~~

111 ~~— (b) resources available from courts and administrative agencies for resolving custody~~
112 ~~and support issues without filing for divorce;~~

113 ~~— (c) resources available to improve or strengthen the marriage;~~

114 ~~— (d) a discussion of the positive and negative consequences of divorce;~~

115 ~~— (e) a discussion of the process of divorce;~~

116 ~~— (f) options available for proceeding with a divorce, including:~~

117 ~~— (i) mediation;~~

118 ~~— (ii) collaborative law; and~~

119 ~~— (iii) litigation; and~~

120 ~~— (g) a discussion of post-divorce resources:~~

121 ~~— (7) The course may be provided in conjunction with the mandatory course for~~
122 ~~divorcing parents required by Section 30-3-11.3:~~

123 ~~— (8) The Administrative Office of the Courts shall administer the course pursuant to~~
124 ~~Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts:~~

125 ~~— (9) The course may be through live instruction, video instruction, or through an online~~
126 ~~provider:~~

127 ~~— (10) Each participant shall pay the costs of the course, which may not exceed \$30, to~~
128 ~~the independent contractor providing the course at the time and place of the course. A~~
129 ~~petitioner who attends a live instruction course within 30 days [of] before filing may not be~~
130 ~~charged more than \$15 for the course. A respondent who attends a live instruction course~~
131 ~~within 30 days of being served with a petition for divorce may not be charged more than \$15~~
132 ~~for the course:~~

133 ~~— (a) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and~~
134 ~~deposited in the Children's Legal Defense Account described in Section 51-9-408:~~

135 ~~— (b) A participant who is unable to pay the costs of the course may attend without~~
136 ~~payment and request an Affidavit of Impecuniosity from the provider to be filed with the~~
137 ~~petition or motion. The provider shall be reimbursed for its costs by the Administrative Office~~
138 ~~of the Courts. A petitioner who is later determined not to meet the qualifications for~~
139 ~~impecuniosity may be ordered to pay the costs of the course.~~
140 ~~— (11) Appropriations from the General Fund to the Administrative Office of the Courts~~
141 ~~for the divorce orientation course shall be used to pay the costs of an indigent petitioner who is~~
142 ~~determined to be impecunious as provided in Subsection (10)(b):~~
143 ~~— (12) The Online Court Assistance Program shall include instructions with the forms for~~
144 ~~divorce which inform the petitioner of the requirement of this section.~~
145 ~~— (13) Both parties shall attend a divorce orientation course before a divorce decree may~~
146 ~~be entered, unless waived by the court. A certificate of completion constitutes evidence to the~~
147 ~~court of course completion by the parties.~~
148 ~~— (14) It shall be an affirmative defense in all divorce actions that the divorce orientation~~
149 ~~requirement was not complied with, and the action may not continue until a party has~~
150 ~~complied.~~
151 ~~— (15) The Administrative Office of the Courts shall adopt a program to evaluate the~~
152 ~~effectiveness of the mandatory educational course. Progress reports shall be provided if~~
153 ~~requested by the Judiciary Interim Committee.}~~

154 Section {~~4~~} 3 . Section 77-20-1 is amended to read:

3. *Page 8, Line 212:*

212 Section {~~5~~} 4 . Section 77-22-2.5 is amended to read:

4. *Page 11, Line 311:*

311 Section {~~6~~} 5 . Section 78A-2-301 is amended to read:

5. *Page 16, Line 482:*

482 Section {~~7~~} 6 . Section 78A-2-601 is amended to read:

6. *Page 17, Line 499:*

499 Section {~~8~~} 7 . Section 78A-7-118 is amended to read:

7. *Page 18, Line 541:*

541 Section {~~9~~} 8 . Section **78A-7-202** is amended to read:

8. *Page 20, Line 598:*

598 Section {~~10~~} 9 . Section **78B-1-122** is amended to read:

Respectfully,

Mark B. Madsen
Committee Chair

Voting: 7-0-0

8 SB0141.SC1.wpd nbrady/NWB ECM/GAG 2/9/15 4:43 pm