

ONLINE PARENTING COURSE FOR DIVORCING FAMILIES

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill authorizes the educational course for divorcing parents to be attended online.

Highlighted Provisions:

This bill:

▶ authorizes the courts to provide an online option for the mandatory educational course for divorcing parents.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-11.3, as last amended by Laws of Utah 2012, Chapter 347

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) The Judicial Council shall approve and implement a mandatory course for



28 divorcing parents in all judicial districts. The mandatory course is designed to educate and
29 sensitize divorcing parties to their children's needs both during and after the divorce process.

30 (2) The Judicial Council shall adopt rules to implement and administer this program.

31 (3) As a prerequisite to receiving a divorce decree, both parties are required to attend a
32 mandatory course on their children's needs after filing a complaint for divorce and receiving a
33 docket number, unless waived under Section 30-3-4. If that requirement is waived, the court
34 may permit the divorce action to proceed.

35 (4) The court may require unmarried parents to attend this educational course when
36 those parents are involved in a visitation or custody proceeding before the court.

37 (5) The mandatory course shall instruct both parties:

38 (a) about divorce and its impacts on:

39 (i) their child or children;

40 (ii) their family relationship; and

41 (iii) their financial responsibilities for their child or children; and

42 (b) that domestic violence has a harmful effect on children and family relationships.

43 (6) The course may be provided through live instruction, video instruction, or an online
44 provider.

45 [~~6~~] (7) The Administrative Office of the Courts shall administer the course pursuant
46 to Title 63G, Chapter 6a, 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 [~~8~~] (9).

50 [~~7~~] (8) A certificate of completion constitutes evidence to the court of course
51 completion by the parties.

52 [~~8~~] (9) (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 51-9-408.

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 ~~[(9)]~~ (10) 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 ~~[(8)]~~ (9)(b).

66 ~~[(10)]~~ (11) 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 if
68 requested by the Judiciary Interim Committee.

Legislative Review Note
Office of Legislative Research and General Counsel