

Representative Cheryl K. Acton proposes the following substitute bill:

CHILD SUPPORT MODIFICATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires that the divorce education course provide information about modifying a child support order.

Highlighted Provisions:

This bill:

- requires that the divorce education course provide information about modifying a child support order.

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 2016, Chapter 91

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 --



26 **Curriculum -- Exceptions.**

27 (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 and

44 (c) on the available methods, implications, and associated costs for modifying a child
45 support order.

46 (6) The course may be provided through live instruction, video instruction, or an online
47 provider. The online and video options must be formatted as interactive presentations that
48 ensure active participation and learning by the parent.

49 (7) The Administrative Office of the Courts shall administer the course pursuant to
50 Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts and
51 organize the program in each of Utah's judicial districts. The contracts shall provide for the
52 recoupment of administrative expenses through the costs charged to individual parties,
53 pursuant to Subsection (9).

54 (8) A certificate of completion constitutes evidence to the court of course completion
55 by the parties.

56 (9) (a) Each party shall pay the costs of the course to the independent contractor

57 providing the course at the time and place of the course. A fee of \$8 shall be collected, as part
58 of the course fee paid by each participant, and deposited in the Children's Legal Defense
59 Account, described in Section [51-9-408](#).

60 (b) Each party who is unable to pay the costs of the course may attend the course
61 without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of
62 impecuniosity filed in the district court. In those situations, the independent contractor shall be
63 reimbursed for its costs from the appropriation to the Administrative Office of the Courts for
64 "Mandatory Educational Course for Divorcing Parents Program." Before a decree of divorce
65 may be entered, the court shall make a final review and determination of impecuniosity and
66 may order the payment of the costs if so determined.

67 (10) Appropriations from the General Fund to the Administrative Office of the Courts
68 for the "Mandatory Educational Course for Divorcing Parents Program" shall be used to pay
69 the costs of an indigent parent who makes a showing as provided in Subsection (9)(b).

70 (11) The Administrative Office of the Courts shall adopt a program to evaluate the
71 effectiveness of the mandatory educational course. Progress reports shall be provided if
72 requested by the Judiciary Interim Committee.