

**DIVORCE WAITING PERIOD AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: \_\_\_\_\_

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**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

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*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  
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**