

DIVORCE ORIENTATION COURSE TIMING

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the mandatory divorce orientation course.

Highlighted Provisions:

This bill:

▶ requires a ~~party to~~ **party to** a divorce to complete the divorce

orientation course prior to the court ~~hearing~~ **hearing** any temporary orders ~~unless circumstances exist regarding the safety of the petitioner or the petitioner's minor child~~ ; and

▶ allows for the divorce orientation course to be completed through live instruction, video instruction, or through an online provider.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-11.4, as last amended by Laws of Utah 2012, Chapter 347

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **30-3-11.4** is amended to read:



28 **30-3-11.4. Mandatory orientation course for divorcing parties -- Purpose --**
 29 **Curriculum -- Exceptions.**

30 (1) There is established a mandatory divorce orientation course for all parties with
 31 minor children who file a petition for temporary separation or for a divorce. A couple with no
 32 minor children are not required, but may choose to attend the course. The purpose of the
 33 course shall be to educate parties about the divorce process and reasonable alternatives.

34 (2) A petitioner shall attend a divorce orientation course no more than 60 days after
 35 filing a petition for divorce.

36 (3) ~~He~~ **With the exception of temporary restraining orders pursuant to Rule 65,**
 36a **Utah Rules of Civil Procedure, a party may file, but the** ~~the~~ **court may not** ~~enter any~~
 36b **hear,** ~~the~~ **temporary orders until the** ~~petitioner~~ **party seeking temporary orders** ~~has~~
 36c **completed the**
 37 **divorce orientation course** ~~the~~ **;** ~~unless the court determines that an order is necessary to protect the~~
 38 **safety of the petitioner or a minor child of the petitioner** ~~the~~ .

39 ~~(3)~~ (4) The respondent shall attend the divorce orientation course no more than 30
 40 days after being served with a petition for divorce.

41 ~~(4)~~ (5) The clerk of the court shall provide notice to a petitioner of the requirement
 42 for the course, and information regarding the course shall be included with the petition or
 43 motion, when served on the respondent.

44 ~~(5)~~ (6) The divorce orientation course shall be neutral, unbiased, at least one hour in
 45 duration, and include:

- 46 (a) options available as alternatives to divorce;
- 47 (b) resources available from courts and administrative agencies for resolving custody
 48 and support issues without filing for divorce;
- 49 (c) resources available to improve or strengthen the marriage;
- 50 (d) a discussion of the positive and negative consequences of divorce;
- 51 (e) a discussion of the process of divorce;
- 52 (f) options available for proceeding with a divorce, including:
- 53 (i) mediation;
- 54 (ii) collaborative law; and
- 55 (iii) litigation; and
- 56 (g) a discussion of post-divorce resources.

57 ~~(6)~~ (7) The course may be provided in conjunction with the mandatory course for
 58 divorcing parents required by Section 30-3-11.3.

59 ~~[(7)]~~ (8) The Administrative Office of the Courts shall administer the course pursuant
60 to Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.

61 (9) The course may be through live instruction, video instruction, or through an online
62 provider.

63 ~~[(8)]~~ (10) Each participant shall pay the costs of the course, which may not exceed
64 \$20, to the independent contractor providing the course at the time and place of the course.

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

67 (b) A participant who is unable to pay the costs of the course may attend without
68 payment and request an Affidavit of Impecuniosity from the provider to be filed with the
69 petition or motion. The provider shall be reimbursed for its costs by the Administrative Office
70 of the Courts. A petitioner who is later determined not to meet the qualifications for
71 impecuniosity may be ordered to pay the costs of the course.

72 ~~[(9)]~~ (11) Appropriations from the General Fund to the Administrative Office of the
73 Courts for the divorce orientation course shall be used to pay the costs of an indigent petitioner
74 who is determined to be impecunious as provided in Subsection ~~[(8)]~~ (10)(b).

75 ~~[(10)]~~ (12) The Online Court Assistance Program shall include instructions with the
76 forms for divorce which inform the petitioner of the requirement of this section.

77 ~~[(11)]~~ (13) Both parties shall attend a divorce orientation course before a divorce
78 decree may be entered, unless waived by the court. A certificate of completion constitutes
79 evidence to the court of course completion by the parties.

80 ~~[(12)]~~ (14) It shall be an affirmative defense in all divorce actions that the divorce
81 orientation requirement was not complied with, and the action may not continue until a party
82 has complied.

83 ~~[(13)]~~ (15) The Administrative Office of the Courts shall adopt a program to evaluate
84 the effectiveness of the mandatory educational course. Progress reports shall be provided if
85 requested by the Judiciary Interim Committee.

Legislative Review Note
as of 2-5-14 11:16 AM

Office of Legislative Research and General Counsel