

1 **AMENDMENTS TO MANDATORY COURSES FOR FAMILY**

2 **LAW ACTIONS**

3 2024 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Joseph Elison**

6 Senate Sponsor: Michael K. McKell

7

LONG TITLE

8 **General Description:**

9 This bill amends provisions regarding mandatory courses in family law actions.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ clarifies the requirements for mandatory courses in temporary separation, divorce,
13 and parentage actions;

14 ▶ clarifies the requirements for the divorce orientation course in a temporary
15 separation action;

16 ▶ addresses a waiver of a mandatory course requirement by the court in a temporary
17 separation, divorce, and parentage action;

18 ▶ creates a parenting course for unmarried parties in a parentage action;

19 ▶ addresses the requirements for a parenting course in a parentage action; and

20 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:
27



- 28 [30-3-4](#), as last amended by Laws of Utah 2018, Chapter 470
- 29 [30-3-4.5](#), as last amended by Laws of Utah 2010, Chapter 34
- 30 [30-3-10.3](#), as last amended by Laws of Utah 2012, Chapter 271
- 31 [30-3-10.4](#), as last amended by Laws of Utah 2023, Chapter 44
- 32 [30-3-10.9](#), as last amended by Laws of Utah 2018, Chapter 37
- 33 [30-3-11.3](#), as last amended by Laws of Utah 2022, Chapter 272
- 34 [30-3-11.4](#), as last amended by Laws of Utah 2022, Chapter 272
- 35 [30-3-35.2](#), as enacted by Laws of Utah 2021, Chapter 399
- 36 [51-9-408](#), as last amended by Laws of Utah 2021, Chapter 262
- 37 [78B-15-610](#), as last amended by Laws of Utah 2019, Chapter 188

38

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

40 Section 1. Section [30-3-4](#) is amended to read:

41 **[30-3-4. Pleadings -- Decree -- Mandatory course requirements -- Use of affidavit](#)**
42 **-- Private records.**

43 (1) As used in this section, "mandatory courses" means:

44 (a) the mandatory parenting course described in Subsection [30-3-11.3\(1\)\(a\)](#); and

45 (b) the divorce orientation course described in Section [30-3-11.4](#).

46 ~~[(+)]~~ (2) (a) The complaint shall be in writing and signed by the petitioner or
47 petitioner's attorney.

48 (b) A decree of divorce may not be granted upon default or otherwise except upon legal
49 evidence taken in the cause. If the decree is to be entered upon the default of the respondent,
50 evidence to support the decree may be submitted upon the affidavit of the petitioner with the
51 approval of the court.

52 ~~[(c) If the petitioner and the respondent have a child or children, a decree of divorce~~
53 ~~may not be granted until both parties have attended the mandatory course described in Section~~
54 ~~[30-3-11.3](#) or [30-3-11.4](#), and have presented a certificate of course completion to the court. The~~
55 ~~court may waive this requirement, on its own motion or on the motion of one of the parties, if it~~
56 ~~determines course attendance and completion are not necessary, appropriate, feasible, or in the~~
57 ~~best interest of the parties.]~~

58 ~~[(+)]~~ (c) All hearings and trials for divorce shall be held before the court or the court

59 commissioner as provided by Section [78A-5-107](#) and rules of the Judicial Council. The court
60 or the commissioner in all divorce cases shall enter the decree upon the evidence or, in the case
61 of a decree after default of the respondent, upon the petitioner's affidavit.

62 (3) (a) If the parties to the divorce action have a child, the parties shall attend the
63 mandatory courses:

64 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

65 (ii) for the respondent, within 30 days after the day on which the respondent is served.

66 (b) If the parties to a divorce action do not have a child, the parties may choose to
67 attend the divorce orientation course described in Section [30-3-11.4](#).

68 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the
69 mandatory courses.

70 (d) A petition shall include information regarding the mandatory courses when the
71 petition is served on the respondent.

72 (4) For a party that is unable to pay the costs of the mandatory courses, and before the
73 court enters a decree of divorce in the action, the court shall:

74 (a) make a final determination of indigency; and

75 (b) order the party to pay the costs of the mandatory courses if the court determines the
76 party is not indigent.

77 (5) (a) Except for a temporary restraining order under Rule 65 of the Utah Rules of
78 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to
79 the divorce until the moving party completes the mandatory courses.

80 (b) It is an affirmative defense in a divorce action that a party has not completed the
81 mandatory courses and the action may not continue until a party has complied with the
82 mandatory courses.

83 (6) (a) Notwithstanding Subsections (3) and (5)(b), the court may waive the
84 requirement that the parties attend the mandatory courses, on the court's own motion or on the
85 motion of one of the parties, if the court determines course attendance and completion are not
86 necessary, appropriate, or feasible, or in the best interest of the parties.

87 (b) If the requirement is waived, the court may permit the divorce action to proceed.

88 ~~[(2)]~~ (7) (a) A party to an action brought under this title or to an action under Title 78B,
89 Chapter 12, Utah Child Support Act, Title 78B, Chapter 13, Utah Uniform Child Custody

90 Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate Family
91 Support Act, Title 78B, Chapter 15, Utah Uniform Parentage Act, or to an action to modify or
92 enforce a judgment in the action may file a motion to have the file other than the final
93 judgment, order, or decree classified as private.

94 (b) If the court finds that there are substantial interests favoring restricting access that
95 clearly outweigh the interests favoring access, the court may classify the file, or any part
96 thereof other than the final order, judgment, or decree, as private. An order classifying part of
97 the file as private does not apply to subsequent filings.

98 (c) The record is private until the judge determines it is possible to release the record
99 without prejudice to the interests that justified the closure. Any interested person may petition
100 the court to permit access to a record classified as private under this section. The petition shall
101 be served on the parties to the closure order.

102 Section 2. Section **30-3-4.5** is amended to read:

103 **30-3-4.5. Motion for temporary separation order.**

104 (1) A petitioner may file an action for a temporary separation order without filing a
105 petition for divorce by filing a petition for temporary separation and motion for temporary
106 orders if:

107 (a) the petitioner is lawfully married to the respondent; and

108 (b) both parties are residents of the state for at least 90 days prior to the date of filing.

109 (2) The temporary orders are valid for one year from the date of the hearing, or until
110 one of the following occurs:

111 (a) a petition for divorce is filed and consolidated with the petition for temporary
112 separation; or

113 (b) the case is dismissed.

114 (3) If a petition for divorce is filed and consolidated with the petition for temporary
115 separation, orders entered in the temporary separation shall continue in the consolidated case.

116 ~~[(4) Both parties shall attend the divorce orientation course described in Section~~
117 ~~30-3-11.4 within 60 days of the filing of the petition, for petitioner, and within 45 days of being~~
118 ~~served, for respondent.]~~

119 (4) (a) If the parties to the temporary separation action have a child, the parties shall
120 attend the divorce orientation course described in Section [30-3-11.4](#):

- 121 (i) for the petitioner, within 60 days after the day on which the petition is filed; and
122 (ii) for the respondent, within 30 days after the day on which the respondent is served.
- 123 (b) If the parties to the temporary separation action do not have a child, the parties may
124 choose to attend the divorce orientation course described in Section [30-3-11.4](#).
- 125 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation
126 course requirement.
- 127 (d) A petition shall include information regarding the divorce orientation course
128 requirement when the petition is served on the respondent.
- 129 (5) For a party that is unable to pay the costs of the divorce orientation course, and
130 before the court enters a decree of divorce in the action, the court shall:
- 131 (a) make a final determination of indigency; and
132 (b) order the party to pay the costs of the divorce orientation course if the court
133 determines the party is not indigent.
- 134 (6) (a) Except for a temporary restraining order under Rule 65 of the Utah Rules of
135 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to
136 the temporary separation petition until the moving party completes the divorce orientation
137 course.
- 138 (b) It is an affirmative defense in a temporary separation action that a party has not
139 completed the divorce orientation course and the action may not continue until a party has
140 complied with the divorce orientation course.
- 141 (7) (a) Notwithstanding Subsections (4) or (6)(b), the court may waive the requirement
142 that the parties attend the divorce orientation course, on the court's own motion or on the
143 motion of one of the parties, if the court determines course attendance and completion are not
144 necessary, appropriate, or feasible, or in the best interest of the parties.
- 145 (b) If the requirement is waived, the court may permit the temporary separation action
146 to proceed.
- 147 [~~5~~] (8) Service shall be made upon respondent, together with a 20-day summons, in
148 accordance with the rules of civil procedure.
- 149 [~~6~~] (9) The fee for filing the petition for temporary separation orders is \$35. If either
150 party files a petition for divorce within one year from the date of filing the petition for
151 temporary separation, the separation filing fee shall be credited towards the filing fee for the

152 divorce.

153 Section 3. Section **30-3-10.3** is amended to read:

154 **30-3-10.3. Terms of joint legal or physical custody order.**

155 ~~[(1) Unless the court orders otherwise, before a final order of joint legal custody or~~
156 ~~joint physical custody is entered both parties shall attend the mandatory course for divorcing~~
157 ~~parents, as provided in Section **30-3-11.3**, and present a certificate of completion from the~~
158 ~~course to the court.]~~

159 ~~[(2)]~~ (1) An order of joint legal or physical custody shall provide terms the court
160 determines appropriate, which may include specifying:

161 (a) either the county of residence of the child, until altered by further order of the court,
162 or the custodian who has the sole legal right to determine the residence of the child;

163 (b) that the parents shall exchange information concerning the health, education, and
164 welfare of the child, and where possible, confer before making decisions concerning any of
165 these areas;

166 (c) the rights and duties of each parent regarding the child's present and future physical
167 care, support, and education;

168 (d) provisions to minimize disruption of the child's attendance at school and other
169 activities, his daily routine, and his association with friends; and

170 (e) as necessary, the remaining parental rights, privileges, duties, and powers to be
171 exercised by the parents solely, concurrently, or jointly.

172 ~~[(3)]~~ (2) The court shall, where possible, include in the order the terms of the parenting
173 plan provided in accordance with Section **30-3-10.8**.

174 ~~[(4)]~~ (3) Any parental rights not specifically addressed by the court order may be
175 exercised by the parent having physical custody of the child the majority of the time.

176 ~~[(5)]~~ (4) The appointment of joint legal or physical custodians does not impair or limit
177 the authority of the court to order support of the child, including payments by one custodian to
178 the other.

179 ~~[(6)]~~ (5) An order of joint legal custody, in itself, is not grounds for modifying a
180 support order.

181 ~~[(7)]~~ (6) An order of joint legal or physical custody shall require a parenting plan
182 incorporating a dispute resolution procedure the parties agree to use:

183 (a) in accordance with Section 30-3-10.9, or as ordered by the court in accordance with
184 Subsection 30-3-10.2(5); and

185 (b) before seeking enforcement or modification of the terms and conditions of the order
186 of joint legal or physical custody through litigation, except in emergency situations requiring ex
187 parte orders to protect the child.

188 Section 4. Section 30-3-10.4 is amended to read:

189 **30-3-10.4. Modification or termination of order.**

190 (1) On the petition of one or both of the parents, or the joint legal or physical
191 custodians if they are not the parents, the court may, after a hearing, modify or terminate an
192 order that established joint legal custody or joint physical custody if:

193 (a) the verified petition or accompanying affidavit initially alleges that admissible
194 evidence will show that the circumstances of the child or one or both parents or joint legal or
195 physical custodians have materially and substantially changed since the entry of the order to be
196 modified;

197 (b) a modification of the terms and conditions of the order would be an improvement
198 for and in the best interest of the child; and

199 (c) (i) both parents have complied in good faith with the dispute resolution procedure
200 in accordance with Subsection [~~30-3-10.3(7)~~] 30-3-10.3(6); or

201 (ii) if no dispute resolution procedure is contained in the order that established joint
202 legal custody or joint physical custody, the court orders the parents to participate in a dispute
203 resolution procedure in accordance with Subsection 30-3-10.2(5) unless the parents certify that,
204 in good faith, they have used a dispute resolution procedure to resolve their dispute.

205 (2) (a) In determining whether the best interest of a child will be served by either
206 modifying or terminating the joint legal custody or joint physical custody order, the court shall,
207 in addition to other factors the court considers relevant, consider the factors outlined in Section
208 30-3-10 and Subsection 30-3-10.2(2).

209 (b) A court order modifying or terminating an existing joint legal custody or joint
210 physical custody order shall contain written findings that:

211 (i) a material and substantial change of circumstance has occurred; and

212 (ii) a modification of the terms and conditions of the order would be an improvement
213 for and in the best interest of the child.

214 (c) The court shall give substantial weight to the existing joint legal custody or joint
215 physical custody order when the child is thriving, happy, and well-adjusted.

216 (3) The court shall, in every case regarding a petition for termination of a joint legal
217 custody or joint physical custody order, consider reasonable alternatives to preserve the
218 existing order in accordance with Subsection 30-3-10(3). The court may modify the terms and
219 conditions of the existing order in accordance with Subsection 30-3-10(8) and may order the
220 parents to file a parenting plan in accordance with this chapter.

221 (4) A parent requesting a modification from sole custody to joint legal custody or joint
222 physical custody or both, or any other type of shared parenting arrangement, shall file and serve
223 a proposed parenting plan with the petition to modify in accordance with Section 30-3-10.8.

224 (5) If the court finds that an action under this section is filed or answered frivolously
225 and in a manner designed to harass the other party, the court shall assess attorney fees as costs
226 against the offending party.

227 (6) If an issue before the court involves custodial responsibility in the event of
228 deployment of one or both parents who are service members, and the service member has not
229 yet been notified of deployment, the court shall resolve the issue based on the standards in
230 Sections 78B-20-306 through 78B-20-309.

231 Section 5. Section 30-3-10.9 is amended to read:

232 **30-3-10.9. Parenting plan -- Objectives -- Required provisions -- Dispute**
233 **resolution -- Education plan.**

234 (1) The objectives of a parenting plan are to:

235 (a) provide for the child's physical care;

236 (b) maintain the child's emotional stability;

237 (c) provide for the child's changing needs as the child grows and matures in a way that
238 minimizes the need for future modifications to the parenting plan;

239 (d) set forth the authority and responsibilities of each parent with respect to the child
240 consistent with the definitions outlined in this chapter;

241 (e) minimize the child's exposure to harmful parental conflict;

242 (f) encourage the parents, where appropriate, to meet the responsibilities to their minor
243 children through agreements in the parenting plan rather than relying on judicial intervention;

244 and

245 (g) protect the best interests of the child.

246 (2) The parenting plan shall contain provisions for resolution of future disputes
247 between the parents, allocation of decision-making authority, and residential provisions for the
248 child, and provisions addressing notice and parent-time responsibilities in the event of the
249 relocation of either party. It may contain other provisions comparable to those in Sections
250 30-3-5 and 30-3-10.3 regarding the welfare of the child.

251 (3) A process for resolving disputes shall be provided unless precluded or limited by
252 statute. A dispute resolution process may include:

253 (a) counseling;

254 (b) mediation or arbitration by a specified individual or agency; or

255 (c) court action.

256 (4) In the dispute resolution process:

257 (a) preference shall be given to the provisions in the parenting plan;

258 (b) parents shall use the designated process to resolve disputes relating to
259 implementation of the plan, except those related to financial support, unless an emergency
260 exists;

261 (c) a written record shall be prepared of any agreement reached in counseling or
262 mediation and provided to each party;

263 (d) if arbitration becomes necessary, a written record shall be prepared and a copy of
264 the arbitration award shall be provided to each party;

265 (e) if the court finds that a parent has used or frustrated the dispute resolution process
266 without good reason, the court may award attorney fees and financial sanctions to the
267 prevailing parent;

268 (f) the district court has the right of review from the dispute resolution process; and

269 (g) the provisions of this Subsection (4) shall be set forth in any final decree or order.

270 (5) (a) Subject to the other provisions of this Subsection (5), the parenting plan shall
271 allocate decision-making authority to one or both parties regarding the child's education,
272 healthcare, and religious upbringing. The parties may incorporate an agreement related to the
273 care and growth of the child in these specified areas or in other areas into the plan, consistent
274 with the criteria outlined in Subsection 30-3-10.7(2) and Subsection (1). Regardless of the
275 allocation of decision-making in the parenting plan, either parent may make emergency

276 decisions affecting the health or safety of the child.

277 (b) A child's education plan shall designate the following:

278 (i) the home residence for purposes of identifying the appropriate school or another
279 specific plan that provides for where the child will attend school;

280 (ii) which parent has authority to make education decisions for the child if the parents
281 cannot agree; and

282 (iii) whether one or both parents have access to the child during school and authority to
283 check the child out of school.

284 (c) If no education provision is included in the parent plan:

285 (i) a parent with sole physical custody shall make the decisions listed in Subsection
286 (5)(b);

287 (ii) in the event of joint physical custody when one parent has custody a majority of the
288 time, pursuant to Subsection [~~30-3-10.3(4)~~] 30-3-10.3(3):

289 (A) the parent having the child the majority of the time shall make the decisions listed
290 in Subsections (5)(b)(i) and (ii); and

291 (B) both parents with joint physical custody shall have access to the child during
292 school and authority to check the child out of school; or

293 (iii) in the event of joint physical custody when the parents have custody an equal
294 amount of time:

295 (A) the court shall determine how the decisions listed in Subsections (5)(b)(i) and (ii)
296 are made; and

297 (B) both parents with joint physical custody shall have access to the child during
298 school and authority to check the child out of school.

299 (6) Each parent may make decisions regarding the day-to-day care and control of the
300 child while the child is residing with that parent.

301 (7) When mutual decision-making is designated but cannot be achieved, the parties
302 shall make a good faith effort to resolve the issue through the dispute resolution process.

303 (8) The plan shall include a residential schedule that designates in which parent's home
304 each minor child shall reside on given days of the year, including provisions for holidays,
305 birthdays of family members, vacations, and other special occasions.

306 (9) If a parent fails to comply with a provision of the parenting plan or a child support

307 order, the other parent's obligations under the parenting plan or the child support order are not
308 affected. Failure to comply with a provision of the parenting plan or a child support order may
309 result in a finding of contempt of court.

310 (10) (a) When one or both parents are servicemembers, the parenting plan shall contain
311 provisions that address the foreseeable parenting and custodial issues likely to arise in the event
312 of notification of deployment or other contingency, including long-term deployments,
313 short-term deployments, death, incapacity, and noncombatant evacuation operations.

314 (b) The provisions in the parenting plan described in Subsection (10)(a) shall comport
315 substantially with the requirements of an agreement made pursuant to Section 78B-20-201.

316 Section 6. Section 30-3-11.3 is amended to read:

317 **30-3-11.3. Mandatory parenting course for parties in a divorce or parentage**
318 **action.**

319 (1) The Judicial Council shall approve and implement:

320 (a) a mandatory parenting course [for divorcing parents] in all judicial districts[. The
321 mandatory course is designed to educate and sensitize divorcing parties to their children's needs
322 both during and after the divorce process.] for married parties in a divorce action determining
323 issues of child custody and parent-time; and

324 (b) a mandatory parenting course in all judicial districts for unmarried parties in a
325 parentage action determining issues of child custody and parent-time.

326 (2) The Judicial Council shall adopt rules to implement and administer [~~this program~~]
327 the mandatory parenting courses described in Subsection (1).

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

332 [~~(b) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~
333 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~
334 ~~related to the divorce until the moving party completes the mandatory educational course for~~
335 ~~divorcing parents required by this section.]~~

336 [~~(4) The court may require unmarried parents to attend this educational course when~~
337 ~~those parents are involved in a visitation or custody proceeding before the court.]~~

338 ~~[(5)]~~ (3) ~~[The mandatory course shall instruct both parties:]~~ The mandatory parenting
339 courses shall educate and sensitize parties to the needs of the parties' child during and after the
340 court process, including instructing the parties:

341 (a) about ~~[divorce and its impacts]~~ the impact of the court process, and its outcome, on:

342 (i) ~~[their child or children]~~ the child;

343 (ii) ~~[their]~~ the family relationship; and

344 (iii) ~~[their financial responsibilities for their child or children]~~ the financial
345 responsibilities of the parties to the child; and

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

347 ~~[(6)]~~ (4) (a) ~~[The course]~~ The mandatory parenting courses may be provided through
348 live instruction, video instruction, or an online provider.

349 (b) The online and video options under Subsection (4)(a) must be formatted as
350 interactive presentations that ensure active participation and learning by the ~~[parent]~~ party.

351 ~~[(7)]~~ (5) (a) The Administrative Office of the Courts shall administer ~~[the course~~
352 ~~pursuant to]~~ the mandatory parenting courses, in accordance with Title 63G, Chapter 6a, Utah
353 Procurement Code, through private or public contracts and organize the program in each of
354 Utah's judicial districts.

355 (b) The contracts shall provide for the recoupment of administrative expenses through
356 the costs charged to individual parties~~[, pursuant to Subsection (9):]~~ as described in Subsection
357 (7).

358 ~~[(8)]~~ (6) A certificate of completion constitutes evidence to the court of ~~[course]~~
359 completion of a parenting course under this section by the parties.

360 ~~[(9)]~~ (7) (a) Each party shall pay the ~~[costs of the]~~ cost of a parenting course to the
361 independent contractor providing the course at the time and place of the course.

362 (b) A fee of \$8 shall be collected, as part of ~~[the course]~~ a parenting course fee paid by
363 each participant, and deposited in the Children's Legal Defense Account~~;~~ described in Section
364 [51-9-408](#).

365 ~~[(b)]~~ (c) Each party who is unable to pay the ~~[costs of the]~~ cost of a parenting course
366 may attend the parenting course, without payment, upon a prima facie showing of indigency as
367 evidenced by an affidavit of indigency filed in the district court in accordance with Section
368 [78A-2-302](#). ~~[In those situations, the independent contractor shall be reimbursed for the~~

369 independent contractor's costs from the appropriation to the Administrative Office of the
 370 Courts for "Mandatory Educational Course for Divorcing Parents Program." Before a decree of
 371 divorce may be entered, the court shall make a final review and determination of indigency and
 372 may order the payment of the costs if so determined.]

373 (d) The Administrative Office of the Courts shall use appropriations from the
 374 Children's Legal Defense Account to reimburse an independent contractor for the costs of a
 375 party who is unable to pay for a parenting course under Subsection (7)(c).

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

379 ~~[(H)]~~ (8) The Administrative Office of the Courts shall:

380 (a) adopt a program to evaluate the effectiveness of ~~[the mandatory educational course.~~
 381 ~~Progress reports shall be provided if requested by the Judiciary Interim Committee.]~~ the
 382 mandatory parenting courses; and

383 (b) provide progress reports to the Judiciary Interim Committee if requested.

384 Section 7. Section 30-3-11.4 is amended to read:

385 **30-3-11.4. Mandatory orientation course for divorce or temporary separation**
 386 **actions.**

387 (1) (a) There is established a mandatory divorce orientation course for all parties with
 388 minor children who file a petition for temporary separation or for a divorce.

389 (b) A couple with no minor children is not required, but may choose to attend the
 390 course. ~~[The purpose of the course is to educate parties about the divorce process and~~
 391 ~~reasonable alternatives.]~~

392 ~~[(2) A petitioner shall attend a divorce orientation course no more than 60 days after~~
 393 ~~filing a petition for divorce.]~~

394 ~~[(3) (a) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~
 395 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~
 396 ~~related to the divorce or petition for temporary separation, until the moving party completes the~~
 397 ~~divorce orientation course.]~~

398 ~~[(b) Notwithstanding Subsection (3)(a), both parties shall attend a divorce orientation~~
 399 ~~course before a divorce decree may be entered, unless waived by the court under Section~~

400 ~~30-3-4.]~~

401 ~~[(4) The respondent shall attend the divorce orientation course no more than 30 days~~
402 ~~after being served with a petition for divorce.]~~

403 ~~[(5) The clerk of the court shall provide notice to a petitioner of the requirement for the~~
404 ~~course, and information regarding the course shall be included with the petition or motion,~~
405 ~~when served on the respondent.]~~

406 ~~[(6)]~~ (2) The divorce orientation course shall be neutral, unbiased, and at least one hour
407 in duration~~[, and include:].~~

408 (3) The divorce orientation course shall educate the parties about the divorce process
409 and reasonable alternatives, including instructing the parties on:

410 (a) options available as alternatives to divorce;

411 (b) resources available from courts and administrative agencies for resolving custody
412 and support issues without filing for divorce;

413 (c) resources available to improve or strengthen the marriage;

414 (d) a discussion of the positive and negative consequences of divorce;

415 (e) a discussion of the process of divorce;

416 (f) options available for proceeding with a divorce, including:

417 (i) mediation;

418 (ii) collaborative law; and

419 (iii) litigation; and

420 (g) a discussion of post-divorce resources.

421 ~~[(7)]~~ (4) The divorce orientation course may be provided in conjunction with [the
422 mandatory course for divorcing parents] a mandatory parenting course required by Section
423 ~~30-3-11.3.~~

424 ~~[(8)]~~ (5) The Administrative Office of the Courts shall administer the ~~[course pursuant~~
425 ~~to]~~ divorce orientation course, in accordance with Title 63G, Chapter 6a, Utah Procurement
426 Code, through private or public contracts and organize the program in each of Utah's judicial
427 districts.

428 ~~[(9)]~~ (6) The divorce orientation course may be through live instruction, video
429 instruction, or through an online provider.

430 ~~[(10)]~~ (7) (a) A ~~[participant]~~ party shall pay the [costs] cost of the divorce orientation

431 course[, which may not exceed \$30,] to the independent contractor providing the course at the
432 time and place of the course.

433 (b) A party may not be charged more than \$30 to participate in the divorce orientation
434 course.

435 (c) A petitioner may not be charged more than \$15 to participate in the divorce
436 orientation course if the petitioner attends a live instruction course within 30 days after the day
437 on which the petitioner filed the action.

438 (d) A respondent may not be charged more than \$15 to participate in the divorce
439 orientation course if the respondent attends a live instruction course within 30 days after the
440 day on which the respondent is served with the action.

441 [~~(b) A petitioner who attends a live instruction course within 30 days of filing may not~~
442 ~~be charged more than \$15 for the course.]~~

443 [~~(c) A respondent who attends a live instruction course within 30 days of being served~~
444 ~~with a petition for divorce may not be charged more than \$15 for the course.]~~

445 [~~(d)~~ (e) A fee of \$5 shall be collected, as part of the divorce orientation course fee paid
446 by each participant, and deposited in the Children's Legal Defense Account described in
447 Section [51-9-408](#).

448 [~~(e)~~ (f) Each party who is unable to pay the costs of the course may attend the divorce
449 orientation course, without payment, upon a prima facie showing of indigency as evidenced by
450 an affidavit of indigency filed in the district court in accordance with Section [78A-2-302](#). [~~The~~
451 ~~independent contractor shall be reimbursed for the independent contractor's costs by the~~
452 ~~Administrative Office of the Courts. A petitioner who is later determined not to meet the~~
453 ~~qualifications for indigency may be ordered to pay the costs of the course.]~~

454 (g) The Administrative Office of the Courts shall use appropriations from the
455 Children's Legal Defense Account to reimburse an independent contractor for the costs of a
456 party who is unable to pay for the divorce orientation course under Subsection (7)(f).

457 [~~(11) Appropriations from the General Fund to the Administrative Office of the Courts~~
458 ~~for the divorce orientation course shall be used to pay the costs of an indigent petitioner who is~~
459 ~~determined to be indigent as provided in Subsection (10)(e).]~~

460 [~~(12)~~ (8) The Online Court Assistance Program shall include instructions with the
461 forms for divorce that inform the petitioner of the requirement of this section.

462 ~~[(13)]~~ (9) A certificate of completion constitutes evidence to the court of ~~[course]~~
463 completion of the divorce orientation course by the parties.

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

467 ~~[(15)]~~ (10) The Administrative Office of the Courts shall:

468 (a) adopt a program to evaluate the effectiveness of ~~[the mandatory educational course.~~
469 ~~Progress reports shall be provided if requested by the Judiciary Interim Committee.]~~ the
470 divorce orientation course described in this section; and

471 (b) provide progress reports to the Judiciary Interim Committee if requested.

472 Section 8. Section **30-3-35.2** is amended to read:

473 **30-3-35.2. Equal parent-time schedule.**

474 (1) (a) A court may order the equal parent-time schedule described in this section if the
475 court determines that:

476 (i) the equal parent-time schedule is in the child's best interest;

477 (ii) each parent has been actively involved in the child's life; and

478 (iii) each parent can effectively facilitate the equal parent-time schedule.

479 (b) To determine whether each parent has been actively involved in the child's life, the
480 court shall consider:

481 (i) each parent's demonstrated responsibility in caring for the child;

482 (ii) each parent's involvement in child care;

483 (iii) each parent's presence or volunteer efforts in the child's school and at
484 extracurricular activities;

485 (iv) each parent's assistance with the child's homework;

486 (v) each parent's involvement in preparation of meals, bath time, and bedtime for the
487 child;

488 (vi) each parent's bond with the child; and

489 (vii) any other factor the court considers relevant.

490 (c) To determine whether each parent can effectively facilitate the equal parent-time
491 schedule, the court shall consider:

492 (i) the geographic distance between the residence of each parent and the distance

493 between each residence and the child's school;

494 (ii) each parent's ability to assist with the child's after school care;

495 (iii) the health of the child and each parent, consistent with Subsection 30-3-10(6);

496 (iv) the flexibility of each parent's employment or other schedule;

497 (v) each parent's ability to provide appropriate playtime with the child;

498 (vi) each parent's history and ability to implement a flexible schedule for the child;

499 (vii) physical facilities of each parent's residence; and

500 (viii) any other factor the court considers relevant.

501 (2) (a) If the parties agree to or the court orders the equal parent-time schedule
502 described in this section, a parenting plan in accordance with Sections 30-3-10.7 through
503 30-3-10.10 shall be filed with an order incorporating the equal parent-time schedule.

504 (b) An order under this section shall result in 182 overnights per year for one parent,
505 and 183 overnights per year for the other parent.

506 (c) Under the equal parent-time schedule, neither parent is considered to have the child
507 the majority of the time for the purposes of Subsection [~~30-3-10.3(4)~~] 30-3-10.3(3) or
508 30-3-10.9(5)(c)(ii).

509 (d) Child support for the equal parent-time schedule shall be consistent with Section
510 78B-12-208.

511 (e) (i) A court shall determine which parent receives 182 overnights and which parent
512 receives 183 overnights for parent-time.

513 (ii) For the purpose of calculating child support under Section 78B-12-208, the amount
514 of time to be spent with the parent who has the lower gross monthly income is considered 183
515 overnights, regardless of whether the parent receives 182 overnights or 183 overnights under
516 Subsection (2)(e)(i).

517 (3) (a) Unless the parents agree otherwise and subject to a holiday, the equal
518 parent-time schedule is as follows:

519 (i) one parent shall exercise parent-time starting Monday morning and ending
520 Wednesday morning;

521 (ii) the other parent shall exercise parent-time starting Wednesday morning and ending
522 Friday morning; and

523 (iii) each parent shall alternate weeks exercising parent-time starting Friday morning

524 and ending Monday morning.

525 (b) The child exchange shall take place:

526 (i) at the time the child's school begins; or

527 (ii) if school is not in session, at 9 a.m.

528 (4) (a) The parents may create a holiday schedule.

529 (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the
530 court shall:

531 (i) order the holiday schedule described in Section 30-3-35; and

532 (ii) designate which parent shall exercise parent-time for each holiday described in
533 Section 30-3-35.

534 (5) (a) Each year, a parent may designate two consecutive weeks to exercise
535 uninterrupted parent-time during the summer when school is not in session.

536 (b) (i) One parent may make a designation at any time and the other parent may make a
537 designation after May 1.

538 (ii) A parent shall make a designation at least 30 days before the day on which the
539 designated two-week period begins.

540 (c) The court shall designate which parent may make the earlier designation described
541 in Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make the
542 earlier designation in an odd numbered year.

543 (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all
544 holidays except for Mother's Day and Father's Day.

545 Section 9. Section 51-9-408 is amended to read:

546 **51-9-408. Children's Legal Defense Account.**

547 (1) There is created a restricted account within the General Fund known as the
548 Children's Legal Defense Account.

549 (2) The purpose of the Children's Legal Defense Account is to provide for programs
550 that protect and defend the rights, safety, and quality of life of children.

551 (3) (a) The Legislature shall appropriate money from the account for the administrative
552 and related costs of the following programs:

553 ~~[(i) implementing the Mandatory Educational Course on Children's Needs for~~
554 ~~Divorcing Parents relating to the effects of divorce on children as provided in Sections 30-3-4;~~

555 ~~30-3-10.3, 30-3-11.3, and the Mediation Program - Child Custody or Parent-time;]~~

556 (i) implementing the mandatory courses described in Sections [30-3-11.3](#) and [30-3-11.4](#)
557 and the mediation program for child custody or parent-time;

558 (ii) implementing the use of guardians ad litem in accordance with Sections
559 [78A-2-703](#), [78A-2-705](#), [78A-2-803](#), and [78B-3-102](#);

560 (iii) the training of attorney guardians ad litem and volunteers as provided in Section
561 [78A-2-803](#);

562 (iv) implementing and administering the Expedited Parent-time Enforcement Program
563 as provided in Section [30-3-38](#); and

564 (v) implementing and administering the Divorce Education for Children Program.

565 (b) The Children's Legal Defense Account may not be used to supplant funding for the
566 guardian ad litem program under Section [78A-2-803](#).

567 (4) The following withheld fees shall be allocated only to the Children's Legal Defense
568 Account and used only for the purposes provided in Subsections (3)(a)(i) through (v):

569 (a) the additional \$10 fee withheld on every marriage license issued in the state of Utah
570 as provided in Section [17-16-21](#); and

571 (b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any
572 complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

573 (5) The Division of Finance shall allocate the money described in Subsection (4) from
574 the General Fund to the Children's Legal Defense Account.

575 (6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30
576 of any fiscal year shall lapse into the General Fund.

577 Section 10. Section **78B-15-610** is amended to read:

578 **78B-15-610. Joinder of judicial proceedings -- Court reliance of custody and**
579 **parent-time standards -- Mandatory parenting course.**

580 (1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate
581 parentage may be joined with a proceeding for adoption, termination of parental rights, child
582 custody or visitation, child support, divorce, annulment, legal separation or separate
583 maintenance, probate or administration of an estate, or other appropriate proceeding.

584 (2) A respondent may not join a proceeding described in Subsection (1) with a
585 proceeding to adjudicate parentage brought under Title 78B, Chapter 14, Utah Uniform

586 Interstate Family Support Act.

587 (3) A court may rely on Title 30, Chapter 3, Divorce, in determining issues related to
588 custody or parent-time.

589 (4) (a) If a parentage action is determining issues of custody or parent-time for a child
590 and the parents of the child are not married, the parties shall attend the mandatory parenting
591 course described in Subsection 30-3-11.3(1)(b) within:

592 (i) for the petitioner, 60 days after the day on which the petition is filed; and

593 (ii) for the respondent, 30 days after the day on which the respondent is served.

594 (b) The clerk of the court shall provide notice to a petitioner that the petitioner is
595 required to attend the parenting course.

596 (c) A petition shall include information regarding the parenting course when the
597 petition is served on the respondent.

598 (d) The court may not grant a final custody or parent-time order in a parentage action
599 until:

600 (i) both parties have attended the parenting course; and

601 (ii) both parties have presented a certificate of course completion to the court.

602 (5) For a party that is unable to pay the costs of the parenting course, and before the
603 court enters an order for custody or parent-time in the parentage action, the court shall:

604 (a) make a final determination of indigency; and

605 (b) order the party to pay the costs of the parenting course if the court determines the
606 party is not indigent.

607 (6) (a) Notwithstanding Subsection (4), the court may waive the requirement that the
608 parties attend the parenting course, on the court's own motion or on the motion of one of the
609 parties, if the court determines course attendance and completion are not necessary,
610 appropriate, or feasible, or in the best interest of the parties.

611 (b) If the requirement is waived, the court may proceed with entering a final custody or
612 parent-time order.

613 Section 11. **Effective date.**

614 This bill takes effect on May 1, 2024.