



PARENTAL DIVORCE REDUCTION ACT

RELATING TO DOMESTIC AFFAIRS; ENACTING THE PARENTAL DIVORCE REDUCTION ACT; REQUIRING EDUCATION AND A WAITING PERIOD PRIOR TO FILING A PETITION FOR DISSOLUTION OF MARRIAGE FOR PARTIES WITH MINOR CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF XXX:

SECTION 1. **SHORT TITLE.** This act shall be known as the “Parental Divorce Reduction Act”.

SECTION 2. **PURPOSE.** The purpose of the Parental Divorce Reduction Act is to reduce unnecessary divorce, decrease parental conflict and litigation, and educate parents on the impact of divorce on families.

SECTION 3. **PARENTS OF A MINOR CHILD--PETITION FOR DISSOLUTION.** Prior to commencing an action for dissolution of marriage, parties who are the parents of a minor child shall complete a divorce education curriculum followed by an eight-month reconciliation and reflection period, unless the verified petition for dissolution states, which shall be a rebuttable presumption, that:

- A. a court issued a permanent order of protection against the respondent, after the respondent had notice and an opportunity to participate in an evidentiary hearing, based on a finding that the respondent committed an act of domestic abuse against the petitioner or a minor child of either party;
- B. the respondent was convicted of a crime pursuant to the [INSERT NAME OF ACT] Act or a sexual offense as provided in [INSERT CITATION TO STATE STATUTE] against the petitioner or a minor child;
- C. the respondent was convicted of a felony and sentenced to be incarcerated for a period of five years or more;
- D. a court found the respondent to be addicted to alcohol or drugs and the respondent has refused to undergo rehabilitation; or
- E. the respondent has abandoned the petitioner and the marriage for a continuous period of eighteen months prior to commencement of the action and without the petitioner’s consent or any justification.

SECTION 4. **DIVORCE REDUCTION CURRICULUM.**

A. A divorce reduction curriculum shall be four to eight hours in length, shall be taught by persons trained and certified by the curriculum developer, and shall include materials and discussions relating to:

- (1) the effects of divorce on minor children, including:
 - (a) depression and suicidal thoughts and attempts;
 - (b) changes in academic performance, school attendance and drop-out rates;
 - (c) drug and alcohol use; and
 - (d) other symptoms of maladjustment to divorce;
- (2) the effects of divorce on the parties, including:
 - (a) financial consequences of divorce;
 - (b) rates of divorce in subsequent marriages;
 - (c) changes in parental relationships with children; and
 - (d) changes in time spent with children by fathers after divorce; and
- (3) the benefits of reconciling and restoring marriages where divorce is unnecessary, including:
 - (a) the benefits to children of being raised by both their parents in a healthy marriage; and

(b) the potential for reconciliation among couples who have begun the divorce process;

(4) building relationship skills, which shall include:

- (a) parenting;
- (b) communication;
- (c) conflict resolution;
- (d) money management; and
- (e) overcoming infidelity.

(5) Other resources including relationship education and online classes to help couples who are considering reconciling.

B. The curriculum shall provide domestic violence, substance abuse, and mental health information, including where to obtain and where to get help for these problems.

C. The parties shall not be required to attend the divorce reduction curriculum together and may attend separate sessions.

D. Upon completion, a certificate shall be issued by the provider of the curriculum to each party.

E. The requirements of participating in a divorce reduction curriculum are met when:

- (1) both parties receive a certificate of completion; or
- (2) the petitioner has received a certificate of completion, has given the respondent at least one week's written notice of the time and place of a divorce reduction curriculum program, or of its online availability and location in cases where an online program satisfies the requirements of the Parental Divorce Reduction Act, and the respondent fails to complete the divorce reduction curriculum within one month after the time of the earliest program described in the notice.

F. In cases where a respondent has not completed the divorce reduction curriculum as provided in Subsection E of this section before a petition for dissolution of marriage has been filed, the court shall order the respondent to complete the curriculum as soon as practicable and may impose appropriate sanctions. No sanctions shall be imposed where it is petitioner rather than respondent who falls into any category specified in Section 3 (A-E). A respondent's refusal to complete the curriculum shall not impede the progress of an action for dissolution of marriage.

SECTION 5. RECONCILIATION AND REFLECTION PERIOD. An eight-month reconciliation and reflection period begins once the divorce reduction curriculum requirements are completed. (see section 4.E.) This period provides parents with an opportunity to obtain additional follow-up relationship education or other related services as desired, and time to decide whether to continue to work on their marriage.

SECTION 6. CURRICULA DEVELOPMENT. Divorce reduction curricula shall be approved by the secretary of human services. Curriculum development shall include consultation with domestic violence organizations and experts.

SECTION 7. ONLINE PROGRAM. The secretary of human services shall approve at least one online divorce reduction curriculum program that meets the requirements set forth in the Parental Divorce Reduction Act for persons who live in counties where an in-person curriculum is not regularly offered. If no online program has been approved by the secretary, the divorce reduction curriculum shall be waived for persons who live in counties where the curriculum is not regularly offered, and those persons shall begin the reconciliation and reflection period by giving written notice to the other party that they intend to proceed with a dissolution of the marriage.

SECTION 8. COSTS--WAIVER.

A. The parties are responsible for the cost of participating in the divorce reduction curriculum.

B. A divorce reduction curriculum provider shall use a fee schedule that accommodates families of various financial means. The court shall waive the curriculum fee for indigent parties upon request.

C. The secretary of human services may provide for grants from temporary assistance for needy families funds to assist needy families to pay for divorce reduction curriculum. Cost should not exceed \$100-\$200.

SECTION 9. EFFECTIVE DATE.

A. The effective date of the provisions of Sections 6 through 8 of this act is [INSET DATE].

B. The effective date of the provisions of Sections 1 through 5 of this act is [INSERT DATE].