

1 SB492
2 135045-3
3 By Senator Fielding
4 RFD: Judiciary
5 First Read: 10-APR-12

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8 SYNOPSIS: Under existing law, there is no requirement
9 for married couples with minor children to complete
10 a marriage dissolution education program prior to
11 filing a pleading in a divorce action.

12 This bill would require married couples with
13 minor children to complete a marriage dissolution
14 education program prior to serving a petition,
15 counterpetition, or answer in a divorce or
16 separation action.

17 This bill would establish the program
18 requirements and who is responsible for costs
19 associated with attending the program.
20

21 A BILL

22 TO BE ENTITLED

23 AN ACT
24

25 To require married couples with minor children to
26 complete a marriage dissolution education program prior to

1 filing a pleading in a divorce action; to establish marital
2 dissolution education program requirements; and to provide for
3 payment of costs.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) This section only applies to divorce
6 and separation proceedings of couples with minor children. For
7 the purposes of this section, "minor children" shall mean
8 biological, adoptive, and stepchildren 18 years of age and
9 under.

10 (b) (1) A petition, joint petition, marital
11 termination agreement, or stipulated judgment and decree may
12 not be filed in a divorce or separation action unless it is
13 accompanied by a certificate satisfying the requirements in
14 subsection (c) stating that the filing party has, or in the
15 case of a joint petition, marital termination agreement, or
16 stipulated judgment and decree, both parties have, completed a
17 four-hour marriage dissolution education program as provided
18 in this section within 120 days prior to filing.

19 (2) The respondent shall certify completion of the
20 marriage dissolution education program within 120 days from
21 the date of service of the petition. The judge, at his or her
22 discretion, may waive this requirement.

23 (c) The party shall submit a certificate provided by
24 the marriage dissolution education program verifying
25 completion of the program. The certificate shall be titled
26 "Certificate of Completion of Education Requirement," or be

1 similarly titled, and contain the following or substantially
2 similar language:

3 "This certifies that _____ (party's
4 name) has successfully completed the course _____
5 (course name), which qualifies as a marriage dissolution
6 education program in accordance with, Section _____, Code of
7 Alabama 1975."

8 (d) The requirements of subsection (b) may be
9 waived, at the sole discretion of the judge, if a party
10 includes an accompanying certificate verifying that it is not
11 reasonably possible for the party to complete the program. The
12 certificate shall be titled "Certificate of Impossibility of
13 Education Requirement" and consist of the following language:

14 "I certify that it is not reasonably possible for me
15 to complete the parent marriage dissolution education program
16 for the following reason (check box that applies):

17 " I cannot speak or read the languages in which
18 qualifying programs are offered.

19 " I do not have access to a course in my
20 geographical region or to a personal or library computer
21 connected to the Internet.

22 " My spouse's behavior towards me or the children
23 makes it dangerous for me to co-parent at this time.

24 " I am experiencing an emergency that requires me
25 to file before I complete the program. The emergency is:

26 _____

1 "() Other
2 (explain)_____.
3 "Print Name _____
4 "Signature _____ Date _____"

5 (e) (1) A marriage dissolution program may be
6 face-to-face or online, provided that the program meets the
7 criteria provided in this subsection. The court shall not
8 require the parties to attend the same education session.

9 (2) A marriage dissolution education program shall
10 provide research-informed content described in subdivision
11 (3), consistent with evidence-based programs that have met
12 acceptable standards of scientific evidence for effectiveness
13 in reducing co-parental conflict and improving the adjustment
14 of children in divorce situations. Programs may be required by
15 the referring judge to provide evidence of alignment of
16 program content with the evidence-based programs outlined in
17 subdivision (3). Each local jurisdiction shall establish and
18 maintain a list of approved marriage dissolution education
19 program classes which meet the requirements provided in this
20 section. Programs providing parent education services in this
21 state as of January 1, 2012, are eligible to continue
22 providing such services for two years after the effective date
23 of this act, providing the programs satisfy or are working to
24 satisfy the criteria of this subsection by December 31, 2014.

25 (3) The program shall provide all of the following:

1 a. Information on constructive parenting in the
2 dissolution process, including, but not limited to, risk
3 factors for families, how marriage dissolution affects
4 children of different ages, and skills parents can learn to
5 increase cooperation and diminish conflict particularly
6 conflict that involves children in loyalty binds. This
7 component of the program must be aimed at increasing the
8 parents' sensitivity to children's needs and at giving parents
9 skills to improve their own and their children's adjustment to
10 the breakup of the family. There must be information to help
11 parents assess whether they are involved in domestic violence,
12 information on local domestic violence resources, and
13 information on situations when cooperation in co-parenting may
14 not be possible because of safety risks. The requirements in
15 this paragraph shall be the primary emphasis of the course and
16 shall constitute at least 75 percent of the program time.

17 b. Information on the legal process constituting at
18 least five percent of the program time, including, but not
19 limited to, all of the following:

20 1. An overview of the adversarial litigation
21 process.

22 2. The nature and availability of alternative
23 processes such as mediation.

24 3. The advantages and disadvantages of alternative
25 processes, including research on the satisfaction levels,

1 reduced conflict, and better parenting cooperation by parties
2 who avoid adversarial proceedings.

3 c. Information on the option of reconciliation
4 constituting at least five percent of the program time
5 including, but not limited to, all of the following:

6 1. Research on reconciliation interests among
7 couples considering marriage dissolution.

8 2. The potential benefits of avoiding marriage
9 dissolution.

10 3. Resources to assist with reconciliation for
11 interested couples.

12 4. Information on when the risk of domestic violence
13 should exclude present consideration of reconciliation.

14 (f) Costs associated with participating in an
15 approved program under this section must be paid by each
16 individual participating in the program. Individuals making
17 less than 200 percent of the federal poverty guidelines, or
18 who are entitled to proceed in forma pauperis under state law,
19 are entitled to a waiver of the fee for the program. The
20 education program is responsible for determining if an
21 individual is entitled to a fee waiver. The cost of an
22 approved four-hour parent education program mandated by this
23 section shall not exceed one hundred dollars (\$100).

24 (g) This section shall only apply to proceedings in
25 which the initial pleading is served on or after the effective
26 date of this act.

1 Section 2. This act shall become effective on
2 January 1, 2013.