

1 HB374
2 146840-4
3 By Representative Poole
4 RFD: Judiciary
5 First Read: 30-JAN-14

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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
27 filing a pleading in a divorce action; to establish marital

1 dissolution education program requirements; and to provide for
2 payment of costs.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) This section only applies to divorce
5 and separation proceedings of couples with minor children. For
6 the purposes of this section, "minor children" shall mean
7 biological or adoptive children 16 years of age and under.

8 (b) (1) The circuit court clerk shall not accept a
9 petition, joint petition, marital termination agreement, or
10 stipulated judgment and decree unless it is accompanied by a
11 certificate satisfying the requirements in subsection (c)
12 stating that the filing party has, or in the case of a joint
13 petition, marital termination agreement, or stipulated
14 judgment and decree, both parties have, completed a four-hour
15 marriage dissolution education program as provided in this
16 section within 120 days prior to filing.

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

22 (c) The party shall submit a certificate provided by
23 the marriage dissolution education program verifying
24 completion of the program. The certificate shall be titled
25 "Certificate of Completion of Education Requirement," or be
26 similarly titled, and contain the following or substantially
27 similar language:

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

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

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

15 " I cannot speak or read the languages in which
16 qualifying programs are offered.

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

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

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

24 _____

25 " Other

26 (explain) _____.

27 "Print Name _____

1 "Signature _____ Date _____"

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

6 (2) A marriage dissolution education program shall
7 be supervised or designed by professional family life
8 educators or licensed mental health professionals to provide
9 research-informed content described in subdivision (3),
10 consistent with evidence-based programs that have met
11 acceptable standards of scientific evidence for effectiveness
12 in reducing co-parental conflict and improving the adjustment
13 of children in divorce situations. Programs may be required by
14 the referring judge to provide evidence of alignment of
15 program content with the evidence-based programs outlined in
16 subdivision (3). Each local jurisdiction shall establish and
17 maintain a list of approved marriage dissolution education
18 program classes which meet the requirements provided in this
19 section. Programs providing parent education services in this
20 state as of January 1, 2014, are eligible to continue
21 providing such services for two years after the effective date
22 of this act, providing the programs satisfy or are working to
23 satisfy the criteria of this subsection by December 31, 2015.

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

25 a. Information on constructive parenting during the
26 dissolution process, including, but not limited to, risk
27 factors for families, how marriage dissolution affects

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

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

18 1. An overview of the adversarial litigation
19 process.

20 2. The nature and availability of alternative
21 processes such as mediation.

22 3. The advantages and disadvantages of alternative
23 processes, including research on the satisfaction levels,
24 reduced conflict, and better parenting cooperation by parties
25 who avoid adversarial proceedings.

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

4 1. Research on reconciliation interests among
5 couples considering marriage dissolution.

6 2. The potential benefits of avoiding marriage
7 dissolution.

8 3. Resources to assist with reconciliation for
9 interested couples.

10 4. Information on when the risk of domestic violence
11 should exclude present consideration of reconciliation.

12 (f) Costs associated with participating in an
13 approved program under this section shall be paid by each
14 individual participating in the program. Individuals making
15 less than 200 percent of the federal poverty guidelines, or
16 who are entitled to proceed in forma pauperis under state law,
17 shall receive a waiver of the fee for the program. Each
18 approved program shall collect the fees associated with the
19 course and determine the eligibility of participants
20 requesting fee waivers. The education program is responsible
21 for determining if an individual shall receive a fee waiver.
22 The cost of an approved four-hour parent education program
23 mandated by this section shall not exceed seventy-five dollars
24 (\$75).

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

1 Section 2. This act shall become effective on
2 January 1, 2015.