

1 HB180  
2 146840-2  
3 By Representative Poole  
4 RFD: Judiciary  
5 First Read: 06-FEB-13

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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 a professional family life  
8 educator to provide research-informed content described in  
9 subdivision (3), consistent with evidence-based programs that  
10 have met acceptable standards of scientific evidence for  
11 effectiveness in reducing co-parental conflict and improving  
12 the adjustment of children in divorce situations. Programs may  
13 be required by the referring judge to provide evidence of  
14 alignment of program content with the evidence-based programs  
15 outlined in subdivision (3). Each local jurisdiction shall  
16 establish and maintain a list of approved marriage dissolution  
17 education program classes which meet the requirements provided  
18 in this section. Programs providing parent education services  
19 in this state as of January 1, 2013, are eligible to continue  
20 providing such services for two years after the effective date  
21 of this act, providing the programs satisfy or are working to  
22 satisfy the criteria of this subsection by December 31, 2015.

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

24 a. Information on constructive parenting during the  
25 dissolution process, including, but not limited to, risk  
26 factors for families, how marriage dissolution affects  
27 children of different ages, and skills parents can learn to

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

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

- 17 1. An overview of the adversarial litigation  
18 process.
- 19 2. The nature and availability of alternative  
20 processes such as mediation.
- 21 3. The advantages and disadvantages of alternative  
22 processes, including research on the satisfaction levels,  
23 reduced conflict, and better parenting cooperation by parties  
24 who avoid adversarial proceedings.

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

1                   1. Research on reconciliation interests among  
2 couples considering marriage dissolution.

3                   2. The potential benefits of avoiding marriage  
4 dissolution.

5                   3. Resources to assist with reconciliation for  
6 interested couples.

7                   4. Information on when the risk of domestic violence  
8 should exclude present consideration of reconciliation.

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

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

25                   Section 2. This act shall become effective on  
26 January 1, 2014.