

1 HB482
2 135045-3
3 By Representative Poole
4 RFD: Judiciary
5 First Read: 06-MAR-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
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, adoptive, and stepchildren 18 years of age and
8 under.

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

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

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

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

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

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

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

15 1. An overview of the adversarial litigation
16 process.

17 2. The nature and availability of alternative
18 processes such as mediation.

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

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

26 1. Research on reconciliation interests among
27 couples considering marriage dissolution.

1 2. The potential benefits of avoiding marriage
2 dissolution.

3 3. Resources to assist with reconciliation for
4 interested couples.

5 4. Information on when the risk of domestic violence
6 should exclude present consideration of reconciliation.

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

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

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