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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE TO HB180
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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 children born of a marriage who are 16 years of age
9 and under, or adoptive children adopted during the marriage
10 who are 16 years of age and under.

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

21 (2) The respondent shall certify completion of the
22 marriage dissolution education program within 120 days from
23 the date of service of the petition by filing a certificate
24 satisfying the requirements in subsection (c). The judge, at
25 his or her discretion, may waive the requirement of completing
26 the education program.

1 (c) The party shall submit a certificate provided by
2 the marriage dissolution education program verifying
3 completion of the program. The certificate shall be titled
4 "Certificate of Completion of Education Requirement," or be
5 similarly titled, and contain the following or substantially
6 similar language:

7 "This certifies that _____ (party's
8 name) has successfully completed the course _____
9 (course name), which qualifies as a marriage dissolution
10 education program in accordance with, Section ____, Code of
11 Alabama 1975."

12 (d) (1) The requirements of subsection (b) may be
13 waived, at the sole discretion of the judge, if a party
14 includes an accompanying certificate verifying that it is not
15 reasonably possible for the party to complete the program. The
16 certificate shall be titled "Certificate of Impossibility of
17 Education Requirement" and consist of the following language:

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

21 "() I cannot speak or read the languages in which
22 qualifying programs are offered.

23 "() I do not have access to a course in my
24 geographical region or to a personal or library computer
25 connected to the Internet.

1 "() My spouse's behavior towards me or the children
2 makes it dangerous for me to co-parent at this time.

3 "() I am experiencing an emergency that requires me
4 to file before I complete the program. The emergency is:

5 _____

6 "() Other

7 (explain)_____.

8 "Print Name _____

9 "Signature _____ Date _____"

10 (2) If the judge denies a waiver under subdivision
11 (1), the party shall complete a marriage dissolution education
12 program and certify completion of the same by filing a
13 certificate satisfying the requirements of subsection (c)
14 within 45 days of entry of the order denying the waiver.

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

19 (2) A marriage dissolution education program shall
20 be supervised or designed by a professional family life
21 educator to provide research-informed content described in
22 subdivision (3), consistent with evidence-based programs that
23 have met acceptable standards of scientific evidence for
24 effectiveness in reducing co-parental conflict and improving
25 the adjustment of children in divorce situations. Programs may
26 be required by the referring judge to provide evidence of

1 alignment of program content with the evidence-based programs
2 outlined in subdivision (3). The presiding judge of each
3 judicial circuit shall establish and maintain a list of
4 approved marriage dissolution education program classes which
5 meet the requirements provided in this section. Programs
6 providing parent education services in this state as of
7 January 1, 2013, are eligible to continue providing such
8 services for two years after the effective date of this act,
9 providing the programs satisfy or are working to satisfy the
10 criteria of this subsection by December 31, 2015.

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

12 a. Information on constructive parenting during the
13 dissolution process, including, but not limited to, risk
14 factors for families, how marriage dissolution affects
15 children of different ages, and skills parents can learn to
16 increase cooperation and diminish conflict after the
17 dissolution is concluded, particularly conflict that involves
18 children in loyalty binds. This component of the program must
19 be aimed at increasing the parents' sensitivity to children's
20 needs and at giving parents skills to improve their own and
21 their children's adjustment to the breakup of the family.
22 There must be information to help parents assess whether they
23 are involved in domestic violence, information on local
24 domestic violence resources, and information on situations
25 when cooperation in co-parenting may not be possible because
26 of safety risks. The requirements in this paragraph shall be

1 the primary emphasis of the course and shall constitute at
2 least 75 percent of the program time.

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

6 1. An overview of the adversarial litigation
7 process.

8 2. The nature and availability of alternative
9 processes such as mediation.

10 3. The advantages and disadvantages of alternative
11 processes, including research on the satisfaction levels,
12 reduced conflict, and better parenting cooperation by parties
13 who avoid adversarial proceedings.

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

17 1. Research on reconciliation interests among
18 couples considering marriage dissolution.

19 2. The potential benefits of avoiding marriage
20 dissolution.

21 3. Resources to assist with reconciliation for
22 interested couples.

23 4. Information on when the risk of domestic violence
24 should exclude present consideration of reconciliation.

25 (f) Costs associated with participating in an
26 approved program under this section shall be paid by each

1 individual participating in the program. Individuals making
2 less than 200 percent of the federal poverty guidelines, or
3 who are entitled to proceed in forma pauperis under state law,
4 shall receive a waiver of the fee for the program. Each
5 approved program shall collect the fees associated with the
6 course and determine the eligibility of participants
7 requesting fee waivers. The education program is responsible
8 for determining if an individual shall receive a fee waiver.
9 The cost of an approved four-hour parent education program
10 mandated by this section shall not exceed seventy-five dollars
11 (\$75).

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

15 Section 2. This act shall become effective on
16 January 1, 2014.