

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1135

03/14/2011 Authored by Anderson, D.; Shimanski; Lohmer; Gruenhagen; Mahoney and others

The bill was read for the first time and referred to the Committee on Civil Law

03/19/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Judiciary Policy and Finance

1.1 A bill for an act
1.2 relating to marriage; requiring participation in a marriage dissolution education
1.3 program in marriage dissolution or legal separation proceedings involving minor
1.4 children; amending Minnesota Statutes 2010, sections 480.30, by adding a
1.5 subdivision; 518.091, subdivision 2; proposing coding for new law in Minnesota
1.6 Statutes, chapter 518; repealing Minnesota Statutes 2010, sections 13.465,
1.7 subdivision 9; 518.157.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2010, section 480.30, is amended by adding a
1.10 subdivision to read:

1.11 Subd. 4. **Parenting plans.** The Supreme Court's judicial education program must
1.12 include ongoing parenting plan training for district court judges.

1.13 Sec. 2. Minnesota Statutes 2010, section 518.091, subdivision 2, is amended to read:

1.14 Subd. 2. **Parent education program requirements.** Every summons involving
1.15 custody or parenting time of a minor child in a marriage dissolution or legal separation
1.16 proceeding must include the notice in this subdivision.

1.17 NOTICE OF PARENT EDUCATION PROGRAM REQUIREMENTS

1.18 UNDER MINNESOTA STATUTES, SECTION ~~518.157~~ 518.159, IN A
1.19 ~~CONTESTED~~ PROCEEDING INVOLVING CUSTODY OR PARENTING TIME OF
1.20 A MINOR CHILD, THE PARTIES MUST ~~BEGIN PARTICIPATION IN~~ COMPLETE
1.21 A PARENT EDUCATION PROGRAM THAT MEETS MINIMUM STANDARDS
1.22 ~~PROMULGATED BY THE MINNESOTA SUPREME COURT~~ BEFORE THE
1.23 FIRST COURT APPEARANCE OR HEARING OR WITHIN 30 DAYS AFTER
1.24 THE FIRST FILING WITH THE COURT, WHICHEVER IS SOONER. ~~IN SOME~~

~~DISTRICTS, PARENTING EDUCATION MAY BE REQUIRED IN ALL CUSTODY OR PARENTING PROCEEDINGS. YOU MAY CONTACT THE DISTRICT COURT ADMINISTRATOR FOR ADDITIONAL INFORMATION REGARDING THIS REQUIREMENT AND THE AVAILABILITY OF PARENT EDUCATION PROGRAMS.~~

Sec. 3. **[518.159] MARRIAGE DISSOLUTION AND LEGAL SEPARATION EDUCATION REQUIREMENTS.**

Subdivision 1. **Application.** This section applies to marriage dissolution and legal separation proceedings involving minor children.

Subd. 2. **Participation requirements.** (a) Parents shall attend a four-hour marriage dissolution education program. Unless otherwise ordered by the court, participation in the program must be completed before the first court appearance or hearing, or within 30 days of the first filing with the court, whichever is sooner. At the first court appearance or hearing, the court must verify course completion. If a party has not completed the course, the court must order a timetable for completion, or may exempt a party from completing the course requirement upon a showing of good cause. If a case is settled without a court hearing, each party shall submit a certificate of completion along with the marital termination agreement or stipulated judgment and decree. The court may exempt a party from completing the course requirement upon a showing of good cause. For purposes of this paragraph, good cause includes an inability to speak the language used in the program, a determination that taking the course is not in a child's best interests, or that the party cannot afford the course fee. Judges and referees may also order parent education in cases involving unmarried parents.

(b) The party must submit a certificate provided by the marriage dissolution education program verifying completion of the program. The certificate must be titled "Certificate of Completion of Education Requirement" and contain the following language:

"This certifies that (party's name) has successfully completed the course (course name), which qualifies as a marriage dissolution education program in accordance with Minnesota Statutes, section 518.159."

Subd. 3. **Program requirements.** (a) An education program under this section may be conducted in person or online if the program meets the criteria in this subdivision.

(b) A program must meet acceptable standards of scientific evidence for effectiveness in reducing parental conflict and improving children's adjustment in marriage dissolution situations. These standards may be met either by a listing on the National Registry of Evidence-Based Programs and Practices or approval by the Minnesota couples on the brink project created under section 137.32. Approved programs must submit a new

or past empirical study, using an experimental or quasi-experimental research design, demonstrating reduced parental conflict and improved adjustment of children. A parent education program already implemented by the district courts in Minnesota as of January 1, 2012, is an eligible program under this subdivision until September 1, 2014, if the program includes the information required under paragraph (c). On and after September 1, 2014, those programs must also meet the scientific criteria specified in this paragraph.

(c) The program must provide information on:

(1) constructive parenting in the dissolution process, including risk factors for families, how marriage dissolution affects children of different ages, and skills parents can learn to increase cooperation and minimize conflict, particularly conflict that involves children in loyalty binds. This component of the program must be aimed at increasing the parents' sensitivity to children's needs and at giving them skills to improve their own and the children's adjustment to the breakup of the family. Information on constructive parenting must be the primary emphasis of the program. The program must also include information to help parents assess whether they are involved in domestic violence, information on local domestic violence resources, and information on situations when cooperation in coparenting may not be desirable because of safety risks;

(2) the legal process of marriage dissolution, including an overview of the adversarial litigation process; the nature and availability of alternative processes such as mediation, collaborative and cooperative law, and restorative circles; and the advantages and disadvantages of alternative processes, including available research on the satisfaction levels, reduced conflict, and better parenting cooperation by parties who avoid adversarial proceedings; and

(3) the option of reconciliation, including research on the interest in reconciliation among couples considering marriage dissolution, the potential benefits of avoiding marriage dissolution, resources to assist with reconciliation for interested couples, and information on the circumstances in which the risk of domestic violence should exclude consideration of reconciliation.

The components of the program under clauses (2) and (3) must each constitute no less than five percent of the program time.

(d) An education program not listed on the National Registry of Evidence-Based Programs and Practices that is denied approval by the Minnesota couples on the brink project may appeal to the state court administrator for approval as a course meeting the requirements of this subdivision.

4.1 (e) A judicial district may request an exemption from the requirements of this section
4.2 from the state court administrator for good cause if there are no available, appropriate, or
4.3 affordable education programs in the district.

4.4 (f) A program that is conducted in person must not require the parties to attend the
4.5 same parent education sessions.

4.6 (g) The couples on the brink project must disseminate to court administrators a list
4.7 of programs that meet the requirements of the subdivision.

4.8 Subd. 4. **Costs and program providers.** Each education program must enable
4.9 persons to have timely and reasonable access to education sessions. A party who qualifies
4.10 for a waiver of filing fees under section 563.01 is exempt from paying the parent education
4.11 program fee. Program providers must implement a sliding fee scale.

4.12 **EFFECTIVE DATE.** This section is effective January 1, 2013, and applies to
4.13 proceedings in which the initial pleading is served or, in the case of a joint petition, signed
4.14 by both parties, on or after that date.

4.15 Sec. 4. **REPEALER.**

4.16 Minnesota Statutes 2010, sections 13.465, subdivision 9; and 518.157, are repealed.

4.17 **EFFECTIVE DATE.** This section is effective January 1, 2013.

13.465 FAMILY AND DOMESTIC RELATIONS DATA CODED ELSEWHERE.

Subd. 9. **Parent education program.** Certain data involving participation in a parent education program are governed by section 518.157, subdivision 5.

518.157 PARENT EDUCATION PROGRAM IN PROCEEDINGS INVOLVING CHILDREN.

Subdivision 1. **Implementation; administration.** By January 1, 1998, the chief judge of each judicial district or a designee shall implement one or more parent education programs within the judicial district for the purpose of educating parents about the impact that divorce, the restructuring of families, and judicial proceedings have upon children and families; methods for preventing parenting time conflicts; and dispute resolution options. The chief judge of each judicial district or a designee may require that children attend a separate education program designed to deal with the impact of divorce upon children as part of the parent education program. Each parent education program must enable persons to have timely and reasonable access to education sessions.

Subd. 2. **Minimum standards; plan.** The Minnesota Supreme Court should promulgate minimum standards for the implementation and administration of a parent education program.

Subd. 3. **Attendance.** In a proceeding under this chapter where custody or parenting time is contested, the parents of a minor child shall attend a minimum of eight hours in an orientation and education program that meets the minimum standards promulgated by the Minnesota Supreme Court. In all other proceedings involving custody, support, or parenting time the court may order the parents of a minor child to attend a parent education program. The program shall provide the court with names of persons who fail to attend the parent education program as ordered by the court. Persons who are separated or contemplating involvement in a dissolution, paternity, custody, or parenting time proceeding may attend a parent education program without a court order. Unless otherwise ordered by the court, participation in a parent education program must begin within 30 days after the first filing with the court or as soon as practicable after that time based on the reasonable availability of classes for the program for the parent. Parent education programs must offer an opportunity to participate at all phases of a pending or postdecree proceeding. Upon request of a party and a showing of good cause, the court may excuse the party from attending the program. If past or present domestic abuse, as defined in chapter 518B, is alleged, the court shall not require the parties to attend the same parent education sessions and shall enter an order setting forth the manner in which the parties may safely participate in the program.

Subd. 4. **Sanctions.** The court may impose sanctions upon a parent for failure to attend or complete a parent education program as ordered.

Subd. 5. **Confidentiality.** Unless all parties agree in writing, statements made by a party during participation in a parent education program are inadmissible as evidence for any purpose, including impeachment. No record may be made regarding a party's participation in a parent education program, except a record of attendance at and completion of the program as required under this section. Instructors shall not disclose information regarding an individual participant obtained as a result of participation in a parent education program. Parent education instructors may not be subpoenaed or called as witnesses in court proceedings.

Subd. 6. **Fee.** Except as provided in this subdivision, each person who attends a parent education program shall pay a fee to defray the cost of the program. A party who qualifies for waiver of filing fees under section 563.01 is exempt from paying the parent education program fee and the court shall waive the fee or direct its payment under section 563.01. Program providers shall implement a sliding fee scale.