

A bill for an act

relating to marriage; modifying the grounds for marriage dissolution; requiring a dissolution prevention notice and waiting period as a prerequisite to commencing a marriage dissolution; amending Minnesota Statutes 2006, sections 518.06, subdivision 1; 518.10; proposing coding for new law in Minnesota Statutes, chapter 518.

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

Section 1. Minnesota Statutes 2006, section 518.06, subdivision 1, is amended to read:

Subdivision 1. **Meaning and effect; grounds.** (a) A dissolution of marriage is the termination of the marital relationship between a husband and wife. A decree of dissolution completely terminates the marital status of both parties. A legal separation is a court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation does not terminate the marital status of the parties.

(b) A dissolution of a marriage shall be granted by a county or district court when the court finds that there has been an irretrievable breakdown of the marriage relationship, except that if the parties have a minor child, a dissolution may only be granted:

(1) following a period of dissolution prevention as described in section 518.061 and after completion of counseling to explore the possibility of preserving the marriage. The parties must seek counseling from an individual licensed by the Board of Marriage and Family Therapy or by a member of the clergy; or

(2) upon the court finding one or more of the following grounds:

(i) adultery;

(ii) domestic abuse as defined in section 518B.01, subdivision 2;

(iii) a refusal to seek or comply with treatment or aftercare for chemical dependency when indicated by an evaluation; or

(iv) desertion for a period of two years or more.

A decree of legal separation shall be granted when the court finds that one or both parties need a legal separation.

Defenses to divorce, dissolution and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

Sec. 2. **[518.061] DISSOLUTION PREVENTION.**

Subdivision 1. General requirements. If a couple has minor children, a proceeding for dissolution of a marriage may not be commenced unless the individual seeking dissolution has complied with the dissolution prevention requirements of this section.

Subd. 2. Notice requirements. A dissolution prevention notice must be in writing, signed by the spouse who is issuing the notice, and delivered to the other spouse. The notice must include the legal names of both spouses and state that:

(1) the spouses have serious problems that may lead to separation or dissolution of their marriage;

(2) information regarding marriage education and counseling resources is available from the district court; and

(3) delivery of the notice makes dissolution of the marriage of the spouses legally permissible after expiration of the applicable prevention period.

Subd. 3. Length of prevention period; exception for uncontested dissolutions. Except as otherwise provided in this subdivision, the prevention period required under this section begins to run on the date of delivery of the notice under subdivision 2 and must last at least two years. The dissolution prevention period and notice requirements do not apply if the parties have executed a written stipulation agreeing to the dissolution of the marriage and all of its terms and have established a parenting plan consistent with section 518.1705.

Subd. 4. Forms. The state court administrator shall prepare notice forms for use under this section, which must be available to the public. The forms must include information regarding marriage education and counseling resources for prevention of marriage dissolutions.

Subd. 5. Optional filing. Either spouse may file a copy of the notice with the district court, but the filing of a notice has no legal effect and is not a substitute for delivery to the other spouse. The notices are not accessible to the public until a dissolution of marriage petition for the parties is filed with the court.

Sec. 3. Minnesota Statutes 2006, section 518.10, is amended to read:

518.10 REQUISITES OF PETITION.

The petition for dissolution of marriage or legal separation shall state and allege:

(a) the name, address, and, in circumstances in which child support or spousal maintenance will be addressed, Social Security number of the petitioner and any prior or other name used by the petitioner;

(b) the name and, if known, the address and, in circumstances in which child support or spousal maintenance will be addressed, Social Security number of the respondent and any prior or other name used by the respondent and known to the petitioner;

(c) the place and date of the marriage of the parties;

(d) in the case of a petition for dissolution, that either the petitioner or the respondent or both:

(1) has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(2) has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(3) has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;

(e) the name at the time of the petition and any prior or other name, Social Security number, age, and date of birth of each living minor or dependent child of the parties born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;

(f) whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;

(g) in the case of a petition for dissolution, that there has been an irretrievable breakdown of the marriage relationship;

(h) in the case of a petition for legal separation, that there is a need for a decree of legal separation;

(i) any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts; ~~and~~

(j) whether an order for protection under chapter 518B or a similar law of another state that governs the parties or a party and a minor child of the parties is in effect and, if so, the district court or similar jurisdiction in which it was entered;

(k) in the case of a petition for dissolution where minor children are involved, that the requirements of section 518.061 have been satisfied, including the date, method, and

H.F. No. 3989, as introduced - 2007-2008th Legislative Session (2007-2008)

4.1 address of delivery of the dissolution prevention notice and who delivered and received
4.2 the notice; and

4.3 (l) in the case of a petition for dissolution where minor children are involved, that
4.4 in the judgment of a licensed marriage and family therapist or a member of the clergy,
4.5 the parties have attended marriage and family counseling in good faith and have made a
4.6 reasonable effort to resolve their differences.

4.7 The petition shall be verified by the petitioner or petitioners, and its allegations
4.8 established by competent evidence.

4.9 Sec. 4. **FEDERAL GRANT APPLICATION.**

4.10 The commissioner of health and human services must apply for grant funding
4.11 through the federal Healthy Marriage Initiative, or other relevant funding sources that
4.12 may become available, for the purpose of supporting marriage and family counseling for
4.13 couples in dissolution prevention that are unable to afford those services.