

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1215

(SENATE AUTHORS: MARTY, Hall, Nienow, Cohen and Goodwin)

DATE	D-PG	OFFICIAL STATUS
03/11/2013	766	Introduction and first reading Referred to Judiciary

A bill for an act
relating to civil law; providing education requirements for marriage dissolution
and legal separation proceeding; proposing coding for new law in Minnesota
Statutes, chapter 518; repealing Minnesota Statutes 2012, section 518.157.

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

Section 1. **[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 prior to 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 yet 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. Good cause shall
include an inability to speak the language used in the program, a judgment that taking
the course is not in a child's best interests or would compromise the safety of one of
the parties, or that the party cannot afford the course fee. If a case is settled without a
court hearing, each party must submit a certificate of completion along with the marital
termination agreement or stipulated judgment and decree, unless the court has exempted
a party from completing the course for good cause. Judges and referees may also order
parent education in postdecree cases and cases involving unmarried parents.

(b) The court administrator must not accept for filing a marital termination agreement or a stipulated judgment and decree unless it is accompanied by a certificate of course completion or a waiver signed by a judicial officer.

(c) 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), sponsored by (name of organization providing the course), 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, 2013, is an eligible program under this subdivision until September 1, 2015, if the program includes the information required under paragraph (c). On and after September 1, 2015, those programs must also meet the scientific criteria specified in this paragraph.

(c) The program must provide information on:

(1) assessing if a party to the proceedings is perpetrating domestic violence against a victim who is a party to the proceedings and when cooperation in co-parenting may not be desirable because of safety risks, and providing information on local domestic violence resources;

(2) 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 arising when parents place children in the middle, creating conflicting loyalty. This component of the program must be aimed at increasing the parents' sensitivity to children's needs and at giving them skills to improve the parents' and the children's adjustment to the dissolution of the marriage. The primary emphasis of the program must be on constructive parenting information; and

3.1 (3) an overview of the legal process of marital dissolution and the advantages
3.2 and disadvantages of litigation and alternative processes, including but not limited to
3.3 mediation, collaborative and cooperative law, and restorative circles.

3.4 (d) A program that is conducted in person must not require the parties to attend the
3.5 same parent education sessions.

3.6 (e) The Minnesota couples on the brink project must disseminate to court
3.7 administrators a list of programs that meet the requirements of this subdivision.

3.8 (f) By January 31 of each year, the Minnesota Supreme Court administrator shall
3.9 submit to the chairs and ranking minority members of the legislative committees with
3.10 jurisdiction over civil law a public report containing the following information for
3.11 each judicial district of the state: the number of marriage dissolutions, the number of
3.12 dissolutions involving minor children, the number of parties who filed certificates of
3.13 completion, and the number of parties who received waivers in the preceding calendar year.

3.14 Subd. 4. **Confidentiality.** Unless all parties agree in writing, statements made by
3.15 a party during participation in a parent education program are inadmissible as evidence
3.16 for any purpose, including impeachment. No record may be made regarding a party's
3.17 participation in a parent education program, except a record of completion of the program
3.18 as required under this section. Instructors shall not disclose information regarding
3.19 an individual participant obtained as a result of participation in a parent education
3.20 program. Parent education instructors may not be subpoenaed or called as witnesses in
3.21 court proceedings.

3.22 Subd. 5. **Costs and program providers.** (a) Each education program must enable
3.23 persons to have timely and reasonable access to education sessions. A party who qualifies
3.24 for a waiver of filing fees under section 563.01 is exempt from paying the parent education
3.25 program fee. Program providers shall implement a sliding fee scale.

3.26 (b) An education program not listed on the National Registry of Evidence-Based
3.27 Programs and Practices and which was denied approval by the Minnesota couples on the
3.28 brink project may appeal to the Minnesota Supreme Court administrator for approval as a
3.29 course meeting the requirements of this section.

3.30 (c) A judicial district may request an exemption from the requirements of this
3.31 section from the Minnesota Supreme Court administrator for good cause if there are no
3.32 programs available or affordable to parents in the district.

3.33 **EFFECTIVE DATE.** This section is effective January 1, 2014, and applies to
3.34 proceedings in which the initial pleading is served or, in the case of a joint petition, signed
3.35 by both parties on or after that date.

- 4.1
- Sec. 2. **REPEALER.**
- 4.2
- Minnesota Statutes 2012, section 518.157, is repealed.

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.