

(SENATE AUTHORS: HALL, Gazelka, Stumpf, Hoffman and Robling)

DATE	D-PG	OFFICIAL STATUS
04/11/2011	1265	Introduction and first reading Referred to Judiciary and Public Safety

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A bill for an act  
relating to marriage; requiring participation in a marriage dissolution education  
program in marriage dissolution or legal separation proceedings involving minor  
children; proposing coding for new law in Minnesota Statutes, chapter 518;  
repealing Minnesota Statutes 2010, sections 13.465, subdivision 9; 518.091,  
subdivision 2; 518.157.

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

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Section 1. **[518.159] MARRIAGE DISSOLUTION AND LEGAL SEPARATION**  
**EDUCATION REQUIREMENTS.**

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

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Subd. 2. **Participation requirements.** (a) Service of a petition, counterpetition, or  
answer in a marital dissolution or legal separation proceeding is not complete unless the  
pleading is accompanied by an affidavit verifying that the serving party has completed a  
marriage dissolution education program under this section. A court administrator must not  
accept for filing a petition, joint petition or counterpetition, answer, marital termination  
agreement, or stipulated judgment and decree unless it is accompanied by an affidavit  
verifying that the filing party has, or, in the case of a joint petition, marital termination  
agreement, or stipulated judgment and decree, both parties have completed a four-hour  
marriage dissolution education program.

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(b) The affidavit verifying completion of the marriage dissolution education program  
must be in the following form:

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"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."

(c) The requirements of paragraph (a) are satisfied if a party includes an accompanying affidavit verifying that it is not reasonably possible for the party to complete the program and that states the reason in the following form:

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

( ) I cannot speak or read the languages in which qualifying programs are offered;

( ) I do not have access to a course in my geographical region or to a personal or library computer connected to the Internet; or

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

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, 2011, is an eligible program under this subdivision until September 1, 2013, if the program includes the information required under paragraph (c). On and after September 1, 2013, 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 diminish conflict and increase cooperation. 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;

(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

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

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

3.8 Subd. 4. **Postfiling and postdecree parent education.** (a) A judge or referee  
3.9 presiding over a marriage dissolution or postdecree proceeding involving minor children  
3.10 may order the parties to attend a parent education program currently certified by the  
3.11 Minnesota couples on the brink project as effectively addressing high-conflict marriage  
3.12 dissolutions, children of parents who are parties to a marriage dissolution, conflict that  
3.13 continues after the judgment and decree has been issued, parenting plan formation,  
3.14 blended and extended families, and other specific circumstances where education would  
3.15 reduce the risk to children from marriage dissolution and postdecree proceedings. Judges  
3.16 and referees may also order parent education in cases involving unmarried parents. The  
3.17 court must not require the parties to attend the same in-person parent education sessions.

3.18 (b) The couples on the brink project must disseminate to judges and referees a list of  
3.19 the certified programs and a description of the programs.

3.20 Subd. 5. **Costs.** Costs for taking a program under this section must be paid by each  
3.21 individual taking the program. Individuals making less than 200 percent of the federal  
3.22 poverty guidelines, or who are entitled to proceed in forma pauperis under section 563.01,  
3.23 are entitled to a waiver of the fee for the program. The education program is responsible  
3.24 for determining if an individual is entitled to a fee waiver.

3.25 **EFFECTIVE DATE.** This section is effective January 1, 2012, and applies to  
3.26 proceedings in which the initial petition is served on or after that date.

3.27 Sec. 2. **REPEALER.**

3.28 Minnesota Statutes 2010, sections 13.465, subdivision 9; 518.091, subdivision 2;  
3.29 and 518.157, are repealed.

3.30 **EFFECTIVE DATE.** This section is effective January 1, 2012.