

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1423

Introduced by

Representatives Muscha, Hunskor, K. Koppelman, Ruby

Senators Larsen, Mathern, Sitte, Wanzek

A BILL for an Act to create and enact a new section to chapter 14-05 of the North Dakota Century Code, relating to ~~a waiting period for divorce and to mandatory counseling~~ a mandatory education program for parties to a divorce proceeding involving parental rights and responsibilities; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 14-05 of the North Dakota Century Code is created and enacted as follows:

Divorce proceeding ~~-Waiting period - Mandatory counseling~~ involving parental rights and responsibilities - Education program required - Exception.

1. In an action for divorce which includes the issue of parental rights and responsibilities, as defined in section 14-09-00.1, and which does not include substantiated allegations of domestic abuse or other showing of good cause, the court ~~may not issue a final order for at least six months from the date of the filing of the petition~~ shall order the parties to the action to participate in an education program regarding the impact of divorce on children.

2. ~~Within the six-month waiting period, the adult parties to the action shall participate jointly or separately in at least five one-hour counseling sessions. The counseling, which may be provided by a paid or volunteer counselor, clergy member, or any state-certified or licensed marriage mediator or therapist, must include two sessions that focus on postmarital financial planning and three sessions that focus on the effects of divorce on children.~~

~~3. The court may not require both parents to attend the same counseling sessions at the same time. Each party shall arrange for participation in the counseling sessions~~ shall prepare a list of appropriate education program providers. The education program may

1 be an online or a classroom program. The parties are responsible for the fees or costs
2 of the ~~counseling-session~~education program. The court may assess the ~~counseling-~~
3 fees or costs of the education program as the court deems equitable. The court shall
4 adopt rules to define the standards for the education program.

5 4.3. A final decree may not be granted or a final order may not be entered until each party
6 submits to the court certification of completion of the ~~counseling~~education program.
7 The court may impose sanctions for the failure of a party to the proceedings to comply
8 with the requirements of this section.

9 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - MARRIAGE AND DIVORCE LAWS.**

10 During the 2013-14 interim, the legislative management shall consider studying the state's laws
11 regarding marriage and divorce. The study must include a review of options for strengthening
12 the institution of marriage and reducing the incidents of divorce in the state, including premarital
13 education, marriage counseling, parenting education, and the implementation of predivorce
14 requirements, such as divorce-effects education and waiting periods. The study must include a
15 review of the minimum standards established by the court for the divorce education programs
16 and the efficacy of the programs in the state. The legislative management shall report its
17 findings and recommendations, together with any legislation necessary to implement those
18 recommendations, to the sixty-fourth legislative assembly.