

Introduced by

Senators Larsen, Sitte, Wanzek

Representatives Grande, Koppelman, Ruby

1 A BILL ~~for an Act to create and enact a new section to chapter 14-05 of the North Dakota~~
2 ~~Century Code, relating to a waiting period for divorce and to mandatory marital counseling to~~
3 ~~provide for a legislative management study relating to divorce reform and education.~~

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 ~~**Divorce proceeding – Waiting period – Mandatory marital counseling:**~~

8 ~~1. In an action for divorce which includes the issue of parental rights and responsibilities~~
9 ~~and which does not include substantiated allegations of domestic abuse, the court~~
10 ~~may not issue a final order for at least twelve months from the date of the filing of the~~
11 ~~petition.~~

12 ~~2. Within the twelve-month waiting period, the adult parties to the action shall participate~~
13 ~~jointly or separately in at least ten 1-hour marital counseling sessions. The marital~~
14 ~~counseling, which may be provided by a paid or volunteer counselor, clergy member,~~
15 ~~or any state-certified or licensed marriage mediator, must include at least four~~
16 ~~sessions that focus on postmarital financial planning.~~

17 ~~3. The court may not require both parents to attend the same course at the same time.~~
18 ~~Each party shall arrange for participation in the marital counseling sessions. The~~
19 ~~parties are responsible for the fees or costs of the marital counseling sessions. The~~
20 ~~court may assess the counseling fees or costs as the court deems equitable.~~

21 ~~4. A final decree may not be granted or a final order may not be entered until each party~~
22 ~~submits to the court certification of completion of the marital counseling.~~

23 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - DIVORCE REFORM AND**
24 **EDUCATION.** During the 2011-12 interim, the legislative management shall consider studying

1 the physical, emotional, and financial effects associated with divorce involving dependent
2 children. The legislative management shall offer legislative policy solutions, including divorce
3 reform legislation and marriage and relational education, which will lead to increasing the
4 number of dependent children living in intact families. The legislative management shall report
5 its findings and recommendations, together with any legislation required to implement the
6 recommendations, to the sixty-third legislative assembly.