

1 **Rule 4-907. ~~Mandatory d~~Divorce education and divorce orientation courses.**

2 Intent:

3 To establish ~~a procedure for implementing the mandatory divorce education program~~
4 policies for the implementation of the divorce education course required by Utah Code
5 Section 30-3-11.3 and the divorce orientation course required by Utah Code Section 30-
6 3-11.4.

7 Applicability:

8 This rule shall apply to all ~~divorce~~ proceedings in which ~~the parties have a child or~~
9 children under the age of 18 or a dependent adult Utah Code Section 30-3-11.3, Utah
10 Code Section 30-3-11.4 or a court order require attendance at one or both courses.

11 Statement of the Rule:

12 (1) ~~The Council shall appoint a committee to oversee and monitor the program,~~
13 ~~whose membership shall include judges, court administrators, attorneys, and members~~
14 ~~of the public.~~

15 (2) ~~The state court administrator shall assign the responsibility to direct the program~~
16 ~~to an administrator in~~ The education department within the Administrative Office of the
17 Courts.

18 (3) ~~The program administrator shall:~~

19 (1)(A) establish uniform specifications and standards for the courses; curriculum and
20 provision of the divorce education course, in consultation with the committee.

21 (4) ~~The Administrative Office shall~~ (1)(B) issue a request for proposals ~~to providers of~~
22 ~~divorce education~~ setting forth the uniform ~~established~~ specifications and standards;:

23 (5) ~~The committee shall review the proposals submitted and make recommendations~~
24 ~~for award of contracts.~~

25 (6) ~~The program administrator, in consultation with the state court administrator and~~
26 ~~the judges in each district, shall~~ (1)(C) award ~~the contracts~~ for live courses; and

27 (1)(D) produce the courses by video and other effective formats.

28 (7) (2)(A) Each party ~~to a complaint for divorce~~ required to attend one or both
29 courses shall, ~~prior to the entry of the decree of divorce,~~ attend the ~~divorce education~~
30 live course ~~provided under contract with the Administrative Office and present at any~~
31 location at which it is offered.

32 (2)(B) A party required to attend one or both courses may watch a video of the
33 course if:

34 (2)(B)(i) the party lives out of state or more than 60 miles from the nearest live class;

35 (2)(B)(ii) the party is in prison, jail or other detention facility;

36 (2)(B)(iii) the party is an in-patient at a medical facility; or

37 (2)(B)(iv) the party's request to watch the video is approved by the divorce education
38 administrator.

39 (2)(C) The party may purchase the video or watch it at any district court courthouse.

40 (3) The course provider or the custodian of the video shall provide the party with a
41 certificate of completion to the court.

42 ~~(8) The clerk shall, at the time a complaint for divorce~~ (4) When the petition is filed,
43 the clerk shall notify the party filing the complaint petitioner of the course requirement.
44 The party filing the complaint petitioner shall notify the other party respondent of the
45 requirement and file a certificate ~~with the court that notice has been given and~~
46 identifying the type of notice given of service of the notice.

47 ~~(9) Each party shall contact the court or the course provider and register to attend~~
48 ~~the course. No further notice of the date and time of the course need be provided to any~~
49 ~~party.~~

50 ~~(10) Each party~~ (5) Any person attending a course shall present a valid form of photo
51 identification, and pay the course fee ~~in the manner required by the provider, to the~~
52 ~~course provider at the time and place of the course. If a party has filed an Affidavit of~~
53 ~~Impecuniosity with the court in the divorce proceeding, that party may, in lieu of paying~~
54 ~~the course fee, or~~ present a copy of ~~the Affidavit to the course provider. The court shall,~~
55 ~~prior to the entry of the decree of divorce, review the Affidavit and may take evidence in~~
56 ~~order to determine whether the party is impecunious~~ an order waiving the fee or a
57 motion to waive fees that has been filed with the court. If the court determines that the
58 party is not impecunious, the court may enter judgment for the amount of the course
59 fee.

60 ~~(11)~~ (6) The course fee for each participant shall for attending the education course
61 or watching the video is \$35.00, which includes \$8.00 ~~which the course provider shall~~
62 ~~remit to the court~~ for deposit in the Children's Legal Defense Fund. The fee for attending

63 ~~the orientation course or watching the video is \$20.00, which includes \$5.00 for deposit~~
64 ~~in the Children's Legal Defense Fund. The course provider shall complete a certificate~~
65 ~~of completion and provide the same to each party who:~~

66 ~~(A) attends and completes the course;~~

67 ~~(B) either pays the course fee or presents a copy of an Affidavit of Impecuniosity filed~~
68 ~~with the court in the divorce action; and~~

69 ~~(C) completes the course evaluation form.~~

70 ~~(12)-(7)~~ The course provider shall, within 72 hours of each course, provide the court
71 with an alphabetized list of each party who ~~attended and~~ completed the course.

72 ~~(13) If a party does not attend the course within 45 days of having been notified of~~
73 ~~the course requirement, the court may hold the party who did not timely attend in~~
74 ~~contempt or may waive course attendance for good cause shown.~~

75 ~~(14) The court may waive the attendance requirement at any time if it determines~~
76 ~~that course attendance and completion are not necessary, feasible, or in the best~~
77 ~~interest of the parties.~~

78 ~~(15) The 90-day statutory waiting period does not apply to divorce proceedings in~~
79 ~~which the parties have attended the divorce education course.~~

80