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SENATE BILL 556

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY
Mark Boitano

AN ACT

RELATING TO DOMESTIC AFFAIRS; ENACTING THE PARENTAL DIVORCE
REDUCTION ACT; REQUIRING EDUCATION AND A WAITING PERIOD PRIOR
TO FILING A PETITION FOR DISSOLUTION OF MARRIAGE FOR PARTIES
WITH MINOR CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the
"Parental Divorce Reduction Act".

SECTION 2. PURPOSE.--The purpose of the Parental Divorce
Reduction Act is to reduce unnecessary divorce, decrease
parental conflict and litigation and educate couples on the
impact of divorce on families.

**SECTION 3. PARENTS OF A MINOR CHILD--PETITION FOR
DISSOLUTION.**--Prior to commencing an action for dissolution of
marriage, parties who are the parents of a minor child shall

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1 complete a divorce reduction curriculum followed by an eight-
2 month reconciliation and reflection period, unless the verified
3 petition for dissolution states that:

4 A. a court issued an order of protection against
5 the respondent, after the respondent had notice and an
6 opportunity to participate in an evidentiary hearing, based on
7 a finding that the respondent committed an act of domestic
8 abuse against the petitioner or a minor child of either party;

9 B. the respondent was convicted of a crime pursuant
10 to the Crimes Against Household Members Act or a sexual offense
11 as provided in Chapter 30, Article 9 NMSA 1978 against the
12 petitioner or a minor child;

13 C. the respondent was convicted of a felony and
14 sentenced to be incarcerated for a period of five years or
15 more;

16 D. a court found the respondent to be addicted to
17 alcohol or drugs and the respondent refuses to undergo
18 rehabilitation; or

19 E. the respondent has abandoned the petitioner and
20 the marriage for the preceding twelve months without the
21 petitioner's consent or any justification.

22 SECTION 4. DIVORCE REDUCTION CURRICULUM--REFUSAL TO
23 COMPLETE.--

24 A. A divorce reduction curriculum shall be at least
25 six hours in length, shall be taught by a person certified to

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1 teach the curriculum and shall include materials and
2 discussions relating to:

3 (1) the effects of divorce on minor children,
4 including:

5 (a) depression and suicidal thoughts and
6 attempts;

7 (b) changes in academic performance,
8 school attendance and drop-out rates;

9 (c) drug and alcohol use; and

10 (d) other symptoms of maladjustment to
11 divorce;

12 (2) the effects of divorce on the parties,
13 including:

14 (a) financial consequences of divorce;

15 (b) rates of divorce in subsequent
16 marriages;

17 (c) changes in parental relationships
18 with children; and

19 (d) changes in time spent with the
20 children by their father after divorce; and

21 (3) building relationship skills to include:

22 (a) parenting;

23 (b) communication;

24 (c) conflict resolution;

25 (d) money management; and

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(e) overcoming infidelity.

B. The curriculum shall include domestic violence and substance abuse information and referrals, if appropriate.

C. The parties shall not be required to attend the divorce reduction curriculum together and may attend separate sessions.

D. Upon completion, a certificate shall be issued by the provider of the curriculum.

E. The requirements of the divorce reduction curriculum are met when:

(1) both parties receive a certificate of completion; or

(2) the petitioner receives a certificate of completion and gives the respondent at least one week's written notice of the time, place and nature of a divorce reduction curriculum program, or of its online availability and location in cases where an online program satisfies the requirements of the Parental Divorce Reduction Act, but the respondent fails to complete the divorce reduction curriculum within one month of receiving the notice.

F. In cases where a respondent has not completed the divorce reduction curriculum as provided in Subsection E of this section, before a petition for dissolution of marriage is filed, the court shall order the respondent to complete the curriculum as soon as practicable and may impose appropriate

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1 sanctions. A respondent's refusal to complete the curriculum
2 shall not impede the progress of an action for dissolution of
3 marriage.

4 SECTION 5. RECONCILIATION AND REFLECTION PERIOD--
5 NOTICE.--

6 A. An eight-month reconciliation and reflection
7 period begins once the divorce reduction curriculum
8 requirements are completed.

9 B. During the reconciliation and reflection period,
10 either party may give notice to the other in writing that the
11 party intends to proceed with a dissolution of marriage. A
12 petition for dissolution of marriage shall not be filed until
13 eight months after the notice is given.

14 SECTION 6. CURRICULA DEVELOPMENT.--Divorce reduction
15 curricula shall be approved by the secretary of human services.
16 Curriculum development shall include consultation with domestic
17 violence organizations and experts.

18 SECTION 7. ONLINE PROGRAM.--The secretary of human
19 services shall approve at least one online divorce reduction
20 curriculum program that meets the requirements set forth in the
21 Parental Divorce Reduction Act for persons who live in counties
22 where an in-person curriculum is not regularly offered. If no
23 online program has been approved by the secretary, the divorce
24 reduction curriculum shall be waived for persons who live in
25 counties where the curriculum is not regularly offered, and

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1 those persons may begin the reconciliation and reflection
2 period and give written notice as provided in Section 5 of the
3 Parental Divorce Reduction Act.

4 SECTION 8. COSTS--WAIVER.--

5 A. The parties are responsible for the cost of
6 participating in the divorce reduction curriculum.

7 B. A divorce reduction curriculum provider shall
8 use a fee schedule that accommodates families of various
9 financial means. The court shall waive the curriculum fee for
10 indigent parties upon request.

11 C. The secretary of human services may provide for
12 grants from temporary assistance for needy families funds to
13 assist needy families to pay for divorce reduction curriculum.

14 SECTION 9. EFFECTIVE DATE.--

15 A. The effective date of the provisions of Sections
16 6 and 7 of this act is July 1, 2011.

17 B. The effective date of the provisions of Sections
18 1 through 5 and 8 of this act is January 1, 2012.