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SENATE BILL 318

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Mark L. Boitano

AN ACT

RELATING TO DOMESTIC AFFAIRS; REQUIRING PRE-DIVORCE COUNSELING
AND A MANDATORY WAITING PERIOD IN CERTAIN SITUATIONS.

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

Section 1. Section 40-4-1 NMSA 1978 (being Laws 1973,
Chapter 319, Section 1) is amended to read:

"40-4-1. DISSOLUTION OF MARRIAGE-- GROUNDS-- COUNSELING
REQUIREMENTS-- WAITING PERIOD. --

A. On the petition of either party to a marriage,
a district court may decree a dissolution of marriage on any
of the following grounds:

- [~~A.~~] (1) incompatibility;
- [~~B.~~] (2) cruel and inhuman treatment;
- [~~C.~~] (3) adultery; or
- [~~D.~~] (4) abandonment.

underscored material = new
[bracketed material] = delete

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1 B. Except as provided in Subsection D of this
2 section, in a proceeding for dissolution of marriage on
3 grounds of incompatibility, the court shall require that the
4 parties to the marriage complete a minimum of six hours of
5 joint counseling. The counseling shall be in no less than
6 three separate sessions and shall be conducted by one or more
7 of the following:

- 8 (1) a licensed marriage and family therapist;
- 9 (2) a licensed psychiatrist or a licensed
10 psychologist;
- 11 (3) a licensed professional clinical mental
12 health counselor;
- 13 (4) a licensed independent social worker; or
- 14 (5) an official representative of a religious
15 institution or his designee.

16 C. In a proceeding for dissolution of marriage
17 subject to the provisions of Subsection B of this section, the
18 court shall not decree dissolution of the marriage until a
19 period of one hundred eighty days has elapsed from the date
20 the court receives certification of completion of the required
21 counseling; provided, however, if the parties to the marriage
22 have not completed the counseling required by Subsection B of
23 this section, but the petition for dissolution of the marriage
24 meets all other requirements for a decree of dissolution of
25 marriage, the court may decree dissolution of the marriage

1 after a period of three hundred sixty days has elapsed from
2 the date of filing of the petition.

3 D. The provisions of Subsection B of this section
4 shall not apply if:

5 (1) both parties to the marriage agree to
6 dissolution of the marriage and no minor children of the
7 marriage reside with either of the parties to the marriage; or

8 (2) the district court finds that domestic
9 abuse, as defined in the Family Violence Protection Act, has
10 occurred and a court has entered an order of protection
11 pursuant to the provisions of that act. "

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 12, 1999
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8 Mr. President:
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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred
11

12 SENATE BILL 318
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14 has had it under consideration and reports same WITHOUT
15 RECOMMENDATION, and thence referred to the JUDICIARY
16 COMMITTEE.
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19 Respectfully submitted,
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24 _____
25 Shannon Robinson, Chairman

FORTY-SECOND LEGISLATURE
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 5

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 3 Against

Yes: 4

No: Garcia, Howes, Robinson

Excused: Feldman, Smith

Absent: None

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