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SENATE BILL 1042

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO DOMESTIC AFFAIRS; REQUIRING PARTIES TO COMPLETE A PARENT EDUCATION COURSE IF PETITIONING THE COURT FOR DISSOLUTION OF A MARRIAGE ON THE GROUNDS OF INCOMPATIBILITY IN WHICH MINOR CHILDREN ARE INVOLVED.

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. --

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

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1 ~~[D.-]~~ (4) abandonment.

2 B. In a proceeding for dissolution of marriage on
3 the grounds of incompatibility in which minor children are
4 involved, prior to issuance of a decree by the district court,
5 each party shall complete an eight-hour course for the purpose
6 of educating the parties on the impact of divorce on children,
7 parenting issues for divorced parents, cooperative parenting,
8 financial and parental responsibilities and dispute resolution.

9 C. The content of the parent education course shall
10 be determined by the children, youth and families department.
11 The department shall review comparable courses in other states
12 in determining course content. The course instructor shall be
13 either a licensed psychiatrist, licensed psychologist, licensed
14 marriage and family therapist, licensed independent social
15 worker, licensed professional clinical mental health counselor
16 or an official representative of a religious institution or his
17 designee. Individuals seeking to become a parent education
18 course instructor shall be approved by the department. Each
19 approved individual shall enter into an agreement with the
20 department that provides a fee schedule for course attendees
21 and that provides that the fees generated will pay for the
22 instructor's costs of providing the course. The course may be
23 offered in more than one format. Information on the parent
24 education course, approved instructors and course availability
25 within each judicial district shall be provided to each

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1 district court. Updated information shall be provided as
2 needed. The department may consult with the district court
3 clerks in each judicial district regarding course locations and
4 availability.

5 D. Each party attending a parent education course
6 shall pay a fee directly to the course instructor. No party
7 shall be refused admission to the course due to inability to
8 pay. The children, youth and families department shall
9 reimburse course instructors for unpaid fees not received due
10 to a party's inability to pay."