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SB 367/96 - JPR

1997 Regular Session  
7lr2765  
CF SB 63

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**By: Delegates Montague and Doory**

Introduced and read first time: February 7, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Divorce - Educational Seminar on Effects on Children**

3 FOR the purpose of requiring the parties to certain divorce actions, prior to the granting  
4 of a divorce decree, to attend an educational seminar that is designed to educate  
5 parents about the effects, and minimize the disruption, of a divorce on the lives of  
6 children; requiring the Court of Appeals of Maryland to adopt, and specifying the  
7 content of, rules to implement this Act; providing for the application of this Act;  
8 and generally relating to a requirement that, under certain circumstances, parties to  
9 an action for divorce attend a certain educational seminar prior to the granting of  
10 the divorce.

11 BY adding to

12 Article - Family Law  
13 Section 7-103.2  
14 Annotated Code of Maryland  
15 (1991 Replacement Volume and 1996 Supplement)

16 Preamble

17 WHEREAS, Family structure remains an important predictor of economic stability;  
18 and

19 WHEREAS, The United States has the highest divorce rate in the world with six  
20 out of ten new marriages ending in divorce; and

21 WHEREAS, Divorce affects one million children each year resulting in  
22 approximately one half of all children having to experience divorce; and

23 WHEREAS, Divorce produces negative consequences for children in areas such as  
24 school performance, conduct, psychological adjustment, and social relations with others;  
25 and

26 WHEREAS, Many parents are unaware of the effects of the conflict of divorces on  
27 their children and are in need of parental education programs to help them facilitate  
28 post-divorce adjustment for their children; now, therefore,

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
30 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Family Law**

2 7-103.2.

3 (A) THIS SECTION APPLIES TO AN ACTION FOR DIVORCE IN WHICH ISSUES OF  
4 CHILD SUPPORT, CUSTODY, OR VISITATION ARE RAISED.

5 (B) PRIOR TO GRANTING A DECREE OF DIVORCE, THE COURT SHALL  
6 REQUIRE ALL PARTIES TO PARTICIPATE IN AN EDUCATIONAL SEMINAR THAT IS  
7 DESIGNED TO EDUCATE PARENTS ABOUT THE EFFECTS, AND TO MINIMIZE THE  
8 DISRUPTION, OF A DIVORCE ON THE LIVES OF CHILDREN.

9 (C) (1) THE COURT OF APPEALS SHALL ADOPT RULES TO IMPLEMENT THIS  
10 SECTION.

11 (2) RULES ADOPTED IN ACCORDANCE WITH THIS SUBSECTION SHALL:

12 (I) PROVIDE FOR THE CONTENT OF THE SEMINAR REQUIRED  
13 UNDER THIS SECTION;

14 (II) REQUIRE SUCCESSFUL COMPLETION OF THE SEMINAR BY ALL  
15 PARTIES TO THE ACTION WITHIN A CERTAIN TIME AFTER THE SERVICE OF THE  
16 ORIGINAL COMPLAINT UPON THE DEFENDANT;

17 (III) ESTABLISH SANCTIONS FOR FAILURE TO SUCCESSFULLY  
18 COMPLETE THE SEMINAR REQUIRED UNDER THIS SECTION;

19 (IV) FOR PURPOSES OF FUNDING THE COST OF THE SEMINAR,  
20 ESTABLISH A FEE THAT:

21 1. SHALL BE ASSESSED AS COSTS; AND

22 2. MAY BE WAIVED UNDER APPROPRIATE CIRCUMSTANCES;  
23 AND

24 (V) ESTABLISH CRITERIA FOR EXEMPTION FROM THE  
25 REQUIREMENT THAT THE PARTIES PARTICIPATE IN AN EDUCATIONAL SEMINAR,  
26 EXCEPT THAT A COURT MAY NOT EXEMPT THE PARTIES FROM ATTENDING THE  
27 EDUCATIONAL SEMINAR IF THERE IS ANY EVIDENCE OF DOMESTIC VIOLENCE.

28 (D) THE SEMINAR REQUIRED UNDER THIS SECTION MAY BE PROVIDED  
29 UNDER CONTRACT WITH A PUBLIC OR PRIVATE AGENCY.

30 (E) UNLESS THE PARTIES STIPULATE OTHERWISE, ANY INFORMATION ABOUT  
31 A PARTY, INCLUDING STATEMENTS OR REPORTS, OBTAINED FROM AN  
32 EDUCATIONAL SEMINAR REQUIRED BY THIS SECTION, IS NOT ADMISSIBLE DURING  
33 THE ACTION FOR DIVORCE OF THAT PARTY.

34 (F) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE PARTIES TO AN  
35 ACTION FOR DIVORCE TO ATTEND THE EDUCATIONAL SEMINAR TOGETHER.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed  
37 only prospectively and may not be applied or interpreted to have any effect on or  
38 application to any actions for divorce filed before the effective date of this Act.

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1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1997.