

Unofficial Copy
D4
SB 367/96 - JPR

1997 Regular Session
7lr2765
CF SB 63

By: Delegates Montague and Doory

Introduced and read first time: February 7, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 1997

CHAPTER ____

1 AN ACT concerning

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

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

1 ~~WHEREAS, Divorce produces negative consequences for children in areas such as~~
2 ~~school performance, conduct, psychological adjustment, and social relations with others;~~
3 ~~and~~

4 ~~WHEREAS, Many parents are unaware of the effects of the conflict of divorcees on~~
5 ~~their children and are in need of parental education programs to help them facilitate~~
6 ~~post-divorce adjustment for their children; now, therefore,~~

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

9 **Article - Family Law**

10 7-103.2.

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

13 (B) PRIOR TO GRANTING A DECREE OF DIVORCE, THE COURT ~~SHALL~~ MAY
14 REQUIRE ALL PARTIES TO PARTICIPATE IN AN EDUCATIONAL SEMINAR THAT IS
15 DESIGNED TO EDUCATE PARENTS ABOUT THE EFFECTS, AND TO MINIMIZE THE
16 DISRUPTION, OF A DIVORCE ON THE LIVES OF CHILDREN.

17 (C) ~~(A)~~ THE COURT OF APPEALS ~~SHALL~~ MAY ADOPT RULES TO IMPLEMENT
18 THIS SECTION.

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

20 ~~(I) PROVIDE FOR THE CONTENT OF THE SEMINAR REQUIRED~~
21 ~~UNDER THIS SECTION;~~

22 ~~(II) REQUIRE SUCCESSFUL COMPLETION OF THE SEMINAR BY ALL~~
23 ~~PARTIES TO THE ACTION WITHIN A CERTAIN TIME AFTER THE SERVICE OF THE~~
24 ~~ORIGINAL COMPLAINT UPON THE DEFENDANT;~~

25 ~~(III) ESTABLISH SANCTIONS FOR FAILURE TO SUCCESSFULLY~~
26 ~~COMPLETE THE SEMINAR REQUIRED UNDER THIS SECTION;~~

27 ~~(IV) FOR PURPOSES OF FUNDING THE COST OF THE SEMINAR,~~
28 ~~ESTABLISH A FEE THAT:~~

29 ~~1. SHALL BE ASSESSED AS COSTS; AND~~

30 ~~2. MAY BE WAIVED UNDER APPROPRIATE CIRCUMSTANCES;~~

31 ~~AND~~

32 ~~(V) ESTABLISH CRITERIA FOR EXEMPTION FROM THE~~
33 ~~REQUIREMENT THAT THE PARTIES PARTICIPATE IN AN EDUCATIONAL SEMINAR,~~
34 ~~EXCEPT THAT A COURT MAY NOT EXEMPT THE PARTIES FROM ATTENDING THE~~
35 ~~EDUCATIONAL SEMINAR IF THERE IS ANY EVIDENCE OF DOMESTIC VIOLENCE.~~

36 (D) THE SEMINAR ~~REQUIRED~~ AUTHORIZED UNDER THIS SECTION MAY BE
37 PROVIDED UNDER CONTRACT WITH A PUBLIC OR PRIVATE AGENCY.

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

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

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

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