Senate Engrossed

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1187

AN ACT

AMENDING SECTIONS 25-351 AND 25-381.18, ARIZONA REVISED STATUTES; RELATING TO MARRIAGE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 25-351, Arizona Revised Statutes, is amended to read:

25-351. Domestic relations education; plan; administration

A. The superior court in each county shall adopt and implement an educational program for the purpose of educating persons about the ~~impacts that~~ IMPACT OF divorce~~, the restructuring of families and judicial involvement have~~ on ADULTS AND children.

B. The supreme court shall adopt minimum standards for educational programs. The presiding judge of the superior court in each county shall submit an educational program plan to the supreme court for approval. The plan shall be consistent with the minimum standards that are adopted by the supreme court, including the length and nature of the program, the qualifications of program providers and the means by which the program will be evaluated and maintained. BEGINNING JANUARY 1, 2013, THESE STANDARDS SHALL REQUIRE THAT EDUCATIONAL PROGRAMS AT A MINIMUM INCLUDE INSTRUCTION RELATED TO ALL OF THE FOLLOWING:

1. THE EMOTIONAL, PSYCHOLOGICAL, FINANCIAL, PHYSICAL AND OTHER SHORT-TERM AND LONG-TERM EFFECTS OF DIVORCE ON ADULTS AND CHILDREN.

2. OPTIONS AVAILABLE AS ALTERNATIVES TO DIVORCE.

3. RESOURCES AVAILABLE TO IMPROVE OR STRENGTHEN MARRIAGE.

4. THE LEGAL PROCESS OF DIVORCE AND OPTIONS AVAILABLE FOR MEDIATION.

5. RESOURCES AVAILABLE AFTER DIVORCE.

C. Each program shall also include information regarding the notification requirements of section 25-403.05, subsection B.

~~C.~~ D. The presiding judge of the superior court or a judge who is designated by the presiding judge shall administer the program in each county and may provide or contract with political subdivisions in this state or private entities to provide the program to participants who are required to attend.

Sec. 2. Section 25-381.18, Arizona Revised Statutes, is amended to read:

25-381.18. Dissolution of marriage; legal separation; annulment; stay of right to file; jurisdiction for pending actions

A. During a period beginning on the filing of a petition for conciliation and continuing until sixty days after the filing of the petition for conciliation, neither spouse shall file any action for annulment, dissolution of marriage or legal separation, and, on the filing of a petition for conciliation, proceedings then pending in the superior court are stayed and the case shall be transferred to the conciliation court for hearing and further disposition as provided in this article. All restraining, support, maintenance or custody orders issued by the superior court remain in full force and effect until vacated or modified by the conciliation court or until they expire by their own terms.

B. IF EITHER PARTY WISHES TO EXTEND THE STAY PRESCRIBED PURSUANT TO SUBSECTION A, THAT PARTY MUST FILE A PETITION WITH THE COURT THAT STATES THE BASIS FOR THE EXTENSION AND INCLUDES A PLAN FOR RECONCILIATION OR A COUNSELING SCHEDULE. THE COURT MAY GRANT AN EXTENSION OF UP TO ONE HUNDRED TWENTY DAYS IF THE MOVING PARTY ESTABLISHES GOOD CAUSE FOR THE EXTENSION. THE COURT SHALL GRANT AN EXEMPTION FROM THE EXTENSION IF IT FINDS THE PARTIES HAVE A HISTORY OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 13-3601.

~~B.~~ C. If, ~~however,~~ after the expiration of the period prescribed in subsection A AND ANY EXTENSION GRANTED PURSUANT TO SUBSECTION B, the controversy between the spouses has not been terminated, either spouse may institute proceedings for annulment of marriage, dissolution of marriage or legal separation by filing in the clerk's office additional pleadings complying with the requirements relating to annulment of marriage, dissolution of marriage or legal separation, respectively, or either spouse may proceed with the action previously stayed, and the conciliation court has full jurisdiction to hear, try and determine the action for annulment of marriage, dissolution of marriage or legal separation and to retain jurisdiction of the case for further hearings on decrees or orders to be made. The conciliation provisions of this article may be used in regard to postdissolution problems concerning maintenance support, parenting time or contempt or for modification based on changed conditions in the discretion of the conciliation court.

~~C.~~ D. On the filing of an action for annulment, dissolution of marriage or legal separation and after the expiration of sixty days from the service or the acceptance of service of process on or by the defendant, neither spouse without the consent of the other may file a petition invoking the jurisdiction of the conciliation court, as long as the domestic relations case remains pending, unless it appears to the court that the filing will not delay the orderly processes of the pending action, in which event the court may accept the petition and the filing of the petition has the same effect as the filing of any such petition within such sixty days after the service or acceptance of process.