

REFERENCE TITLE: **dissolution of marriage; legal separation**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SB 1187**

Introduced by  
Senators Gray, Barto; Representatives Burges, Dial, Harper, Montenegro,  
Olson, Seel; Senator Shooter; Representatives Forese, Gallego, Gray R,  
Judd, Urie

**AN ACT**

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 25-351. Domestic relations education; plan; administration

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

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

- 18 1. THE EMOTIONAL, PSYCHOLOGICAL, FINANCIAL, PHYSICAL AND OTHER  
19 SHORT-TERM AND LONG-TERM EFFECTS OF DIVORCE ON ADULTS AND CHILDREN.
- 20 2. OPTIONS AVAILABLE AS ALTERNATIVES TO DIVORCE.
- 21 3. RESOURCES AVAILABLE TO IMPROVE OR STRENGTHEN MARRIAGE.
- 22 4. THE LEGAL PROCESS OF DIVORCE AND OPTIONS AVAILABLE FOR MEDIATION.
- 23 5. RESOURCES AVAILABLE AFTER DIVORCE.

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

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

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

33 25-381.18. Dissolution of marriage; legal separation;  
34 annulment; stay of right to file; jurisdiction for  
35 pending actions

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

1           B. IF EITHER PARTY WISHES TO EXTEND THE STAY PRESCRIBED PURSUANT TO  
2 SUBSECTION A, THAT PARTY MUST FILE A PETITION WITH THE COURT THAT STATES THE  
3 BASIS FOR THE EXTENSION AND INCLUDES A PLAN FOR RECONCILIATION OR A  
4 COUNSELING SCHEDULE. THE COURT MAY GRANT AN EXTENSION OF UP TO ONE HUNDRED  
5 TWENTY DAYS IF THE MOVING PARTY ESTABLISHES GOOD CAUSE FOR THE EXTENSION.

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

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