

ADOPTED SENATE

Senators Seabaugh of the 28th, Johnson of the 1st, Williams of the 19th, Rogers of the 21st and Harp of the 29th offered the following amendment:

1 *Amend HB 369 (LC 29 2919S) by inserting after "cross-reference;" on line 12 of page 1 the*
 2 *following: to amend Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating*
 3 *to divorce, so as to require certain divorcing parents to participate in education classes that*
 4 *focus on the effect of divorce and separation on children; to provide for who can provide the*
 5 *education and exceptions to the education classes; to change provisions relating to the time*
 6 *limit for granting certain divorces;*

7 *By inserting between lines 20 and 21 on page 18 the following:*

SECTION 7.

9 Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to divorce, is
 10 amended by striking subsection (a) of Code Section 19-5-1, relating to granting total divorces
 11 and referral for alternative dispute resolution, and inserting in lieu thereof the following:

12 *"(a) Total divorces may be granted in proper cases by the superior court; provided,*
 13 *however, that the parties shall comply with Code Section 19-5-1.1 if it is applicable. Unless*
 14 *an issuable defense is filed as provided by law and a jury trial is demanded in writing by*
 15 *either party on or before the call of the case for trial, in all petitions for divorce and*
 16 *permanent alimony the judge shall hear and determine all issues of law and of fact and any*
 17 *other issues raised in the pleadings."*

SECTION 8.

18 Said chapter is further amended by inserting a new Code section to read as follows:

19 "19-5-1.1.

20 (a)(1) Except as otherwise provided in subsection (c) of this Code section, in proceedings
 21 pursuant to this chapter in which there are dependent children of the marriage who are
 22 younger than 18 years of age or in which the wife is pregnant, the court shall order the
 23 parties seeking legal separation or divorce to participate in education classes of their
 24 choice, focusing substantially on the potential impact of separation or divorce on
 25 children.

26 (2) The parties shall commence such education classes within 30 days after the filing of
 27 the answer to the petition for legal separation or divorce.

28 (3) The education classes shall be provided to parties in each judicial circuit by one or
 29 more of the following:
 30

1 (A) A marriage and family therapist, social worker, or professional counselor licensed
2 pursuant to Chapter 10A of Title 43 or psychologist licensed pursuant to Chapter 39 of
3 Title 43;

4 (B) An unlicensed therapist acting under the supervision of a licensed marriage and
5 family therapist, licensed psychologist, licensed social worker, or licensed professional
6 counselor;

7 (C) A qualified member of the clergy; or

8 (D) A qualified person acting under the supervision of a member of the clergy.

9 (4) Persons providing the education classes may use the curriculum developed by the
10 Georgia Board of Professional Counselors, Social Workers, and Marriage and Family
11 Therapists or such other curriculum that focuses specially on the impact of legal
12 separation and divorce on children.

13 (5) The education classes shall commence within 30 days after the filing of the answer
14 to the petition for legal separation or divorce and shall consist of a minimum total of four
15 hours after the filing of the answer to the petition, unless the parties reconcile prior to
16 completion of the education classes. Counseling in which the parties have participated
17 at any time within six months prior to the filing of the answer to the petition shall also
18 count toward the hourly requirements set forth in this paragraph, if such counseling
19 focused substantially on the potential impact on children of separation or divorce. The
20 parties may elect to participate in the education classes together or separately. Whether
21 the parties participate in the education classes together or separately, each party shall
22 participate for a total of four hours.

23 (6) After a party has successfully completed the education classes, the person providing
24 the education classes shall provide the participating party with a certificate of completion
25 or a letter of verification or some other written documentation indicating successful
26 completion of the education classes. The person providing education classes shall also
27 provide to the party a list of resources for mental health counseling, marital counseling,
28 child counseling, and other support services that may be available in the community to
29 the party and the party's children.

30 (7) The court shall either provide payment for indigent parties to complete the education
31 classes required by this Code section or shall waive such requirement.

32 (b) The parties may elect to attend the education classes together unless one of the
33 following circumstances exist:

34 (1) A protective order has been issued against one of the parties pursuant to Article 1 of
35 Chapter 13 of this title;

36 (2) There have been allegations of violence within the marriage; or

37 (3) One of the parties prefers to attend the education class without his or her spouse.

1 (c) The court shall not require the education classes prescribed in subsection (a) of this
2 Code section if:

3 (1) Service of process was satisfied by publication and the whereabouts of one of the
4 parties cannot be determined;

5 (2) One of the parties to the marriage at the time of the action is serving a sentence in the
6 Department of Corrections;

7 (3) The youngest child of the parties is within six months of his or her eighteenth
8 birthday;

9 (4) One of the parties to the proceeding does not live in this state; or

10 (5) The parties have been living separate and apart for more than five years.

11 (d) If the petition for legal separation or divorce is not dismissed, the costs, if any,
12 associated with the education classes required by subsection (a) of this Code section shall
13 be paid by the participating parties in accordance with each party's ability to pay, as the
14 court deems appropriate."

15 SECTION 9.

16 Said chapter is further amended by striking paragraph (13) of Code Section 19-5-3, relating
17 to grounds for divorce, and inserting in lieu thereof the following:

18 "(13) The marriage is irretrievably broken. Under no circumstances shall the court grant
19 a divorce on this ground until not less than 30 days from the date of service on the
20 respondent and as further provided in Code Section 19-5-3.1."

21 SECTION 10.

22 Said chapter is further amended by inserting a new Code section to follow Code Section
23 19-5-3, relating to grounds for divorce, to read as follows:

24 "19-5-3.1.

25 (a) Except as provided in subsection (b) of this Code section, a court shall grant a divorce
26 only after 120 days from the date of service on the respondent where the parties have
27 children who are younger than 18 years of age.

28 (b) The waiting periods provided by this Code section shall be waived where either party
29 has obtained a protective order pursuant to Article 1 of Chapter 13 of this title or where
30 either party submits a confidential affidavit to the court for in camera inspection, a verified
31 petition, a verified answer, or a verified responsive pleading, which alleges specific facts
32 establishing probable cause that family violence as defined by Code Section 19-13-1 has
33 occurred in the past."

34 *By renumbering Sections 7 and 8 as Sections 11 and 12, respectively.*