

House Bill 684

By: Representative Spencer of the 180th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to divorce, so as to require certain divorcing parents to participate in educational skills building classes that focus on the effect of divorce on families; to provide for the types of person who can provide the education; to provide for exceptions to the education classes; to change certain provisions relating to the time limit for granting a divorce on the ground that the marriage is irretrievably broken; to provide for different time frames for granting divorce based on certain circumstances; to make certain changes relating to contents of a petition for divorce; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to divorce, is amended by adding a new Code section to read as follows:

"19-5-1.1.

(a)(1) Except as otherwise provided in subsection (c) of this Code section, in proceedings pursuant to this chapter in which the granting of a divorce is sought or is to be granted by the court on the ground that the marriage is irretrievably broken as provided in paragraph (13) of Code Section 19-5-3 and in which there are dependent children of the marriage who are younger than 18 years of age or in which the wife is pregnant, the court shall order the parties seeking divorce to participate in eight hours of education classes of their choice focusing substantially on the potential outcome of divorce on families, especially children.

(2) If there are dependent children of the marriage who are younger than 18 years of age or the wife is pregnant, the party who files the petition for divorce on the ground that the marriage is irretrievably broken as provided in paragraph (13) of Code Section 19-5-3 shall have commenced and completed four hours of education classes not more than 90

days and not less than 45 days prior to filing the petition for divorce. The party against whom the petition for divorce is filed shall complete such education classes within 60 days after the filing of the answer to the petition for divorce, and the party who files the petition for divorce shall also complete the remaining four hours of such education classes within 60 days after the filing of the answer to the petition for divorce; provided, however, that if the original petition seeks a divorce on a ground other than that the marriage is irretrievably broken and is later then amended to seek a divorce on such ground, the parties shall each complete eight hours of education classes prior to the court granting a divorce on such ground.

(b)(1) The education classes shall be provided to parties in each judicial circuit by one or more of the following persons registered with the Department of Community Health to provide such services:

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

(B) A qualified member of the clergy.

(2) Persons providing the education classes shall use the curriculum developed by the Department of Community Health which focuses substantially on the outcome of divorce on families, especially children, and the benefits of marriage and provides instruction on financial planning, communication skills, conflict resolution, and options for reconciliation or mediation.

(3) The education classes shall commence within time periods specified in paragraph (2) of subsection (a) of this Code section unless otherwise provided by court order and shall consist of a minimum total of eight hours, unless the parties reconcile prior to completion of the education classes. The parties may elect to participate in the education classes together or separately, except as provided in subsection (c) of this Code section. Whether the parties participate in the education classes together or separately, each party shall participate for a total of eight hours.

(4) After a party has successfully completed the education classes, the person providing the education classes shall provide the participating party with written documentation indicating successful completion of the education classes. The person providing the education shall also provide the participating party with written documentation upon the successful completion of four hours of education classes, if so requested by the participating party. The person providing education classes shall further provide to the party a list of resources for mental health counseling, marriage-friendly counseling, child counseling, relationship education, and other support services that may be available in the community to the party and the party's children.

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

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

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

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

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

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

(1) Service of process was satisfied by publication and the whereabouts of one of the parties cannot be determined so long as the education classes required prior to the filing of the petition for legal separation or divorce were completed;

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

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

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

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

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

(f) The Department of Community Health may promulgate rules and regulations to provide for the registration and curriculum required under this Code section."

SECTION 2.

Said chapter is further amended by adding "or" at the end of paragraph (12) and by revising paragraph (13) of Code Section 19-5-3, relating to grounds for total divorce, as follows:

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

SECTION 3.

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

97 "19-5-3.1.

98 (a) Except as provided in subsection (b) of this Code section, a court shall grant a divorce
99 only after 320 days from the date of service on the respondent if the parties have children
100 who are younger than 18 years of age or if the wife is pregnant.

101 (b) The discernment period provided by this Code section shall be waived if either party
102 has obtained a protective order pursuant to Article 1 of Chapter 13 of this title or if either
103 party submits a confidential affidavit to the court for in camera inspection, a verified
104 petition, a verified answer, or a verified responsive pleading which alleges specific facts
105 establishing probable cause that family violence as defined by Code Section 19-13-1 has
106 occurred in the past."

107 **SECTION 4.**

108 Said chapter is further amended by revising subsection (b) of Code Section 19-5-5, relating
109 to petition, contents and verification, and demand for detailed statement, as follows:

110 "(b) The petition shall show:

111 (1) The residence or last known address of the respondent;

112 (2) That the applicant meets the residence requirements for bringing an action for divorce
113 or that the applicant is bringing a counterclaim and is not required to meet the residence
114 requirements;

115 (3) The date of the marriage and the date of the separation;

116 (4) Whether or not there are any minor children of the parties and the name and age of
117 each minor child;

118 (5) Whether the wife is pregnant;

119 ~~(5)(6)~~ The statutory ground upon which a divorce is sought; ~~and~~

120 (7) That the applicant has completed the education classes required under Code Section
121 19-5-1.1, if applicable; and

122 ~~(6)(8)~~ If where alimony or support or division of property is involved, the property and
123 earnings of the parties, if such is known."

124 **SECTION 5.**

125 For purposes of proposing rules and regulations, this Act shall become effective upon its
126 approval by the Governor or upon its becoming law without such approval. For all other
127 purposes, this Act shall become effective on September 1, 2014, and shall apply to petitions
128 for divorce filed on or after September 1, 2014; provided, however, that any petition for
129 divorce filed prior to that date shall continue to be governed by the laws in effect at the time
130 such petition was filed.

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SECTION 6.

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All laws and parts of laws in conflict with this Act are repealed.