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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1942**

March 19, 2009

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The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to marriage; establishing a Minnesota divorce reconciliation project;
1.3 redirecting disposition of a portion of the marriage license fee; requiring
1.4 participation in a marriage dissolution education program before commencing
1.5 marriage dissolution proceedings involving minor children; appropriating
1.6 money; amending Minnesota Statutes 2008, section 517.08, subdivision 1c;
1.7 proposing coding for new law in Minnesota Statutes, chapters 256; 518.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. **[256.743] MINNESOTA DIVORCE RECONCILIATION PROJECT.**

1.10 Subdivision 1. Establishment. Within the limits of available appropriations, the
1.11 commissioner shall develop and implement a Minnesota divorce reconciliation project, as
1.12 provided for in this section. The commissioner may administer the project with federal
1.13 grants, state appropriations, and in-kind services received for this purpose.

1.14 Subd. 2. Purpose. The purpose of the project is to develop, evaluate, and
1.15 disseminate best practices for promoting successful reconciliation between married
1.16 persons who are considering or have commenced a marriage dissolution proceeding and
1.17 who choose to pursue reconciliation.

1.18 Subd. 3. Implementation. The project must be implemented through the University
1.19 of Minnesota. The commissioner shall:

- 1.20 (1) enter into contracts or manage a grant process for implementation of the project;
- 1.21 and
- 1.22 (2) develop and implement an evaluation component for the project.

1.23 Sec. 2. Minnesota Statutes 2008, section 517.08, subdivision 1c, is amended to read:

2.1 Subd. 1c. **Disposition of license fee.** (a) Of the marriage license fee collected
 2.2 pursuant to subdivision 1b, paragraph (a), \$25 must be retained by the county. The local
 2.3 registrar must pay \$85 to the commissioner of finance to be deposited as follows:

2.4 (1) \$50 in the general fund;

2.5 (2) \$3 in the state government special revenue fund to be appropriated to the
 2.6 commissioner of public safety for parenting time centers under section 119A.37;

2.7 (3) \$2 in the special revenue fund to be appropriated to the commissioner of health
 2.8 for developing and implementing the MN ENABL program under section 145.9255;

2.9 (4) \$25 in the special revenue fund is appropriated to the commissioner of
 2.10 employment and economic development for the displaced homemaker program under
 2.11 section 116L.96; and

2.12 (5) \$5 in the special revenue fund is appropriated to the commissioner of human
 2.13 services for the Minnesota Healthy Marriage and Responsible Fatherhood Initiative under
 2.14 section 256.742 or the Minnesota divorce reconciliation project under section 256.743.

2.15 (b) Of the \$40 fee under subdivision 1b, paragraph (b), \$25 must be retained by the
 2.16 county. The local registrar must pay \$15 to the commissioner of finance to be deposited
 2.17 as follows:

2.18 (1) \$5 as provided in paragraph (a), clauses (2) and (3); and

2.19 (2) \$10 in the special revenue fund is appropriated to the commissioner of
 2.20 employment and economic development for the displaced homemaker program under
 2.21 section 116L.96.

2.22 (c) The increase in the marriage license fee under paragraph (a) provided for in Laws
 2.23 2004, chapter 273, and disbursement of the increase in that fee to the special fund for the
 2.24 Minnesota Healthy Marriage and Responsible Fatherhood Initiative under paragraph (a),
 2.25 clause (5), is contingent upon the receipt of federal funding under United States Code,
 2.26 title 42, section 1315, for purposes of the initiative. The commissioner of human services
 2.27 shall disburse any balance in the special fund in excess of the amount for which federal
 2.28 matching funds are available for the initiative under section 256.742 to the project under
 2.29 section 256.743, beginning with any balance in the fund available on the effective date of
 2.30 this act and every six months after that time.

2.31 Sec. 3. **[518.159] MARRIAGE DISSOLUTION EDUCATION REQUIREMENTS.**

2.32 Subdivision 1. **Application.** This section applies to marriage dissolution
 2.33 proceedings involving minor children.

2.34 Subd. 2. **Participation requirements.** (a) A petition or counterpetition for
 2.35 dissolution of marriage or an answer must be accompanied by an affidavit verifying

3.1 that the serving party has completed a marriage dissolution education program under
3.2 this section. A court administrator must not accept for filing a petition, joint petition,
3.3 counterpetition, answer, or marital termination agreement unless it is accompanied by
3.4 an affidavit that the filing party or, in the case of a joint petition or marital termination
3.5 agreement, both parties have completed an online marriage dissolution education program.

3.6 (b) The requirements of paragraph (a) are satisfied if a party includes an
3.7 accompanying affidavit verifying that it is impracticable for the party to complete the
3.8 program and stating the reason. Examples of impracticability include that:

3.9 (1) the party cannot speak or read the languages in which qualifying programs
3.10 are offered;

3.11 (2) the party does not have access to a private or library computer connected to
3.12 the Internet; or

3.13 (3) a specified emergency exists so that the pleading must be served or filed before
3.14 the party completes the program.

3.15 Subd. 3. **Program requirements.** (a) The online program, "Children in the
3.16 Middle," qualifies as an education program for purposes of this section. Other online
3.17 programs may qualify under this section, provided that the program is designed for
3.18 separating and divorcing parents and has demonstrated scientific evidence of effectiveness
3.19 in reducing parental conflict and improving children's adjustment. Scientific evidence
3.20 means controlled research that uses outcome measures that have reliability and validity
3.21 at a level that is conventionally accepted by experts in the field. The program must also
3.22 have evidence that it can be implemented in a way that is consistent with the version that
3.23 was evaluated. The program must provide:

3.24 (1) information on constructive parenting in the dissolution process, including risk
3.25 factors for families, how marriage dissolution affects children of different ages, and skills
3.26 parents can learn to diminish conflict and increase cooperation. This component of the
3.27 program must be aimed at increasing the parents' sensitivity to children's needs and at
3.28 giving them skills to improve their own and the children's adjustment to the breakup
3.29 of the family;

3.30 (2) information on the legal process of marriage dissolution, including an overview
3.31 of the adversary litigation process; the nature and availability of alternative processes
3.32 such as mediation, collaborative and cooperative law, and restorative circles; and the
3.33 advantages and disadvantages of alternative processes, including available research on
3.34 the satisfaction levels, reduced conflict, and better parenting cooperation by parties who
3.35 avoid adversary proceedings; and

4.1 (3) information on the option of reconciliation, including research on reconciliation
4.2 among couples considering marriage dissolution, the potential benefits of avoiding
4.3 marriage dissolution, ways that some couples have restored their marriages to health, and
4.4 resources to assist with reconciliation for interested couples.

4.5 (b) The qualification of programs other than "Children in the Middle" must be
4.6 determined by the Minnesota Supreme Court, in consultation with scientific experts.
4.7 Expenses for the evaluation must be paid by the program requesting to be qualified
4.8 under this section.

4.9 Subd. 4. **Costs.** Costs for taking the online program must be paid by each individual
4.10 taking the program. Individuals making less than 200 percent of the federal poverty line
4.11 or who are entitled to proceed in forma pauperis under section 563.01 are entitled to a
4.12 waiver of the fee for the program.