

House Engrossed Senate Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 305

SENATE BILL 1187

AN ACT

AMENDING SECTIONS 25-351, 25-381.17 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 25-381.17, Arizona Revised Statutes, is amended to
32 read:

33 25-381.17. Orders; duration of effectiveness; reconciliation
34 agreement

35 A. The judge of the conciliation court shall have full power to make,
36 alter, modify, and enforce all orders or temporary orders, orders for custody
37 of children, restraining orders, preliminary injunctions and orders affecting
38 possession of property, as may appear just and equitable, but such orders
39 shall not be effective for more than ~~sixty days from the filing of the~~
40 ~~petition~~ THE PERIOD OF THE STAY UNDER SECTION 25-381.18, unless the parties
41 mutually consent to a continuation of such time.

1 B. Any reconciliation agreement between the parties may be reduced to
2 writing and, with the consent of the parties, a court order may be made
3 requiring the parties to comply fully therewith.

4 Sec. 3. Section 25-381.18, Arizona Revised Statutes, is amended to
5 read:

6 25-381.18. Dissolution of marriage; legal separation;
7 annulment; stay of right to file; jurisdiction for
8 pending actions

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

19 B. IF EITHER PARTY WISHES TO EXTEND THE STAY PRESCRIBED PURSUANT TO
20 SUBSECTION A, THAT PARTY MUST FILE A PETITION WITH THE COURT THAT STATES THE
21 BASIS FOR THE EXTENSION AND INCLUDES A PLAN FOR RECONCILIATION OR A
22 COUNSELING SCHEDULE. THE COURT MAY GRANT A REASONABLE EXTENSION OF UP TO ONE
23 HUNDRED TWENTY DAYS IF THE MOVING PARTY ESTABLISHES GOOD CAUSE FOR THE
24 EXTENSION. THE COURT SHALL NOT GRANT AN EXTENSION IF THE OTHER PARTY OBJECTS
25 WITH GOOD CAUSE.

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

41 ~~C-~~ D. On the filing of an action for annulment, dissolution of
42 marriage or legal separation and after the expiration of sixty days from the
43 service or the acceptance of service of process on or by the defendant,
44 neither spouse without the consent of the other may file a petition invoking

1 the jurisdiction of the conciliation court, as long as the domestic relations
2 case remains pending, unless it appears to the court that the filing will not
3 delay the orderly processes of the pending action, in which event the court
4 may accept the petition and the filing of the petition has the same effect as
5 the filing of any such petition within such sixty days after the service or
6 acceptance of process.

~~APPROVED BY THE GOVERNOR APRIL 28, 2011.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2011.~~

Passed the House April 13, 2011,

by the following vote: 31 Ayes,

27 Nays, 2 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 17, 2011,

by the following vote: 18 Ayes,

11 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmian Bellinger
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1187

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

(On reconsideration)
SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 20 11

by the following vote: 17 Ayes,
12 Nays, 1 Not Voting

Ronald R. Burdette
President of the Senate

Charmion Ballester
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this
19 day of April, 20 11

at 3:20 o'clock P. M.

Nicole Bendice
Secretary to the Governor

Approved this 28th day of

April, 2011

at 12:02 o'clock P. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State
this 28th day of April, 20 11

S.B. 1187

at 4:01 o'clock P. M.

Kelu Bennett
Secretary of State