

SENATE BILL No. 406

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-15.

Synopsis: Pre-divorce counseling. Requires parties in a dissolution of marriage action to complete a marriage counseling program if: (1) the parties assert irretrievable breakdown of the marriage as a ground for the action; and (2) the court finds that: (A) the parties are the parents or legal custodians of a minor; or (B) a party is pregnant and the party's spouse is the child's father under Indiana law. Provides for certain exceptions to the requirement. Specifies requirements for the marriage counseling program the parties must complete. Provides that a court administrator may enter into an agreement with one or more third parties to provide the court-ordered marriage counseling. Provides that the agreement must require the provider to waive some or all of the cost of the program if directed to do so by the court administrator for purposes of accommodating the ability of a party to pay. Provides that each calendar year: (1) counties shall provide information regarding divorces in the county during the preceding calendar year to the management and performance hub (MPH); and (2) the MPH shall post the information on the MPH's Internet web site.

Effective: July 1, 2019.

Spartz

January 14, 2019, read first time and referred to Committee on Judiciary.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 406

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-15-2-13 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. At least sixty (60)
3 days after a petition is filed in an action for dissolution of marriage
4 under section 2 of this chapter, the court may enter a summary
5 dissolution decree without holding a final hearing under this chapter if
6 there have been filed with the court verified pleadings, signed by both
7 parties, containing:
8 (1) a written waiver of final hearing; ~~and~~
9 (2) either:
10 (A) a statement that there are no contested issues in the action;
11 or
12 (B) a written agreement made in accordance with section 17
13 of this chapter that settles any contested issues between the
14 parties; **and**
15 **(3) certification that the parties have completed a marriage**
16 **counseling program if required under IC 31-15-2.5.**
17 SECTION 2. IC 31-15-2-15 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) At the final
 2 hearing on a petition for dissolution of marriage the court shall
 3 consider evidence, including agreements and verified pleadings filed
 4 with the court. If the court finds that the material allegations of the
 5 petition are true **and that the parties have completed a marriage**
 6 **counseling program if required under IC 31-15-2.5**, the court:

7 (1) shall enter a dissolution decree as provided in section 16 of
 8 this chapter; or

9 (2) if the court finds that there is a reasonable possibility of
 10 reconciliation, may continue the matter and order the parties to
 11 seek reconciliation through any available counseling.

12 (b) At any time forty-five (45) days after the date of a continuance:

13 (1) either party may move for the dissolution of the marriage; and

14 (2) the court may enter a dissolution decree as provided in section
 15 16 of this chapter.

16 (c) If no motion for the dissolution is filed, the matter shall be,
 17 automatically and without further action by the court, dismissed after
 18 the expiration of ninety (90) days from the date of continuance.

19 SECTION 3. IC 31-15-2.5 IS ADDED TO THE INDIANA CODE
 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]:

22 **Chapter 2.5. Pre-Divorce Marriage Counseling**

23 **Sec. 1. As used in this chapter, "domestic violence" includes:**

24 (1) **conduct by a spouse that is an element of an offense under**
 25 **IC 35-42; and**

26 (2) **a threat by a spouse to commit an act described in**
 27 **IC 35-42.**

28 **Sec. 2. As used in this chapter, "minor" means an individual**
 29 **who is less than eighteen (18) years of age.**

30 **Sec. 3. (a) Except as provided in subsection (b), the court in a**
 31 **dissolution of marriage action shall order the parties to the action**
 32 **to complete a marriage counseling program if:**

33 (1) **the parties to the action assert ir retrievable breakdown of**
 34 **the marriage as a ground for the action under IC 31-15-2-3;**
 35 **and**

36 (2) **the court finds that:**

37 (A) **the parties to the action are the parents or legal**
 38 **custodians of a minor; or**

39 (B) **a party to the action is pregnant and the party's spouse**
 40 **is the child's father under Indiana law.**

41 (b) **A court may waive the requirement under subsection (a) if:**

42 (1) **a party to the dissolution of marriage action files a sworn**



1 statement stating that the party is a victim of domestic
2 violence committed by the other party;

3 (2) the court finds that reconciliation between the parties is
4 infeasible; or

5 (3) the court finds other good cause for not requiring the
6 parties to complete a marriage counseling program.

7 Sec. 4. (a) Parties to a dissolution of marriage action who are
8 ordered to complete a marriage counseling program under this
9 chapter must complete a marriage counseling program that:

10 (1) is at least two (2) hours in length;

11 (2) is provided by a licensed therapist or a faith-based
12 counselor; and

13 (3) includes the following content:

14 (A) Creation of a plan of reconciliation, if feasible.

15 (B) Education on the effects of divorce on a child's physical
16 and mental health.

17 (C) Information on how the parties can minimize the
18 effects of the dissolution of marriage action on the parties'
19 children.

20 (D) Provision of referrals to community services for the
21 parties and the parties' children.

22 (b) A court administrator may enter into an agreement with one
23 (1) or more providers of marriage counseling programs that meet
24 the requirements of subsection (a) for purposes of providing
25 marriage counseling to parties ordered to complete a marriage
26 counseling program under this chapter.

27 (c) An agreement entered into under subsection (b) must require
28 the provider to waive some or all of the cost of the marriage
29 counseling program if directed to do so by the court administrator
30 for purposes of accommodating the ability of a party to pay.

31 Sec. 5. (a) As used in the section, "MPH" refers to the
32 management performance hub established by IC 4-3-26-8.

33 (b) Not later than March 1, 2020, and not later than March 1 of
34 each year thereafter, each county shall provide to the MPH
35 statistical information regarding divorces in the county during the
36 preceding calendar year, including:

37 (1) the number of petitions for dissolution of marriage filed;
38 and

39 (2) the number of dissolution decrees entered.

40 (c) The MPH shall, not later than July 1, 2020, and not later
41 than July 1 of each calendar year thereafter, post to the MPH's
42 Internet web site the information reported to the MPH under



1 subsection (b) for the preceding calendar year.

