

House Bill 680

By: Representatives Setzler of the 35th, Fleming of the 121st, Brockway of the 102nd, and Caldwell of the 20th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to
2 divorce, so as to require completion of education prior to filing a petition for divorce; to
3 provide for the persons and entities authorized to offer to provide the education; to make
4 certain changes relating to contents of a petition for divorce; to provide for related matters;
5 to provide a short title; to provide for an effective date and applicability; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be referred to as the "Children's Hope for Family Act."

10 **SECTION 2.**

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

13 "19-5-4.1.

14 (a) Prior to bringing a written petition on an action for divorce, in proceedings pursuant
15 to this chapter in which the granting of a divorce is sought or is to be granted by the court
16 on the ground that the marriage is irretrievably broken as provided in paragraph (13) of
17 Code Section 19-5-3 and in which there are dependent children of the marriage who are
18 younger than 18 years of age or in which the wife is pregnant, the petitioner shall complete
19 four hours of education either in person or online in accordance with this Code section.
20 Such education shall be completed not more than 120 days prior to filing the petition for
21 divorce. The party against whom the petition for divorce is filed is encouraged but is not
22 required to complete such education within 60 days after the filing of the answer to the
23 petition for divorce.

24 (b)(1) The education shall be provided to parties by any person included in paragraphs
25 (1) through (4) of subsection (a) of Code Section 19-3-30.1 as approved by the court.

26 (2) Persons approved pursuant to paragraph (1) of this subsection shall provide education
 27 which focuses substantially on the outcome of divorce on families, especially children,
 28 and the benefits of marriage and provides instruction on financial planning,
 29 communication skills, conflict resolution, healthy relationship qualities, and options for
 30 reconciliation or mediation.

31 (3) After a party has successfully completed the education, the person providing such
 32 education shall provide such party with written documentation indicating successful
 33 completion. The person providing such education shall further provide to such party a
 34 list of resources for mental health counseling, marriage-friendly counseling, child
 35 counseling, relationship education, and other support services that may be available in the
 36 community to such party and the party's children.

37 (4) The court shall either provide payment for indigent parties to complete the education
 38 required by this Code section or shall authorize a provider that provides the education
 39 free of charge.

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

43 (d) The court shall maintain records of the number of persons who complete the education
 44 pursuant to this Code section and the number of such persons who subsequently file a
 45 petition for divorce. The aggregate, nonidentifying data from such records shall be made
 46 available to any entity for research purposes or to the public upon request."

47 **SECTION 3.**

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

50 "(b) The petition shall show:

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

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

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

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

58 (5) Whether the wife is pregnant;

59 ~~(5)(6)~~ The statutory ground upon which a divorce is sought; ~~and~~

60 (7) That the applicant has completed the education required under Code Section
 61 19-5-4.1, if applicable; and

62 ~~(6)(8) If~~ Where alimony or support or division of property is involved, the property and
63 earnings of the parties, if such is known."

64 **SECTION 4.**

65 This Act shall become effective on July 1, 2016, and shall apply to petitions for divorce filed
66 on or after July 1, 2016; provided, however, that any petition for divorce filed prior to that
67 date shall continue to be governed by the laws in effect at the time such petition was filed.

68 **SECTION 5.**

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