

SENATE, No. 1417

STATE OF NEW JERSEY

INTRODUCED JULY 25, 1996

By Senator MATHEUSSEN

1 AN ACT establishing a mandatory education program and
2 supplementing Title 2A of the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. This act shall be known and may be cited as the "Parents'
8 Education Act."

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10 2. There is hereby established a separate, nonlapsing, revolving
11 fund in the General Fund to be known as the "Parents' Education
12 Fund." The Clerk of the Superior Court shall forward the \$25.00
13 registration fee collected pursuant to section 5 of P.L. , c. (C.)
14 (now pending before the Legislature as section 5 of this bill) for
15 deposit in the fund. The fund shall be administered by the
16 Administrative Office of the Courts and dedicated to the development,
17 establishment, operation and maintenance of the "Parents' Education
18 Program" created pursuant to section 3 of P.L. , c., (C.)(now
19 pending before the Legislature as section 3 of this bill).

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21 3. a. There is hereby established a mandatory education program
22 to be known as the "Parents' Education Program."

23 b. The program shall be designed to assist and advise divorced
24 parents on issues concerning divorce, separation and custody. The
25 program shall be made available twice a month. The program shall be
26 administered by the Administrative Office of the Courts. The
27 Administrative Office of the Courts shall appoint two program
28 representatives for each county, a male and a female.

29 c. The purpose of the program shall be to promote cooperation
30 between the parties and to assist parents in resolving issues which may
31 arise during the divorce or separation process, including, but not
32 limited to:

33 (1) Understanding the legal process and cost of divorce or
34 separation, including arbitration and mediation;

35 (2) Understanding the financial responsibilities for the children;

36 (3) Understanding the interaction between parent and child, the
37 family relationship and any other areas of adjustment and concern

1 during the process of divorce or separation;

2 (4) Understanding how children react to divorce or separation,
3 how to spot problems, what to tell them about divorce or separation,
4 how to keep communication open and how to answer questions and
5 concerns the children may have about the process;

6 (5) Understanding how parents can help their children during the
7 divorce or separation, specific strategies, ideas, tools, and resources
8 for assistance;

9 (6) Understanding how parents can help children after the divorce
10 or separation and how to deal with new family structures and different
11 sets of rules; and

12 (7) Understanding that cooperation may sometimes be
13 inappropriate in cases of domestic violence.

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15 4. a. There is hereby established an advisory committee consisting
16 of nine members appointed by the Governor with the advice and
17 consent of the Senate. The members shall include a former judge who
18 specialized in family law matters, an attorney who specializes in family
19 law matters, a mediator, a probation officer, two mental health
20 professionals with experience in the field of child care, an educator,
21 one custodial parent and one non-custodial parent.

22 b. The committee members shall select a chairman from among the
23 members. The committee shall develop a curriculum, guidelines,
24 program representative qualifications and requirements to be used in
25 the "Parents' Education Program" established pursuant to section 3 of
26 P.L. , c. (C.)(now pending before the Legislature as section 3 of
27 this bill). The committee shall report its recommendations to the
28 Administrative Office of the Courts three months following the
29 organization of the committee. The Administrative Office of the
30 Courts shall use the recommendations of the committee to develop a
31 comprehensive education program.

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33 5. a. The court shall order every person who has filed an action for
34 divorce nullity or separate maintenance, where the custody, visitation
35 or support of the minor child is an issue to attend the "Parents'
36 Education Program" established pursuant to section 3 of P.L. , c.
37 (C.)(now pending before the Legislature as section 3 of this bill).

38 Each party shall attend separate sessions of the program. b .
39 Each party shall be required to pay a fee of \$25.00 for registration in
40 the "Parents' Education Program" which shall be forwarded by the
41 Clerk of the Superior Court for deposit in the "Parents' Education
42 Program Fund" established pursuant to section 2 of P.L. , c.
43 (C.)(now pending before the Legislature as section 2 of this bill).

44 c. Except as provided in subsection d. of this section, the court
45 shall require all parties who have filed an action for divorce, nullity or
46 separate maintenance where the custody, visitation or support of the

1 minor child is an issue to complete the program prior to entry of
2 judgment. Failure of a party to participate in the program shall be
3 considered as a factor by the court in making any custody and
4 visitation determinations.

5 d. The court may exempt a party from attending the program, if the
6 court finds good cause for an exemption.

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8 6. a. Notwithstanding any other provision of law to the contrary,
9 no person serving as a program representative in the "Parents'
10 Education Program" established pursuant to section 3 of P.L. , c.
11 (C.)(now pending before the Legislature as section 3 of this bill)
12 shall be liable for damages resulting from any exercise of judgment or
13 discretion in connection with the person's duties unless the actions
14 evidence a reckless disregard for the duties imposed by the position.
15 Nothing in this section shall be deemed to grant immunity to any
16 program representative causing damage by that person's wilful,
17 wanton or grossly negligent act of commission or omission.

18 b. No person serving as a program representative in the program
19 shall solicit, accept employment from or counsel a program participant
20 for a period of one year after the program participant has completed
21 the program.

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23 7. All communications made by any program participant during the
24 course of attending the "Parents' Education Program," established
25 pursuant to section 3 of P.L. , c. (C.)(now pending before the
26 Legislature as section 3 of this bill) is confidential and shall not be
27 admissible as evidence in any court proceeding.

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29 8. The Supreme Court of New Jersey may adopt Rules of Court
30 appropriate or necessary to effectuate the purpose of this act.

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32 9. This act shall take effect 180 days after enactment except for
33 section 4 which shall take effect immediately.

34 35 36 STATEMENT

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38 This bill would establish the "Parents Education Program," a
39 mandatory education program for all parties filing an action for
40 divorce. The program would be designed to assist and advise divorced
41 parents on issues concerning divorce, separation and custody and to
42 provide the parties with a better understanding of the legal process,
43 costs and financial responsibilities both parties would most likely face
44 during the divorce process. The bill would require each party to
45 complete the program prior to entry of judgment. Failure of a party
46 to participate in the program would be considered as a factor by the

1 court in making any custody and visitation determinations.

2 The bill would require all participants to pay a registration fee of
3 \$25.00 which would be deposited in the Parents' Education Fund.
4 This fund would be dedicated to the development, establishment,
5 operation and maintenance of the Parents Education Program. The
6 program would be administered by the Administrative Office of the
7 Courts.

8 The bill would also authorize the creation of a temporary nine
9 member advisory committee, consisting of professionals in the area of
10 divorce. The committee would be required to develop a specific
11 curriculum, determine the program length, establish guidelines and
12 qualifications for the program moderators and develop any other
13 necessary program requirements. The committee would be required
14 to report its findings to the Administrative Office of the Courts which
15 in turn would be required to use these recommendations in developing
16 the mandatory education program.

17 This bill embodies recommendation number 2 of the report of the
18 Commission to Study the Law of Divorce, issued April 18, 1995.

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23 Creates the "Parents' Education Program."