

## SENATE, No. 1497

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# STATE OF NEW JERSEY

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INTRODUCED SEPTEMBER 19, 1996

By Senators MARTIN, PALAIA, Ewing and Cafiero

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.  
14   (C.   )(now pending before the Legislature as section 5 of this bill)  
15   for 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 program shall be  
25   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  
27 3 of 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  
38 bill). Each party shall attend separate sessions of the program.

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

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

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

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

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

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

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

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

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

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## 37 STATEMENT

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

1 to participate in the program would be considered as a factor by the  
2 court in making any custody and visitation determinations.

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

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

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

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24 Creates the "Parents' Education Program."