

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 14, 1998 Revised: _____

Subject: Marriage Education and Stabilization

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Harkins</u>	<u>Moody</u>	<u>JU</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill would provide couples the option to complete at least a 4-hour marriage preparation course. If they do, they receive \$32.50 of the initial marriage license fee. No marriage license may be issued by a county court judge or a clerk unless a couple attests that they have or have not taken the course. This requirement is intended to assist researchers in gathering statistical information regarding the efficacy of the program.

The bill provides that courses will be reviewed by the Florida State University Center of Marriage and Family in order to determine the efficacy of different courses and the bill. These researchers will compile their findings and make their report in 2003. If no significant impact is shown, the premarital courses will sunset.

Handbooks explaining the rights and responsibilities of the parties to a marriage to each other and to their children will be distributed based upon express agreement by The Florida Bar to do so. The handbooks will receive annual updates.

The marriage preparation course must be conducted by certain licensed professionals, a person approved by a judge, an “official representative of a religious institution or his or her designee,” or any other provider designated by the circuit court, including school counselors who are qualified to teach the courses locally. Topics in the marriage preparation course are to include: conflict management; communication skills; financial responsibilities; and children and parenting responsibilities. Each circuit must compile a registry of course providers and sites for the marriage preparation. Courts may establish registries for the parenting courses. Both registries must contain at least one course provided in each county which will offer the course on a sliding fee scale or for free.

Upon filing for dissolution of marriage, couples with minor children must complete a 4-hour parenting course. Parties attending a parenting course are not required to take the course together and may be prohibited from doing so.

This bill substantially amends the following sections of the Florida Statutes: 28.101, 232.246, 741.01, 741.04, 741.05, and 61.043, 61.21. This bill also creates sections 741.0305 and 741.0306 of the Florida Statutes.

II. Present Situation:

Marriage licenses must be issued by a county court judge or clerk of the circuit court. s. 741.01, F.S. The license cannot be granted unless both parties state their ages by affidavit, both parties are over the age of 18, and one party is a male and the other party a female. A license also cannot be issued if it appears there is an impediment because the parties are related as siblings, aunt and nephew, or uncle and niece.

The statutory fee to obtain a marriage license is \$88.50. ss. 741.01 and 741.02, F.S. There is no statutory requirement that a couple receive any marital counseling before receiving a marriage license. To commence a dissolution of marriage proceeding under ch. 61, F.S., the only requirement is that one party must file a petition in circuit court.

A judge has several alternatives in a dissolution of marriage proceeding if there is a minor child or if one party denies that the marriage is irretrievably broken. s. 61.052(2)(b), F.S. The judge may:

- Order either or both parties to consult with a marriage counselor, psychologist, psychiatrist, minister, priest, rabbi, or any other person deemed qualified by the court and acceptable to the party or parties ordered to seek consultation;
- Continue the proceedings for a reasonable length of time not to exceed 3 months, to enable the parties themselves to effect a reconciliation; or
- Take such other action as may be in the best interest of the parties and the minor child of the marriage.

s. 61.052(2)(b), F.S.

A judge may require a court-approved parenting course before granting the petition for dissolution of marriage. s. 61.21(2), F.S. For example, Leon County offers several 4-hour courses ranging in cost from \$17-\$30. The Family Law Section of The Florida Bar has developed pamphlets for the public which give information on divorce. The Family Law Section of The Florida Bar is a possible resource to help in developing more extensive material. At present, 19 of Florida's 20 judicial circuits offer some type of approved parental counseling.

In order to provide counseling and psychological services, a person must possess the qualifications of a licensed psychologist under ch. 490, F.S. or possess the qualifications necessary to be a clinical social worker, a marriage and family therapist, or a mental health counselor as set forth in ch. 491, F.S. A person may also be designated a certified master social worker under s. 491.0145, F.S., but their function is basically administrative and they are not to be viewed as

authorized to provide clinical social work services. Family law mediators are trained as “mediators,” a legal term defined in Black’s Law Dictionary as a “neutral third person who helps disputing parties to reach an agreement.”

III. Effect of Proposed Changes:

The bill provides that a man and woman desiring to marry *may*, together or separately, complete a premarital education course. If they do so, and obtain a certificate of completion from the provider of the course, they may present that certificate at the time of requesting their marriage license and receive \$32.50 off the marriage license fee. The statutorily established fee is \$88.50.

The 4-hour course must instruct couples in the following:

- Conflict management;
- Communication skills;
- Financial responsibility;
- Children and parenting responsibilities; and
- Typically encountered sources of marital discord as based upon the reports of couples who have sought marital counseling in the past.

The course must be paid for by the applicant and must be conducted by either:

- An official representative of a religious organization;
- A psychologist licensed under ch. 490, F.S.;
- A clinical social worker licensed under ch. 419, F.S.;
- A marriage and family therapist licensed under ch. 419, F.S.;
- A mental health counselor licensed under ch. 419, F.S.;
- An official representative of a religious organization recognized under s. 501(c)(3) of the Internal Revenue Code of 1986; or
- Any other provider designated by a particular circuit court as qualified.

Circuit courts are required to maintain and update rosters of approved course providers, including those who offer the course for free or on a sliding scale.

This bill establishes a voluntary marital education pilot program in Leon County which will be administered in a manner discussed in the previous paragraphs. The pilot program will be overseen by the Florida State University Center for Marriage and Family. In order to evaluate the efficacy of the program, researchers will collect data and determine whether the program is fulfilling its objectives, i.e., reducing instances of domestic violence and divorce. At the end of 2001, 3 years from the effective date of the bill, researchers are required to report their findings to the Legislature. If it is found that the goals of the bill have not been significantly advanced by the program, the education course offering will sunset.

Under the bill, a couple may not receive their marriage license unless they attest whether they have completed a premarital education course and other information determined by the

researchers from the Marriage and Family Therapy Center at Florida State University to be necessary in order to effectively document information for follow up purposes.

Each person is required to provide their social security number, use of which is limited to the administration of the Title IV-D programs under Child Support Enforcement.

The bill requires couples desiring to divorce who have minor children to take a parenting course. These courses are directed at educating, training, and assisting divorcing parents with regard to the consequences of divorce. A reasonable fee for the course may be collected in order to assure costs are covered.

Persons seeking divorce are required to complete an unsigned anonymous questionnaire which addresses information needed by Florida State University for the purpose of amassing data and which is necessary for researchers to evaluate the success of the bill in terms of the bill's goal of reducing divorce and domestic violence.

The bill charges divorcing couples a fee of \$32.50; \$7.50 of the money obtained from this fee will go to the State Treasury for deposit into the Displaced Homemaker Trust Fund and \$25 will go to the Family Courts Trust Fund.

The bill takes effect January 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill provides for a decrease of \$32.50 in the marriage license fee if the applicant takes the provided course. If a couple chooses not to take a course, they become subject to a 3-day waiting period before the license may be issued. Divorcing couples are charged \$32.50 when filing for dissolution of marriage. The Displaced Homemakers Trust Fund receives \$7.50 of the \$32.50 divorce filing fee.

C. Government Sector Impact:

The bill requires circuit courts to maintain a roster of premarital course providers in the area. In addition, such rosters must list providers who offer the course for free or on a sliding scale, if any. No funds are provided by the bill to assist the circuits in doing so and it is not clear that this cost may be paid for from course fees.

Furthermore, the Family Courts Trust Fund receives \$25 of the \$32.50 divorce filing fee.

VI. Technical Deficiencies:

The bill requires course providers to furnish all “course participants” with a certificate of completion whether or not they have successfully completed the course.

The bill requires divorcing couples with minor children to begin taking a class within 30 days “after service of a petition for dissolution of marriage” and prohibits a judge from entering final judgment on a petition for dissolution until the couple “shall file proof of compliance” with this requirement. Possibly, couples who failed to take the class within 30 days would not be allowed to divorce because they could never file proof that they complied with the 30-day requirement.

The section which requires one to provide their social security number is unnecessary, as one is already required to provide a social security number under s. 741.04, F.S.

VII. Related Issues:

None.

VIII. Amendments:

None.