

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	8 - 0 - 2
Yeas:	Hicks, Nolan, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	Garrett, Olson
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/11, 2/18

WHAT THE MEASURE DOES: Abolishes the 90 day waiting period for a trial or hearing for dissolution of marriage. Requires a party seeking an ex parte temporary order for custody or parenting time to file, or have pending, a motion to set aside or alter any portion of the judgment. Clarifies the rights and responsibilities of unmarried parents have for their children. Applies to proceedings commenced on or after the effective date of this measure.

ISSUES DISCUSSED:

- No fault divorce instituted in 1971
- Ninety day waiting period instituted then
- Most parties waive the 90 day waiting period
- Ninety day waiting period and motion to waive increase legal expenses

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Generally speaking, a trial or hearing on the merits for dissolution of marriage must take place 90 days from the date of the service of the summons and petition upon the respondent or the first publication of the summons. A judge may waive the 90 day period if immediate action is warranted to protect the rights or interest of party or person who might be affected. Currently, a parent may seek a temporary order from a judge that gives the parent custody or parenting time. If the parent convinces the judge that the child is in immediate danger, the court may issue the order without the other party being present. Later, the other party can ask for a hearing on the matter.