CHAPTER 111

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

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

C.2A:34-12.1 Short title.

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

C.2A:34-12.2 "Parents' Education Fund."

2. There is hereby established a separate, nonlapsing, revolving fund in the General Fund to be known as the "Parents' Education Fund." The Clerk of the Superior Court shall forward the $25 registration fee collected pursuant to section 5 of P.L.1999, c.111(C.2A:34-12.5) for deposit in the fund. The fund shall be administered by the Administrative Office of the Courts and dedicated to the development, establishment, operation and maintenance of the "Parents' Education Program" created pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3).

C.2A:34-12.3 "Parent's Education program."

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

b. The program shall be designed to assist and advise divorced parents on issues concerning divorce, separation and custody. The program shall be made available twice a month. The program shall be administered by the Administrative Office of the Courts. The Assignment Judge shall appoint appropriate staff to act as a program representative or representatives, as necessary, for each county.

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

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

(2) Understanding the financial responsibilities for the children;

(3) Understanding the interaction between parent and child, the family relationship and any other areas of adjustment and concern during the process of divorce or separation;

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

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

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

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

C.2A:34-12.4 Advisory committee, duties; report.

4. a. There is hereby established an advisory committee consisting of nine members appointed by the Governor with the advice and consent of the Senate. The members shall include a former judge who specialized in family law matters, an attorney who specializes in family law matters, a mediator, the Administrative Director of the Courts, or his designee, two mental health professionals with experience in the field of child care, an educator, one custodial parent and one non-custodial parent.

b. The committee members shall select a chairman from among the members. The committee shall develop a curriculum, guidelines, program representative qualifications and requirements to be used in the "Parents' Education Program" established pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3). The committee shall report its recommendations to the Administrative Office of the Courts three months following the organization of the committee. The Administrative Office of the Courts shall use the recommendations of the committee to develop a comprehensive education program.

C.2A:34-12.5 Attendance at program required; fee; exceptions.

5. a. The court shall order every person who has filed an action for divorce, nullity or separate maintenance where the custody, visitation or support of the minor child is an issue to attend the "Parents' Education Program" established pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3). Each party shall attend separate sessions of the program.

b. Each party shall be required to pay a fee of $25 for registration in the "Parents' Education Program" which shall be forwarded by the Clerk of the Superior Court for deposit in the "Parents' Education Program Fund" established pursuant to section 2 of P.L.1999, c.111(C.2A:34-12.2).

c. Except as provided in subsections d. and e. of this section, the court shall require all parties who have filed an action for divorce, nullity or separate maintenance where the custody, visitation or support of the minor child is an issue to complete the program prior to entry of judgment. Failure of a party to participate in the program shall be considered as a factor by the court in making any custody and visitation determinations.

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

e. The court shall not refer a party to the program if a temporary or final order restraining either party from contact with the other has been issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L. 1991, c. 261 (C.2C:25-17 et seq.), or if either party is restrained from contact with the other party, or a child of the other party, under the criminal or civil laws of this or any other state.

C.2A:34-12.6 Program representatives, immunity, employment restrictions.

6. a. Notwithstanding any other provision of law to the contrary, no person serving as a program representative in the "Parents' Education Program" established pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3) shall be liable for damages resulting from any exercise of judgment or discretion in connection with the person's duties unless the actions are fraudulent or evidence a reckless disregard for the duties imposed by the position. Nothing in this section shall be deemed to grant immunity to any program representative causing damage by that person's wilful, wanton or grossly negligent act of commission or omission.

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

C.2A:34-12.7 Confidentiality of communications.

7. All communications made by any program participant during the course of attending the "Parents' Education Program," established pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3) are confidential and shall not be admissible as evidence in any court proceeding.

C.2A:34-12.8 Adoption of Rules by Court.

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

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

Approved May 19, 1999.