

By Mr. Rauschenbach, a petition (accompanied by bill, Senate, No. 975) of John Beckerle for legislation to require marital counseling as a prerequisite to divorce proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT REQUIRING MARITAL COUNSELING AS A PREREQUISITE TO DIVORCE PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 209 of the General Laws, as appearing in the 1986
2 Official Edition, is hereby amended by adding at the end the
3 following: —

4 Section 38. Evidence of extensive, unforced, joint marital
5 counseling when proposed by either party of a complaint, or by
6 a party recognized by the Court as necessary and directly affected
7 by the litigation, in a suit for separate support, divorce, child
8 custody, or other domestic non-criminal charge that may be
9 before the Court, shall be prerequisite to further Civil Court
10 proceedings, excepting temporary orders as required for
11 management. The Court may accept as evidence of counseling
12 sessions, the date, times, durations or counseling sessions, and the
13 names with signatures, of the counselors involved; and allow
14 counseling using conference telephone methods in certain
15 domestic situations. The Court is not required to provide funds
16 for counseling undertaken that was proposed by either party or
17 by any party necessary to the complaint before the Court. The
18 Court has discretionary power in interpreting the evidence as to
19 the extensiveness of counseling required as a prerequisite to
20 continuation of the complaint before the Court beyond six months
21 from the date the written request to allow counseling was placed
22 before the Court. The Court is to inquire if a person has accepted
23 counseling responsibilities and whether all parties to the litigation

24 concur in accepting the ccounselor so named. The Court may allow
25 any person, considered acceptable by all the parties in the
26 litigation, to act as a joint marital counselor, and specify a date
27 the litigants are to notify the Court in writing as to the name of
28 the marital counselor who will conduct the counseling. The Court
29 must be notified in writing of any change in the status of
30 counseling, such as the termination of counseling, and the
31 commencement of subsequent counseling.