

**MINUTES OF THE
SUBCOMMITTEE ON DIVORCE, CHILD CUSTODY, AND VISITATION**

Monday, October 20, 2003 – 3:00 p.m. – Room 405 State Capitol

Members Present:

Sen. Gregory S. Bell, Senate Chair
Rep. Katherine Bryson, House Chair
Sen. Patrice M. Arent
Rep. Michael Thompson

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Members Absent:

Rep. Scott Daniels

Note: A list of others present and a copy of materials can be found at www.le.utah.gov or by contacting the committee secretary at 538-1032.

1. Committee Business

Chair Bryson called the meeting to order at 3:06 p.m. Rep. Daniels was excused from the meeting.

2. Report

Ms. Lori Nelson, Family Law Section, Utah State Bar, reported on the activities of an ad hoc committee which met four times during the interim to discuss legislation which did not pass in the 2003 General Session. Ms. Nelson explained that the committee became intrigued by a program used in the second judicial district to facilitate divorce cases. Ms. Nelson also introduced Mr. Brian Florence, who reported on a study that compared the outcomes of mediated divorces to divorces settled by litigation. Mr. Florence concluded, that based on this study, the process of litigation for divorce issues may be more harmful to the future relationships of divorced parents with their children than ever before realized.

Mr. Richard Schwermer, Administrative Office of the Courts, explained the program in the second district court assists the parties and their counsel in dispute resolution at a decrease in expenses for both judges and litigation expenses.

Subcommittee discussion followed.

Mr. David Musselman, co-founder, Divorce Mediation of Utah, spoke to the virtues of mediation over litigation, noting that most divorce cases could be handled less expensively and with better results than divorcing couples are currently receiving through the litigation process.

Ms. Jill Sanders, Clinical Psychologist, indicated that she attended the ad hoc committee meetings and recommended language changes in statute, including the term custody, and boosting the educational component of divorce.

Ms. Emma Chacon, Office of Recovery Services, Department of Human Services, and Mr. Mark Brasher, member, Utah Child Support Guidelines Advisory Committee, explained the changes in the proposed child support guidelines.

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3. Other Items / Adjourn

MOTION: Sen. Arent moved to adjourn the meeting. The motion passed unanimously.

Chair Bryson adjourned the meeting at 4:51 p.m.