**HF 1115 / Chief Author: Lesch**

**COOPERATIVE PRIVATE DIVORCE**

What it does: Creates an administrative alternative to the traditional divorce system that supports people to make their own decisions and to act with respect and fairness.

* It's an alternative to court system divorce -- not a replacement -- some may still need to, or want to, use the court system.
* The legislature has constitutional authority to create two classes of divorce -- those with controversy and those without.
* You don't automatically invoke court oversight of your family when you get married or have children, why should a divorce automatically trigger court oversight of your family?

Why We Need a New Pathway to Divorce

1. The traditional court-based system is outdated and doesn’t serve the needs of families. It came out of fault-based divorce that assumed a contest between two spouses.
2. The current system encourages couples to become adversaries in a high-stakes, win-lose contest.

* Although some couples and professionals work cooperatively to produce positive outcomes, the pull towards becoming opponents is very strong—it’s baked into the current system.
* The result too often is toxic for children, adults, and society.

1. We want to give people a way to opt out of the high-risk court system, no longer requiring judicial approval of agreements, while keeping the current system in place for those who choose it.

Brief Description of Cooperative Private Divorce

1. It begins with an online orientation that describes the principles/values, safeguards, and procedures for Cooperative Private Divorce.
2. Divorcing couples submit an *Intent to Divorce* form to a state agency outside the court system, records are kept private.
3. Couples may employ any attorneys, mediators, therapists, accountants, or any other professionals
4. Any time after a 90-day waiting period, couples submit a *Declaration of Divorce* form with their agreements on the topics involved in their divorce.
5. There is no third-party review or judicial approval of the agreements other than to ensure that the filing process is complete.
6. Couples then receive a *Certificate of Marital Dissolution*. All agreements are kept private.
7. Couples may consensually modify their agreements at any time.
8. Relationship with the court and other systems
   * Either spouse can decide to access the court at any time.
   * People who begin in the court system may move to Cooperative Private Divorce if they dismiss their case.
   * Cooperative Private Divorce agreements **are enforceable by the court** if the individuals involved cannot resolve their differences on their own or with help, and the court may modify agreements according to existing family law.

**Cost**

There will be an initial set-up cost of approximately $1 million, but a reduced need for court time spent on divorces. After initial set-up, the anticipated yearly system maintenance of $360,000 pays for itself with user fees.