

Eichhorn, Chair
Raecker
Kreiman

HSB 61

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

Succeeded JUDICIARY
SF 10180

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to exceptions to the required participation in a
2 court-approved course prior to the granting of a final
3 dissolution of marriage decree or the entering of a final
4 custody order.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 598.19A, subsections 1 and 3, Code
2 2001, are amended to read as follows:

3 1. The court shall order the parties to any action which
4 involves the issues of child custody or visitation to
5 participate in a court-approved course to educate and
6 sensitize the parties to the needs of any child or party
7 during and subsequent to the proceeding within forty-five days
8 of the service of notice and petition for the action or within
9 forty-five days of the service of notice and application for
10 modification of an order. Participation in the course may be
11 waived or delayed by the court for good cause including, but
12 not limited to, a default by any of the parties or a showing
13 that the parties have previously participated in a court-
14 approved course or its equivalent. Participation in the
15 course is not required if the proceeding involves termination
16 of parental rights of any of the parties. A final decree
17 shall not be granted or a final order shall not be entered
18 until the parties have complied with this section, unless
19 participation in the course is waived or delayed for good
20 cause or is otherwise not required under this subsection.

21 3. Each party shall submit certification of completion of
22 the course to the court prior to the granting of a final
23 decree or the entry of an order, unless participation in the
24 course is waived or delayed for good cause or is otherwise not
25 required under subsection 1.

26 EXPLANATION

27 This bill provides that with regard to the course that is
28 required to be completed by parties to an action which
29 involves issues of child custody or visitation, if
30 participation in the course is waived or extended for good
31 cause or is otherwise not required, the court may grant a
32 final dissolution of marriage decree or enter a final custody
33 order even though the parties have not completed the course.

34 The bill also provides that the parties are exempt from
35 providing a certificate of completion of such a course if

1 participation in the course is waived or extended for good
2 cause or is otherwise not required, thereby allowing for the
3 granting of a final decree or the entering of a final order
4 notwithstanding participation in the course.

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REPRINTED

FEB 6 2001

Place On Calendar

5-4/3/01. *DeVise*

5-4/2/01 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 180

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 61)

Passed House, ^(P. 363) Date 2/12/01

Passed Senate, ^(P. 1429) Date 4-24-01

Vote: Ayes 99 Nays 1

Vote: Ayes 96 Nays 0

Approved 5/3/01

A BILL FOR

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2 court-approved course prior to the granting of a final
3 dissolution of marriage decree or the entering of a final
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HF 180

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2 2001, are amended to read as follows:

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4 involves the issues of child custody or visitation to
5 participate in a court-approved course to educate and
6 sensitize the parties to the needs of any child or party
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9 forty-five days of the service of notice and application for
10 modification of an order. Participation in the course may be
11 waived or delayed by the court for good cause including, but
12 not limited to, a default by any of the parties or a showing
13 that the parties have previously participated in a court-
14 approved course or its equivalent. Participation in the
15 course is not required if the proceeding involves termination
16 of parental rights of any of the parties. A final decree
17 shall not be granted or a final order shall not be entered
18 until the parties have complied with this section, unless
19 participation in the course is waived or delayed for good
20 cause or is otherwise not required under this subsection.

21 3. Each party shall submit certification of completion of
22 the course to the court prior to the granting of a final
23 decree or the entry of an order, unless participation in the
24 course is waived or delayed for good cause or is otherwise not
25 required under subsection 1.

26 EXPLANATION

27 This bill provides that with regard to the course that is
28 required to be completed by parties to an action which
29 involves issues of child custody or visitation, if
30 participation in the course is waived or extended for good
31 cause or is otherwise not required, the court may grant a
32 final dissolution of marriage decree or enter a final custody
33 order even though the parties have not completed the course.

34 The bill also provides that the parties are exempt from
35 providing a certificate of completion of such a course if

1 participation in the course is waived or extended for good
2 cause or is otherwise not required, thereby allowing for the
3 granting of a final decree or the entering of a final order
4 notwithstanding participation in the course.

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HOUSE FILE 180

H-1045

1 Amend House File 180 as follows:
2 1. Page 1, by inserting after line 25, the
3 following:
4 "Sec. ____ . Section 598.19A, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3A. If participation in the
7 court-approved course is waived or delayed for good
8 cause or is otherwise not required under this section,
9 the court shall order that the parties receive the
10 information described in subsection 4 through an
11 alternative format."

By KREIMAN of Davis

H-1045 FILED FEBRUARY 8, 2001

Adopted
2/12/01 (p. 363)

HOUSE FILE 180

H-1048

1 Amend the amendment, H-1045, to House File 180 as
2 follows:
3 1. Page 1, line 9, by striking the word "shall"
4 and inserting the following: "may".

By KREIMAN of Davis

H-1048 FILED FEBRUARY 12, 2001

Adopted
2/12/01 (p. 363)

HOUSE FILE 180
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 61)

(As Amended and Passed by the House February 12, 2001)

Passed House, ^(P. 1429) Date 4-24-01 Passed Senate, ^(P. 1172) Date 4-18-01
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0
Approved 5/3/01

A BILL FOR

1 An Act relating to exceptions to the required participation in a
2 court-approved course prior to the granting of a final
3 dissolution of marriage decree or the entering of a final
4 custody order.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

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1 Section 1. Section 598.19A, subsections 1 and 3, Code
2 2001, are amended to read as follows:

3 1. The court shall order the parties to any action which
4 involves the issues of child custody or visitation to
5 participate in a court-approved course to educate and
6 sensitize the parties to the needs of any child or party
7 during and subsequent to the proceeding within forty-five days
8 of the service of notice and petition for the action or within
9 forty-five days of the service of notice and application for
10 modification of an order. Participation in the course may be
11 waived or delayed by the court for good cause including, but
12 not limited to, a default by any of the parties or a showing
13 that the parties have previously participated in a court-
14 approved course or its equivalent. Participation in the
15 course is not required if the proceeding involves termination
16 of parental rights of any of the parties. A final decree
17 shall not be granted or a final order shall not be entered
18 until the parties have complied with this section, unless
19 participation in the course is waived or delayed for good
20 cause or is otherwise not required under this subsection.

21 3. Each party shall submit certification of completion of
22 the course to the court prior to the granting of a final
23 decree or the entry of an order, unless participation in the
24 course is waived or delayed for good cause or is otherwise not
25 required under subsection 1.

26 Sec. 2. Section 598.19A, Code 2001, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 3A. If participation in the court-
29 approved course is waived or delayed for good cause or is
30 otherwise not required under this section, the court may order
31 that the parties receive the information described in
32 subsection 4 through an alternative format.

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HOUSE FILE 180

S-3316

1 Amend House File 180, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 32 the
4 following:
5 "Sec. _____. Rule of civil procedure 122, Iowa court
6 rules, third edition, is amended by adding the
7 following new paragraph:
8 NEW PARAGRAPH. bb. TRUST INFORMATION. The court
9 may, in its discretion, order a trustee to provide, on
10 behalf of the trust, information including, but not
11 limited to, trust documents and financial statements,
12 relating to any beneficial interest a party to the
13 pending action may have in the trust.
14 Sec. _____. Rule of civil procedure 253, paragraph
15 a, Iowa court rules, third edition, is amended to read
16 as follows:
17 a. PETITION. A petition for relief under R.C.P.
18 252 must be filed and served in the original action
19 within one year after the entry of the judgment or
20 order involved. It A petition for relief under R.C.P.
21 252 shall state the grounds for relief, and, if it
22 seeks a new trial, show that they were not and could
23 not have been, discovered in time to proceed under
24 R.C.P. 236 or 244. If the pleadings in the original
25 action did not allege a meritorious action or defense
26 the petition shall do so. It shall be supported by
27 affidavit as provided in R.C.P. 80(c).
28 (1) A petition for relief under R.C.P. 252,
29 paragraph (a), (c), (d), (e), or (f), must be filed
30 and served in the original action within one year
31 after the entry of the judgment or order involved.
32 (2) In a petition for relief on the ground of
33 irregularity or fraud under R.C.P. 252, paragraph (b),
34 the cause of action shall not be deemed to have
35 accrued until the irregularity or fraud complained of
36 shall have been discovered by the party aggrieved. In
37 such actions, the burden of proof shall be upon the
38 petitioner to prove by a preponderance of the evidence
39 the alleged irregularity or fraud."
40 2. Title page, line 1, by inserting after the
41 words "relating to" the following: "certain civil
42 proceedings,".
43 3. Title page, line 4, by inserting after the
44 word "order" the following: ", and certain court rule
45 modifications".

By JOANN JOHNSON

S-3316 FILED APRIL 9, 2001

W/D
4/18/01
(P. 1172)

HOUSE FILE 180

S-3355

1 Amend House File 180, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 598.13, Code 2001, is amended
6 to read as follows:
7 598.13 FINANCIAL STATEMENTS FILED.
8 1. Both parties shall disclose their financial
9 status. A showing of special circumstances shall not
10 be required before the disclosure is ordered. A
11 statement of net worth set forth by affidavit on a
12 form prescribed by the supreme court and furnished
13 without charge by the clerk of the district court
14 shall be filed by each party prior to the dissolution
15 hearing. However, the parties may waive this
16 requirement upon application of both parties and
17 approval by the court.
18 Failure to comply with the requirements of this
19 ~~section~~ subsection constitutes failure to make
20 discovery as provided in rule of civil procedure 134.
21 2. The court may, in its discretion, order a
22 trustee to provide, on behalf of a trust, information
23 including but not limited to, trust documents and
24 financial statements relating to any beneficial
25 interest a party to the pending action may have in the
26 trust."
27 2. Title page, by striking lines 1 through 4 and
28 inserting the following: "An Act relating to
29 dissolution of marriage including certain financial
30 statement information filed by the parties and
31 participation in a court-approved course prior to the
32 granting of a final dissolution of marriage decree or
33 the entering of a final custody order."

By JOANN JOHNSON

S-3355 FILED APRIL 16, 2001

adopted
3-18-01
(p. 1172)

583

1 Amend House File 180, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 598.13, Code 2001, is amended
6 to read as follows:

7 598.13 FINANCIAL STATEMENTS FILED.

8 1. Both parties shall disclose their financial
9 status. A showing of special circumstances shall not
10 be required before the disclosure is ordered. A
11 statement of net worth set forth by affidavit on a
12 form prescribed by the supreme court and furnished
13 without charge by the clerk of the district court
14 shall be filed by each party prior to the dissolution
15 hearing. However, the parties may waive this
16 requirement upon application of both parties and
17 approval by the court.

18 Failure to comply with the requirements of this
19 ~~section~~ subsection constitutes failure to make
20 discovery as provided in rule of civil procedure 134.

21 2. The court may, in its discretion, order a
22 trustee to provide, on behalf of a trust, information
23 including but not limited to, trust documents and
24 financial statements relating to any beneficial
25 interest a party to the pending action may have in the
26 trust."

27 2. Title page, by striking lines 1 through 4 and
28 inserting the following: "An Act relating to
29 dissolution of marriage including certain financial
30 statement information filed by the parties and
31 participation in a court-approved course prior to the
32 granting of a final dissolution of marriage decree or
33 the entering of a final custody order."

RECEIVED FROM THE SENATE

H-1583 FILED APRIL 18, 2001

House Concurred
4-24-01
(P. 1428)

HOUSE FILE 180

AN ACT

RELATING TO DISSOLUTION OF MARRIAGE INCLUDING CERTAIN
FINANCIAL STATEMENT INFORMATION FILED BY THE PARTIES AND
PARTICIPATION IN A COURT-APPROVED COURSE PRIOR TO THE
GRANTING OF A FINAL DISSOLUTION OF MARRIAGE DECREE OR THE
ENTERING OF A FINAL CUSTODY ORDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 598.13, Code 2001, is amended to read
as follows:

598.13 FINANCIAL STATEMENTS FILED.

1. Both parties shall disclose their financial status. A
showing of special circumstances shall not be required before
the disclosure is ordered. A statement of net worth set forth
by affidavit on a form prescribed by the supreme court and
furnished without charge by the clerk of the district court
shall be filed by each party prior to the dissolution hearing.
However, the parties may waive this requirement upon
application of both parties and approval by the court.

Failure to comply with the requirements of this section
subsection constitutes failure to make discovery as provided
in rule of civil procedure 134.

2. The court may, in its discretion, order a trustee to
provide, on behalf of a trust, information including but not
limited to, trust documents and financial statements relating
to any beneficial interest a party to the pending action may
have in the trust.

Sec. 2. Section 598.19A, subsections 1 and 3, Code 2001,
are amended to read as follows:

1. The court shall order the parties to any action which
involves the issues of child custody or visitation to
participate in a court-approved course to educate and
sensitize the parties to the needs of any child or party
during and subsequent to the proceeding within forty-five days
of the service of notice and petition for the action or within
forty-five days of the service of notice and application for
modification of an order. Participation in the course may be
waived or delayed by the court for good cause including, but
not limited to, a default by any of the parties or a showing
that the parties have previously participated in a court-
approved course or its equivalent. Participation in the
course is not required if the proceeding involves termination
of parental rights of any of the parties. A final decree
shall not be granted or a final order shall not be entered
until the parties have complied with this section, unless
participation in the course is waived or delayed for good
cause or is otherwise not required under this subsection.

3. Each party shall submit certification of completion of
the course to the court prior to the granting of a final
decree or the entry of an order, unless participation in the
course is waived or delayed for good cause or is otherwise not
required under subsection 1.

Sec. 3. Section 598.19A, Code 2001, is amended by adding
the following new subsection:

NEW SUBSECTION. 3A. If participation in the court-
approved course is waived or delayed for good cause or is
otherwise not required under this section, the court may order

that the parties receive the information described in subsection 4 through an alternative format.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 180, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/3, 2001

THOMAS J. VILSACK
Governor