

Lamberti
Hammond
Boettger

SSB-1052
Judiciary
Succeeded By

SENATE FILE SP/HF 224
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

Passed Senate, Date _____ Passed House, 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

1052

S.F. _____ H.F. _____

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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4/6/01 Rereferred To: Judiciary

FILED FEB 19 01

SENATE FILE 224
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1052)

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

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SF 224

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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.

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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
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30 participation in the course is waived or extended for good
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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

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2 cause or is otherwise not required, thereby allowing for the
3 granting of a final decree or the entering of a final order
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S-3177

1 Amend Senate File 224 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 may order that the parties receive the
10 information described in subsection 4 through an
11 alternative format."
12 2. By renumbering as necessary.
By JEFF LAMBERTI

S-3177 FILED MARCH 13, 2001

Adopted
3-26-01
(p.822)

S-3277

1 Amend Senate File 224 as follows:

2 1. Page 1, by inserting after line 25 the
3 following:

4 "Sec. ____ . Rule of civil procedure 122, Iowa court
5 rules, third edition, is amended by adding the
6 following new paragraph:

7 NEW PARAGRAPH. bb. TRUST INFORMATION. The court
8 may, in its discretion, order a trustee to provide, on
9 behalf of the trust, information including, but not
10 limited to, trust documents and financial statements,
11 relating to any beneficial interest a party to the
12 pending action may have in the trust.

13 Sec. ____ . Rule of civil procedure 253, paragraph
14 a, Iowa court rules, third edition, is amended to read
15 as follows:

16 a. PETITION. ~~A petition for relief under R.C.P.~~
17 ~~252 must be filed and served in the original action~~
18 ~~within one year after the entry of the judgment or~~
19 ~~order involved. It~~ A petition for relief under R.C.P.
20 252 shall state the grounds for relief, and, if it
21 seeks a new trial, show that they were not and could
22 not have been, discovered in time to proceed under
23 R.C.P. 236 or 244. If the pleadings in the original
24 action did not allege a meritorious action or defense
25 the petition shall do so. It shall be supported by
26 affidavit as provided in R.C.P. 80(c).

27 (1) A petition for relief under R.C.P. 252,
28 paragraph (a), (c), (d), (e), or (f), must be filed
29 and served in the original action within one year
30 after the entry of the judgment or order involved.

31 (2) In a petition for relief on the ground of
32 irregularity or fraud under R.C.P. 252, paragraph (b),
33 the cause of action shall not be deemed to have
34 accrued until the irregularity or fraud complained of
35 shall have been discovered by the party aggrieved. In
36 such actions, the burden of proof shall be upon the
37 petitioner to prove by a preponderance of the evidence
38 the alleged irregularity or fraud."

39 2. Title page, line 1, by inserting after the
40 words "relating to" the following: "certain civil
41 proceedings,".

42 3. Title page, line 4, by inserting after the
43 word "order" the following: ", and certain court rule
44 modifications".

By JOANN JOHNSON

S-3277 FILED MARCH 29, 2001

