

FEB 3 2006
HUMAN RESOURCES

HOUSE FILE 2242
BY HUNTER

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

A BILL FOR

1 An Act relating to the validity of marriages and providing for a
2 task force to review the issues faced by spouses.

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

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HF 2242

1 Section 1. Section 595.2, Code 2005, is amended to read as
2 follows:

3 595.2 GENDER--- AGE.

4 ~~1. Only a marriage between a male and a female is valid.~~

5 2. 1. Additionally, a marriage between a male and a
6 female is valid only if each party is eighteen years of age or
7 older. However, if either or both of the parties have not
8 attained that age, the marriage may be valid under the
9 circumstances prescribed in this section.

10 3. 2. If either party to a marriage falsely represents
11 the party's self to be eighteen years of age or older at or
12 before the time the marriage is solemnized, the marriage is
13 valid unless the person who falsely represented their age
14 chooses to void the marriage by making their true age known
15 and verified by a birth certificate or other legal evidence of
16 age in an annulment proceeding initiated at any time before
17 the person reaches their eighteenth birthday. A child born of
18 a marriage voided under this subsection is legitimate.

19 4. 3. A marriage license may be issued to ~~a male and a~~
20 female two parties, either or both of whom are sixteen or
21 seventeen years of age, if both of the following apply:

22 a. The parents of the underage party or parties certify in
23 writing that they consent to the marriage. If one of the
24 parents of any underage party to a proposed marriage is dead
25 or incompetent the certificate may be executed by the other
26 parent, if both parents are dead or incompetent the guardian
27 of the underage party may execute the certificate, and if the
28 parents are divorced the parent having legal custody may
29 execute the certificate, ~~and.~~

30 b. The certificate of consent of the parents, parent, or
31 guardian is approved by a judge of the district court or, if
32 both parents of any underage party to a proposed marriage are
33 dead, incompetent, or cannot be located and the party has no
34 guardian, the proposed marriage is approved by a judge of the
35 district court. A judge shall grant approval under this

1 subsection only if the judge finds the underage party or
2 parties capable of assuming the responsibilities of marriage
3 and that the marriage will serve the best interest of the
4 underage party or parties. Pregnancy alone does not establish
5 that the proposed marriage is in the best interest of the
6 underage party or parties, however, if pregnancy is involved
7 the court records which pertain to the fact that ~~the-female a~~
8 party is pregnant shall be sealed and available only to the
9 parties to the marriage or proposed marriage or to any
10 interested party securing an order of the court.

11 5- 4. If a parent or guardian withholds consent, the
12 judge upon application of a party to a proposed marriage shall
13 determine if the consent has been unreasonably withheld. If
14 the judge so finds, the judge shall proceed to review the
15 application under subsection 4 3, paragraph "b".

16 Sec. 2. Section 595.19, subsection 2, Code 2005, is
17 amended to read as follows:

18 2. Marriages between persons either of whom has a husband
19 or-wife spouse living are void, but, if the parties live and
20 cohabit together after the death or divorce of the former
21 husband-or-wife spouse, such marriage shall be valid.

22 Sec. 3. Section 595.20, Code 2005, is amended to read as
23 follows:

24 595.20 FOREIGN MARRIAGES -- VALIDITY.

25 A marriage which is solemnized in any other state,
26 territory, country, or any foreign jurisdiction which is valid
27 in that state, territory, country, or other foreign
28 jurisdiction, is valid in this state if the ~~parties-meet-the~~
29 ~~requirements-for-validity-pursuant-to-section-595-27~~
30 ~~subsection-17-and-if-the~~ marriage would not otherwise be
31 declared void.

32 Sec. 4. TASK FORCE -- SPOUSES. The legislative council is
33 requested to establish an interim task force to review the
34 issues faced by spouses including but not limited to property
35 rights, access to courts, parentage, inheritance, hospital or

1 health care facility visitation, health decisions, contract
2 rights, workplace benefits, insurance coverage, retirement
3 benefits, and other areas which require changes in the law to
4 reflect the provisions of this Act. The task force shall
5 include representatives of the legal profession, the courts,
6 the insurance industry, business and industry, labor,
7 consumers who are spouses as provided in this Act, and others
8 with interest or expertise in such areas. The task force
9 shall submit a report of recommendations concerning these
10 issues, including any recommendations for necessary
11 legislation, to the general assembly by January 1, 2007.

12 EXPLANATION

13 This bill eliminates the limitation that only marriage
14 between a male and a female is valid, provides for validity of
15 foreign marriages without such limitation, and makes other
16 conforming changes. The bill also requests that the
17 legislative council establish an interim task force to review
18 the issues faced by spouses as provided in the bill, including
19 but not limited to property rights, access to courts,
20 parentage, inheritance, hospital or health care facility
21 visitation, health decisions, contract rights, workplace
22 benefits, insurance coverage, retirement benefits, and other
23 areas which require changes in the law to reflect the
24 provisions of the bill. The task force is to include
25 representatives of the legal profession, the courts, the
26 insurance industry, business and industry, labor, consumers
27 who are spouses as provided in the bill, and others with
28 interest or expertise in such areas. The task force is
29 required to submit a report of recommendations concerning
30 these issues, including any recommendations for necessary
31 legislation, to the general assembly by January 1, 2007.

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