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SENATE FILE
BY KREIMAN

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JUDICIARY

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

A BILL FOR

1 An Act relating to exceptions to the hearing and waiting period
2 requirements applicable to the granting of a decree dissolving
3 a marriage.

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

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1 Section 1. Section 598.8, subsection 2, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

3 The court may enter a decree of dissolution without a
4 hearing under either any of the following circumstances:

5 Sec. 2. Section 598.8, subsection 2, Code 2005, is amended
6 by adding the following new paragraphs:

7 NEW PARAGRAPH. c. All of the following circumstances have
8 been met:

9 (1) There are no children whose welfare may be affected by
10 the controversy.

11 (2) The parties have provided documentation of the
12 completion of marital counseling within the six-month period
13 prior to filing the petition for dissolution. The marital
14 counseling completed shall be provided only by one of the
15 following:

16 (a) A person ordained or designated as a leader of a
17 party's religious faith or the person's designee.

18 (b) A person licensed to practice psychology pursuant to
19 chapter 154B.

20 (c) A person licensed to practice social work as a
21 licensed master social worker or a licensed independent social
22 worker pursuant to chapter 154C.

23 (d) A person licensed to practice marital and family
24 therapy or mental health counseling pursuant to chapter 154D.

25 (3) The parties have certified in writing that there has
26 been a breakdown of the marriage relationship to the extent
27 that the legitimate objects of matrimony have been destroyed
28 and there remains no reasonable likelihood that the marriage
29 can be preserved.

30 (4) All documents required by the court and by statute
31 have been filed.

32 (5) The parties have entered into a written agreement
33 settling all of the issues involved in the dissolution of
34 marriage.

35 NEW PARAGRAPH. d. The respondent has not entered a

1 general or special appearance or filed a motion or pleading in
2 the case and all of the following circumstances have been met:

3 (1) There are no children whose welfare may be affected by
4 the controversy.

5 (2) The petitioner has provided documentation of the
6 completion by the parties of marital counseling within the
7 six-month period prior to filing the petition for dissolution.
8 The marital counseling completed shall be provided only by one
9 of the following:

10 (a) A person ordained or designated as a leader of a
11 party's religious faith or the person's designee.

12 (b) A person licensed to practice psychology pursuant to
13 chapter 154B.

14 (c) A person licensed to practice social work as a
15 licensed master social worker or a licensed independent social
16 worker pursuant to chapter 154C.

17 (d) A person licensed to practice marital and family
18 therapy or mental health counseling pursuant to chapter 154D.

19 (3) The petitioner has certified in writing that there has
20 been a breakdown of the marriage relationship to the extent
21 that the legitimate objects of matrimony have been destroyed
22 and there remains no reasonable likelihood that the marriage
23 can be preserved.

24 (4) All documents required by the court and by statute
25 have been filed.

26 Sec. 3. Section 598.19, Code 2005, is amended to read as
27 follows:

28 598.19 WAITING PERIOD BEFORE DECREE.

29 1. No A decree dissolving a marriage shall not be granted
30 in any proceeding before ninety days shall have elapsed from
31 the day the original notice is served, or from the last day of
32 publication of notice, or from the date that waiver or
33 acceptance of original notice is filed or until after
34 conciliation is completed, whichever period shall be longer.

35 2. ~~However,~~ the Notwithstanding subsection 1, the court

1 may grant a decree dissolving a marriage before the period
2 described in subsection 1 in accordance with any of the
3 following:

4 a. The court may in its discretion, on written motion
5 supported by affidavit setting forth grounds of emergency or
6 necessity and facts which satisfy the court that immediate
7 action is warranted or required to protect the substantive
8 rights or interests of any party or person who might be
9 affected by the decree, hold a hearing and grant a decree
10 dissolving the marriage prior to the expiration of the
11 applicable period, provided that requirements of notice have
12 been complied with. In such case the grounds of emergency or
13 necessity and the facts with respect thereto shall be recited
14 in the decree unless otherwise ordered by the court. The court
15 may enter an order finding the respondent in default and
16 waiving conciliation when the respondent has failed to file an
17 appearance within the time set forth in the original notice.

18 b. The parties comply with the requirements pursuant to
19 section 598.8, subsection 2, paragraph "c" or "d".

20 EXPLANATION

21 This bill provides that a court may grant a decree of
22 dissolution of marriage without a hearing if the parties have
23 complied with either of two separate sets of circumstances.
24 The bill also provides that if the parties meet the
25 requirements of either set of circumstances, the parties may
26 be granted a decree of dissolution prior to the expiration of
27 the 90-day waiting period. Both sets of circumstances include
28 that there are no children whose welfare might be affected by
29 the controversy, that either both parties or the petitioner,
30 as applicable, have provided documentation of the completion
31 of marital counseling within the six-month period preceding
32 the filing of the petition for dissolution of marriage, that
33 either both parties or the petitioner, as applicable, have
34 certified a breakdown of the marriage, and that all required
35 documents have been filed. In addition, the parties must have

1 settled all of the issues involved in the dissolution or the
2 respondent has not responded in the matter.

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