

44 the filing of a disclaimer, the right to disclaim shall terminate. In the event of
 45 disability of a person entitled to disclaim, the court may authorize or direct a
 46 conservator or guardian to exercise the right to disclaim on behalf of the person
 47 under disability when it is in his interest that it be done.

48 4. Waiver and bar. Any assignment, conveyance, encumbrance, pledge or
 49 transfer of property or any interest therein or any contract therefor, or any
 50 written waiver of the right to disclaim or any acceptance or property or interest
 51 therein by an heir, next of kin, devisee, legatee, donee, person succeeding to a
 52 disclaimed interest, beneficiary or person designated to take pursuant to a power
 53 of appointment exercised by testamentary instrument, and any sale of property by
 54 execution, made before the expiration of the period in which a person may
 55 disclaim as provided in this section, bars the right to disclaim the property. The
 56 right to disclaim granted by this section shall exist irrespective of any limitation
 57 on the interest of the disclaimant in the nature of a spendthrift provision or
 58 similar restriction. A disclaimer, when filed and recorded as provided in this
 59 section or a written waiver of the right to disclaim, shall be binding upon the
 60 disclaimant or person waiving and all parties claiming by, through or under him.
 61 The right to disclaim shall follow the proceeds of a disposition of property by a
 62 fiduciary, and shall not affect the disposition.

63 5. Exclusiveness of remedy. This section shall not abridge the right of any
 64 person to assign, convey, release or renounce any property or interest therein
 65 arising under any other statute.

Approved June 23, 1976

CHAPTER 1228

DISSOLUTION OF MARRIAGE

H. F. 352

AN ACT relating to dissolution of marriage.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five hundred ninety-eight point three (598.3), Code 1975, is
 2 amended to read as follows:

3 **598.3 Kind of action—joinder.** An action for dissolution of marriage shall be
 4 by equitable proceedings, and no cause of action, save for alimony, shall be
 5 joined therewith. *Such actions shall not be subject to counterclaim or cross petition*
 6 *by the respondent. After the appearance of the respondent, no dismissal of the cause of*
 7 *action shall be allowed unless both the petitioner and the respondent sign the*
 8 *dismissal.*

1 SEC. 2. Section five hundred ninety-eight point five (598.5), Code 1975, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. State whether the appointment of a conciliator pursuant to
 4 section five hundred ninety-eight point sixteen (598.16) of the Code may preserve
 5 the marriage.

1 SEC. 3. Section five hundred ninety-eight point eleven (598.11), unnumbered
 2 paragraph one (1), Code 1975, is amended to read as follows:

3 The court may order either party to pay the clerk a sum of money for the
 4 separate support and maintenance of the other party and the children and to
 5 enable such party to prosecute or defend the action. *The court may on its own*

6 *motion and shall upon application of either party or an attorney appointed under*
7 *section five hundred ninety-eight point twelve (598.12) of the Code determine the*
8 *temporary custody of any minor child whose welfare may be affected by the filing of*
9 *the petition for dissolution.*

1 SEC. 4. Section five hundred ninety-eight point thirteen (598.13), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 All applications for temporary or permanent support of a party or minor
4 children shall be accompanied by the financial statement of the applicant *on a*
5 *form prescribed by the supreme court and furnished without charge by the clerk of the*
6 *district court.* The respondent shall file a financial statement whenever the
7 respondent desires to resist any application for support by the petitioner, or when
8 the court so orders.

1 SEC. 5. Section five hundred ninety-eight point sixteen (598.16), unnumbered
2 paragraph two (2), Code 1975, is amended by striking the paragraph and inserting
3 in lieu thereof the following:

4 Upon the application of the petitioner in the petition or by the respondent in
5 the responsive pleading thereto or, within twenty days of appointment, of an
6 attorney appointed under section five hundred ninety-eight point twelve (598.12)
7 of the Code, the court shall require the parties to participate in conciliation efforts
8 for a period of sixty days from the issuance of an order setting forth the
9 conciliation procedure and the conciliator.

10 At any time upon its own motion or upon the application of a party the court
11 may require the parties to participate in conciliation efforts for sixty days or less
12 following the issuance of such an order. Every order for conciliation shall require
13 the conciliator to file a written report by a date certain which shall state the
14 conciliation procedures undertaken and such other matters as may have been
15 required by the court. The report shall be a part of the record unless otherwise
16 ordered by the court. Such conciliation procedure may include, but is not limited
17 to, referrals to the domestic relations division of the court, if established, public or
18 private marriage counselors, family service agencies, community health centers,
19 physicians and clergymen.

1 SEC. 6. Section five hundred ninety-eight point sixteen (598.16), unnumbered
2 paragraph three (3), Code 1975, is amended to read as follows:

3 The costs of any such conciliation procedures shall be paid *in full or in part* by
4 the parties *and taxed as court costs*; however, if the court determines that such
5 parties will be unable to pay the costs without prejudicing their financial ability to
6 provide themselves and any minor children with economic necessities, such costs
7 may be paid *in full or in part* from the court expense fund.

1 SEC. 7. Section five hundred ninety-eight point seventeen (598.17), Code 1975,
2 is amended to read as follows:

3 **598.17 Dissolution of marriage—evidence.** A decree dissolving the marriage
4 may be entered when the court is satisfied from the evidence presented that there
5 has been a breakdown of the marriage relationship to the extent that the
6 legitimate objects of matrimony have been destroyed and there remains no
7 reasonable likelihood that the marriage can be preserved. *The decree shall state*
8 *that the dissolution is granted to the parties, and shall not state that it is granted to*
9 *only one party.*

10 *If at the time of trial petitioner fails to present satisfactory evidence that there has*
11 *been a breakdown of the marriage relationship to the extent that the reasonable*
12 *likelihood that the marriage can be preserved, the respondent may then proceed to*
13 *present such evidence as though the respondent had filed the original petition.*

14 The court shall, based upon competent and relevant evidence, in such decree
15 provide for the division of the assets of the parties and reasonable support or
16 maintenance of any dependent children or either spouse.

17 No marriage dissolution granted due to the mental illness of one of the spouses
 18 shall relieve the other spouse of any obligation imposed by law as a result of the
 19 marriage for the support of the mentally ill spouse; ~~and the~~. *The court may make*
 20 *an order for such support or may waive the support obligation when satisfied from*
 21 *the evidence that it would create an undue hardship on the obliged spouse or his other*
 22 *dependents.*

1 SEC. 8. Section five hundred ninety-eight point nineteen (598.19), Code 1975,
 2 is amended to read as follows:

3 **598.19 Waiting period before decree.** No decree dissolving a marriage shall
 4 be granted in any proceeding before ninety days shall have elapsed from the day
 5 the original notice is served, or from the last day of publication of notice, or from
 6 the date that waiver or acceptance of original notice is filed or until after
 7 conciliation is completed, whichever period shall be longer. However, the court
 8 may in its discretion, on written motion supported by affidavit setting forth
 9 grounds of emergency or necessity and facts which satisfy the court that
 10 immediate action is warranted or required to protect the substantive rights or
 11 interests of any party or person who might be affected by the decree, hold a
 12 hearing and grant a decree dissolving the marriage prior to the expiration of the
 13 applicable period, provided that requirements of notice have been complied with.
 14 In such case the grounds of emergency or necessity and the facts with respect
 15 thereto shall be recited in the decree unless otherwise ordered by the court. *The*
 16 *court may enter an order finding the respondent in default and waiving conciliation*
 17 *when the respondent has failed to file an appearance within the time set forth in the*
 18 *original notice.*

1 SEC. 9. Section five hundred ninety-eight point twenty-five (598.25),
 2 subsections one (1) and two (2), Code 1975, are amended to read as follows:

3 1. The party initiating such proceedings must present to the court the names
 4 and addresses of the parties to the dissolution decree if known, as well as the
 5 name and place of the court which granted the dissolution decree *and the date of*
 6 *the decree.*

7 2. The court in which the proceedings are initiated shall, if possible, cause
 8 notice of such proceedings to be served upon the parties to the original action
 9 *unless either or both parties are deceased.*

1 SEC. 10. Sections five hundred ninety-eight point ten (598.10), five hundred
 2 ninety-eight point twenty-seven (598.27), and five hundred ninety-eight point
 3 thirty-three (598.33), Code 1975, are repealed.

Approved May 20, 1976

CHAPTER 1229

PARENTAL RIGHTS TERMINATED

H. F. 614

AN ACT relating to termination of parental rights and adoption and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

1 SECTION 1. NEW SECTION. **Construction.** This division shall be construed
 2 liberally. The welfare of the child subject to the proceedings of this division shall