

# Senate File 429 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1282)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to conciliation proceedings in a dissolution of  
2 marriage case and domestic abuse.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2651SV 82  
5 rh/es/88

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1 1 Section 1. Section 598.16, Code 2007, is amended to read  
1 2 as follows:  
1 3 598.16 CONCILIATION == DOMESTIC RELATIONS DIVISIONS.  
1 4 1. A majority of the judges in any judicial district, with  
1 5 the cooperation of any county board of supervisors in the  
1 6 district, may establish a domestic relations division of the  
1 7 district court of the county where the board is located. The  
1 8 division shall offer counseling and related services to  
1 9 persons before the court.  
1 10 2. Upon Except as provided in subsection 7, upon the  
1 11 application of the petitioner in the petition or by the  
1 12 respondent in the responsive pleading thereto or, within  
1 13 twenty days of appointment, of an attorney appointed under  
1 14 section 598.12, the court shall require the parties to  
1 15 participate in conciliation efforts for a period of sixty days  
1 16 from the issuance of an order setting forth the conciliation  
1 17 procedure and the conciliator.  
1 18 3. At any time upon its own motion or upon the application  
1 19 of a party the court may require the parties to participate in  
1 20 conciliation efforts for sixty days or less following the  
1 21 issuance of such an order.  
1 22 4. Every order for conciliation shall require the  
1 23 conciliator to file a written report by a date certain which  
1 24 shall state the conciliation procedures undertaken and such  
1 25 other matters as may have been required by the court. The  
1 26 report shall be a part of the record unless otherwise ordered  
1 27 by the court. Such conciliation procedure may include, but is  
1 28 not limited to, referrals to the domestic relations division  
1 29 of the court, if established, public or private marriage  
1 30 counselors, family service agencies, community health centers,  
1 31 physicians and clergy.  
1 32 5. The costs of conciliation procedures shall be paid in  
1 33 full or in part by the parties and taxed as court costs;  
1 34 however, if the court determines that the parties will be  
1 35 unable to pay the costs without prejudicing their financial  
2 1 ability to provide themselves and any minor children with  
2 2 economic necessities, the costs may be paid in full or in part  
2 3 by the county.  
2 4 6. Persons providing counseling and other services  
2 5 pursuant to this section are not court employees, but are  
2 6 subject to court supervision.  
2 7 7. Upon application, the court shall grant a waiver from  
2 8 the requirements of this section if a party demonstrates that  
2 9 a history of domestic abuse, as defined in section 236.2,  
2 10 exists. In determining whether a history of domestic abuse  
2 11 exists, the court's consideration shall include, but is not  
2 12 limited to, commencement of an action pursuant to section  
2 13 236.3, the issuance of a protective order against a party or  
2 14 the issuance of a court order or consent agreement pursuant to  
2 15 section 236.5, the issuance of an emergency order pursuant to  
2 16 section 236.6, the holding of a party in contempt pursuant to  
2 17 section 664A.7, the response of a peace officer to the scene  
2 18 of alleged domestic abuse or the arrest of a party following

2 19 response to a report of alleged domestic abuse, or a  
2 20 conviction for domestic abuse assault pursuant to section  
2 21 708.2A.

2 22 EXPLANATION

2 23 This bill relates to conciliation proceedings in a  
2 24 dissolution of marriage case and domestic abuse.  
2 25 Current law provides that a judge may require parties  
2 26 involved in a dissolution of marriage proceeding under Code  
2 27 chapter 598 to participate in conciliation efforts for a  
2 28 60-day period. The bill allows a court in such a case to  
2 29 grant a waiver to a party who demonstrates that a history of  
2 30 domestic abuse, as defined in Code section 236.2, exists. In  
2 31 determining whether a history of domestic abuse exists, the  
2 32 court's consideration shall include but is not limited to  
2 33 commencement of an action pursuant to Code section 236.3, the  
2 34 issuance of a protective order against a party or the issuance  
2 35 of a court order or consent agreement pursuant to Code section  
3 1 236.5, the issuance of an emergency order pursuant to Code  
3 2 section 236.6, the holding of a party in contempt pursuant to  
3 3 Code section 664A.7, the response of a peace officer to the  
3 4 scene of alleged domestic abuse or the arrest of a party  
3 5 following response to a report of alleged domestic abuse, or a  
3 6 conviction for domestic abuse assault pursuant to Code section  
3 7 708.2A. This provision is consistent with language in Code  
3 8 section 598.41, allowing a court to consider whether a history  
3 9 of domestic abuse exists in determining a custody arrangement  
3 10 for a minor child whose parents have separated or divorced.  
3 11 LSB 2651SV 82  
3 12 rh:rj/es/88