

Judiciary 2/27

Senate File 238
Judiciary
Ramsey, Chairman
Hill of Polk
Carr

FILED FEB 26 1975

Withdrawn 6/4/75
SENATE FILE 238

By SHAW
(Oakley)

See H.F. 352

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

A BILL FOR

1 An Act relating to dissolution of marriage.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

7 Sec. 2. Section five hundred ninety-eight point six
8 (598.6), Code 1975, is amended to read as follows:

9 598.6 ADDITIONAL CONTENTS. Except where the respondent
10 is ~~a resident of~~ domiciled in this state and is served by
11 personal service, the petition for dissolution of marriage,
12 in addition to setting forth the information required by
13 section 598.5, must state that the petitioner ~~has been for~~
14 ~~the last year a resident of the~~ is domiciled in this state,
15 specifying the county ~~in which the petitioner has resided,~~
16 ~~and the length of such residence therein after deducting all~~
17 ~~absences from the state,~~ of domicile and that the maintenance
18 of the ~~residence~~ domicile has been in good faith and not for
19 the purpose of obtaining a marriage dissolution ~~only~~.

20 Sec. 3. Section five hundred ninety-eight point nine
21 (598.9), Code 1975, is amended to read as follows:

22 598.9 RESIDENCE--FAILURE OF PROOF. If the averments as
23 to ~~residence~~ domicile are not fully proved, the hearing shall
24 proceed no further, and the action be dismissed by the court.

25 Sec. 4. Section five hundred ninety-eight point eleven
26 (598.11), unnumbered paragraph one (1), Code 1975, is amended
27 to read as follows:

28 The court may order either party to pay the clerk a sum
29 of money for the separate support and maintenance of the other
30 party and the children and to enable such party to prosecute
31 or defend the action. The court may on its own motion and
32 shall upon application of either party or an attorney appointed
33 under section five hundred ninety-eight point twelve (598.12)
34 of the Code determine the custody of any minor child whose
35 welfare may be affected by the filing of the petition for

1 dissolution.

2 Sec. 5. Section five hundred ninety-eight point thirteen
3 (598.13), unnumbered paragraph one (1), Code 1975, is amended
4 to read as follows:

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

12 Sec. 6. Section five hundred ninety-eight point sixteen
13 (598.16), unnumbered paragraph two (2), Code 1975, is amended
14 by striking the paragraph and inserting in lieu thereof the
15 following:

16 The court may on its own motion and shall upon application
17 of either party or an attorney appointed under section five
18 hundred ninety-eight point twelve (598.12) of the Code require
19 the parties to participate in conciliation efforts for a
20 period of thirty days from the issuance of an order setting
21 forth the conciliation procedure and listing the conciliator.
22 Such conciliation procedure may include, but is not limited
23 to, referrals to the domestic relations division of the court,
24 if established, public or private marriage counselors, family
25 service agencies, community health centers, physicians and
26 clergymen. The conciliator shall file a written report of
27 the conciliation procedures with the court within forty-five
28 days of the entry of the order and the report shall be part
29 of the record.

30 Sec. 7. Sections five hundred ninety-eight point ten
31 (598.10) and five hundred ninety-eight point twenty-seven
32 (598.27), Code 1975, are repealed.

33 EXPLANATION

34 This bill provides that the petition for dissolution of
35 marriage shall contain a statement as to whether conciliation

1 may preserve the marriage. In addition this bill strikes
2 the one-year residency requirement for obtaining a dissolution
3 and inserts a domicile requirement. This bill also provides
4 that the court may on its own motion determine the temporary
5 custody of a minor child and shall determine such custody
6 upon application of either party or the attorney for any minor
7 child. In addition this bill requires that the financial
8 statement of the applicant for temporary or permanent support
9 be on a form prescribed by the Supreme Court. This bill also
10 reduces the period of conciliation from ninety days to thirty
11 days and requires conciliation on the request of either party
12 or the attorney for any minor child. In addition this bill
13 repeals the section which requires that the petitioner's
14 testimony be corroborated and the section which prohibits
15 remarriage by either party within one year of the filing of
16 the decree, unless permission is granted by the court.

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