

Handwritten: 121 Do pass per 5267 3/1 (420)

SENATE FILE 44 2/3/77

Judiciary
Scott, Chairperson
Coleman
DeKoster

FILED JAN 27 1977

Reprinted 3/78

SENATE FILE 1261

By REDMOND

Passed Senate, Date 3-9-78 (p. 493) Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved 6-2-78

A BILL FOR

1 An Act to provide that certain records required to be filed
2 in a dissolution action shall not be public records.
3 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 twenty-
2 six (598.26), Code 1977, as amended by chapter one thousand
3 two hundred forty-five (1245) of the Acts of the Sixty-sixth
4 General Assembly, 1976 Session, chapter four (4), section
5 four hundred eighty-two (482), is amended to read as follows:

6 598.26 RECORD--IMPOUNDING--VIOLATION INDICTABLE. The
7 record and evidence in each case where a marriage dissolution
8 is sought shall be kept pursuant to the following provisions:

9 1. ~~The record and evidence in all cases where a marriage~~
10 ~~dissolution is sought~~ shall be closed to all but the court
11 and its officers, and access thereto shall be refused until
12 a decree of dissolution has been entered.

13 Prior to the entry of a decree of dissolution, the court
14 shall, in the absence of objection by another party, grant
15 a motion by a party to require the sealing of an answer to
16 an interrogatory or of a financial statement filed pursuant
17 to section five hundred ninety-eight point thirteen (598.13)
18 of the Code. The court may in its discretion grant a motion
19 by a party to require the sealing of any other information
20 which is part of the record of the case. If the court grants
21 a motion to require the sealing of information in the case,
22 a person shall not permit the sealed information to be made
23 available to any person other than a party to the action,
24 a party's attorney, or an officer of the court.

25 2. If the action is dismissed, judgment for costs shall
26 be entered in the judgment docket and lien index. The clerk
27 shall maintain a separate docket for dissolution of marriage
28 actions. No officer or other person shall permit a copy of
29 any of the testimony, or pleading, or the substance thereof,
30 to be made available to any person other than a party to the
31 action or a party's attorney to-the-action. Nothing in this
32 section shall be construed to prohibit publication of the
33 original notice as provided by the rules of civil procedure.

34 3. Violation of the provisions of this section shall be
35 a serious misdemeanor.

S-5267

1 Amend Senate File 44 as follows:

2 1. By striking all after the enacting clause and
3 inserting in lieu thereof the following:

4 "Section 1. Section five hundred ninety-eight
5 point twenty-six (598.26), Code 1977, is amended by
6 striking the section and inserting in lieu thereof
7 the following:

8 598.26 RECORD--IMPOUNDING--VIOLATION INDICTABLE.
9 The record and evidence in each case of marriage dis-
10 solution shall be kept pursuant to the following pro-
11 visions:

12 1. Until a decree of dissolution has been entered,
13 the record and evidence shall be closed to all but
14 the court and its officers. No officer or other
15 person shall permit a copy of any of the testimony,
16 or pleading, or the substance thereof, to be made
17 available to any person other than a party to the
18 action or a party's attorney. Nothing in this
19 subsection shall be construed to prohibit publication
20 of the original notice as provided by the rules of
21 civil procedure.

22 2. The court shall, in the absence of objection
23 by another party, grant a motion by a party to require
24 the sealing of an answer to an interrogatory or of
25 a financial statement filed pursuant to section five
26 hundred ninety-eight point thirteen (598.13) of the
27 Code. The court may in its discretion grant a motion
28 by a party to require the sealing of any other infor-
29 mation which is part of the record of the case except
30 for court orders, decrees and any judgments. If the
31 court grants a motion to require the sealing of
32 information in the case, the sealed information shall
33 not thereafter be made available to any person other
34 than a party to the action or a party's attorney
35 except upon order of the court for good cause shown.

36 3. If the action is dismissed, judgment for costs
37 shall be entered in the judgment docket and lien
38 index. The clerk shall maintain a separate docket
39 for dissolution of marriage actions.

40 4. Violation of the provisions of this section
41 shall be a serious misdemeanor.

42 Sec. 2. Chapter one thousand two hundred forty-
43 five (1245), Acts of the Sixty-sixth General Assembly,
44 1976 Session, chapter four (4), is amended by striking
45 section four hundred eighty-two (482).

46 Sec. 3. This Act is effective January 1, 1979."

47 1. Title, page 1, line 2; by inserting after the
48 word "records" the words ", and providing a penalty".

SENATE FILE 44

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Amend Senate File 44, as amended, passed and reprinted by the Senate, as follows:
1. Page 1, line 22, by inserting after the word "judgments." the words "However, all documents affecting property filed or recorded in the office of the county recorder shall remain public records."

DOYLE of Woodbury

HARVEY of Scott

FILED MAY 11 78
William 512

SENATE FILE 44

S-5339

1 Amend the Judiciary-Committee amendment, S-5267,
2 to Senate File 44 as follows:
3 1. Page 1, by striking line 46.

S-5339 FILED & ADOPTED (p. 492) BY JAMES REDMOND
MARCH 9, 1978

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SF 44.3
ms/cw/4

1 Section 1. Section five hundred ninety-eight point twenty-
2 six (598.26), Code 1977, is amended by striking the section
3 and inserting in lieu thereof the following:

4 598.26 RECORD--IMPOUNDING--VIOLATION INDICTABLE. The
5 record and evidence in each case of marriage dissolution shall
6 be kept pursuant to the following provisions:

7 1. Until a decree of dissolution has been entered, the
8 record and evidence shall be closed to all but the court and
9 its officers. No officer or other person shall permit a copy
10 of any of the testimony, or pleading, or the substance thereof,
11 to be made available to any person other than a party to the
12 action or a party's attorney. Nothing in this subsection
13 shall be construed to prohibit publication of the original
14 notice as provided by the rules of civil procedure.

15 2. The court shall, in the absence of objection by another
16 party, grant a motion by a party to require the sealing of
17 an answer to an interrogatory or of a financial statement
18 filed pursuant to section five hundred ninety-eight point
19 thirteen (598.13) of the Code. The court may in its discretion
20 grant a motion by a party to require the sealing of any other
21 information which is part of the record of the case except
22 for court orders, decrees and any judgments. If the court
23 grants a motion to require the sealing of information in the
24 case, the sealed information shall not thereafter be made
25 available to any person other than a party to the action or
26 a party's attorney except upon order of the court for good
27 cause shown.

28 3. If the action is dismissed, judgment for costs shall
29 be entered in the judgment docket and lien index. The clerk
30 shall maintain a separate docket for dissolution of marriage
31 actions.

32 4. Violation of the provisions of this section shall be
33 a serious misdemeanor.

34 Sec. 2. Chapter one thousand two hundred forty-five (1245),
35 Acts of the Sixty-sixth General Assembly, 1976 Session, chapter

1 four (4), is amended by striking section four hundred eighty-
2 two (482).

3 EXPLANATION

4 This bill provides that records and evidence in dissolution
5 cases may be sealed upon motion by a party.

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SF 44
mr/slc/26C

SENATE FILE 44

AN ACT

TO PROVIDE THAT CERTAIN RECORDS REQUIRED TO BE FILED IN A DISSOLUTION ACTION SHALL NOT BE PUBLIC RECORDS, AND PROVIDING A PENALTY.

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

Section 1. Section five hundred ninety-eight point twenty-six (598.26), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

598.26 RECORD--IMPOUNDING--VIOLATION INDICTABLE. The records and evidence in each case of marriage dissolution shall be kept pursuant to the following provisions:

1. Until a decree of dissolution has been entered, the records and evidence shall be closed to all but the court and its officers. No officer or other person shall permit a copy of any of the testimony, or pleading, or the substance thereof, to be made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the rules of civil procedure.

2. The court shall, in the absence of objection by another party, grant a motion by a party to require the sealing of an answer to an interrogatory or of a financial statement filed pursuant to section five hundred ninety-eight point thirteen (598.13) of the Code. The court may in its discretion grant a motion by a party to require the sealing of any other information which is part of the record of the case except for court orders, decrees and any judgments. If the court grants a motion to require the sealing of information in the case, the sealed information shall not thereafter be made available to any person other than a party to the action or a party's attorney except upon order of the court for good

cause shown.

3. If the action is dismissed, judgment for costs shall be entered in the judgment docket and lien index. The clerk shall maintain a separate docket for dissolution of marriage actions.

4. Violation of the provisions of this section shall be a serious misdemeanor.

Sec. 2. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), is amended by striking section four hundred eighty-two (482).

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 44, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved 6/2, 1978

ROBERT D. RAY
Governor