

Judiciary 2/1

FILED JAN 31 1985

SENATE FILE 143
BY HORN

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

A BILL FOR

1 An Act relating to the evidentiary standard for the dissolution
2 of marriage.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SF 143

1 Section 1. Section 598.5, subsection 7, Code 1985, is
2 amended to read as follows:

3 7. ~~Allege that there-has-been-a-breakdown-of-the-marriage~~
4 ~~relationship-to-the-extent-that-the-legitimate-objects-of~~
5 ~~matrimony-have-been-destroyed-and-there-remains-no-reasonable~~
6 ~~likelihood-that-the-marriage-can-be-preserved~~ the totality of
7 circumstances surrounding the marriage dictates that the
8 marriage should be dissolved in the interests of fairness to
9 the petitioner, the respondent, and all minor children whose
10 welfare may be affected by the dissolution.

11 Sec. 2. Section 598.17, unnumbered paragraphs 1 and 2,
12 Code 1985, are amended to read as follows:

13 A decree dissolving the marriage may be entered when the
14 court is satisfied from the evidence presented that ~~there-has~~
15 ~~been-a-breakdown-of-the-marriage-relationship-to-the-extent~~
16 ~~that-the-legitimate-objects-of-matrimony-have-been-destroyed~~
17 ~~and-there-remains-no-reasonable-likelihood-that-the-marriage~~
18 ~~can-be-preserved~~ the totality of circumstances surrounding the
19 marriage dictates that the marriage should be dissolved in the
20 interests of fairness to the petitioner, the respondent, and
21 all minor children whose welfare may be affected by the
22 dissolution. The decree shall state that the dissolution is
23 granted to the parties, and shall not state that it is granted
24 to only one party.

25 If at the time of trial petitioner fails to present
26 satisfactory evidence that ~~there-has-been-a-breakdown-of-the~~
27 ~~marriage-relationship-to-the-extent-that-the-reasonable~~
28 ~~likelihood-that-the-marriage-can-be-preserved~~ the marriage
29 should be dissolved, the respondent may then proceed to
30 present such evidence as though the respondent had filed the
31 original petition.

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EXPLANATION

33 This bill abolishes the current evidentiary standard for
34 the granting of a dissolution of marriage, which is a
35 breakdown of the marriage relationship to the extent that the

1 legitimate objects of matrimony are destroyed and the marriage
2 cannot be preserved. The bill substitutes a new standard
3 which requires that the totality of circumstances surrounding
4 the marriage dictates that the marriage should be dissolved in
5 the interests of fairness to the parties and their minor
6 children.

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