

I am writing in strong opposition to SF2172 which introduces a waiver of no-fault divorce at the time of marriage.

Iowa first enacted no-fault divorce into law in 1970, the second state in the U.S. to do so. Iowa has allowed its citizens to seek a no-fault divorce without providing proof of fault (adultery, abuse, imprisonment, abandonment, etc.) or proof of one party's innocence over the other for over 50 years. Iowa has allowed victims to seek help and safety through no-fault divorces without having to re-traumatize their experiences in open court. My grandmother sought a divorce from her abusive husband in 1963 at a time when she had to not only prove his fault, but her innocence. In retaliation to her petition, her abusive husband showed up to court with several men willing to "testify" that she was committing adultery around town. My grandmother eventually was granted a divorce from her abusive husband and was able to start her life over with her young daughter (my mother), but the laws at the time did not make it easy for my grandmother to be free from a scary, abusive situation. And she still faced public scrutiny due to retaliation efforts.

SF2172 seeks to turn back the clock on Iowa's citizens. Not only does this waiver increase harm and likely abuse by those willing to take advantage of the legal system, but it also provides a substantial burden on the justice system to handle and navigate such cases. SF2172 references a waiver that would be prescribed by the judicial branch. Iowa's judicial branch already creates and maintains a database of forms for pro se litigants and defendants who otherwise cannot afford legal assistance, including forms for divorces. This database has not only been valuable for Iowa's pro se citizens, but also for the state of Iowa as the use of these forms help to navigate legislation with respect to costs and effectiveness.

However, introducing SF2172 reopens the door on the burden of proof to establish at-fault divorces. Pro se litigants would now have to establish by satisfactory evidence that not only is the defendant at fault for whatever reason listed in their petition (adultery, abuse, imprisonment, abandonment, etc.), but pro se litigants must now also prove their innocence. Current forms in the Iowa judicial system database do not allow for such language or guidance for providing said proof. In addition, lawyers will now have to restructure their cases to show such proof in order to seek justice for their clients, on top of navigating cases involving division of property and custody of children. This now increases the costs for not only citizens, but also courts. Courts have established streamlined systems for navigating divorce and family law cases. Enacting SF2172 would derail those systems and create higher burdens on the judicial system. Higher burdens would create unnecessary delays in the system: case backup and higher costs. These burdens may also

create increased strain for Iowa's citizens: victims remain trapped in marriages and are potentially subjected to more abuse, including the children being subjected to said abuse.

SF2172 puts more hurdles in place for Iowa's citizens and Iowa's judicial branch. SF2172 creates more harm and opens the door for more potential abuse to not only victims, but to the system. For over 50 years, Iowa citizens have been able to seek no-fault divorces and have been able to receive divorces without having to go through the public scrutiny of providing proof of fault or proof of innocence. For over 50 years, Iowa's courts have benefitted from no-fault divorces and created a streamlined system to navigate such cases and provide invaluable resources to its pro se litigants and defendants.

Let's not roll back the clock on Iowa.

Respectfully,

Codie Leiker