

CHAPTER 63

DISSOLUTION OF MARRIAGE — COURT-ORDERED CONCILIATION

H.F. 719

AN ACT relating to participation in conciliation related to a dissolution of marriage.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 598.16](#), Code 2019, is amended to read as follows:

598.16 Conciliation — domestic relations divisions.

1. A majority of the judges in any judicial district, with the cooperation of any county board of supervisors in the district, may establish a domestic relations division of the district court of the county where the board is located. The division shall offer counseling and related services to persons before the court.

2. Except as provided in [subsection 7](#), upon the application of the petitioner in the petition or by the respondent in the responsive pleading to the petition, or within twenty days of appointment of an attorney appointed under [section 598.12A](#), the The court shall may on its own motion or upon the motion of a party require the parties to participate in conciliation efforts for a period of sixty days from or less following the issuance of an order setting forth the conciliation procedure and the conciliator. In making a determination under [this section](#), the court shall consider all relevant factors including but not limited to whether a history of abuse or violence exists.

3. At any time upon its own motion or upon the application of a party the court may require the parties to participate in conciliation efforts for sixty days or less following the issuance of such an order.

4. ~~3.~~ Every order for conciliation shall require the conciliator to file a written report by a date certain which shall state the conciliation procedures undertaken and such other matters as may have been required by the court. The report shall be a part of the record unless otherwise ordered by the court. Such conciliation procedure may include but is not limited to referrals to the domestic relations division of the court, if established, public or private marriage counselors, family service agencies, community health centers, physicians and clergy.

5. ~~4.~~ The costs of conciliation procedures shall be paid in full or in part by the parties and taxed as court costs; however, if the court determines that the parties will be unable to pay the costs without prejudicing their financial ability to provide themselves and any minor children with economic necessities, the costs may be paid in full or in part by the county.

6. ~~5.~~ Persons providing counseling and other services pursuant to [this section](#) are not court employees, but are subject to court supervision.

7. Upon application, the court shall grant a waiver from the requirements of [this section](#) if a party demonstrates that a history of elder abuse, as defined in [section 235F.1](#), or domestic abuse, as defined in [section 236.2](#), exists.

a. In determining whether a history of elder abuse exists, the court's consideration shall include but is not limited to commencement of an action pursuant to [section 235F.2](#), the issuance of a court order or consent agreement pursuant to [section 235F.6](#), the issuance of an emergency order pursuant to [section 235F.7](#), the holding of a party in contempt pursuant to [section 664A.7](#), the response of a peace officer to the scene of alleged elder abuse, or the arrest of a party following response to a report of alleged elder abuse.

b. In determining whether a history of domestic abuse exists, the court's consideration shall include but is not limited to commencement of an action pursuant to [section 236.3](#), the issuance of a protective order against a party or the issuance of a court order or consent agreement pursuant to [section 236.5](#), the issuance of an emergency order pursuant to [section 236.6](#), the holding of a party in contempt pursuant to [section 664A.7](#), the response of a peace officer to the scene of alleged domestic abuse or the arrest of a party following response to a report of alleged domestic abuse, or a conviction for domestic abuse assault pursuant to [section 708.2A](#).

Sec. 2. [Section 598.19](#), Code 2019, is amended to read as follows:

598.19 Waiting period before decree.

No decree dissolving a marriage shall be granted in any proceeding before ninety days shall have elapsed from the day the original notice is served, or from the last day of publication of notice, or from the date that waiver or acceptance of original notice is filed or until after any court-ordered conciliation is completed, whichever period shall be longer. However, the court may in its discretion, on written motion supported by affidavit setting forth grounds of emergency or necessity and facts which satisfy the court that immediate action is warranted or required to protect the substantive rights or interests of any party or person who might be affected by the decree, hold a hearing and grant a decree dissolving the marriage prior to the expiration of the applicable period, provided that requirements of notice have been complied with. In such case the grounds of emergency or necessity and the facts with respect thereto shall be recited in the decree unless otherwise ordered by the court. The court may enter an order finding the respondent in default and waiving any court-ordered conciliation when the respondent has failed to file an appearance within the time set forth in the original notice.

Approved May 1, 2019