

Senate Amendment 5139

Amendment Text

PAG LIN

1 1 Amend [House File 683](#) as amended, passed, and
1 2 reprinted by the House as follows:
1 3 #1. By striking page 1, line 1, through page 4,
1 4 line 16, and inserting the following:
1 5 "Section 1. INTENT OF THE GENERAL ASSEMBLY. It is
1 6 the intent of the general assembly that parties to
1 7 family law actions maintain responsibility for their
1 8 decision making, improve their communications
1 9 concerning their children, and commit themselves to
1 10 the decisions they reach. The best interests of
1 11 children are normally served through maintenance of
1 12 maximum contact with both parents, with a minimum of
1 13 parental conflict.
1 14 Because research demonstrates that parental
1 15 conflict may result in emotional and psychological
1 16 damage to parties and their children, the general
1 17 assembly finds that mediation should be utilized to
1 18 the greatest extent possible in the resolution of
1 19 domestic relations disputes in this state.
1 20 Sec. 2. Section [598.7A](#), Code 1999, is amended by
1 21 striking the section and inserting in lieu thereof the
1 22 following:
1 23 598.7A MEDIATION.
1 24 1. The district court may, on its own motion or on
1 25 the motion of any party, order the parties to
1 26 participate in mediation in any dissolution of
1 27 marriage action or other domestic relations action.
1 28 Mediation performed under this section shall comply
1 29 with the provisions of chapter 679C. The provisions
1 30 of this section shall not apply to actions which
1 31 involve domestic abuse pursuant to chapter 236. The
1 32 provisions of this section shall not affect a judicial
1 33 district's or court's authority to order settlement
1 34 conferences pursuant to rules of civil procedure. The
1 35 court shall, on application of a party, grant a waiver
1 36 from any court-ordered mediation under this section if
1 37 the party demonstrates that a history of domestic
1 38 abuse exists as specified in section 598.41,
1 39 subsection 3, paragraph "j".
1 40 2. The supreme court shall establish a dispute
1 41 resolution program in family law cases that includes
1 42 the opportunities for mediation and settlement
1 43 conferences. Any judicial district may implement such
1 44 a dispute resolution program, subject to the rules
1 45 prescribed by the supreme court.
1 46 3. The supreme court shall prescribe rules for the
1 47 mediation program, including the circumstances under
1 48 which the district court may order participation in
1 49 mediation.
1 50 4. Any dispute resolution program shall comply
2 1 with all of the following standards:
2 2 a. Participation in mediation shall include
2 3 attendance at a mediation session with the mediator
2 4 and the parties to the action, listening to the
2 5 mediator's explanation of the mediation process,
2 6 presentation of one party's view of the case, and
2 7 listening to the response of the other party.

2 8 Participation in mediation does not require that the
2 9 parties reach an agreement.
2 10 b. The parties may choose the mediator, or the
2 11 court shall appoint a mediator. A court-appointed
2 12 mediator shall meet the qualifications established by
2 13 the supreme court.
2 14 c. Parties to the mediation have the right to
2 15 advice and presence of counsel at all times.
2 16 d. The parties to the mediation shall present any
2 17 agreement reached through the mediation to their
2 18 attorneys, if any. A mediation agreement reached by
2 19 the parties shall not be enforceable until approved by
2 20 the court.
2 21 e. The costs of mediation shall be borne by the
2 22 parties, as agreed to by the parties, or as ordered by
2 23 the court, and may be taxed as court costs. Mediation
2 24 shall be provided on a sliding fee scale for parties
2 25 who are determined to be indigent pursuant to section
2 26 815.9.
2 27 5. The supreme court shall prescribe
2 28 qualifications for mediators under this section on or
2 29 before January 1, 2001. The qualifications shall
2 30 include but are not limited to the ethical standards
2 31 to be observed by mediators. The qualifications shall
2 32 not include a requirement that the mediator be
2 33 licensed to practice any particular profession.
2 34 Sec. 3. SUPREME COURT REPORT. The supreme court
2 35 shall submit a report to the general assembly by
2 36 January 1, 2001, which shall include any
2 37 recommendations for implementing, modifying, and
2 38 funding this Act.
2 39 Sec. 4. EFFECTIVE DATE. This Act takes effect
2 40 July 1, 2001, except that section 3 of this Act takes
2 41 effect upon enactment."
2 42 #2. Title Page, line 2, by inserting after the
2 43 word "child" the following: ", and providing
2 44 effective dates".
2 45 #3. By renumbering as necessary.
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2 49 COMMITTEE ON [JUDICIARY](#)
2 50 ANDY McKEAN, Chairperson
3 1 [HF 683.305](#) 78
3 2 jm/cf