

2-98115 Judiciary

Reprinted

JAN 26 1995

Place On Calendar

HOUSE FILE 94
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 4)

Passed House, Date ^(p.294) 2/7/95 Passed Senate, Date ^(p.1310) 4/19/95
Vote: Ayes 95 Nays 3 Vote: Ayes 20 Nays 28
Approved May 4, 1995

A BILL FOR

1 An Act to permit certain dissolutions of marriage to take place
2 without a hearing.

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

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HF 94

1 Section 1. Section 598.8, Code 1995, is amended to read as
2 follows:

3 598.8 HEARINGS.

4 1. Hearings Except as otherwise provided in subsection 2,
5 hearings for dissolution of marriage shall be held in open
6 court upon the oral testimony of witnesses, or upon the
7 depositions of such witnesses taken as in other equitable
8 actions or taken by a commissioner appointed by the court.
9 ~~However, the~~ The court may in its discretion close the
10 hearing. Hearings held for the purpose of determining child
11 custody may be limited in attendance by the court.

12 2. The court may enter a decree of dissolution without a
13 hearing if all of the following conditions have been met:

14 a. The parties have certified in writing 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.

19 b. All documents required by the court and by statute have
20 been filed.

21 c. The parties have entered into a written agreement
22 settling all of the issues involved in the dissolution of
23 marriage.

24 EXPLANATION

25 This bill permits the court to enter an order for
26 dissolution of marriage without a hearing if the parties to
27 the dissolution have certified in writing that there has been
28 a breakdown in the marriage relationship, if all required
29 documents have been filed, and if the parties have entered
30 into a written agreement settling all of the issues involved
31 in the dissolution of marriage.

32 The court currently must hold a dissolution of marriage
33 hearing but may close or limit attendance at certain hearings.

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H-3011

1 Amend House File 94 as follows:

2 1. Page 1, line 13, by striking the words "if all
3 of the following conditions have been met" and
4 inserting the following: "under either of the
5 following circumstances".

6 2. Page 1, by inserting after line 13 the
7 following:

8 "a. All of the following circumstances have been
9 met:"

10 3. Page 1, line 14, by striking the letter "a."
11 and inserting the following: "(1)".

12 4. Page 1, line 19, by striking the letter "b."
13 and inserting the following: "(2)".

14 5. Page 1, line 21, by striking the letter "c."
15 and inserting the following: "(3)".

16 6. Page 1, by inserting after line 23 the
17 following:

18 "b. The respondent has not entered a general or
19 special appearance or filed a motion or pleading in
20 the case, the waiting period provided under section
21 598.19 has expired, and all of the following
22 circumstances have been met:

23 (1) The petitioner has certified in writing that
24 there has been a breakdown of the marriage
25 relationship to the extent that the legitimate objects
26 of matrimony have been destroyed and there remains no
27 reasonable likelihood that the marriage can be pre-
28 served.

29 (2) All documents required by the court and by
30 statute have been filed."

By KREIMAN of Davis

H-3011 FILED FEBRUARY 1, 1995

(P.294) 2/7/94 ADOPTED

S - 4/13/95 *Placed on calendar*
Business Calendar
S - 4/19/95 *Motion to R/C by Newhouse and*
Barty
S - 4/24/95 *Motion prevailed by*
Newhouse
S - 4/24/95 *Motion to R/C Barty 90 (p. 1366)*

HOUSE FILE 94
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 4)

(As Amended and Passed by the House February 7, 1995)

Passed House, ^(P. 1900) Date 4-26-95 ^{*Printed*} Passed Senate, ^(P. 1310) Date 4/19/95
Vote: Ayes 90 Nays 9 Vote: Ayes 20 Nays 28
Approved May 4, 1995 *Passed 4-24-95*
Vote 32-18
(p. 1364)

A BILL FOR

- 1 An Act to permit certain dissolutions of marriage to take place
- 2 without a hearing.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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- 6 House Amendments _____
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1 Section 1. Section 598.8, Code 1995, is amended to read as
2 follows:

3 598.8 HEARINGS.

4 1. Hearings Except as otherwise provided in subsection 2,
5 hearings for dissolution of marriage shall be held in open
6 court upon the oral testimony of witnesses, or upon the
7 depositions of such witnesses taken as in other equitable
8 actions or taken by a commissioner appointed by the court.
9 ~~However, the~~ The court may in its discretion close the
10 hearing. Hearings held for the purpose of determining child
11 custody may be limited in attendance by the court.

12 2. The court may enter a decree of dissolution without a
13 hearing under either of the following circumstances:

14 a. All of the following circumstances have been met:

15 (1) The parties have certified in writing that there has
16 been a breakdown of the marriage relationship to the extent
17 that the legitimate objects of matrimony have been destroyed
18 and there remains no reasonable likelihood that the marriage
19 can be preserved.

20 (2) All documents required by the court and by statute
21 have been filed.

22 (3) The parties have entered into a written agreement
23 settling all of the issues involved in the dissolution of
24 marriage.

25 b. The respondent has not entered a general or special
26 appearance or filed a motion or pleading in the case, the
27 waiting period provided under section 598.19 has expired, and
28 all of the following circumstances have been met:

29 (1) The petitioner has certified in writing that there has
30 been a breakdown of the marriage relationship to the extent
31 that the legitimate objects of matrimony have been destroyed
32 and there remains no reasonable likelihood that the marriage
33 can be preserved.

34 (2) All documents required by the court and by statute
35 have been filed.

HOUSE FILE 94

S-3510

1 Amend House File 94, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 24 the
4 following:
5 "(4) There are no children of the marriage for
6 whom support, as defined under section 598.1, may be
7 ordered."
8 2. Page 1, by inserting after line 35 the
9 following:
10 "(3) There are no children of the marriage for
11 whom support, as defined under section 598.1, may be
12 ordered."

By MARY NEUHAUSER

S-3510 FILED APRIL 20, 1995

Adopted 4/24/95 (p. 1364)

SENATE AMENDMENT TO HOUSE FILE 94

H-4058

1 Amend House File 94, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 24 the
4 following:
5 "(4) There are no children of the marriage for
6 whom support, as defined under section 598.1, may be
7 ordered."
8 2. Page 1, by inserting after line 35 the
9 following:
10 "(3) There are no children of the marriage for
11 whom support, as defined under section 598.1, may be
12 ordered."

RECEIVED FROM THE SENATE

H-4058 FILED APRIL 25, 1995

House Concurred
4-26-95
(P. 1900)

HSB 4

JUDICIARY

HOUSE FILE 94

BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW EN-
FORCEMENT BILL REQUESTED
BY DINKLA)

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

A BILL FOR

1 An Act to permit certain dissolutions of marriage to take place
2 without a hearing.

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

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1 Section 1. Section 598.8, Code 1995, is amended to read as
2 follows:

3 598.8 HEARINGS.

4 1. Hearings Except as otherwise provided in subsection 2,
5 hearings for dissolution of marriage shall be held in open
6 court upon the oral testimony of witnesses, or upon the
7 depositions of such witnesses taken as in other equitable
8 actions or taken by a commissioner appointed by the court.
9 ~~However,~~ The court may in its discretion close the
10 hearing. Hearings held for the purpose of determining child
11 custody may be limited in attendance by the court.

12 2. The court may enter a decree of dissolution without a
13 hearing if all of the following conditions have been met:

14 a. The parties have certified in writing 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.

19 b. All documents required by the court and by statute have
20 been filed.

21 c. The parties have entered into a written agreement
22 settling all of the issues involved in the dissolution of
23 marriage.

24 EXPLANATION

25 This bill permits the court to enter an order for
26 dissolution of marriage without a hearing if the parties to
27 the dissolution have certified in writing that there has been
28 a breakdown in the marriage relationship, if all required
29 documents have been filed, and if the parties have entered
30 into a written agreement settling all of the issues involved
31 in the dissolution of marriage.

32 The court currently must hold a dissolution of marriage
33 hearing but may close or limit attendance at certain hearings.

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HOUSE FILE 94

AN ACT

TO PERMIT CERTAIN DISSOLUTIONS OF MARRIAGE TO TAKE PLACE
WITHOUT A HEARING.

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

Section 1. Section 598.8, Code 1995, is amended to read as follows:

598.8 HEARINGS.

1. Hearings Except as otherwise provided in subsection 2, hearings for dissolution of marriage shall be held in open court upon the oral testimony of witnesses, or upon the depositions of such witnesses taken as in other equitable actions or taken by a commissioner appointed by the court. However, the court may in its discretion close the hearing. Hearings held for the purpose of determining child custody may be limited in attendance by the court.

2. The court may enter a decree of dissolution without a hearing under either of the following circumstances:

a. All of the following circumstances have been met:

(1) The parties have certified in writing that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

(2) All documents required by the court and by statute have been filed.

(3) The parties have entered into a written agreement settling all of the issues involved in the dissolution of marriage.

(4) There are no children of the marriage for whom support, as defined under section 598.1, may be ordered.

b. The respondent has not entered a general or special appearance or filed a motion or pleading in the case, the waiting period provided under section 598.19 has expired, and

all of the following circumstances have been met:

(1) The petitioner has certified in writing that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

(2) All documents required by the court and by statute have been filed.

(3) There are no children of the marriage for whom support, as defined under section 598.1, may be ordered.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 94, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 4, 1995

TERRY E. BRANSTAD
Governor