

REPRINTED

FILED FEB 21 1996

SENATE FILE 2265  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 71)

Passed Senate, <sup>(p. 791)</sup> Date 3-14-96 Passed House, <sup>(p. 2107)</sup> Date 5/1/96  
Vote: Ayes 37 Nays 11 Vote: Ayes 92 Nays 4  
Approved May 20, 1996

A BILL FOR

1 An Act relating to the required participation of parents of minor  
2 children in a seminar prior to the granting of a dissolution  
3 of marriage decree and certain contested modification of  
4 custody orders.

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

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S.F. 2265

1 Section 1. NEW SECTION. 598.19A MANDATORY SEMINARS --  
2 PARENTS OF MINOR CHILDREN.

3 1. A decree dissolving the marriage of the parents of a  
4 minor child shall not be granted until the parents have  
5 participated in a seminar regarding the effects of dissolution  
6 of marriage on a minor child. Additionally, parties to a  
7 contested modification of custody proceeding, who have not  
8 previously participated in the seminar, shall participate in  
9 the seminar prior to the granting of a modification of custody  
10 order. The court shall require the parties to participate in  
11 a seminar for a period of four hours.

12 2. A majority of the judges in a judicial district shall  
13 establish the seminars, in cooperation with the department of  
14 human services. The seminars shall be scheduled at not more  
15 than two-week intervals, at locations which are convenient for  
16 and accessible to the parties to the dissolution or contested  
17 modification of custody proceeding. The seminar shall  
18 include, but is not limited to, information regarding the  
19 effects of dissolution, including custodial relationships, on  
20 a minor child and instructions for coping with the effects.

21 3. The court shall establish a fee for the seminar which  
22 reflects the actual cost of the seminar. The fee shall be  
23 paid in full or in part by the parties as directed by the  
24 court and shall be taxed as a court cost.

25 4. Notwithstanding the requirement of participation in the  
26 seminar established in this section, a decree or order may be  
27 granted prior to fulfillment of the requirement if a party  
28 demonstrates that the other party refuses to participate in  
29 the seminar.

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EXPLANATION

31 This bill requires that the parents of a minor child  
32 seeking a dissolution of marriage participate in a seminar  
33 regarding the effects and means of coping with the effects of  
34 a dissolution of marriage on a minor child prior to the  
35 granting of a dissolution decree. Additionally, parties to a

1 contested modification of custody proceeding, who have not  
2 previously participated in a seminar, are required to  
3 participate in seminar prior to the granting of a modified  
4 order. A majority of the judges in a judicial district are  
5 required to establish the seminars in cooperation with the  
6 department of human services. The bill requires the court to  
7 establish a fee for provision of the seminar, which is to be  
8 paid in full or in part by the parties as a court cost.

9 Notwithstanding the required participation of parents of a  
10 minor child in the seminar, a dissolution of marriage decree  
11 or a modification order may be granted if one party  
12 demonstrates the refusal of the other party to participate.

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SENATE FILE 2265

S-5160

1 Amend Senate File 2265 as follows:

2 1. Page 1, by striking everything after the  
3 enacting clause and inserting the following:

4 "Section 1. NEW SECTION. 598.19A MANDATORY  
5 COURSE -- PARTIES TO CERTAIN PROCEEDINGS.

6 1. A decree dissolving a marriage shall not be  
7 granted in any proceeding which involves child  
8 custody, child support, or visitation and an order  
9 relating to a modification or paternity which involves  
10 child custody, child support, child visitation shall  
11 not be entered until the parties have participated in  
12 a court-approved course to educate and sensitize the  
13 parties to the needs of any child or the parties  
14 during and subsequent to the proceeding.  
15 Participation in the course may be waived by the court  
16 for good cause.

17 2. Each party shall be responsible for arranging  
18 for participation in the course and for payment of the  
19 costs of participation in the course.

20 3. Each party shall submit certification of  
21 completion of the course to the court prior to the  
22 granting of a final decree or the entry of an order.

23 4. Each judicial district shall certify approved  
24 courses for parties required to participate in a  
25 course under this section. Approved courses may  
26 include those provided by a public or private entity.  
27 At a minimum, an approved course shall include  
28 information relating to the parents regarding divorce  
29 and its impact on the children and family  
30 relationship, parenting skills for divorcing parents,  
31 children's needs and coping techniques, and the  
32 financial responsibilities of parents following  
33 divorce. The supreme court may prescribe rules to  
34 implement this section.

35 Sec. 2. EFFECTIVE DATE. This Act takes effect  
36 January 1, 1997."

37 2. Title page, line 1, by striking the words "of  
38 minor".

39 3. Title page, by striking lines 2 through 4 and  
40 inserting the following: "in a mandatory course prior  
41 to the granting of a dissolution of marriage decree  
42 and certain other orders, and providing an effective  
43 date."

By JOHNIE HAMMOND  
RODNEY HALVORSON

S-5160 FILED MARCH 4, 1996

*Adopted 3-6-96  
(p. 651)*

*adopted as amended  
3-14-96  
(p. 791)*

*Motion to R/c by Bantz 3/6/96  
Motion to R/c prevailed 3/14/96*

SENATE FILE 2265

S-5193

1 Amend Senate File 2265 as follows:

2 1. Page 1, by striking lines 27 through 29 and  
3 inserting the following: "granted prior to  
4 fulfillment of the requirement if any of the following  
5 applies:

6 a. A party demonstrates that the other party  
7 refuses to participate in the seminar.

8 b. A history of domestic abuse, as defined in  
9 section 236.2, exists. In determining whether a  
10 history of domestic abuse exists, the court's  
11 consideration shall include, but is not limited to,  
12 commencement of an action pursuant to section 236.3,  
13 the issuance of a protective order against the parent  
14 or the issuance of a court order or consent agreement  
15 pursuant to section 236.5, the issuance of an  
16 emergency order pursuant to section 236.6, the holding  
17 of the parent in contempt pursuant to section 236.8,  
18 the response of a peace officer to the scene of  
19 alleged domestic abuse or the arrest of the parent  
20 following response to a report of alleged domestic  
21 abuse, or a conviction for domestic abuse assault  
22 pursuant to section 708.2A."

By MERLIN E. BARTZ

S-5193 FILED MARCH 5, 1996

*out of order 3/6/96  
(p. 651)*

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SENATE FILE 2265

S-5239

1 Amend the amendment, S-5160, to Senate File 2265 as  
2 follows:

3 1. Page 1, line 14, by inserting after the word  
4 "proceeding." the following: "Participation in the  
5 course is not required if the proceeding involves  
6 termination of parental rights of any of the parties."

By MERLIN E. BARTZ

S-5239 FILED MARCH 7, 1996

*adapted 3/14/96 (p. 191)*

SENATE FILE 2265

S-5240

1 Amend the amendment, S-5160, to Senate File 2265 as  
2 follows:  
3 1. Page 1, line 16 by inserting after the word  
4 "cause" the following: "or if any of the following  
5 applies:  
6 a. A party demonstrates that the other party  
7 refuses to participate in the seminar.  
8 b. A history of domestic abuse, as defined in  
9 section 236.2, exists. In determining whether a  
10 history of domestic abuse exists, the court's  
11 consideration shall include, but is not limited to,  
12 commencement of an action pursuant to section 236.3,  
13 the issuance of a protective order against the parent  
14 or the issuance of a court order or consent agreement  
15 pursuant to section 236.5, the issuance of an  
16 emergency order pursuant to section 236.6, the holding  
17 of the parent in contempt pursuant to section 236.8,  
18 the response of a peace officer to the scene of  
19 alleged domestic abuse or the arrest of the parent  
20 following response to a report of alleged domestic  
21 abuse, or a conviction for domestic abuse assault  
22 pursuant to section 708.2A".

By MERLIN E. BARTZ

S-5240 FILED MARCH 7, 1996

WITHDRAWN

3-14-96 (P. 791)

SENATE FILE 2265

S-5286

1 Amend the amendment, S-5160, to Senate File 2265 as  
2 follows:  
3 1. Page 1, by striking lines 7 through 10, and  
4 inserting the following: "granted in any proceeding  
5 which involves contested child custody or visitation  
6 and an order relating to a modification which involves  
7 child custody or visitation shall".

*Adopted 3/14/96 (P. 791)* BY JOHNIE HAMMOND

S-5286 FILED MARCH 11, 1996

SENATE FILE 2265

H-5875

1 Amend the amendment, H-5608, to Senate File 2265,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 50, by inserting after the word  
5 "custody," the following: "spousal".  
6 2. Page 2, line 18, by inserting after the word  
7 "custody," the following: "spousal".

By KREIMAN of Davis

H-5875 FILED APRIL 8, 1996

H. 3/14/96 Judiciary  
H. 3/25/96 Do Pass

SENATE FILE 2265  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 71)

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1996)

ALL New Language by the Senate

Re Passed Senate, Date 5/1/96 Passed House, Date 5/1/96  
Vote: Ayes 43 Nays 2 Vote: Ayes 92 Nays 4  
Approved May 20, 1996

A BILL FOR

\*1 An Act relating to the required participation of parents in a  
2 mandatory course prior to the granting of a dissolution of  
3 marriage decree and certain other orders, and providing an  
4 effective date.

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

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S.F. 2265

1 Section 1. NEW SECTION. 598.19A MANDATORY COURSE --  
2 PARTIES TO CERTAIN PROCEEDINGS.

3 1. A decree dissolving a marriage shall not be granted in  
4 any proceeding which involves contested child custody or  
5 visitation and an order relating to a modification which  
6 involves child custody or visitation shall not be entered  
7 until the parties have participated in a court-approved course  
8 to educate and sensitize the parties to the needs of any child  
9 or the parties during and subsequent to the proceeding.  
10 Participation in the course is not required if the proceeding  
11 involves termination of parental rights of any of the parties.  
12 Participation in the course may be waived by the court for  
13 good cause.

14 2. Each party shall be responsible for arranging for  
15 participation in the course and for payment of the costs of  
16 participation in the course.

17 3. Each party shall submit certification of completion of  
18 the course to the court prior to the granting of a final  
19 decree or the entry of an order.

20 4. Each judicial district shall certify approved courses  
21 for parties required to participate in a course under this  
22 section. Approved courses may include those provided by a  
23 public or private entity. At a minimum, an approved course  
24 shall include information relating to the parents regarding  
25 divorce and its impact on the children and family  
26 relationship, parenting skills for divorcing parents,  
27 children's needs and coping techniques, and the financial  
28 responsibilities of parents following divorce. The supreme  
29 court may prescribe rules to implement this section.

30 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,  
31 1997.

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## SENATE FILE 2265

H-6067

1 Amend Senate File 2265, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 598.7A, Code Supplement 1995,  
6 is amended to read as follows:

7 598.7A ~~DISSOLUTION-OF-MARRIAGE~~ DOMESTIC RELATIONS  
8 PROCEEDING -- MEDIATION.

9 In addition to the custody mediation provided  
10 pursuant to section 598.41, unless the court  
11 determines that a history of domestic abuse exists as  
12 specified in section 598.41, subsection 3, paragraph  
13 "j", or unless the court determines that direct  
14 physical harm or significant emotional harm to the  
15 child, other children, or a parent is likely to  
16 result, or unless the action involves a child support  
17 or medical support obligation enforced by the child  
18 support recovery unit, on the application of either  
19 party, or on the court's own motion, the court may  
20 require shall determine in each domestic relations  
21 proceeding or modification of any order relating to  
22 those proceedings whether the parties to the  
23 proceeding shall participate in mediation to attempt  
24 to resolve differences between the parties relative to  
25 the granting of a marriage dissolution decree, if the  
26 court determines that mediation may effectuate a  
27 resolution of the differences without court  
28 intervention. The court may order participation in  
29 mediation at any time prior to the entering of a final  
30 order or the granting of a final decree.

31 The costs of mediation shall be paid in full or in  
32 part by the parties, as determined by the court and  
33 taxed as court costs."

34 2. Page 1, line 1, by striking the word and  
35 figure "Section 1." and inserting the following:  
36 "Sec. 2."

37 3. Page 1, by striking lines 3 through 13 and  
38 inserting the following:

39 "1. The parties to any action which involves the  
40 issues of child custody or visitation shall  
41 participate in a court-approved course to educate and  
42 sensitize the parties to the needs of any child or  
43 party during and subsequent to the proceeding within  
44 forty-five days of the service of notice and petition  
45 for the action or within forty-five days of the  
46 service of notice and application for modification of  
47 an order. Participation in the course may be waived  
48 or delayed by the court for good cause including, but  
49 not limited to, a default by any of the parties.  
50 Participation in the course is not required if the

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Page 2

1 proceeding involves termination of parental rights of  
2 any of the parties. A final decree shall not be  
3 granted or a final order shall not be entered until  
4 the parties have complied with this section."

5 4. Page 1, line 23, by inserting after the word  
6 "minimum" the following: "and as appropriate".

7 5. Page 1, by striking lines 28 and 29 and  
8 inserting the following: "responsibilities of parents  
9 following divorce."

10 6. Page 1, by inserting before line 30 the  
11 following:

12 "5. In addition to the provisions of this section  
13 relating to the required participation in a court-  
14 approved course by the parties to an action as  
15 described in subsection 1, the court may require age-  
16 appropriate counseling for children who are involved  
17 in a dissolution of marriage action. The counseling  
18 may be provided by a public or private entity approved  
19 by the court. The costs of the counseling shall be  
20 taxed as court costs.

21 6. The supreme court may prescribe rules to  
22 implement this section."

23 7. Page 1, line 30, by striking the word "This"  
24 and inserting the following: "Section 2 of this".

25 8. Title page, line 1, by inserting after the  
26 word "to" the following: "domestic relations  
27 including".

28 9. By renumbering as necessary.

By KREIMAN of Davis  
HURLEY of Fayette

H-6067 FILED MAY 1, 1996

*Adopted 5-1-96*  
*(p.2107)*

## SENATE FILE 2265

H-6061

1 Amend Senate File 2265, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 598.7A, Code Supplement 1995,  
6 is amended to read as follows:

7 598.7A ~~DISSOLUTION-OF-MARRIAGE~~ DOMESTIC RELATIONS  
8 PROCEEDING -- MEDIATION.

9 In addition to the custody mediation provided  
10 pursuant to section 598.41, unless the court  
11 determines that a history of domestic abuse exists as  
12 specified in section 598.41, subsection 3, paragraph  
13 "j", or unless the court determines that direct  
14 physical harm or significant emotional harm to the  
15 child, other children, or a parent is likely to  
16 result, or unless the action solely involves child  
17 support, or on the application of either party, or on  
18 the court's own motion, the court may-require shall  
19 determine in each domestic relations proceeding or  
20 modification of any order relating to those  
21 proceedings whether the parties to the proceeding  
22 shall participate in mediation to attempt to resolve  
23 differences between the parties relative-to-the  
24 granting-of-a-marriage-dissolution-decree,-if-the  
25 court-determines-that-mediation-may-effectuate-a  
26 resolution-of-the-differences without court  
27 intervention. The court may order participation in  
28 mediation at any time prior to the entering of an  
29 order or the granting of a decree.

30 The costs of mediation shall be paid in full or in  
31 part by the parties, as determined by the court and  
32 taxed as court costs."

33 2. Page 1, line 1, by striking the word and  
34 figure "Section 1." and inserting the following:  
35 "Sec. 2."

36 3. Page 1, by striking lines 3 through 13 and  
37 inserting the following:

38 "1. The parties to a dissolution of marriage,  
39 modification of an order entered relating to a  
40 dissolution of marriage or any action which involves  
41 the issues of child custody or visitation shall  
42 participate in a court-approved course to educate and  
43 sensitize the parties to the needs of any child or  
44 party during and subsequent to the proceeding within  
45 forty-five days of the service of notice and petition  
46 for dissolution of marriage or other action or within  
47 forty-five days of the service of notice and  
48 application for modification of an order.  
49 Participation in the course may be waived or delayed  
50 by the court for good cause including, but not limited

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Page 2

1 to, a default by any of the parties. Participation in  
2 the course is not required if the proceeding involves  
3 termination of parental rights of any of the parties.  
4 A decree shall not be granted or an order shall not be  
5 entered until the parties have complied with this  
6 section."

7 4. Page 1, line 30, by striking the word "This"  
8 and inserting the following: "Section 2 of this".

9 5. Title page, line 1, by inserting after the  
10 word "to" the following: "domestic relations  
11 including".

12 6. By renumbering as necessary.

By KREIMAN of Davis

H-6061 FILED MAY 1, 1996

WITHDRAWN (p. 2105)  
5-1-96

SENATE FILE 2265

H-6063

1 Amend Senate File 2265, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 29 the  
4 following:

5 "5. In addition to the provisions of this section  
6 relating to the required participation in a court-  
7 approved course by the parties to an action as  
8 described in subsection 1, the court shall require  
9 age-appropriate counseling for children who are  
10 involved in a dissolution of marriage action. The  
11 counseling may be provided by a public or private  
12 entity approved by the court. Participation in the  
13 counseling may be waived by the court for good cause."

By MASCHER of Johnson

H-6063 FILED MAY 1, 1996

O/o / order 5-1-96  
(p. 2107)

## SENATE FILE 2265

H-6066

1 Amend Senate File 2265, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 598.7A, Code Supplement 1995,  
6 is amended to read as follows:

7 598.7A ~~DISSOLUTION-OF-MARRIAGE~~ DOMESTIC RELATIONS  
8 PROCEEDING -- MEDIATION.

9 In addition to the custody mediation provided  
10 pursuant to section 598.41, unless the court  
11 determines that a history of domestic abuse exists as  
12 specified in section 598.41, subsection 3, paragraph  
13 "j", or unless the court determines that direct  
14 physical harm or significant emotional harm to the  
15 child, other children, or a parent is likely to  
16 result, or unless the action involves a child support  
17 or medical support obligation enforced by the child  
18 support recovery unit, on the application of either  
19 party, or on the court's own motion, the court may  
20 require shall determine in each domestic relations  
21 proceeding or modification of any order relating to  
22 those proceedings whether the parties to the  
23 proceeding shall participate in mediation to attempt  
24 to resolve differences between the parties relative to  
25 the granting of a marriage dissolution decree, if the  
26 court determines that mediation may effectuate a  
27 resolution of the differences without court  
28 intervention. The court may order participation in  
29 mediation at any time prior to the entering of a final  
30 order or the granting of a final decree.

WITHDRAWN

31 The costs of mediation shall be paid in full or in  
32 part by the parties, as determined by the court and  
33 taxed as court costs."

34 2. Page 1, line 1, by striking the word and  
35 figure "Section 1." and inserting the following:  
36 "Sec. 2."

37 3. Page 1, by striking lines 3 through 13 and  
38 inserting the following:

39 "1. The parties to a dissolution of marriage,  
40 modification of an order entered relating to a  
41 dissolution of marriage or any action which involves  
42 the issues of child custody or visitation shall  
43 participate in a court-approved course to educate and  
44 sensitize the parties to the needs of any child or  
45 party during and subsequent to the proceeding within  
46 forty-five days of the service of notice and petition  
47 for dissolution of marriage or other action or within  
48 forty-five days of the service of notice and  
49 application for modification of an order.  
50 Participation in the course may be waived or delayed

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Page 2

1 by the court for good cause including, but not limited  
2 to, a default by any of the parties. Participation in  
3 the course is not required if the proceeding involves  
4 termination of parental rights of any of the parties.  
5 A final decree shall not be granted or a final order  
6 shall not be entered until the parties have complied  
7 with this section."

8 4. Page 1, by inserting after line 29 the  
9 following:

10 "5. In addition to the provisions of this section  
11 relating to the required participation in a court-  
12 approved course by the parties to an action as  
13 described in subsection 1, the court may require age-  
14 appropriate counseling for children who are involved  
15 in a dissolution of marriage action. The counseling  
16 may be provided by a public or private entity approved  
17 by the court. The costs of the counseling shall be  
18 taxed as court costs."

19 5. Page 1, line 30, by striking the word "This"  
20 and inserting the following: "Section 2 of this".

21 6. Title page, line 1, by inserting after the  
22 word "to" the following: "domestic relations  
23 including".

24 7. By renumbering as necessary.

By KREIMAN of Davis  
HURLEY of Fayette

H-6066 FILED MAY 1, 1996

**WITHDRAWN**

5-1-96 (P. 2105)

## SENATE FILE 2265

H-5608

1 Amend Senate File 2265 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. NEW SECTION. 595.3A RIGHTS AND  
6 OBLIGATIONS -- NOTIFICATION.

7 Upon the filing of an application for a license to  
8 marry and prior to the issuance of a license to marry,  
9 the clerk of the district court shall provide the  
10 applicants with a listing of resources to provide the  
11 applicants with information which sets forth the legal  
12 rights and obligations incident to marriage and  
13 divorce. The chief judge of each judicial district  
14 shall develop the listing of resources to be provided  
15 to the applicants under this section.

16 Sec. 2. Section 598.7A, Code Supplement 1995, is  
17 amended to read as follows:

18 598.7A DISSOLUTION-OF-MARRIAGE DOMESTIC RELATIONS  
19 PROCEEDING -- MEDIATION.

20 In addition to the custody mediation provided  
21 pursuant to section 598.41, unless the court  
22 determines that a history of domestic abuse exists as  
23 specified in section 598.41, subsection 3, paragraph  
24 "j", or unless the court determines that direct  
25 physical harm or significant emotional harm to the  
26 child, other children, or a parent is likely to  
27 result, on the application of either party, or on the  
28 court's own motion, the court may-require shall  
29 determine in each domestic relations proceeding or  
30 modification of any order relating to those  
31 proceedings whether the parties to the proceeding  
32 shall participate in mediation to attempt to resolve  
33 differences between the parties relative-to-the  
34 granting-of-a-marriage-dissolution-decree,-if-the  
35 court-determines-that-mediation-may-effectuate-a  
36 resolution-of-the-differences without court  
37 intervention.

38 The costs of mediation shall be paid in full or in  
39 part by the parties, as determined by the court and  
40 taxed as court costs.

41 Sec. 3. NEW SECTION. 598.7B MEDIATION AND  
42 CONCILIATION SERVICES -- REQUIREMENTS, QUALIFICATIONS,  
43 AND FEES.

44 1. The supreme court shall prescribe rules to  
45 establish the minimum qualifications for persons who  
46 provide professional mediation and conciliation  
47 services through the domestic relations division of a  
48 district court relating to domestic relations  
49 proceedings including but not limited to dissolution  
50 of marriage, custody, support, or separate maintenance

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Page 2

1 proceedings and including modifications of any orders  
2 relating to these proceedings. The supreme court may  
3 seek assistance in the drafting of the rules from  
4 national mediation associations and other entities  
5 with expertise in mediation and reconciliation  
6 services. The rules shall provide for the  
7 establishment of a sliding fee schedule for the  
8 provision of services and shall require that in order  
9 to provide mediation or conciliation services through  
10 the domestic relations division of a district court,  
11 the person is subject to the sliding fee schedule  
12 established by the supreme court.

13 2. In addition to the provisions for conciliation  
14 services pursuant to section 598.16, a district court  
15 may recommend or require reconciliation services to  
16 parties involved in domestic relations proceedings  
17 including but not limited to dissolution of marriage,  
18 custody, support, or separate maintenance proceedings  
19 and including modification of any orders relating to  
20 these proceedings."

21 2. Page 1, line 1, by striking the word and  
22 figure "Section 1." and inserting the following:  
23 "Sec. 4."

24 3. Page 1, line 30, by striking the word "This"  
25 and inserting the following: "Section 4 of this".

26 4. Title page, line 1, by inserting after the  
27 word "to" the following: "domestic relations  
28 including".

29 5. By renumbering as necessary.

By KREIMAN of Davis

H-5608 FILED MARCH 26, 1996

WITHDRAWN

5/1/96 (p. 2067)



## SENATE FILE 2265

H-6056

1 Amend Senate File 2265, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 13 and  
4 inserting the following:

5 "1. The parties to a dissolution of marriage,  
6 modification of an order entered relating to a  
7 dissolution of marriage which involves the issues of  
8 child custody, visitation, or child support, shall  
9 participate in a court-approved course to educate and  
10 sensitize the parties to the needs of any child or  
11 party during and subsequent to the proceeding within  
12 forty-five days of the filing of a petition for  
13 dissolution of marriage or within forty-five days of  
14 the application for modification of an order.  
15 Participation in the course may be waived or delayed  
16 by the court for good cause including, but not limited  
17 to, a default by any of the parties. Participation in  
18 the course is not required if the proceeding involves  
19 termination of parental rights of any of the parties.  
20 A decree dissolving a marriage shall not be granted  
21 and an order relating to modification shall not be  
22 entered until the parties have participated in the  
23 required course. Notwithstanding participation in the  
24 required course, however, if the court finds that the  
25 decree or order is not in the best interest of a  
26 child, the decree shall not be granted and the order  
27 shall not be entered."

By HURLEY of Fayette  
LAMBERTI of Polk  
DODERER of Johnson

H-6056 FILED APRIL 30, 1996

WITHDRAWN

5-1-96 (P 2105)

HOUSE AMENDMENT TO  
SENATE FILE 2265

S-5885

1 Amend Senate File 2265, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 598.7A, Code Supplement 1995,  
6 is amended to read as follows:

7 598.7A ~~DISSOLUTION-OF-MARRIAGE~~ DOMESTIC RELATIONS  
8 PROCEEDING -- MEDIATION.

9 In addition to the custody mediation provided  
10 pursuant to section 598.41, unless the court  
11 determines that a history of domestic abuse exists as  
12 specified in section 598.41, subsection 3, paragraph  
13 "j", or unless the court determines that direct  
14 physical harm or significant emotional harm to the  
15 child, other children, or a parent is likely to  
16 result, or unless the action involves a child support  
17 or medical support obligation enforced by the child  
18 support recovery unit, on the application of either  
19 party, or on the court's own motion, the court may  
20 require shall determine in each domestic relations  
21 proceeding or modification of any order relating to  
22 those proceedings whether the parties to the  
23 proceeding shall participate in mediation to attempt  
24 to resolve differences between the parties relative to  
25 the granting of a marriage dissolution decree, if the  
26 court determines that mediation may effectuate a  
27 resolution of the differences without court  
28 intervention. The court may order participation in  
29 mediation at any time prior to the entering of a final  
30 order or the granting of a final decree.

31 The costs of mediation shall be paid in full or in  
32 part by the parties, as determined by the court and  
33 taxed as court costs."

34 2. Page 1, line 1, by striking the word and  
35 figure "Section 1." and inserting the following:  
36 "Sec. 2."

37 3. Page 1, by striking lines 3 through 13 and  
38 inserting the following:

39 "1. The parties to any action which involves the  
40 issues of child custody or visitation shall  
41 participate in a court-approved course to educate and  
42 sensitize the parties to the needs of any child or  
43 party during and subsequent to the proceeding within  
44 forty-five days of the service of notice and petition  
45 for the action or within forty-five days of the  
46 service of notice and application for modification of  
47 an order. Participation in the course may be waived  
48 or delayed by the court for good cause including, but  
49 not limited to, a default by any of the parties.  
50 Participation in the course is not required if the

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-1-

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Page 2

- 1 proceeding involves termination of parental rights of  
2 any of the parties. A final decree shall not be  
3 granted or a final order shall not be entered until  
4 the parties have complied with this section."  
5 4. Page 1, line 23, by inserting after the word  
6 "minimum" the following: "and as appropriate".  
7 5. Page 1, by striking lines 28 and 29 and  
8 inserting the following: "responsibilities of parents  
9 following divorce."  
10 6. Page 1, by inserting before line 30 the  
11 following:  
12 "5. In addition to the provisions of this section  
13 relating to the required participation in a court-  
14 approved course by the parties to an action as  
15 described in subsection 1, the court may require age-  
16 appropriate counseling for children who are involved  
17 in a dissolution of marriage action. The counseling  
18 may be provided by a public or private entity approved  
19 by the court. The costs of the counseling shall be  
20 taxed as court costs.  
21 6. The supreme court may prescribe rules to  
22 implement this section."  
23 7. Page 1, line 30, by striking the word "This"  
24 and inserting the following: "Section 2 of this".  
25 8. Title page, line 1, by inserting after the  
26 word "to" the following: "domestic relations  
27 including".  
28 9. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5885 FILED MAY 1, 1996

CONCURRED

(P.1586)

SENATE FILE 2265

AN ACT

RELATING TO DOMESTIC RELATIONS INCLUDING THE REQUIRED PARTICIPATION OF PARENTS IN A MANDATORY COURSE PRIOR TO THE GRANTING OF A DISSOLUTION OF MARRIAGE DECREE AND CERTAIN OTHER ORDERS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 598.7A, Code Supplement 1995, is amended to read as follows:

598.7A ~~DISSOLUTION-OF-MARRIAGE~~ DOMESTIC RELATIONS PROCEEDING -- MEDIATION.

In addition to the custody mediation provided pursuant to section 598.41, unless the court determines that a history of domestic abuse exists as specified in section 598.41, subsection 3, paragraph "j", or unless the court determines that direct physical harm or significant emotional harm to the child, other children, or a parent is likely to result, or unless the action involves a child support or medical support obligation enforced by the child support recovery unit, on the application of either party, or on the court's own motion, the court may-require shall determine in each domestic relations proceeding or modification of any order relating to those proceedings whether the parties to the proceeding shall participate in mediation to attempt to resolve differences between the parties relative-to-the-granting-of-a-marriage dissolution-decree,-if-the-court-determines-that-mediation-may effectuate-a-resolution-of-the-differences without court intervention. The court may order participation in mediation at any time prior to the entering of a final order or the granting of a final decree.

The costs of mediation shall be paid in full or in part by the parties, as determined by the court and taxed as court

costs.

Sec. 2. NEW SECTION. 598.19A MANDATORY COURSE -- PARTIES TO CERTAIN PROCEEDINGS.

1. The parties to any action which involves the issues of child custody or visitation shall participate in a court-approved course to educate and sensitize the parties to the needs of any child or party during and subsequent to the proceeding within forty-five days of the service of notice and petition for the action or within forty-five days of the service of notice and application for modification of an order. Participation in the course may be waived or delayed by the court for good cause including, but not limited to, a default by any of the parties. Participation in the course is not required if the proceeding involves termination of parental rights of any of the parties. A final decree shall not be granted or a final order shall not be entered until the parties have complied with this section.

2. Each party shall be responsible for arranging for participation in the course and for payment of the costs of participation in the course.

3. Each party shall submit certification of completion of the course to the court prior to the granting of a final decree or the entry of an order.

4. Each judicial district shall certify approved courses for parties required to participate in a course under this section. Approved courses may include those provided by a public or private entity. At a minimum and as appropriate, an approved course shall include information relating to the parents regarding divorce and its impact on the children and family relationship, parenting skills for divorcing parents, children's needs and coping techniques, and the financial responsibilities of parents following divorce.

5. In addition to the provisions of this section relating to the required participation in a court-approved course by the parties to an action as described in subsection 1, the

court may require age-appropriate counseling for children who are involved in a dissolution of marriage action. The counseling may be provided by a public or private entity approved by the court. The costs of the counseling shall be taxed as court costs.

6. The supreme court may prescribe rules to implement this section.

Sec. 3. EFFECTIVE DATE. Section 2 of this Act takes effect January 1, 1997.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2265, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 20, 1996

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TERRY E. BRANSTAD  
Governor