

FILED FEB 15 1998  
Rereferred To: Judiciary 3/23/98

SENATE FILE 2219  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 77)

(SUCCESSOR TO SF 455)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the establishment of an automatic temporary  
2 financial protective order against the parties to a  
3 dissolution of marriage, separate maintenance, or annulment  
4 action limiting certain actions relating to assets and income  
5 of the parties.

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

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S.F. 22.19

1 Section 1. Section 598.5, Code Supplement 1997, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 11. Contain a statement in substantially  
4 the following form:

5 "By executing this document I acknowledge that I have read  
6 and have received a copy of the notice of the automatic  
7 temporary financial protective order required pursuant to Iowa  
8 Code section 598.10."

9 Sec. 2. NEW SECTION. 598.10 AUTOMATIC TEMPORARY  
10 FINANCIAL PROTECTIVE ORDER.

11 1. An automatic temporary financial protective order which  
12 establishes restraints on the parties to a dissolution of  
13 marriage, separate maintenance, or annulment action relating  
14 to assets and income shall be in effect as follows:

15 a. Against the petitioner upon the filing of a petition  
16 for dissolution of marriage, separate maintenance, or  
17 annulment.

18 b. Against the respondent following personal service on  
19 and acceptance of personal service by the respondent of the  
20 original notice.

21 2. Notice of the automatic temporary financial protective  
22 order shall be printed upon the original notice and shall  
23 provide as follows:

24 "Notice of Automatic Temporary Financial Protective Order.

25 1. You are further notified that an automatic temporary  
26 financial protective order is now in effect against the  
27 petitioner and, upon your acceptance of personal service of  
28 this original notice, against you until the final decree is  
29 entered, the petition is dismissed, or until further order of  
30 the court. You or your spouse may apply to the court for  
31 additional temporary orders or for modification or revocation  
32 of the automatic temporary financial protective order.

33 2. You and your spouse are restrained from transferring,  
34 encumbering, concealing, or in any way dissipating or  
35 disposing of any of your assets or income or the assets or

1 income of your spouse, without the prior written consent of  
2 your spouse, or an order of the court, except as may be  
3 necessary in the usual course of business or for the  
4 necessities of life. You are to account to the court for all  
5 extraordinary expenditures made when this temporary financial  
6 protective order is in effect. You and your spouse are also  
7 restrained from terminating any existing life insurance,  
8 health insurance, or casualty insurance coverage or changing  
9 the beneficiaries of such coverage, without prior written  
10 consent of your spouse, or an order of the court."

11 3. Upon the filing of a petition for dissolution of  
12 marriage, separate maintenance, or annulment, the petitioner  
13 is deemed to have knowledge of the automatic temporary  
14 financial protective order. Counsel for the petitioner shall  
15 immediately deliver to the petitioner a copy of the original  
16 notice containing the notice of automatic temporary financial  
17 protective order. The clerk of the district court shall  
18 deliver a copy of the original notice to a pro se petitioner  
19 containing the notice of automatic temporary financial  
20 protective order.

21 4. A history of domestic abuse as defined in section 236.2  
22 is a defense to a claimed violation of the automatic temporary  
23 financial protective order for dissipation or disposition of  
24 an asset or income by the person upon whom the domestic abuse  
25 is perpetrated.

26 5. This section does not limit or prohibit either party  
27 from exercising any rights or remedies available under any  
28 other provision of law.

29 6. An automatic temporary financial protective order shall  
30 be issued without bond.

31 7. This section does not apply to actions for modification  
32 of an order or decree related to a dissolution of marriage.

33 EXPLANATION

34 The bill provides for the establishment of an automatic  
35 temporary financial protective order against both parties to a

1 dissolution of marriage, separate maintenance, or annulment  
2 action prohibiting the parties from executing certain  
3 transactions involving marital assets and income without the  
4 consent of the other party, except in the usual course of  
5 business or for the necessities of life. The bill also  
6 prohibits the parties from terminating any existing life,  
7 health, or casualty insurance or changing the beneficiaries of  
8 such coverage without prior written consent of the other party  
9 or an order of the court. The bill provides for the content  
10 of the notice to be printed upon the original notice and  
11 provides that a history of domestic abuse is a defense to  
12 dissipating or disposing of assets or income under the bill.

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REVISED

SENATE FILE 2219  
FISCAL NOTE

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A fiscal note for Senate File 2219 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2219 provides for the establishment of an automatic temporary financial protective order against both parties to a dissolution of marriage, separate maintenance, or annulment action prohibiting the parties from executing certain transactions involving marital assets and income without the consent of the other party, except in the usual course of business or for the necessities of life.

FISCAL IMPACT

The fiscal impact of Senate File 2219 cannot be determined due to insufficient information.

SOURCE

Judicial Department

(LSB 1726SZ, DHK)

FILED FEBRUARY 23, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

(over)

SENATE FILE 2219  
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FISCAL IMPACT

The fiscal impact of Senate File 2219 not be determined due to insufficient information.

SOURCE

Judicial Department

(LSB 1726SZ, DHK)

FILED FEBRUARY 19, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR