

FILED MAR 13 1997

SENATE FILE **455**

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 77)

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 stay against the parties to a dissolution of marriage,  
 3 separate maintenance, or annulment action limiting certain  
 4 actions relating to assets of the parties.

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

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**S.F. 455**

1 Section 1. Section 598.5, Code 1997, is amended by adding  
2 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 automatic temporary  
7 restraining order required pursuant to Iowa Code section  
8 598.10."

9 Sec. 2. NEW SECTION. 598.10 AUTOMATIC TEMPORARY  
10 RESTRAINING ORDER.

11 1. An automatic temporary restraining order which  
12 establishes restraints on the parties to a dissolution of  
13 marriage, separate maintenance, or annulment action relating  
14 to assets or actions against a spouse or child shall be in  
15 effect as follows:

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

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

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

25 "Notice of Automatic Temporary Restraining Order.

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

34 2. You and your spouse are:

35 a. Restrained from transferring, encumbering, concealing,

1 or in any way dissipating or disposing of any of your assets  
2 or the assets of your spouse, without the prior written  
3 consent of your spouse, or an order of the court, except as  
4 may be necessary in the usual course of business or for the  
5 necessities of life. You are to account to the court for all  
6 extraordinary expenditures made when this temporary  
7 restraining order is in effect.

8     b. Restrained from harassing, assaulting, molesting, or  
9 disturbing the peace of your spouse, any child of yours, or  
10 any child of your spouse.

11     c. Restrained from removing any minor child of yours or of  
12 your spouse from the state, except in the usual course of  
13 travel made for routine shopping, child care, or the  
14 necessities of life, without the prior written consent of your  
15 spouse or an order of the court."

16     3. Upon the filing of a petition for dissolution of  
17 marriage, separate maintenance, or annulment, the petitioner  
18 is deemed to have knowledge of the automatic temporary  
19 restraining order. Counsel for the petitioner shall  
20 immediately deliver to the petitioner a copy of the original  
21 notice containing the notice of automatic temporary  
22 restraining order. The clerk of the district court shall  
23 deliver a copy of the original notice to a pro se petitioner  
24 containing the notice of automatic temporary restraining  
25 order.

26     4. 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     5. An automatic temporary restraining order shall be  
30 issued without bond.

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

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#### EXPLANATION

34     The bill provides for the establishment of automatic  
35 temporary stay against both parties to a dissolution of

1 marriage, separate maintenance, or annulment action  
2 prohibiting the parties from executing certain transactions  
3 involving marital assets without the consent of the other  
4 party, except in the usual course of business or for the  
5 necessities of life. The bill provides for the content of the  
6 notice to be printed upon the original notice and provides  
7 that a history of domestic abuse is a defense to dissipating  
8 or disposing of assets under the bill.

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Tinsman, Chair  
Neuhouser  
Angelo

SSB 77

Judiciary  
Succeeded By  
SF/HF 455

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY CHAIR-  
PERSON MCKEAN)

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  
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3 marriage, separate maintenance, or annulment action limiting  
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18 annulment.

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

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25 "Notice of Automatic Temporary Restraining Order.

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

34 2. You and your spouse are:

35 a. Restrained from transferring, encumbering, concealing,

1 or in any way dissipating or disposing of any of your assets  
2 or the assets of your spouse, without the prior written  
3 consent of your spouse, or an order of the court, except as  
4 may be necessary in the usual course of business or for the  
5 necessities of life. You are to account to the court for all  
6 extraordinary expenditures made when this temporary  
7 restraining order is in effect.

8 b. Restrained from harassing, assaulting, molesting, or  
9 disturbing the peace of your spouse, any child of yours, or  
10 any child of your spouse.

11 c. Restrained from removing any minor child of yours or of  
12 your spouse from the state, except in the usual course of  
13 travel made for routine shopping, child care, or the  
14 necessities of life, without the prior written consent of your  
15 spouse or an order of the court."

16 3. Upon the filing of a petition for dissolution of  
17 marriage, separate maintenance, or annulment, the petitioner  
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19 restraining order. Counsel for the petitioner shall  
20 immediately deliver to the petitioner a copy of the original  
21 notice containing the notice of automatic temporary  
22 restraining order. The clerk of the district court shall  
23 deliver a copy of the original notice to a pro se petitioner  
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25 order.

26 4. 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 5. An automatic temporary restraining order shall be  
30 issued without bond.

31 6. 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 automatic  
35 temporary restraining orders 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 without the consent of  
4 the other party, except in the usual course of business or for  
5 the necessities of life; from harassing, assaulting,  
6 molesting, or disturbing the peace of the other party or of a  
7 child of either of the parties; or from fleeing with a child.  
8 The bill provides for the content of the notice to be printed  
9 upon the original notice.

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