

Lamberti
Boettger
Duorsky

SSB - 1016
Judiciary
Succeeded By
(SF/HF 432)

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON 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
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. _____ H.F. _____

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74/72

1 Section 1. Section 598.5, Code 1999, 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 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 service upon you or your acceptance of
28 personal service of this original notice, against you until
29 the final decree is entered, the petition is dismissed, or
30 until further order of the court. You or your spouse may
31 apply to the court for additional temporary orders or for
32 modification or revocation of the automatic temporary
33 financial protective order.

34 2. You and your spouse are restrained from transferring,
35 encumbering, concealing, or in any way dissipating or

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

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1 disposing of any of your assets or income or the assets or
2 income of your spouse, without the prior written consent of
3 your spouse, or an order of the court, except as may be
4 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 during the time this temporary
7 financial protective order is in effect. You and your spouse
8 are also restrained from terminating any existing life
9 insurance, health insurance, or casualty insurance coverage or
10 changing the beneficiaries of such coverage, without prior
11 written consent of your spouse, or an order of the court."

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

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

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

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

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

34 EXPLANATION

5 The bill provides for the establishment of an automatic

3/31/99 Referred from Calendar To Judiciary

FILED MAR 15 1999

SENATE FILE 432
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1016)

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, and limiting certain actions relating to assets and
5 income of the parties.

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

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SE 432

1 Section 1. Section 598.5, Code 1999, 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 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 or
19 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 service upon you or your acceptance of
28 personal service of this original notice, against you until
29 the final decree is entered, the petition is dismissed, or
30 until further order of the court. You or your spouse may
31 apply to the court for additional temporary orders or for
32 modification or revocation of the automatic temporary
33 financial protective order.

34 2. You and your spouse are restrained from transferring,
35 encumbering, concealing, or in any way dissipating or

1 disposing of any marital property or the assets or income of
2 your spouse, without the prior written consent of your spouse,
3 or an order of the court, except as may be necessary in the
4 usual course of business, for the necessities of life, or for
5 court costs and reasonable attorney fees in an action brought
6 under this chapter. You are to account to the court for all
7 extraordinary expenditures made during the time this temporary
8 financial protective order is in effect. You and your spouse
9 are also restrained from terminating any existing life
10 insurance, health insurance, or casualty insurance coverage
11 for you, your spouse, or your children, or changing the
12 beneficiaries of such coverage, without prior written consent
13 of your spouse, or an order of the court."

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

24 4. This section does not limit or prohibit either party
25 from exercising any rights or remedies available under any
26 other provision of law.

27 5. An automatic temporary financial protective order shall
28 be issued without bond.

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

31 EXPLANATION

32 The bill provides for the establishment of an automatic
33 temporary financial protective order against both parties to a
34 dissolution of marriage, separate maintenance, or annulment
35 action prohibiting the parties from executing certain

1 transactions involving marital assets and income without the
2 consent of the other party, except in the usual course of
3 business, for the necessities of life or for dissolution-
4 related court costs and attorney fees. The bill also
5 prohibits the parties from terminating any existing life,
6 health, or casualty insurance or changing the beneficiaries of
7 such coverage without prior written consent of the other party
8 or an order of the court. The bill provides for the content
9 of the notice to be printed upon the original notice.

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