

MAR 4 2004
Place On Calendar

HOUSE FILE 2455
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2188)

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

A BILL FOR

1 An Act establishing covenant marriages and providing an effective
2 date.

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

4
5

HOUSE FILE 2455

H-8557

- 1 Amend the amendment, H-8361, to House File 2455 as
2 follows:
3 1. Page 2, line 6, by inserting after the word
4 "work" the following: "as a licensed master social
5 worker or a licensed independent social worker".
6 2. Page 2, line 9, by inserting after the word
7 "therapy" the following: "or mental health
8 counseling".
9 3. Page 2, by inserting after line 9 the
10 following:
11 "____. An advanced registered nurse practitioner
12 licensed pursuant to chapter 152 who specializes in
13 adult psychiatric services."
14 4. By renumbering as necessary.

By SMITH of Marshall
UPMEYER of Hancock

H-8557 FILED APRIL 14, 2004
WITHDRAWN

HF 2455

22
23

1 Section 1. Section 331.602, Code Supplement 2003, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 39A. Record all declarations of intent
4 pursuant to chapter 595A that are presented to the recorder's
5 office for recordation, upon payment of a fee in accordance
6 with section 331.604.

7 Sec. 2. NEW SECTION. 595.3B CERTIFICATE OF MARRIAGE --
8 COVENANT MARRIAGE DESIGNATION.

9 In addition to any other information contained in a
10 certificate of marriage, the certificate of marriage shall
11 include a section to allow the parties to designate the
12 marriage as a covenant marriage.

13 Sec. 3. NEW SECTION. 595.3C COVENANT MARRIAGE --
14 INFORMATION PAMPHLET.

15 The county registrar shall provide each applicant for a
16 marriage license with a copy of the informational pamphlet on
17 covenant marriage prepared by the office of the attorney
18 general pursuant to section 595A.6.

19 Sec. 4. NEW SECTION. 595.14 COVENANT MARRIAGE --
20 DECLARATION RETURN.

21 If the parties wish to designate the marriage a covenant
22 marriage, after the marriage has been solemnized, the
23 officiating minister or magistrate shall return the completed
24 certificate of marriage with the section designating the
25 marriage as a covenant marriage clearly indicated to the
26 county registrar in the county in which the parties applied
27 for a license to marry, within fifteen days of the
28 solemnization. Additionally, the parties to the marriage
29 shall record the declaration of intent with the county
30 recorder in the county in which the parties applied for the
31 license to marry, and shall pay the fee in accordance with
32 section 331.604.

33 Sec. 5. NEW SECTION. 595A.1 COVENANT MARRIAGE -- INTENT
34 -- CONDITIONS TO CREATE.

35 1. A man and woman who intend to enter a covenant marriage

1 shall execute a declaration of intent to contract a covenant
2 marriage as provided in section 595A.2.

3 2. A covenant marriage is a contract entered into by one
4 man and one woman who understand and agree that the marriage
5 between them is a lifelong relationship, as indicated in the
6 declaration of intent signed by both parties. Parties to a
7 covenant marriage shall receive premarital education prior to
8 entering the covenant marriage which emphasizes the nature and
9 purposes of marriage and the responsibilities of marriage.
10 Only when there has been a complete and total breach of the
11 marital covenant contract shall the nonbreaching party be
12 allowed to seek a declaration that the marriage is no longer
13 legally recognized.

14 3. Parties to a covenant marriage shall receive at least
15 twelve hours of premarital education that is provided by a
16 licensed or ordained minister, or the minister's designee, a
17 person authorized to solemnize marriages under section
18 595.10, a psychologist licensed pursuant to chapter 154B, or a
19 marital and family therapist licensed pursuant to chapter
20 154D. The education provided shall include a discussion of
21 the seriousness of marriage and that it is a commitment for
22 life, the teaching of communication skills, the teaching of
23 conflict management skills, and a discussion of the obligation
24 to seek marital counseling in times of marital difficulties.

25 4. The declaration of intent to enter a covenant marriage
26 is aspirational only and a failure by a party to comply with
27 the statements contained in the declaration does not
28 constitute additional grounds for dissolution of a covenant
29 marriage beyond those provided in section 595A.4.

30 Sec. 6. NEW SECTION. 595A.2 COVENANT MARRIAGE --
31 CONTENTS OF DECLARATION OF INTENT.

32 1. A declaration of intent to contract a covenant marriage
33 shall contain all of the following:

34 a. A statement by the parties to the following effect:

35 "We, (names of both parties), solemnly declare our intent

1 to enter into a covenant marriage and we agree to live
2 together as husband and wife as long as we both live. We have
3 chosen each other carefully and voluntarily accept the
4 exclusive grounds for dissolution of a covenant marriage. We
5 have received the required premarital education, which
6 included a discussion of the seriousness of marriage and that
7 it is a commitment for life, the teaching of communication
8 skills, the teaching of conflict management skills, and a
9 discussion of the obligation to seek marital counseling in
10 times of marital difficulties. We have read the pamphlet
11 regarding covenant marriage and understand that a covenant
12 marriage is for life. If either of us experiences serious
13 difficulties with the marriage, we accept the ethical
14 responsibility to inform the other spouse about the extent of
15 those problems in time for corrective action to be taken and
16 will make all reasonable efforts to preserve our marriage,
17 including participation in marital counseling."

18 b. A statement from the person who provided the premarital
19 education to the following effect:

20 "I, (name of provider), confirm that (names of both parties
21 to the marriage) received at least twelve hours of premarital
22 education that complies with Iowa Code section 595A.1. I am a
23 licensed or ordained minister, a person authorized to
24 solemnize marriages under Iowa Code section 595.10, or a
25 marital and family therapist licensed pursuant to Iowa Code
26 chapter 154D."

27 c. (1) The signature of both parties, witnessed by a
28 notary public.

29 (2) If one or both of the parties are minors, the written
30 consent or authorization of those persons required under
31 section 595.2 to consent to or authorize the marriage of
32 minors.

33 2. The declaration of intent shall be prepared in
34 duplicate originals, one of which shall be retained by the
35 parties and the other of which shall be returned to the county

1 recorder of the county in which the parties applied for a
2 license to marry.

3 Sec. 7. NEW SECTION. 595A.3 COVENANT MARRIAGE --
4 APPLICABILITY TO EXISTING MARRIAGES.

5 1. On or after January 1, 2005, married parties may
6 designate their marriage as a covenant marriage by executing a
7 declaration of intent in accordance with this section and by
8 complying with the other requirements of this chapter.

9 2. The married parties wishing to designate their marriage
10 as a covenant marriage shall record a duplicate original of
11 the declaration of intent with the county recorder in the
12 county in which the parties reside and shall pay the fee in
13 accordance with section 331.604. The county recorder shall
14 make a notation on the declaration of intent identifying the
15 source of issuance of the original marriage license of the
16 parties.

17 3. A declaration of intent to designate an existing
18 marriage as a covenant marriage shall contain all of the
19 following:

20 a. A statement by the parties to the following effect:

21 "We, (names of both parties), solemnly declare that our
22 marriage is a covenant marriage and we agree to live together
23 as husband and wife as long as we both live. We voluntarily
24 accept the exclusive grounds for dissolution of a covenant
25 marriage. We have received the required marital education,
26 which included a discussion of the obligation to seek marital
27 counseling in times of marital difficulties and an explanation
28 of the exclusive grounds for dissolving a covenant marriage.
29 We have read the informational pamphlet regarding covenant
30 marriage and understand that a covenant marriage is for life.
31 If either of us experiences serious difficulties with the
32 marriage, we accept the ethical responsibility to inform the
33 other spouse about the extent of those problems in time for
34 corrective action to be taken and will make all reasonable
35 efforts to preserve our marriage, including participation in

1 marital counseling. With full knowledge of what this
2 commitment means, we declare that our marriage will be bound
3 by the state law on covenant marriage and we promise to love,
4 honor, and care for one another as husband and wife for the
5 rest of our lives."

6 b. A statement from the person who provided the marital
7 education to the following effect:

8 "I, (name of provider), confirm that (names of both parties
9 to the marriage) received marital education that complies with
10 Iowa Code section 595A.1. I am a licensed or ordained
11 minister, a person authorized to solemnize marriages under
12 Iowa Code section 595.10 or a marital and family therapist
13 licensed pursuant to Iowa Code chapter 154D."

14 c. The signature of both parties, witnessed by a notary
15 public.

16 4. Parties who wish to designate their marriage as a
17 covenant marriage shall receive at least twelve hours of
18 marital education. The marital education provided shall be
19 provided by a licensed or ordained minister, a person
20 authorized to solemnize marriages under section 595.10, a
21 psychologist licensed pursuant to chapter 154B, or a marital
22 and family therapist licensed pursuant to chapter 154D. The
23 education provided shall include a discussion of the
24 obligation to seek marital counseling in times of marital
25 difficulties and an explanation of the exclusive grounds for
26 dissolution of a covenant marriage. The educator shall
27 provide the parties with the informational pamphlet on
28 covenant marriage developed by the office of the attorney
29 general pursuant to section 595A.6.

30 Sec. 8. NEW SECTION. 595A.4 DISSOLUTION OF A COVENANT
31 MARRIAGE -- EXCLUSIVE GROUNDS.

32 1. Notwithstanding any other law to the contrary, and
33 subsequent to the parties obtaining marital counseling, a
34 party to a covenant marriage may obtain a dissolution of
35 marriage, only upon proof of any of the following:

1 a. The other party has committed adultery.

2 b. The other party has committed a felony and has been
3 sentenced to imprisonment.

4 c. The other party has abandoned the matrimonial domicile
5 for a period of one year and refuses to return.

6 d. The other party has physically or sexually abused the
7 party seeking the dissolution or a child of one of the
8 parties.

9 e. The parties have been living separate and apart
10 continuously without reconciliation for a period of two years.

11 2. Notwithstanding subsection 1, a party to a covenant
12 marriage may obtain a dissolution of marriage without
13 providing proof of any of the grounds specified under
14 subsection 1, if the parties agree to the dissolution and
15 there are no children of the marriage.

16 3. In all proceedings for dissolution of marriage pursuant
17 to subsection 1, the court may issue an order of temporary
18 support and maintenance during the pendency of the
19 proceedings. Notwithstanding the time period requirements of
20 the grounds specified pursuant to subsection 1, paragraph "c"
21 or "e", a party to a covenant marriage may petition the court
22 for separate support and maintenance prior to the elapsing of
23 the specified time period.

24 4. In all proceedings for dissolution of marriage pursuant
25 to subsection 1, the court shall order the parties to complete
26 at least twelve hours of marital counseling that involves both
27 parties and emphasizes the principles of reconciliation. The
28 court may require the parties to pay an equal share of the
29 costs of the counseling or may apportion the cost between the
30 parties based on the ability to pay. The counseling shall be
31 provided by a licensed or ordained minister or the minister's
32 designee, a person authorized to solemnize a marriage pursuant
33 to section 595.10, or a marital and family therapist licensed
34 pursuant to chapter 154D. The court may waive all or part of
35 the counseling requirement to the extent the parties have

1 already received the required twelve hours of marital
2 education within one year of the petition for dissolution of
3 marriage.

4 Sec. 9. NEW SECTION. 595A.5 COVENANT MARRIAGE -- OTHER
5 APPLICABLE LAWS.

6 1. A covenant marriage shall be governed by all of the
7 nonconflicting provisions of chapter 595.

8 2. A dissolution of a covenant marriage shall be governed
9 by all of the nonconflicting provisions of chapter 598.

10 Sec. 10. NEW SECTION. 595A.6 ATTORNEY GENERAL --
11 PAMPHLET.

12 Prior to July 1, 2004, the office of the attorney general
13 shall develop an informational pamphlet entitled "Covenant
14 Marriage Option" which shall outline in sufficient detail the
15 requirements for entering into a covenant marriage or
16 designating an existing marriage as a covenant marriage, the
17 implications of entering into a covenant marriage or
18 designating an existing marriage as a covenant marriage, the
19 grounds for dissolution of a covenant marriage, and the legal
20 differences between a covenant marriage and a noncovenant
21 marriage. The informational pamphlet shall be made available
22 to all offices of the county registrar and to all persons who
23 provide premarital and marital education under this chapter.

24 Sec. 11. EFFECTIVE DATE. The section of this Act enacting
25 section 595A.6 relating to the pamphlet to be developed by the
26 attorney general, being deemed of immediate importance, takes
27 effect upon enactment.

28 EXPLANATION

29 This bill establishes the procedure and requirements for a
30 covenant marriage. The bill requires the county registrar to
31 provide each applicant for a marriage license with an
32 informational pamphlet on covenant marriage, prepared by the
33 office of the attorney general. The bill requires the
34 certificate of marriage to include a place to allow the
35 parties to designate the marriage as a covenant marriage.

1 After the marriage is solemnized, the officiating minister or
2 magistrate is directed to return the completed certificate of
3 marriage with the section designating the marriage a covenant
4 marriage clearly indicated to the county registrar in the
5 county in which the parties applied for a license to marry,
6 within 15 days of the solemnization. Additionally, the
7 parties are directed to record the declaration of intent with
8 the county recorder in the county in which the parties applied
9 for the license to marry.

10 The bill describes a covenant marriage, requires that the
11 parties to a covenant marriage complete at least 12 hours of
12 premarital education, and provides that the declaration of
13 intent to enter a covenant marriage is aspirational and
14 failure of a party to comply with the statements included in
15 the declaration does not provide additional grounds for
16 dissolution beyond those provided in the bill.

17 The bill specifies the contents of the declaration of
18 intent and requires a statement relating to the intent of the
19 parties to designate their marriage as a covenant marriage,
20 requires a statement from the person who provided the
21 premarital education relating to confirmation of the
22 completion by the parties of the required education, and
23 requires the signature of each party, or if one or both of the
24 parties are minors, the written consent or authorization of
25 those persons designated by law to provide consent or
26 authorization. The declaration of intent is to be prepared in
27 duplicate originals with one original being retained by the
28 parties and one original being filed with the county recorder
29 in the county in which the parties applied for the license to
30 marry.

31 The bill also provides a procedure for parties to an
32 existing marriage on or after January 1, 2005, to designate
33 their marriage as a covenant marriage.

34 The bill provides the exclusive grounds for obtaining a
35 dissolution of a covenant marriage which include: that a

S.F. _____

H.F. 2455

1 party commits adultery, commits a felony and is imprisoned,
2 abandons the matrimonial domicile for one year and refuses to

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H-8351

1 Amend the amendment, H-8271, to House File 2455, as
2 follows:

3 1. Page 1, by striking lines 16 and 17 and
4 inserting the following: "other person."

By HUNTER of Polk

H-8351 FILED MARCH 31, 2004

33

LSB 6011HV 80

HOUSE FILE 2455

H-8361

1 Amend House File 2455 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 331.605, subsection 6, Code
5 2003, is amended to read as follows:

6 6. For filing an application for the license to
7 marry, thirty-five dollars, which includes payment for
8 one certified copy of the original certificate of
9 marriage, to be issued following filing of the
10 original certificate of marriage, four dollars of
11 which shall be retained by the county pursuant to
12 subsection 5. For issuing an application for an order
13 of the district court authorizing the validation of a
14 license to marry before the expiration of three days
15 from the date of issuance of the license, or for
16 issuing an application for an order of the district
17 court authorizing the issuance of a license to marry
18 without verified completion of premarital education as
19 required by section 595.3, five dollars. The district
20 court shall authorize the early validation of a
21 marriage license or the issuance of a marriage license
22 without completion of required premarital education
23 without the payment of any fees imposed in this
24 subsection upon showing that the applicant is unable
25 to pay the fees.

26 Sec. 2. Section 595.3, Code 2003, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 6. Where the parties have not
29 completed at least six hours of premarital education
30 as described in section 595.3B, unless the requirement
31 is waived in accordance with section 595.4.

32 Sec. 3. NEW SECTION. 595.3B APPLICATION --
33 PREMARITAL EDUCATION.

34 1. An application form for a marriage license
35 shall have attached a certificate form to be used by
36 the parties to document completion of the premarital
37 education by the parties as required for the granting
38 of a license to marry pursuant to section 595.3. The
39 certificate shall be completed by the parties and
40 signed by the person who provided the premarital
41 education. The certificate shall be filed with the
42 verified application in accordance with section 595.4.
43 The certificate shall contain all of the following
44 information:

45 a. The name of the person providing the premarital
46 education and the person's signature verifying
47 completion of the premarital education by the parties.

48 b. The number of hours of premarital education
49 completed.

50 2. The premarital education shall be provided only

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1 by any of the following persons:

2 a. A person ordained or designated as the leader
3 of a party's religious faith or the person's designee.

4 b. A person licensed to practice psychology
5 pursuant to chapter 154B.

6 c. A person licensed to practice social work
7 pursuant to chapter 154C.

8 d. A person licensed to practice marital and
9 family therapy pursuant to chapter 154D.

10 Sec. 4. Section 595.4, Code 2003, is amended to
11 read as follows:

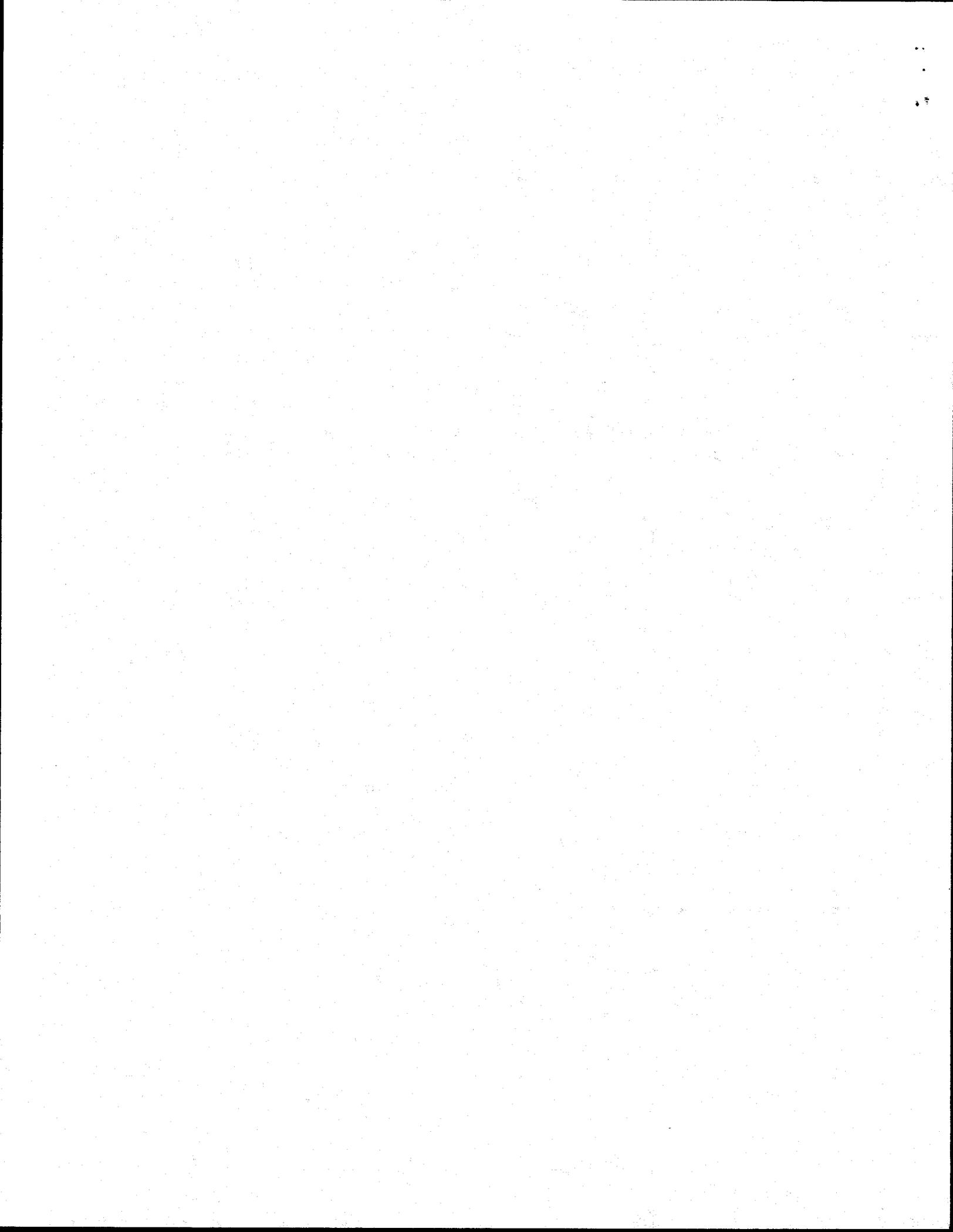
12 595.4 AGE AND QUALIFICATION -- PREMARITAL
13 EDUCATION -- VERIFIED APPLICATION -- WAITING PERIOD --
14 ~~EXCEPTION~~ EXCEPTIONS.

15 1. Previous to the issuance of any license to
16 marry, the parties desiring the license shall sign and
17 file a verified application with the county registrar
18 which application either may be mailed to the parties
19 at their request or may be signed by them at the
20 office of the county registrar in the county in which
21 the license is to be issued. The application shall
22 include the social security number of each applicant
23 and shall set forth at least one affidavit of some
24 competent and disinterested person stating the facts
25 as to age and qualification of the parties. The
26 application shall also include the completed
27 certificate of premarital education. Upon the filing
28 of the application for a license to marry, the county
29 registrar shall file the application in a record kept
30 for that purpose and shall take all necessary steps to
31 ensure the confidentiality of the social security
32 number of each applicant. All information included on
33 an application may be provided as mutually agreed upon
34 by the division of records and statistics and the
35 child support recovery unit, including by automated
36 exchange.

37 2. a. Upon receipt of a verified application
38 including the complete certificate of premarital
39 education, the county registrar may issue the license
40 which shall not become valid until the expiration of
41 three days after the date of issuance of the license.
42 If the license has not been issued within six months
43 from the date of the application, the application is
44 void.

45 b. A license to marry may be issued if the
46 verified application does not include a completed
47 certificate of premarital education in cases of
48 emergency, extraordinary circumstances, or for good
49 cause. An order authorizing the issuance of a license
50 may be granted by a judge of the district court under

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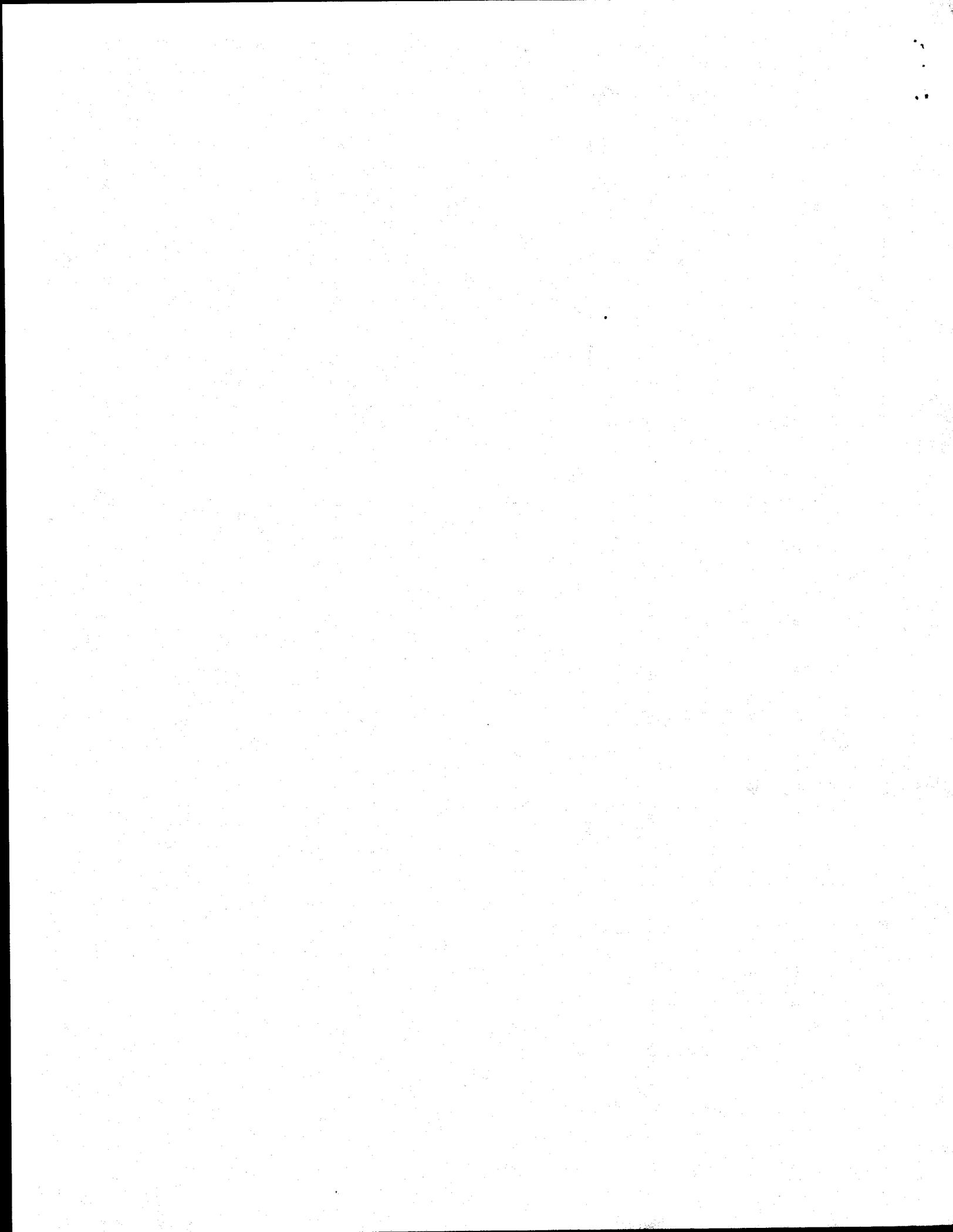
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1 conditions of emergency, extraordinary circumstances,
2 or for good cause, upon application of the parties
3 filed with the county registrar. An order shall not
4 be granted unless the parties have filed an
5 application for a marriage license in a county within
6 the judicial district. An application for an order
7 shall be made on a form furnished by the county
8 registrar at the same time the verified application
9 for the license to marry is filed. After examining
10 the application for the marriage license, the county
11 registrar shall refer the parties to a judge of the
12 district court for action on the application for an
13 order authorizing the issuance of a marriage license
14 without verified completion of the required premarital
15 education. The judge shall, if satisfied as to the
16 existence of emergency, extraordinary circumstances,
17 or good cause, grant such an order. The county
18 registrar shall issue a license to marry upon
19 presentation by the parties of the order authorizing
20 such issuance. A fee of five dollars shall be paid to
21 the county registrar at the time the application for
22 the order is made, which fee is in addition to the fee
23 prescribed by law for the issuance of a marriage
24 license.

25 3. A license to marry may be validated prior to
26 the expiration of three days from the date of issuance
27 of the license in cases of emergency or extraordinary
28 circumstances. An order authorizing the validation of
29 a license may be granted by a judge of the district
30 court under conditions of emergency or extraordinary
31 circumstances upon application of the parties filed
32 with the county registrar. No order may be granted
33 unless the parties have filed an application for a
34 marriage license in a county within the judicial
35 district. An application for an order shall be made
36 on forms furnished by the county registrar at the same
37 time the application for the license to marry is made.
38 After examining the application for the marriage
39 license and issuing the license, the county registrar
40 shall refer the parties to a judge of the district
41 court for action on the application for an order
42 authorizing the validation of a marriage license prior
43 to expiration of three days from the date of issuance
44 of the license. The judge shall, if satisfied as to
45 the existence of an emergency or extraordinary
46 circumstances, grant an order authorizing the
47 validation of a license to marry prior to the
48 expiration of three days from the date of issuance of
49 the license to marry. The county registrar shall
50 validate a license to marry upon presentation by the

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1 parties of the order authorizing a license to be
2 validated. A fee of five dollars shall be paid to the
3 county registrar at the time the application for the
4 order is made, which fee is in addition to the fee
5 prescribed by law for the issuance of a marriage
6 license.

7 Sec. 5. NEW SECTION. 598.7B PARENTING PLANS.

8 1. Beginning October 1, 2004, the parties to a
9 petition for dissolution of marriage, annulment, or
10 separate maintenance that involves minor children or
11 to an application for a motion to modify an order
12 involving custody or visitation shall submit a
13 proposed parenting plan, either individually or
14 jointly, within thirty days after the service of
15 process of the petition for dissolution of marriage,
16 annulment, or separate maintenance, or the application
17 for a motion to modify an order involving custody or
18 visitation. The proposed parenting plan shall specify
19 the arrangements that the party believes to be in the
20 best interest of any minor child and shall specify
21 other details as required by rules prescribed by the
22 supreme court.

23 2. The supreme court shall prescribe rules no
24 later than September 1, 2004, establishing guidelines
25 for a parenting plan form which may be used by the
26 parties in any dissolution of marriage, annulment,
27 legal separation, or modification proceeding involving
28 the issues of custody and visitation. Beginning
29 September 1, 2004, the clerk of the district court
30 shall furnish parenting plan forms to the parties in a
31 dissolution of marriage, annulment, or separate
32 maintenance action or modification proceeding
33 involving custody or visitation, without cost to the
34 parties.

35 Sec. 6. EFFECTIVE DATE. The provision of the
36 section of this Act enacting section 598.7B that
37 directs the supreme court to prescribe rules regarding
38 the guidelines for parenting plans, being deemed of
39 immediate importance, takes effect upon enactment."

40 2. Title page, line 1, by striking the words
41 "covenant marriages" and inserting the following:
42 "marriage and domestic relations requirements".

By CARROLL of Poweshiek

H-8361 FILED APRIL 1, 2004

H-8449

1 Amend the amendment, H-8361, to House File 2455 as
2 follows:

3 1. By striking page 1, line 4, through page 4,
4 line 6, and inserting the following:

5 "Section 1. Section 331.605, subsection 6, Code
6 2003, is amended to read as follows:

7 6. For filing an application for the license to
8 marry, thirty-five dollars, which includes payment for
9 one certified copy of the original certificate of
10 marriage, to be issued following filing of the
11 original certificate of marriage, four dollars of
12 which shall be retained by the county pursuant to
13 subsection 5. For issuing an application for an order
14 of the district court authorizing the validation of a
15 license to marry before the expiration of ~~three~~ the
16 number of days specified in section 595.4, from the
17 date of issuance of the license, five dollars. The
18 district court shall authorize the early validation of
19 a marriage license without the payment of any fees
20 imposed in this subsection upon showing that the
21 applicant is unable to pay the fees.

22 Sec. 2. NEW SECTION. 595.3B APPLICATION --
23 PREMARITAL EDUCATION.

24 1. An application form for a marriage license
25 shall have attached a certificate form to be used by
26 the parties to document completion of premarital
27 education by the parties. The certificate shall be
28 completed by the parties and signed by the person who
29 provided the premarital education. The certificate
30 shall be filed with the verified application in
31 accordance with section 595.4. The certificate form
32 shall require provision of all of the following
33 information:

34 a. The name of the person providing the premarital
35 education and the person's signature verifying
36 completion of the premarital education by the parties.

37 b. The number of hours of premarital education
38 completed.

39 2. Only premarital education provided by the
40 following persons shall be accepted to document
41 completion under this section:

42 a. A person ordained or designated as a leader of
43 a party's religious faith or the person's designee.

44 b. A person licensed to practice psychology
45 pursuant to chapter 154B.

46 c. A person licensed to practice social work
47 pursuant to chapter 154C.

48 d. A person licensed to practice marital and
49 family therapy pursuant to chapter 154D.

50 Sec. 3. Section 595.4, Code 2003, is amended to

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1 read as follows:

2 595.4 AGE AND QUALIFICATION -- VERIFIED

3 APPLICATION -- WAITING PERIOD -- ~~EXCEPTION~~ EXCEPTIONS.

4 1. Previous Prior to the issuance of any license
5 to marry, the parties desiring the license shall sign
6 and file a verified application with the county
7 registrar which application either may be mailed to
8 the parties at their request or may be signed by them
9 at the office of the county registrar in the county in
10 which the license is to be issued. The application
11 shall include the social security number of each
12 applicant and shall set forth at least one affidavit
13 of some competent and disinterested person stating the
14 facts as to age and qualification of the parties.
15 Upon the filing of the application for a license to
16 marry, the county registrar shall file the application
17 in a record kept for that purpose and shall take all
18 necessary steps to ensure the confidentiality of the
19 social security number of each applicant. All
20 information included on an application may be provided
21 as mutually agreed upon by the division of records and
22 statistics and the child support recovery unit,
23 including by automated exchange.

24 2. Upon receipt of a verified application, the
25 county registrar may issue the license ~~which shall not~~
26 ~~become valid until the expiration of three days after~~
27 ~~the date of issuance of the license.~~ If the license
28 has not been issued within six months from the date of
29 the application, the application is void.

30 3. A license issued under subsection 2 shall
31 become valid as follows:

32 a. If the parties desiring the license have
33 participated in premarital education and submit
34 documentation verifying completion of premarital
35 education in accordance with section 595.3B, the
36 license shall become valid upon the expiration of
37 three days after the date of issuance of the license.

38 b. If the parties desiring the license have not
39 participated in premarital education or do not submit
40 documentation verifying completion of premarital
41 education in accordance with section 595.3B, the
42 license shall not become valid until the expiration of
43 twenty days after the date of issuance of the license.

44 4. A license to marry may be validated prior to
45 the expiration of ~~three~~ the number of days specified
46 in subsection 3 from the date of issuance of the
47 license in cases of emergency or extraordinary
48 circumstances. An order authorizing the validation of
49 a license may be granted by a judge of the district
50 court under conditions of emergency or extraordinary

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1 circumstances upon application of the parties filed
2 with the county registrar. ~~No~~ An order may shall not
3 be granted unless the parties have filed an
4 application for a marriage license in a county within
5 the judicial district. An application for an order
6 shall be made on forms furnished by the county
7 registrar at the same time the application for the
8 license to marry is made. After examining the
9 application for the marriage license and issuing the
10 license, the county registrar shall refer the parties
11 to a judge of the district court for action on the
12 application for an order authorizing the validation of
13 a marriage license prior to expiration of ~~three~~ the
14 number of days specified in subsection 3 from the date
15 of issuance of the license. The judge shall, if
16 satisfied as to the existence of an emergency or
17 extraordinary circumstances, grant an order
18 authorizing the validation of a license to marry prior
19 to the expiration of ~~three~~ the number of days
20 specified in subsection 3 from the date of issuance of
21 the license to marry. The county registrar shall
22 validate a license to marry upon presentation by the
23 parties of the order authorizing a license to be
24 validated. A fee of five dollars shall be paid to the
25 county registrar at the time the application for the
26 order is made, which fee is in addition to the fee
27 prescribed by law for the issuance of a marriage
28 license."

29 2. By renumbering as necessary.

By CARROLL of Poweshiek
JACOBS of Polk

H-8449 FILED APRIL 8, 2004

HOUSE FILE 2455

H-8547

1 Amend the amendment, H-8361, to House File 2455 as
2 follows:

3 1. By striking page 1, line 2, through page 4,
4 line 6, and inserting the following:

5 "_____. By striking everything after the enacting
6 clause and inserting the following:

7 "Section 1. Section 331.605, subsection 6, Code
8 2003, is amended to read as follows:

9 6. For filing an application for the license to
10 marry, thirty-five dollars, which includes payment for
11 one certified copy of the original certificate of
12 marriage, to be issued following filing of the
13 original certificate of marriage, four dollars of
14 which shall be retained by the county pursuant to
15 subsection 5. For issuing an application for an order
16 of the district court authorizing the validation of a
17 license to marry before the expiration of ~~three the~~
18 number of days specified in section 595.4, from the
19 date of issuance of the license, five dollars. The
20 district court shall authorize the early validation of
21 a marriage license without the payment of any fees
22 imposed in this subsection upon showing that the
23 applicant is unable to pay the fees.

24 Sec. 2. NEW SECTION. 595.3B APPLICATION --
25 PREMARITAL EDUCATION.

26 1. An application form for a marriage license
27 shall have attached a certificate form to be used by
28 the parties to document completion of premarital
29 education by the parties. The certificate shall be
30 completed by the parties and signed by the person who
31 provided the premarital education. The certificate
32 shall be filed with the verified application in
33 accordance with section 595.4. The certificate form
34 shall require provision of all of the following
35 information:

36 a. The name of the person providing the premarital
37 education and the person's signature verifying
38 completion of the premarital education by the parties.

39 b. The number of hours of premarital education
40 completed.

41 2. Only premarital education provided by the
42 following persons shall be accepted to document
43 completion under this section:

44 a. A person ordained or designated as a leader of
45 a party's religious faith or the person's designee.

46 b. A person licensed to practice psychology
47 pursuant to chapter 154B.

48 c. A person licensed to practice social work as a
49 licensed master social worker or a licensed
50 independent social worker pursuant to chapter 154C.

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Page 2

1 d. A person licensed to practice marital and
2 family therapy or mental health counseling pursuant to
3 chapter 154D.

4 e. An advanced registered nurse practitioner
5 licensed pursuant to chapter 152 who specializes in
6 adult psychiatric services.

7 Sec. 3. Section 595.4, Code 2003, is amended to
8 read as follows:

9 595.4 AGE AND QUALIFICATION -- VERIFIED

10 APPLICATION -- WAITING PERIOD -- ~~EXCEPTION~~ EXCEPTIONS.

11 1. Previous Prior to the issuance of any license
12 to marry, the parties desiring the license shall sign
13 and file a verified application with the county
14 registrar which application either may be mailed to
15 the parties at their request or may be signed by them
16 at the office of the county registrar in the county in
17 which the license is to be issued. The application
18 shall include the social security number of each
19 applicant and shall set forth at least one affidavit
20 of some competent and disinterested person stating the
21 facts as to age and qualification of the parties.
22 Upon the filing of the application for a license to
23 marry, the county registrar shall file the application
24 in a record kept for that purpose and shall take all
25 necessary steps to ensure the confidentiality of the
26 social security number of each applicant. All
27 information included on an application may be provided
28 as mutually agreed upon by the division of records and
29 statistics and the child support recovery unit,
30 including by automated exchange.

31 2. Upon receipt of a verified application, the
32 county registrar may issue the license ~~which shall not~~
33 ~~become valid until the expiration of three days after~~
34 ~~the date of issuance of the license.~~ If the license
35 has not been issued within six months from the date of
36 the application, the application is void.

37 3. A license issued under subsection 2 shall
38 become valid as follows:

39 a. If the parties desiring the license have
40 participated in premarital education and submit
41 documentation verifying completion of premarital
42 education in accordance with section 595.3B, the
43 license shall become valid upon the expiration of
44 three days after the date of issuance of the license.

45 b. If the parties desiring the license have not
46 participated in premarital education or do not submit
47 documentation verifying completion of premarital
48 education in accordance with section 595.3B, the
49 license shall not become valid until the expiration of
50 twenty days after the date of issuance of the license.

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H-8547

Page 3

1 4. A license to marry may be validated prior to
2 the expiration of ~~three~~ the number of days specified
3 in subsection 3 from the date of issuance of the
4 license in cases of emergency or extraordinary
5 circumstances. An order authorizing the validation of
6 a license may be granted by a judge of the district
7 court under conditions of emergency or extraordinary
8 circumstances upon application of the parties filed
9 with the county registrar. ~~No~~ An order may shall not
10 be granted unless the parties have filed an
11 application for a marriage license in a county within
12 the judicial district. An application for an order
13 shall be made on forms furnished by the county
14 registrar at the same time the application for the
15 license to marry is made. After examining the
16 application for the marriage license and issuing the
17 license, the county registrar shall refer the parties
18 to a judge of the district court for action on the
19 application for an order authorizing the validation of
20 a marriage license prior to expiration of ~~three~~ the
21 number of days specified in subsection 3 from the date
22 of issuance of the license. The judge shall, if
23 satisfied as to the existence of an emergency or
24 extraordinary circumstances, grant an order
25 authorizing the validation of a license to marry prior
26 to the expiration of ~~three~~ the number of days
27 specified in subsection 3 from the date of issuance of
28 the license to marry. The county registrar shall
29 validate a license to marry upon presentation by the
30 parties of the order authorizing a license to be
31 validated. A fee of five dollars shall be paid to the
32 county registrar at the time the application for the
33 order is made, which fee is in addition to the fee
34 prescribed by law for the issuance of a marriage
35 license.""

36 2. By renumbering as necessary.

By SMITH of Marshall
UPMEYER of Hancock

H-8547 FILED APRIL 14, 2004

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2455 - Covenant Marriage (LSB 6011 HV.1)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version – HF 2455 as Amended by H-8361

Requested by Representative Danny Carroll

Description

Amendment H-8361 to HF 2455 requires a \$5 fee for any couple that does not complete premarital education, except in the case of indigence. Under this Amendment, premarital education requirements apply to all marriage license applications. The Amendment also requires parenting plan guidelines be established by the Supreme Court and distributed by Clerk of Court offices beginning September 1, 2004, and effective October 1, 2004. Under the Amendment, the new Bill title is Marriage and Domestic Relations Requirements.

Assumptions

1. In FY 2003, there were approximately 21,000 marriages performed in Iowa.
2. Under current law, the cost of a marriage license is \$35. Of this amount, \$4 is retained by the County Recorder's Office and \$31 is distributed to the State.
3. Under current law, the \$5 fee to expedite the three-day waiting period for a marriage license is distributed to the State.
4. The number of marriage applicants who will participate in premarital counseling is unknown. However, the estimate assumes fifty percent (10,500) of applicants for a marriage license will participate in premarital counseling.
5. The Amendment requires a \$5 fee for a marriage license issuance if the couple has not completed premarital education. If the applicant is unable to pay the fee, this fee can be waived. If fifty percent of the applicants do not complete premarital education, the fee would generate approximately \$53,000 annually to the State General Fund.
6. Court costs to waive premarital education requirements are approximately \$45 per case. The number of waived cases is unknown.
7. A one-time \$5,000 cost for programming the Iowa Court Information System (ICIS) will be incurred by the Judicial Branch.
8. The requirement for the Supreme Court to adopt rules and forms is estimated to have a cost of approximately \$5,000. The Committee would consist of 12 members at \$50 a day for seven days. The Committee would also require two hours per justice and three hours for a staff attorney to review the recommendations of the committee.

Fiscal Impact

The \$5 fee for not attending premarital education under the Amendment would generate approximately \$53,000 in additional revenue annually to the General Fund beginning in FY 2005.

The fiscal impact to the Judicial Branch to develop the parenting plans and forms for parties of a dissolution of marriage, annulment, legal separation, or modification proceeding involving the issues of custody and visitation is approximately \$5,000. There would also be a one-time cost of \$5,000 to program ICIS for premarital education waivers granted by Court. The ongoing cost to Clerk of Court offices for waiving premarital education waivers is \$45 per case. The number of cases waived is unknown.

Sources

Judicial Branch
Story County Recorder's Office

Dennis C Prouty

April 15, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

HF 2456 - Scheduled Fines, Distribution (LSB 6073 HV)
Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 2456 imposes a \$5 county enforcement surcharge for citations issued by county sheriffs in addition to the fine and any other surcharge currently assessed.

Assumptions

1. In FY 2003, the sheriffs were identified as the arresting agency in approximately 63,000 State scheduled traffic citations. (However, the Clerks of Court did not always identify the arresting agency in the Iowa Court Information System).
2. The collection rate for scheduled traffic violations in HF 2456 in year one is 94.0%, for year two is 96.0%, and for year three and ongoing years is 96.5%.
3. There would be a one-time cost to the Judicial Branch of approximately \$7,000 for programming changes to the Iowa Court Information System (ICIS) in the Judicial Branch.
4. Increases data entry and case processing time for Clerk of Court offices by three to four minutes per case at \$0.27 per minute. The increased cost for data entry processing ranges from approximately \$51,000 to \$68,000 annually.
5. Allows each county's board of supervisors discretion in determining if the \$5 surcharge would be assessed in their county.
6. Under current law, counties must write a citation to the State offense for violations under Sections 805.8A, 805.8B, and 805.8C, Code of Iowa. If the county writes a citation to the State offense, 100.0% of the revenue generated from the fine goes to the State. (The only exception is for proof of insurance, in which 25.0% of the revenue goes to the counties and 50.0% goes to the Victim Compensation Fund and 25.0% to the State General Fund). House File 2456 would allow an additional \$5 surcharge to be imposed on a citation issued by the county sheriff and the revenue from this surcharge will be deposited into the county general fund.

Fiscal Impact

State General Fund

House File 2456 will increase General Fund expenditures to the Judicial Branch by approximately \$68,000 in FY 2005. The estimate includes a one-time program cost of \$7,000. The estimated cost for FY 2006 and ongoing years is \$61,000 annually.

County General Fund

The chart below shows the revenue anticipated from the county enforcement surcharge, which will be deposited into the county general fund in the county where the citation was issued. This estimate is based on all 99 counties implementing the \$5 surcharge.

Increased Revenue from the \$5 County Enforcement Surcharge

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
County Enforcement Surcharge	\$ 298,000	\$ 304,000	\$ 306,000

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch

Dennis C Prouty

March 8, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 2455
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2188)

(As Amended and Passed by the House April 15, 2004)

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

A BILL FOR

1 An Act establishing marriage and domestic relations requirements
2 and providing an effective date.

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

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All New Language

1 Section 1. Section 331.605, subsection 6, Code 2003, is
2 amended to read as follows:

3 6. For filing an application for the license to marry,
4 thirty-five dollars, which includes payment for one certified
5 copy of the original certificate of marriage, to be issued
6 following filing of the original certificate of marriage, four
7 dollars of which shall be retained by the county pursuant to
8 subsection 5. For issuing an application for an order of the
9 district court authorizing the validation of a license to
10 marry before the expiration of ~~three~~ the number of days
11 specified in section 595.4, from the date of issuance of the
12 license, five dollars. The district court shall authorize the
13 early validation of a marriage license without the payment of
14 any fees imposed in this subsection upon showing that the
15 applicant is unable to pay the fees.

16 Sec. 2. NEW SECTION. 595.3B APPLICATION -- PREMARITAL
17 EDUCATION.

18 1. An application form for a marriage license shall have
19 attached a certificate form to be used by the parties to
20 document completion of premarital education by the parties.
21 The certificate shall be completed by the parties and signed
22 by the person who provided the premarital education. The
23 certificate shall be filed with the verified application in
24 accordance with section 595.4. The certificate form shall
25 require provision of all of the following information:

26 a. The name of the person providing the premarital
27 education and the person's signature verifying completion of
28 the premarital education by the parties.

29 b. The number of hours of premarital education completed.

30 2. Only premarital education provided by the following
31 persons shall be accepted to document completion under this
32 section:

33 a. A person ordained or designated as a leader of a
34 party's religious faith or the person's designee.

35 b. A person licensed to practice psychology pursuant to

1 chapter 154B.

2 c. A person licensed to practice social work as a licensed
3 master social worker or a licensed independent social worker
4 pursuant to chapter 154C.

5 d. A person licensed to practice marital and family
6 therapy or mental health counseling pursuant to chapter 154D.

7 e. An advanced registered nurse practitioner licensed
8 pursuant to chapter 152 who specializes in adult psychiatric
9 services.

10 Sec. 3. Section 595.4, Code 2003, is amended to read as
11 follows:

12 595.4 AGE AND QUALIFICATION -- VERIFIED APPLICATION --
13 WAITING PERIOD -- ~~EXCEPTION~~ EXCEPTIONS.

14 1. Previous Prior to the issuance of any license to marry,
15 the parties desiring the license shall sign and file a
16 verified application with the county registrar which
17 application either may be mailed to the parties at their
18 request or may be signed by them at the office of the county
19 registrar in the county in which the license is to be issued.
20 The application shall include the social security number of
21 each applicant and shall set forth at least one affidavit of
22 some competent and disinterested person stating the facts as
23 to age and qualification of the parties. Upon the filing of
24 the application for a license to marry, the county registrar
25 shall file the application in a record kept for that purpose
26 and shall take all necessary steps to ensure the
27 confidentiality of the social security number of each
28 applicant. All information included on an application may be
29 provided as mutually agreed upon by the division of records
30 and statistics and the child support recovery unit, including
31 by automated exchange.

32 2. Upon receipt of a verified application, the county
33 registrar may issue the license ~~which shall not become valid~~
34 ~~until the expiration of three days after the date of issuance~~
35 ~~of the license~~. If the license has not been issued within six

1 months from the date of the application, the application is
2 void.

3 3. A license issued under subsection 2 shall become valid
4 as follows:

5 a. If the parties desiring the license have participated
6 in premarital education and submit documentation verifying
7 completion of premarital education in accordance with section
8 595.3B, the license shall become valid upon the expiration of
9 three days after the date of issuance of the license.

10 b. If the parties desiring the license have not
11 participated in premarital education or do not submit
12 documentation verifying completion of premarital education in
13 accordance with section 595.3B, the license shall not become
14 valid until the expiration of twenty days after the date of
15 issuance of the license.

16 4. A license to marry may be validated prior to the
17 expiration of ~~three~~ the number of days specified in subsection
18 3 from the date of issuance of the license in cases of
19 emergency or extraordinary circumstances. An order
20 authorizing the validation of a license may be granted by a
21 judge of the district court under conditions of emergency or
22 extraordinary circumstances upon application of the parties
23 filed with the county registrar. ~~No An order may shall not~~ be
24 granted unless the parties have filed an application for a
25 marriage license in a county within the judicial district. An
26 application for an order shall be made on forms furnished by
27 the county registrar at the same time the application for the
28 license to marry is made. After examining the application for
29 the marriage license and issuing the license, the county
30 registrar shall refer the parties to a judge of the district
31 court for action on the application for an order authorizing
32 the validation of a marriage license prior to expiration of
33 ~~three~~ the number of days specified in subsection 3 from the
34 date of issuance of the license. The judge shall, if
35 satisfied as to the existence of an emergency or extraordinary

1 circumstances, grant an order authorizing the validation of a
2 license to marry prior to the expiration of ~~three~~ the number
3 of days specified in subsection 3 from the date of issuance of
4 the license to marry. The county registrar shall validate a
5 license to marry upon presentation by the parties of the order
6 authorizing a license to be validated. A fee of five dollars
7 shall be paid to the county registrar at the time the
8 application for the order is made, which fee is in addition to
9 the fee prescribed by law for the issuance of a marriage
10 license.

11 Sec. 4. NEW SECTION. 598.7B PARENTING PLANS.

12 1. Beginning October 1, 2004, the parties to a petition
13 for dissolution of marriage, annulment, or separate
14 maintenance that involves minor children or to an application
15 for a motion to modify an order involving custody or
16 visitation shall submit a proposed parenting plan, either
17 individually or jointly, within thirty days after the service
18 of process of the petition for dissolution of marriage,
19 annulment, or separate maintenance, or the application for a
20 motion to modify an order involving custody or visitation.
21 The proposed parenting plan shall specify the arrangements
22 that the party believes to be in the best interest of any
23 minor child and shall specify other details as required by
24 rules prescribed by the supreme court.

25 2. The supreme court shall prescribe rules no later than
26 September 1, 2004, establishing guidelines for a parenting
27 plan form which may be used by the parties in any dissolution
28 of marriage, annulment, legal separation, or modification
29 proceeding involving the issues of custody and visitation.
30 Beginning September 1, 2004, the clerk of the district court
31 shall furnish parenting plan forms to the parties in a
32 dissolution of marriage, annulment, or separate maintenance
33 action or modification proceeding involving custody or
34 visitation, without cost to the parties.

35 Sec. 5. EFFECTIVE DATE. The provision of the section of

1 this Act enacting section 598.7B that directs the supreme
2 court to prescribe rules regarding the guidelines for
3 parenting plans, being deemed of immediate importance, takes
4 effect upon enactment.

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HOUSE FILE 2455**S-5405**

- 1 Amend House File 2455, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 15.
4 2. Page 1, by striking line 20 and inserting the
5 following: "document whether premarital education was
6 completed by the parties."
7 3. Page 1, by inserting after line 25, the
8 following:
9 "a. If premarital education was or was not
10 completed by the parties.
11 b. If premarital education was completed by the
12 parties, all of the following information:"
13 4. Page 1, line 26, by striking the word "a." and
14 inserting the following: "(1)".
15 5. Page 1, line 29, by striking the word "b." and
16 inserting the following: "(2)".
17 6. By striking page 2, line 10, through page 4,
18 line 10.
19 7. By renumbering as necessary.

By MATT McCOY

S-5405 FILED APRIL 20, 2004

LOST

VETO

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Secretary Culver:

I hereby transmit **House File 2455**, an act establishing marriage and domestic relations requirements and providing an effective date.

I see no harm in providing a different waiting period before a marriage license is issued based on obtaining appropriate marriage counseling. If that is all that was contained in House File 2455, I might sign it. However, the bill also contains a requirement of submitting a parenting plan in conjunction with a dissolution of marriage action. I am very troubled by the requirement that the plan be provided within 30 days of service of the process commencing the action. This is not feasible and could create serious conflicts undermining reconciliation efforts.

For this reason, I hereby respectfully disapprove **House File 2455**.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House

VETO

HOUSE FILE 2455

AN ACT
ESTABLISHING MARRIAGE AND DOMESTIC RELATIONS REQUIREMENTS
AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 331.605, subsection 6, Code 2003, is amended to read as follows:

6. For filing an application for the license to marry, thirty-five dollars, which includes payment for one certified copy of the original certificate of marriage, to be issued following filing of the original certificate of marriage, four dollars of which shall be retained by the county pursuant to subsection 5. For issuing an application for an order of the district court authorizing the validation of a license to marry before the expiration of three the number of days specified in section 595.4, from the date of issuance of the license, five dollars. The district court shall authorize the early validation of a marriage license without the payment of any fees imposed in this subsection upon showing that the applicant is unable to pay the fees.

Sec. 2. NEW SECTION. 595.3B APPLICATION -- PREMARITAL EDUCATION.

1. An application form for a marriage license shall have attached a certificate form to be used by the parties to document completion of premarital education by the parties. The certificate shall be completed by the parties and signed by the person who provided the premarital education. The certificate shall be filed with the verified application in accordance with section 595.4. The certificate form shall require provision of all of the following information:

- a. The name of the person providing the premarital education and the person's signature verifying completion of the premarital education by the parties.
 - b. The number of hours of premarital education completed.
2. Only premarital education provided by the following persons shall be accepted to document completion under this section:
- a. A person ordained or designated as a leader of a party's religious faith or the person's designee.
 - b. A person licensed to practice psychology pursuant to chapter 154B.
 - c. A person licensed to practice social work as a licensed master social worker or a licensed independent social worker pursuant to chapter 154C.
 - d. A person licensed to practice marital and family therapy or mental health counseling pursuant to chapter 154D.
 - e. An advanced registered nurse practitioner licensed pursuant to chapter 152 who specializes in adult psychiatric services.

Sec. 3. Section 595.4, Code 2003, is amended to read as follows:

595.4 AGE AND QUALIFICATION -- VERIFIED APPLICATION -- WAITING PERIOD -- ~~EXCEPTION~~ EXCEPTIONS.

1. Previous Prior to the issuance of any license to marry, the parties desiring the license shall sign and file a verified application with the county registrar which application either may be mailed to the parties at their request or may be signed by them at the office of the county registrar in the county in which the license is to be issued. The application shall include the social security number of each applicant and shall set forth at least one affidavit of some competent and disinterested person stating the facts as to age and qualification of the parties. Upon the filing of the application for a license to marry, the county registrar shall file the application in a record kept for that purpose and shall take all necessary steps to ensure the confidentiality of the social security number of each

applicant. All information included on an application may be provided as mutually agreed upon by the division of records and statistics and the child support recovery unit, including by automated exchange.

2. Upon receipt of a verified application, the county registrar may issue the license ~~which shall not become valid until the expiration of three days after the date of issuance of the license.~~ If the license has not been issued within six months from the date of the application, the application is void.

3. A license issued under subsection 2 shall become valid as follows:

a. If the parties desiring the license have participated in premarital education and submit documentation verifying completion of premarital education in accordance with section 595.3B, the license shall become valid upon the expiration of three days after the date of issuance of the license.

b. If the parties desiring the license have not participated in premarital education or do not submit documentation verifying completion of premarital education in accordance with section 595.3B, the license shall not become valid until the expiration of twenty days after the date of issuance of the license.

4. A license to marry may be validated prior to the expiration of three the number of days specified in subsection 3 from the date of issuance of the license in cases of emergency or extraordinary circumstances. An order authorizing the validation of a license may be granted by a judge of the district court under conditions of emergency or extraordinary circumstances upon application of the parties filed with the county registrar. ~~No An order may shall not be granted unless the parties have filed an application for a marriage license in a county within the judicial district.~~ An application for an order shall be made on forms furnished by the county registrar at the same time the application for the license to marry is made. After examining the application for the marriage license and issuing the license, the county

registrar shall refer the parties to a judge of the district court for action on the application for an order authorizing the validation of a marriage license prior to expiration of three the number of days specified in subsection 3 from the date of issuance of the license. The judge shall, if satisfied as to the existence of an emergency or extraordinary circumstances, grant an order authorizing the validation of a license to marry prior to the expiration of three the number of days specified in subsection 3 from the date of issuance of the license to marry. The county registrar shall validate a license to marry upon presentation by the parties of the order authorizing a license to be validated. A fee of five dollars shall be paid to the county registrar at the time the application for the order is made, which fee is in addition to the fee prescribed by law for the issuance of a marriage license.

Sec. 4. NEW SECTION. 598.7B PARENTING PLANS.

1. Beginning October 1, 2004, the parties to a petition for dissolution of marriage, annulment, or separate maintenance that involves minor children or to an application for a motion to modify an order involving custody or visitation shall submit a proposed parenting plan, either individually or jointly, within thirty days after the service of process of the petition for dissolution of marriage, annulment, or separate maintenance, or the application for a motion to modify an order involving custody or visitation. The proposed parenting plan shall specify the arrangements that the party believes to be in the best interest of any minor child and shall specify other details as required by rules prescribed by the supreme court.

2. The supreme court shall prescribe rules no later than September 1, 2004, establishing guidelines for a parenting plan form which may be used by the parties in any dissolution of marriage, annulment, legal separation, or modification proceeding involving the issues of custody and visitation. Beginning September 1, 2004, the clerk of the district court shall furnish parenting plan forms to the parties in a

dissolution of marriage, annulment, or separate maintenance action or modification proceeding involving custody or visitation, without cost to the parties.

Sec. 5. EFFECTIVE DATE. The provision of the section of this Act enacting section 598.7B that directs the supreme court to prescribe rules regarding the guidelines for parenting plans, being deemed of immediate importance, takes effect upon enactment.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2455, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor