

Withdrawn -
4/20/04

FILED MAR 04 '04

SENATE FILE 2258
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 414)

(SUCCESSOR TO SSB 1120)

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

A BILL FOR

1 An Act relating to requirements related to covenant marriage.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2258
HUMAN RESOURCES

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, or a marital and family therapist licensed pursuant to
19 chapter 154D. The education provided shall include a
20 discussion of the seriousness of marriage and that it is a
21 commitment for life, the teaching of communication skills, the
22 teaching of conflict management skills, and a discussion of
23 the obligation to seek marital counseling in times of marital
24 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, or a
21 marital and family therapist licensed pursuant to chapter
22 154D. The education provided shall include a discussion of
23 the obligation to seek marital counseling in times of marital
24 difficulties and an explanation of the exclusive grounds for
25 dissolution of a covenant marriage. The educator shall
26 provide the parties with the informational pamphlet on
27 covenant marriage developed by the office of the attorney
28 general pursuant to section 595A.6.

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

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

35 a. The other party has committed adultery.

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

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

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

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

10 2. In all proceedings for dissolution of marriage pursuant
11 to subsection 1, the court may issue an order of temporary
12 support and maintenance during the pendency of the
13 proceedings. Notwithstanding the time period requirements of
14 the grounds specified pursuant to subsection 1, paragraph "c"
15 or "e", a party to a covenant marriage may petition the court
16 for separate support and maintenance prior to the elapsing of
17 the specified time period.

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

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

35 1. A covenant marriage shall be governed by all of the

1 nonconflicting provisions of chapter 595.

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

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

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

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

22 EXPLANATION

23 This bill establishes the procedure and requirements for a
24 covenant marriage. The bill requires the county registrar to
25 provide each applicant for a marriage license with an
26 informational pamphlet on covenant marriage, prepared by the
27 office of the attorney general. The bill requires the
28 certificate of marriage to include a place to allow the
29 parties to designate the marriage as a covenant marriage.
30 After the marriage is solemnized, the officiating minister or
31 magistrate is directed to return the completed certificate of
32 marriage with the section designating the marriage a covenant
33 marriage clearly indicated to the county registrar in the
34 county in which the parties applied for a license to marry,
35 within 15 days of the solemnization. Additionally, the

1 parties are directed to record the declaration of intent with
2 the county recorder in the county in which the parties applied
3 for the license to marry.

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

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

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

28 The bill provides the exclusive grounds for obtaining a
29 dissolution of a covenant marriage which include: that a
30 party commits adultery, commits a felony and is imprisoned,
31 abandons the matrimonial domicile for one year and refuses to
32 return, physically or sexually abuses the other party or a
33 child of one of the parties, or is living separate and apart
34 continuously without reconciliation for a period of two years.
35 In all proceedings for dissolution based on a covenant

1 marriage, the court is to order the parties to complete at
2 least 12 hours of marital counseling. The court may waive the
3 requirement to the extent that the parties have already
4 completed other required education.

5 The bill provides that nonconflicting provisions of the
6 marriage chapter (Code chapter 595) and the dissolution
7 chapter (Code chapter 598) apply to covenant marriages.

8 The bill directs the office of the attorney general, prior
9 to July 1, 2004, to develop a pamphlet entitled "Covenant
10 Marriage Option" to outline the requirements of a covenant
11 marriage, the implications of entering into a covenant
12 marriage, the grounds for dissolution of a covenant marriage,
13 and the legal differences between covenant and noncovenant
14 marriages. The pamphlet is to be available at the offices of
15 the county registrar and to all persons who provide premarital
16 and marital education. This section of the bill takes effect
17 upon enactment.

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SENATE FILE 2258

S-5404

1 Amend Senate File 2258 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 the~~
15 number of days specified in section 595.4, from the
16 date of issuance of the license, five dollars. The
17 district court shall authorize the early validation of
18 a marriage license without the payment of any fees
19 imposed in this subsection upon showing that the
20 applicant is unable to pay the fees.

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

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

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

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

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

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

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

45 c. A person licensed to practice social work as a
46 licensed master social worker or a licensed
47 independent social worker pursuant to chapter 154C.

48 d. A person licensed to practice marital and
49 family therapy or mental health counseling pursuant to
50 chapter 154D.

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1 e. An advanced registered nurse practitioner
2 licensed pursuant to chapter 152 who specializes in
3 adult psychiatric services.

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

6 595.4 AGE AND QUALIFICATION -- VERIFIED
7 APPLICATION -- WAITING PERIOD -- ~~EXCEPTION~~ EXCEPTIONS.

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

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

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

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

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

48 4. A license to marry may be validated prior to
49 the expiration of ~~three~~ the number of days specified
50 in subsection 3 from the date of issuance of the

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

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

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

49 2. The supreme court shall prescribe rules no
50 later than September 1, 2004, establishing guidelines

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1 for a parenting plan form which may be used by the
2 parties in any dissolution of marriage, annulment,
3 legal separation, or modification proceeding involving
4 the issues of custody and visitation. Beginning
5 September 1, 2004, the clerk of the district court
6 shall furnish parenting plan forms to the parties in a
7 dissolution of marriage, annulment, or separate
8 maintenance action or modification proceeding
9 involving custody or visitation, without cost to the
10 parties.

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

16 2. Title page, by striking line 1 and inserting
17 the following: "An Act establishing marriage and
18 domestic relations requirements and providing an
19 effective date."

By NEAL SCHUERER

S-5404 FILED APRIL 20, 2004
ADOPTED

SSB 1120

~~Veenstra~~ Human Resources
~~Schuerer~~
Ragan
3-4-03 reassigned
Schuerer, ch.
Ragan
Veenstra

SENATE FILE 414 (succeeded by SF 2255)
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON VEENSTRA)

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

A BILL FOR

1 An Act relating to requirements related to marriage and
2 dissolutions of marriage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 595.3, Code 2003, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. Where the parties have not completed
4 and provided documentation of completion of a minimum of
5 twelve hours of premarital education.

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

8 1. An application form for a marriage license shall have
9 attached a certificate form to be used by the parties to
10 document completion of a minimum of twelve hours of premarital
11 education by the parties. The certificate shall be completed
12 by the parties and signed by the person who provided the
13 premarital education. The certificate shall require provision
14 of all of the following information:

15 a. The name of the person providing the premarital
16 education and the person's signature verifying completion of
17 the premarital education by the parties.

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

19 c. Whether the premarital education was provided by
20 personal instruction, videotaped instruction, instruction via
21 other electronic media, or a combination of these methods.

22 2. Only premarital education provided by the following
23 persons meets the requirement of provision of premarital
24 education under this section:

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

27 b. A person licensed to practice psychology pursuant to
28 chapter 154B or a person who holds a license or certificate
29 from another state whose requirements are substantially
30 equivalent to those of chapter 154B.

31 c. A person licensed to practice social work pursuant to
32 chapter 154C or a person who holds a license or certificate
33 from another state whose requirements are substantially
34 equivalent to those of chapter 154C.

35 d. A person licensed to practice marital and family

1 therapy pursuant to chapter 154D or a person who holds a
2 license or certificate from another state whose requirements
3 are substantially equivalent to those of chapter 154D.

4 Sec. 3. Section 598.5, Code 2003, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 11. If there is any minor child whose
7 welfare may be affected by the controversy, state that the
8 parties both agree to the dissolution.

9 Sec. 4. Section 598.7A, subsection 1, Code 2003, is
10 amended to read as follows:

11 1. The district court ~~may, on its own motion or on the~~
12 ~~motion of any party,~~ shall order the parties to participate in
13 mediation in any dissolution of marriage action ~~or~~ and may, on
14 its own motion or on the motion of any party order the parties
15 to participate in mediation in any other domestic relations
16 action. Mediation performed under this section shall comply
17 with the provisions of chapter 679C. The provisions of this
18 section shall not apply if the action involves a child support
19 or medical support obligation enforced by the child support
20 recovery unit. The provisions of this section shall not apply
21 to actions which involve domestic abuse pursuant to chapter
22 236. The provisions of this section shall not affect a
23 judicial district's or court's authority to order settlement
24 conferences pursuant to rules of civil procedure. The court
25 shall, on application of a party, grant a waiver from any
26 court-ordered mediation under this section if the party
27 demonstrates that a history of domestic abuse exists as
28 specified in section 598.41, subsection 3, paragraph "j".

29 Sec. 5. Section 598.19, Code 2003, is amended to read as
30 follows:

31 598.19 WAITING-PERIOD-BEFORE DECREE -- WAITING PERIOD --
32 SPECIFIC PROHIBITIONS AGAINST GRANTING OF DECREE.

33 1. No A decree dissolving a marriage shall not be granted
34 in any proceeding before ninety three hundred sixty-five days
35 shall have elapsed from the day the original notice is served,

1 or from the last day of publication of notice, or from the
2 date that waiver or acceptance of original notice is filed or
3 until after conciliation is completed, whichever period ~~shall~~
4 be is longer. However, the court may in its discretion, on
5 written motion supported by affidavit setting forth grounds of
6 emergency or necessity and facts which satisfy the court that
7 immediate action is warranted or required to protect the
8 substantive rights or interests of any party or person who
9 might be affected by the decree, hold a hearing and grant a
10 decree dissolving the marriage prior to the expiration of the
11 applicable period, provided that the parties have complied
12 with the requirements of notice ~~have-been-complied-with~~. In
13 such case the grounds of emergency or necessity and the facts
14 with respect ~~thereto~~ to the emergency or necessity shall be
15 recited in the decree unless otherwise ordered by the court.
16 The court may enter an order finding the respondent in default
17 and waiving conciliation when the respondent has failed to
18 file an appearance within the time set forth in the original
19 notice.

20 2. A decree dissolving a marriage shall not be granted if
21 there is any minor child affected by the controversy and both
22 parties do not agree to the dissolution.

23 3. A decree dissolving a marriage shall not be granted if
24 the court determines that the dissolution is not in the best
25 interest of any minor child.

26 EXPLANATION

27 This bill relates to dissolution of marriage provisions.
28 The bill requires parties applying for a marriage license
29 to document completion of 12 hours of premarital education by
30 completing a certificate form attached to the marriage license
31 application. The bill prohibits issuance of a marriage
32 license to parties who have not completed the required 12
33 hours of premarital education. The bill also specifies
34 persons who may provide the required premarital education.
35 The bill requires that a petition for dissolution of

1 marriage shall, if there is any minor child whose welfare may
2 be affected by the controversy, state that the parties both
3 agree to the dissolution.

4 The bill requires the court to order parties to a
5 dissolution of marriage to participate in mediation.

6 The bill extends the waiting period before a dissolution of
7 marriage decree is granted to 365 days from the existing 90
8 days, prohibits the granting of a decree if there is any minor
9 child affected by the controversy and the parties do not agree
10 to the dissolution, and prohibits the granting of a decree if
11 the court determines that the dissolution is not in the best
12 interest of any minor child.

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