

FILED MAR 17 '03

SENATE FILE 411
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1056)

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

A BILL FOR

1 An Act relating to the establishment of exclusive grounds for a
2 dissolution of marriage.

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

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SF 411

1 Section 1. NEW SECTION. 598.4A DISSOLUTION OF MARRIAGE
2 -- EXCLUSIVE GROUNDS.

3 A party may petition for dissolution of marriage only upon
4 proof of any of the following:

5 a. The other party has committed adultery.

6 b. The other party has committed a felony and has been
7 sentenced to imprisonment.

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

10 d. The other party has physically or sexually abused the
11 party seeking the order or dissolution or a child of one of
12 the parties.

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

15 Sec. 2. Section 598.5, subsection 7, Code 2003, is amended
16 to read as follows:

17 7. ~~Allege that there has been a breakdown of the marriage~~
18 ~~relationship to the extent that the legitimate objects of~~
19 ~~matrimony have been destroyed and there remains no reasonable~~
20 ~~likelihood that the marriage can be preserved~~ the grounds for
21 the dissolution.

22 Sec. 3. Section 598.8, subsection 2, paragraph a,
23 subparagraph (1), Code 2003, is amended to read as follows:

24 (1) The parties have ~~certified in writing that there has~~
25 ~~been a breakdown of the marriage relationship to the extent~~
26 ~~that the legitimate objects of matrimony have been destroyed~~
27 ~~and there remains no reasonable likelihood that the marriage~~
28 ~~can be preserved~~ demonstrated proof of the grounds alleged in
29 the petition for the dissolution.

30 Sec. 4. Section 598.8, subsection 2, paragraph b,
31 subparagraph (1), Code 2003, is amended to read as follows:

32 (1) The petitioner has ~~certified in writing that there has~~
33 ~~been a breakdown of the marriage relationship to the extent~~
34 ~~that the legitimate objects of matrimony have been destroyed~~
35 ~~and there remains no reasonable likelihood that the marriage~~

1 can-be-preserved demonstrated proof of the grounds alleged in
2 the petition for the dissolution.

3 Sec. 5. Section 598.17, unnumbered paragraphs 1 and 2,
4 Code 2003, are amended to read as follows:

5 A decree dissolving the marriage may be entered when the
6 court is satisfied from the evidence presented ~~that there has~~
7 ~~been a breakdown of the marriage relationship to the extent~~
8 ~~that the legitimate objects of matrimony have been destroyed~~
9 ~~and there remains no reasonable likelihood that the marriage~~
10 can-be-preserved of the grounds alleged in the petition for
11 dissolution. The decree shall state that the dissolution is
12 granted to the parties, and shall not state that it is granted
13 to only one party.

14 If at the time of trial petitioner fails to present
15 satisfactory evidence ~~that there has been a breakdown of the~~
16 ~~marriage relationship to the extent that the legitimate~~
17 ~~objects of matrimony have been destroyed and there remains no~~
18 ~~reasonable likelihood that the marriage can be preserved of~~
19 the grounds alleged in the petition for dissolution, the
20 respondent may then proceed to present such evidence as though
21 the respondent had filed the original petition.

22 EXPLANATION

23 This bill establishes exclusive grounds upon which a
24 petition for dissolution of marriage may be filed and granted.
25 The grounds established are:

- 26 1. The other party has committed adultery.
- 27 2. The other party has committed a felony and has been
28 sentenced to imprisonment.
- 29 3. The other party has abandoned the matrimonial domicile
30 for a period of one year and refuses to return.
- 31 4. The other party has physically or sexually abused the
32 party seeking the order or dissolution or a child of one of
33 the parties.
- 34 5. The parties have been living separate and apart
35 continuously without reconciliation for a period of two years.

SF 411 - No Fault Divorce Repeal (LSB 2017 SV)

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

Fiscal Note Version — New

Description

Senate File 411 establishes exclusive grounds upon which a petition for dissolution of marriage may be filed and granted.

Assumptions

1. This law will become effective July 1, 2003. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
2. There are approximately 14,000 dissolutions granted per year. About half of these are handled with trials and half are handled without a trial.
3. The average time a judge, court reporter, and court attendant spends on domestic matters is 103 minutes per case. The average cost per case is \$170. Senate File 411 would increase the number of trials in the Judicial Branch due to the necessity of establishing the exclusive grounds of the divorce through the submission of additional evidence and witnesses. The Judicial Branch estimates that the average cost per case would triple.

Correctional Impact

Senate File 411 may lead to increased convictions for domestic abuse, sexual abuse, or related offenses for the purposes of establishing the grounds of divorce. There is no readily available information to estimate how many additional convictions would occur.

Fiscal Impact

There is no readily available information to estimate how many additional convictions would occur under SF 411, therefore, the fiscal impact cannot be determined. Under current law, the average court cost for one case is approximately \$170. Under SF 411, the cost per case is expected to be approximately \$510.

Sources

Judicial Branch
Department of Human Rights, Criminal and Juvenile Justice Planning
Attorney General
State Public Defender

/s/ Dennis C Prouty

March 19, 2003

Veenstra
Boettger
Hatch

SSS 1054

SENATE FILE Human Resources
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON VEENSTRA)

Succeeded By
①/HF 411

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