

Senate Study Bill 1120

SENATE FILE _____
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:
4 TLSB 2795XC 80
5 pf/sh/8

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1 1 Section 1. Section 595.3, Code 2003, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 6. Where the parties have not completed
1 4 and provided documentation of completion of a minimum of
1 5 twelve hours of premarital education.
1 6 Sec. 2. NEW SECTION. 595.3B APPLICATION == PREMARITAL
1 7 EDUCATION.
1 8 1. An application form for a marriage license shall have
1 9 attached a certificate form to be used by the parties to
1 10 document completion of a minimum of twelve hours of premarital
1 11 education by the parties. The certificate shall be completed
1 12 by the parties and signed by the person who provided the
1 13 premarital education. The certificate shall require provision
1 14 of all of the following information:
1 15 a. The name of the person providing the premarital
1 16 education and the person's signature verifying completion of
1 17 the premarital education by the parties.
1 18 b. The number of hours of premarital education completed.
1 19 c. Whether the premarital education was provided by
1 20 personal instruction, videotaped instruction, instruction via
1 21 other electronic media, or a combination of these methods.
1 22 2. Only premarital education provided by the following
1 23 persons meets the requirement of provision of premarital
1 24 education under this section:
1 25 a. A person ordained or designated as a leader of a
1 26 party's religious faith or the person's designee.
1 27 b. A person licensed to practice psychology pursuant to
1 28 chapter 154B or a person who holds a license or certificate
1 29 from another state whose requirements are substantially
1 30 equivalent to those of chapter 154B.
1 31 c. A person licensed to practice social work pursuant to
1 32 chapter 154C or a person who holds a license or certificate
1 33 from another state whose requirements are substantially
1 34 equivalent to those of chapter 154C.
1 35 d. A person licensed to practice marital and family
2 1 therapy pursuant to chapter 154D or a person who holds a
2 2 license or certificate from another state whose requirements
2 3 are substantially equivalent to those of chapter 154D.
2 4 Sec. 3. Section 598.5, Code 2003, is amended by adding the
2 5 following new subsection:
2 6 NEW SUBSECTION. 11. If there is any minor child whose
2 7 welfare may be affected by the controversy, state that the
2 8 parties both agree to the dissolution.
2 9 Sec. 4. Section 598.7A, subsection 1, Code 2003, is
2 10 amended to read as follows:
2 11 1. The district court ~~may, on its own motion or on the~~
~~2 12 motion of any party, shall~~ order the parties to participate in
2 13 mediation in any dissolution of marriage action ~~or and may, on~~
~~2 14 its own motion or on the motion of any party order the parties~~
~~2 15 to participate in mediation in any other domestic relations~~
2 16 action. Mediation performed under this section shall comply
2 17 with the provisions of chapter 679C. The provisions of this
2 18 section shall not apply if the action involves a child support
2 19 or medical support obligation enforced by the child support
2 20 recovery unit. The provisions of this section shall not apply
2 21 to actions which involve domestic abuse pursuant to chapter
2 22 236. The provisions of this section shall not affect a

2 23 judicial district's or court's authority to order settlement
2 24 conferences pursuant to rules of civil procedure. The court
2 25 shall, on application of a party, grant a waiver from any
2 26 court-ordered mediation under this section if the party
2 27 demonstrates that a history of domestic abuse exists as
2 28 specified in section 598.41, subsection 3, paragraph "j".
2 29 Sec. 5. Section 598.19, Code 2003, is amended to read as
2 30 follows:

2 31 598.19 ~~WAITING PERIOD BEFORE DECREE == WAITING PERIOD ==~~
2 32 ~~SPECIFIC PROHIBITIONS AGAINST GRANTING OF DECREE.~~

2 33 1. No A decree dissolving a marriage shall not be granted
2 34 in any proceeding before ~~ninety three hundred sixty=~~five days
2 35 shall have elapsed from the day the original notice is served,
3 1 or from the last day of publication of notice, or from the
3 2 date that waiver or acceptance of original notice is filed or
3 3 until after conciliation is completed, whichever period ~~shall~~
3 4 be is longer. However, the court may in its discretion, on
3 5 written motion supported by affidavit setting forth grounds of
3 6 emergency or necessity and facts which satisfy the court that
3 7 immediate action is warranted or required to protect the
3 8 substantive rights or interests of any party or person who
3 9 might be affected by the decree, hold a hearing and grant a
3 10 decree dissolving the marriage prior to the expiration of the
3 11 applicable period, provided that the parties have complied
3 12 with the requirements of notice ~~have been complied with.~~ In
3 13 such case the grounds of emergency or necessity and the facts
3 14 with respect ~~thereto to the emergency or necessity~~ shall be
3 15 recited in the decree unless otherwise ordered by the court.
3 16 The court may enter an order finding the respondent in default
3 17 and waiving conciliation when the respondent has failed to
3 18 file an appearance within the time set forth in the original
3 19 notice.

3 20 2. A decree dissolving a marriage shall not be granted if
3 21 there is any minor child affected by the controversy and both
3 22 parties do not agree to the dissolution.

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

3 26 EXPLANATION

3 27 This bill relates to dissolution of marriage provisions.
3 28 The bill requires parties applying for a marriage license
3 29 to document completion of 12 hours of premarital education by
3 30 completing a certificate form attached to the marriage license
3 31 application. The bill prohibits issuance of a marriage
3 32 license to parties who have not completed the required 12
3 33 hours of premarital education. The bill also specifies
3 34 persons who may provide the required premarital education.

3 35 The bill requires that a petition for dissolution of
4 1 marriage shall, if there is any minor child whose welfare may
4 2 be affected by the controversy, state that the parties both
4 3 agree to the dissolution.

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

4 6 The bill extends the waiting period before a dissolution of
4 7 marriage decree is granted to 365 days from the existing 90
4 8 days, prohibits the granting of a decree if there is any minor
4 9 child affected by the controversy and the parties do not agree
4 10 to the dissolution, and prohibits the granting of a decree if
4 11 the court determines that the dissolution is not in the best
4 12 interest of any minor child.

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