

Senate Study Bill 1038 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the waiting period before the granting of a
2 decree dissolving a marriage.

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

1 Section 1. Section 598.19, Code 2013, is amended to read as
2 follows:

3 **598.19 Waiting period before decree.**

4 1. No A decree dissolving a marriage shall not be granted
5 in any proceeding before ninety days shall have elapsed from
6 the day the original notice is served, or from the last
7 day of publication of notice, or from the date that waiver
8 or acceptance of original notice is filed or until after
9 conciliation is completed, whichever period shall be longer.
10 ~~However,~~

11 2. Notwithstanding subsection 1, the court may in its
12 discretion, ~~en~~ grant a decree dissolving the marriage prior
13 to the expiration of the applicable period, provided that the
14 notice requirements have been met and any of the following
15 conditions is met:

16 a. On the agreement of the parties.

17 b. On written motion supported by affidavit setting forth
18 grounds of emergency or necessity and facts which satisfy the
19 court that immediate action is warranted or required to protect
20 the substantive rights or interests of any party or person who
21 might be affected by the decree, ~~hold a hearing and grant a~~
22 ~~decree dissolving the marriage prior to the expiration of the~~
23 ~~applicable period, provided that requirements of notice have~~
24 ~~been complied with.~~ In such case the grounds of emergency or
25 necessity and the facts with respect ~~thereto~~ to the grounds
26 shall be recited in the decree unless otherwise ordered by the
27 court.

28 3. The court may enter an order finding the respondent in
29 default and waiving conciliation when the respondent has failed
30 to file an appearance within the time set forth in the original
31 notice.

32 EXPLANATION

33 This bill provides an additional basis for waiver of the
34 requirement of the elapsing of a 90-day waiting period prior
35 to the granting of a dissolution decree. In addition to the

S.F. _____

1 existing basis of emergency or necessity, under the bill the
2 court may, in its discretion, grant a dissolution decree prior
3 to the elapsing of the 90-day waiting period on agreement of
4 the parties.