

Senate Study Bill 1091 - Introduced

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

A BILL FOR

1 An Act relating to the granting of a dissolution of marriage
2 when the respondent is convicted of a crime against the
3 petitioner and is incarcerated at the time of the filing of
4 the petition for dissolution of marriage.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.5, subsection 1, Code 2015, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. 1. State whether the respondent has been
4 convicted of a crime against the petitioner and is incarcerated
5 for such crime at the time of the filing of the petition.

6 Sec. 2. Section 598.8, subsection 2, unnumbered paragraph
7 1, Code 2015, is amended to read as follows:

8 The court may enter a decree of dissolution without a hearing
9 under ~~either~~ any of the following circumstances:

10 Sec. 3. Section 598.8, subsection 2, Code 2015, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. c. The petition includes a statement as
13 specified in section 598.5, subsection 1, paragraph "1", and all
14 of the following circumstances have been met:

15 (1) The respondent has been properly served, but has failed
16 to timely file an answer to the petition.

17 (2) The waiting period provisions under section 598.19 have
18 been met or an exception granted.

19 (3) The petitioner has certified in writing that there has
20 been a breakdown of the marriage relationship to the extent
21 that the legitimate objects of matrimony have been destroyed
22 and there remains no reasonable likelihood that the marriage
23 can be preserved.

24 (4) All documents required by the court and by statute have
25 been filed.

26 A petitioner to whom this paragraph "c" applies shall not be
27 subject to payment of respondent's attorney fees.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill provides that if a petition for dissolution of
32 marriage includes a statement that the respondent has been
33 convicted of a crime against the petitioner and is incarcerated
34 for such crime at the time of the filing of the petition,
35 the court may grant the dissolution of marriage without a

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1 hearing if: (1) the respondent has been properly served, but
2 has failed to timely file an answer to the petition; (2) the
3 waiting period provisions for a dissolution have been met or an
4 exception granted; (3) the petitioner has certified in writing
5 that there has been a breakdown of the marriage relationship to
6 the extent that the legitimate objects of matrimony have been
7 destroyed and there remains no reasonable likelihood that the
8 marriage can be preserved; and (4) all documents required by
9 the court and by statute have been filed. A petitioner under
10 these circumstances is not subject to payment of respondent's
11 attorney fees.