

Senate Study Bill 3033 - Introduced

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

A BILL FOR

1 An Act relating to exceptions to the meeting of a required
2 ninety-day waiting period prior to the granting of a decree
3 for dissolution of marriage.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.19, Code 2016, is amended to read as
2 follows:

3 **598.19 Waiting period before decree — exceptions.**

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~~ is longer.
10 ~~However,~~

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

16 a. On 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 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill provides an additional exception to the granting

1 of a decree dissolving a marriage prior to the expiration of a
2 90-day time period.

3 Under current law, a decree dissolving a marriage cannot be
4 granted before 90 days have elapsed from the day the original
5 notice is served, from the last day of publication of notice,
6 from the date that waiver or acceptance of original notice is
7 filed, or until after conciliation is completed, whichever
8 period is longer, with one exception. The exception is that,
9 as long as all notice requirements are met, on written motion
10 supported by affidavit setting forth grounds of emergency or
11 necessity and facts which satisfy the court that immediate
12 action is warranted or required to protect the substantive
13 rights or interests of any party or person who might be
14 affected by the decree, the court may hold a hearing and grant
15 a decree dissolving the marriage prior to the expiration of the
16 90-day period.

17 Under the bill, the current exception to the required
18 expiration of the 90-day waiting period is continued with the
19 modification that a hearing is not required on the motion.
20 Additionally, the bill adds the agreement of the parties to the
21 exceptions to the required 90-day waiting period if all notice
22 requirements are met.