

Senate File 2172 - Introduced

SENATE FILE 2172
BY GREEN

A BILL FOR

- 1 An Act relating to marriage, including the grounds for
- 2 dissolution of marriage.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 595.4, subsection 1, Code 2026, is amended
2 to read as follows:

3 1. a. Previous to the issuance of any license to marry,
4 the parties desiring the license shall sign and file a verified
5 application with the county registrar which application either
6 may be mailed to the parties at their request or may be signed
7 by them at the office of the county registrar in the county in
8 which the license is to be issued. The application shall include
9 the social security number of each applicant and shall set forth
10 at least one affidavit of some competent and disinterested person
11 stating the facts as to age and qualification of the parties.
12 Upon the filing of the application for a license to marry, the
13 county registrar shall file the application in a record kept for
14 that purpose and shall take all necessary steps to ensure the
15 confidentiality of the social security number of each applicant.
16 All information included on an application may be provided as
17 mutually agreed upon by the state registrar of vital statistics
18 and child support services, including by automated exchange.

19 b. (1) The parties desiring a license to marry may jointly
20 elect to waive dissolution of marriage based solely on a
21 breakdown of the marriage relationship by filing a waiver
22 prescribed by the judicial branch. The waiver shall be filed
23 with the county registrar at the time the verified application
24 for a license to marry is filed.

25 (2) A waiver filed under this section shall mean that the
26 parties would be subject to the grounds of dissolution of
27 marriage provided in section 598.4A and shall only be valid if
28 signed voluntarily by both parties.

29 **Sec. 2. NEW SECTION. 598.4A Dissolution of marriage —**
30 **grounds if no-fault divorce waived.**

31 1. If the parties executed a waiver pursuant to section
32 595.4, subsection 1, paragraph "b", a party may petition for
33 dissolution of marriage only upon proof of any of the following:

34 a. The other party has committed adultery.

35 b. The other party has committed a felony and has been

1 sentenced to imprisonment.

2 c. The other party has abandoned the matrimonial domicile for
3 a period of one year or more and refuses to return.

4 d. The other party has physically or sexually abused the
5 party seeking the order or dissolution or a child of one of the
6 parties.

7 e. The parties have been living separate and apart
8 continuously without reconciliation for a period of two years or
9 more.

10 2. A waiver executed pursuant to section 595.4, subsection 1,
11 paragraph "b", is presumed valid unless a party establishes by
12 clear and convincing evidence that the waiver was not executed
13 voluntarily or by fraud, duress, or coercion.

14 Sec. 3. Section 598.5, subsection 1, paragraph g, Code 2026,
15 is amended to read as follows:

16 g. (1) Allege If there is not a waiver executed pursuant to
17 section 595.4, subsection 1, paragraph "b", allege that there
18 has been a breakdown of the marriage relationship to the extent
19 that the legitimate objects of matrimony have been destroyed and
20 there remains no reasonable likelihood that the marriage can be
21 preserved.

22 (2) If there is not a waiver executed pursuant to section
23 595.4, subsection 1, paragraph "b", allege one or more grounds
24 for the dissolution specified in section 598.4A.

25 Sec. 4. Section 598.8, subsection 2, paragraph a,
26 subparagraph (1), Code 2026, is amended to read as follows:

27 (1) The parties have certified in writing one of the
28 following:

29 (a) If there is not a waiver executed pursuant to section
30 595.4, subsection 1, paragraph "b", that there has been a
31 breakdown of the marriage relationship to the extent that the
32 legitimate objects of matrimony have been destroyed and there
33 remains no reasonable likelihood that the marriage can be
34 preserved.

35 (b) If there is a waiver executed pursuant to section 595.4,

1 subsection 1, paragraph "b", proof of one or more of the grounds
2 alleged in the petition as specified in section 598.4A.

3 Sec. 5. Section 598.8, subsection 2, paragraph b,
4 subparagraph (1), Code 2026, is amended to read as follows:

5 (1) The petitioner has certified in writing one of the
6 following:

7 (a) If there is not a waiver executed pursuant to section
8 595.4, subsection 1, paragraph "b", that there has been a
9 breakdown of the marriage relationship to the extent that the
10 legitimate objects of matrimony have been destroyed and there
11 remains no reasonable likelihood that the marriage can be
12 preserved.

13 (b) If there is a waiver executed pursuant to section 595.4,
14 subsection 1, paragraph "b", proof of one or more of the grounds
15 alleged in the petition as specified in section 598.4A.

16 Sec. 6. Section 598.17, Code 2026, is amended to read as
17 follows:

18 **598.17 Dissolution of marriage — evidence.**

19 1. A decree dissolving the marriage may be entered when the
20 court is satisfied from the evidence presented of one of the
21 following:

22 a. If there is not a waiver executed pursuant to section
23 595.4, subsection 1, paragraph "b", that there has been a
24 breakdown of the marriage relationship to the extent that the
25 legitimate objects of matrimony have been destroyed and there
26 remains no reasonable likelihood that the marriage can be
27 preserved.

28 b. If there is a waiver executed pursuant to section 595.4,
29 subsection 1, paragraph "b", that there is satisfactory evidence
30 of one or more of the grounds alleged in the petition as
31 specified in section 598.4A.

32 2. The decree shall state that the dissolution is granted to
33 the parties, and shall not state that it is granted to only one
34 party.

35 ~~2.~~ 3. If at the time of trial petitioner fails to present

1 satisfactory evidence that there has been a breakdown of the
2 marriage relationship to the extent that the legitimate objects
3 of matrimony have been destroyed and there remains no reasonable
4 likelihood that the marriage can be preserved, or of one or more
5 of the grounds alleged in the petition as specified in section
6 598.4A, the respondent may then proceed to present such evidence
7 as though the respondent had filed the original petition.

8 ~~3.~~ 4. A dissolution of marriage granted when one of the
9 spouses has mental illness shall not relieve the other spouse of
10 any obligation imposed by law as a result of the marriage for
11 the support of the spouse with mental illness. The court may
12 make issue an order for the support or may waive the support
13 obligation when satisfied from the evidence that it would create
14 an undue hardship on the obliged spouse or that spouse's other
15 dependents.

16 EXPLANATION

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

19 This bill relates to marriage, including the grounds for
20 dissolution of marriage.

21 The bill provides that parties applying for a marriage license
22 may also submit a waiver to waive dissolution of marriage based
23 solely on a breakdown of the marriage relationship. The waiver,
24 as prescribed by the judicial branch, must be signed voluntarily
25 by both parties and filed with the county registrar at the time
26 the application for a marriage license is filed.

27 The bill creates grounds for dissolution of marriage for
28 parties who filed a waiver with their marriage license. To
29 dissolve the marriage, a party must provide proof that the other
30 party committed adultery, committed a felony and was sentenced
31 to imprisonment, has abandoned the marriage home for more than a
32 year and refuses to return, has physically or sexually abused the
33 party or a child of one of the parties, or that the parties have
34 been living separately for at least two years. If the parties
35 file a waiver, the waiver is presumed valid unless a party

1 establishes by clear and convincing evidence that the waiver is
2 not executed voluntarily or by fraud, duress, or coercion.

3 The bill makes conforming changes in Code chapter 598
4 (dissolution of marriage and domestic relations) to reflect the
5 difference in applicable grounds contingent upon whether or not
6 the parties filed a waiver.

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