

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 31

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO DIVORCE; AMENDING SECTION 32-716, IDAHO CODE, TO REVISE A PROVISION REGARDING WHEN A FINAL DECREE SHALL BE ENTERED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 32-716, Idaho Code, be, and the same is hereby amended to read as follows:

32-716. RECONCILIATION PROCEEDINGS. No hearing on the merits upon grounds for divorce shall be held in any action for divorce, and no final decree of a court of competent jurisdiction shall be entered in any such case, except as hereinafter provided, until at least twenty-one (201) days after the commencement of the action and service of process. During such period of twenty-one (201) days, or at any time subsequent and prior to entry of final decree therein, the court, upon application of one (1) of the parties, may require a conference of the parties with a person or persons of his choosing, or persons selected by the court, in order to determine whether or not a reconciliation between the parties is practicable; provided, however, that nothing herein shall prevent the court from making such interim orders as may be just and equitable; provided, further, that nothing herein shall prevent the court from proceeding to try the matter on the merits and enter a final decree of divorce upon the agreement of both parties and with both parties present in person or represented by counsel at such trial.

In any action of divorce where grounds for divorce have been established, if the court finds that attempts at reconciliation are practicable and to the best interest of the family, the court may stay the proceedings for a period not to exceed ninety (90) days where there are minor children in the family.

The reconciliation procedures herein provided shall not be construed as a condonation on the part of either spouse of acts that may constitute grounds for divorce.