

~~and--have--been--of--record--for--a--period--of--twenty--years--or--more,~~ are hereby legalized ~~and--made--of--full--force--and--effect~~ as of the date of ~~the--making~~ thereof the recording of the plat, the same as though all certificates have been attached and all the other necessary steps taken as provided by law, and the record ~~thereof~~ of the plat shall be conclusive evidence that the ~~person,~~ ~~persons,~~ ~~firm,~~ ~~or--corporation--were--the--proprietors~~ was the proprietor of such ~~the~~ tract of land and the ~~owners--thereof~~ owner of the tract at the time of ~~said~~ the platting, and that ~~said~~ the tract of land was free and clear of all encumbrances unless an affidavit to the contrary was filed at the time of recording ~~such~~ the plat. ~~After--January--17--1954--no--action--shall--be--brought--to--establish--enforce--or--recover--any--right--title--interest--lien--or--condition--existing--at--the--time--of--the--platting--adverse--to--or--against--a--clear--absolute--and--unqualified--title--in--fee--simple--in--the--owner--or--owners.~~ After ~~January--17--1960~~ July 1, 1981, no action shall be brought on any cause arising ~~between--January--17--1930--and--December--31--1949--inclusive~~ after December 31, 1949, and before January 1, 1970, to establish, enforce, or recover any right, title, interest, lien, or condition existing at the time of the platting ~~between--the--dates--aforesaid~~ after December 31, 1949, and before January 1, 1970, and adverse to ~~or--against~~ a clear, ~~absolute,~~ and unqualified title in fee simple in the owner ~~or--owners~~ unless on or before July 1, 1981, there is filed in the office of county recorder of the county where the real estate involved is located a written statement, acknowledged by the claimant, definitely describing the real estate involved, stating the nature and extent of the right or interest claimed, and stating the facts upon which the claim is based.

Sec. 2. This Act becomes effective January first following its enactment.

Approved April 30, 1980

CHAPTER 1175
DISSOLUTION OF MARRIAGE

H. F. 2562

AN ACT relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section five hundred ninety-eight point thirteen (598.13), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

598.13 FINANCIAL STATEMENTS FILED. Both parties shall disclose their financial status. A showing of special circumstances shall not be required before the disclosure is ordered. A statement of net worth set forth by affidavit on a form prescribed by the supreme court and furnished without

charge by the clerk of the district court shall be filed by each party prior to the dissolution hearing, unless waived by both parties.

Failure to comply with the requirements of this section constitutes failure to make discovery as provided in rule of civil procedure one hundred thirty-four (134) of the Code.

Sec. 2. Section five hundred ninety-eight point seventeen (598.17), unnumbered paragraph three (3), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 3. Section five hundred ninety-eight point twenty-one (598.21), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

598.21 ORDERS FOR DISPOSITION AND SUPPORT.

1. Upon every judgment of annulment, dissolution or separate maintenance the court shall divide the property of the parties and transfer the title of the property accordingly. The court may protect and promote the best interests of children of the parties by setting aside a portion of the property of the parties in a separate fund or conservatorship for the support, maintenance, education and general welfare of the minor children. The court shall divide all property, except inherited property or gifts received by one party, equitably between the parties after considering all of the following:

- a. The length of the marriage.
- b. The property brought to the marriage by each party.
- c. The contribution of each party to the marriage, giving appropriate economic value to each party's contribution in homemaking and child care services.
- d. The age and physical and emotional health of the parties.
- e. The contribution by one party to the education, training or increased earning power of the other.
- f. The earning capacity of each party, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children and the time and expense necessary to acquire sufficient education or training to enable the party to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage.
- g. The desirability of awarding the family home or the right to live in the family home for a reasonable period to the party having custody of any children.
- h. The amount and duration of an order granting support payments to either party pursuant to subsection two (2) of this section and whether the property division should be in lieu of such payments.
- i. Other economic circumstances of each party, including pension benefits, vested or unvested, and future interests.
- j. The tax consequences to each party.
- k. Any written agreement made by the parties concerning property distribution.
- l. The provisions of an antenuptial agreement.

m. Other factors the court may determine to be relevant in an individual case.

2. Property inherited by either party or gifts received by either party prior to or during the course of the marriage is the property of that party and is not subject to a property division under this section except upon a finding that refusal to divide the property is inequitable to the other party or to the children of the marriage.

3. Upon every judgment of annulment, dissolution or separate maintenance, the court may grant an order requiring support payments to either party for a limited or indefinite length of time after considering all of the following:

a. The length of the marriage.

b. The age and physical and emotional health of the parties.

c. The distribution of property made pursuant to subsection one (1) of this section.

d. The educational level of each party at the time of marriage and at the time the action is commenced.

e. The earning capacity of the party seeking maintenance, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children and the time and expense necessary to acquire sufficient education or training to enable the party to find appropriate employment.

f. The feasibility of the party seeking maintenance becoming self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage, and the length of time necessary to achieve this goal.

g. The tax consequences to each party.

h. Any mutual agreement made by the parties concerning financial or service contributions by one party with the expectation of future reciprocation or compensation by the other party.

i. The provisions of an antenuptial agreement.

j. Other factors the court may determine to be relevant in an individual case.

4. Upon every judgment of annulment, dissolution or separate maintenance, the court may order either parent or both parents to pay an amount reasonable and necessary for support of a child. Consideration shall be given to the child's need for close contact with both parents and recognition of joint parental responsibility for the welfare of a minor child. In any order requiring payments for support of a minor child the court shall consider the following:

a. The financial resources of the child.

b. The financial resources of both parents.

c. The standard of living the child would have enjoyed had there not been an annulment, dissolution or separate maintenance.

d. The desirability that the custodian remain in the home as a full-time parent.

e. The cost of day care if the custodian works outside the home, or the value of custodial services performed by the custodian if the custodian remains in the home.

- f. The physical and emotional health needs of the child.
- g. The child's educational needs.
- h. The tax consequences to each party.
- i. Other factors the court may determine to be relevant in an individual case.

5. The court may protect and promote the best interests of a minor child by setting aside a portion of the child support which either party is ordered to pay in a separate fund or conservatorship for the support, education and welfare of the child.

6. The court may provide for joint custody of the children by the parties. Orders relating to custody of a child are subject to the provisions of chapter five hundred ninety-eight A (598A) of the Code.

7. Orders made pursuant to this section need mention only those factors relevant to the particular case for which the orders are made.

8. The court may subsequently modify orders made under this section when there is a substantial change in circumstances. Any change in child support because of alleged change in circumstances shall take into consideration each parent's earning capacity, economic circumstances and cost of living. Modifications of orders pertaining to child custody shall be made pursuant to chapter five hundred ninety-eight A (598A) of the Code.

Sec. 4. Section five hundred ninety-eight point twenty-two (598.22), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

All orders or judgments providing for temporary or permanent support payments shall direct the payment of such sums to the clerk of the court for the use of the person for whom the ~~same~~ payments have been awarded.

Upon a finding of previous failure to pay child support, the court may order the person obligated for permanent child support to make an assignment of periodic earnings, or trust income to the clerk of court for the use of the person for whom the assignment is ordered. The assignment of earnings ordered by the court shall not exceed the amounts set forth in 15 U.S.C. s. 1673b (Supp. 1979). The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon that person of notice that the assignment has been made. The payor shall withhold from the earnings, or trust income payable to the person obligated the amount specified in the assignment and shall transmit the payments to the clerk. The payor may deduct from each payment a sum not exceeding one dollar as a reimbursement for costs. An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.

PARAGRAPH DIVIDED. An order or judgment entered by the court for temporary or permanent support or for an assignment shall be filed with the court clerk. Such orders shall have the same force and effect as judgments when entered in the judgment docket and lien index and shall be a record open to the public. The clerk shall disburse the payments received pursuant to such orders or judgments. All moneys received or disbursed under this section shall be entered in a record book kept by the clerk, which shall be open to inspection by the parties to the action and their attorneys.

If the sums ordered to be paid in a support payment order are not paid to the clerk at the time provided in ~~said~~ the order or judgment, the clerk shall certify a default to the court which may, on its own motion, proceed as provided in section 598.23.

Sec. 5. Section five hundred ninety-eight point twenty-three (598.23), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The court may, as an alternative to punishment for contempt, make an order directing the defaulting party to assign, trust income or a sufficient amount in salary or wages due, or to become due in the future, from an employer or successor employers, to the clerk of the court where the order or judgment was granted for the purpose of paying the sums in default as well as those to be made in the future. The Where the assignment is of salary or wages due, the amount assigned shall not exceed the amount set forth in 15 U.S.C. s. 1673b (Supp. 1979) and the assignment order shall be binding upon the employer only for those amounts that represent child support and only upon receipt by the employer of a copy of the order, signed by the employee. For each payment deducted in compliance with such request, the employer shall receive one dollar to cover the expense created by the deduction, which amount shall be deducted from the money due the employee payor may deduct a sum not exceeding one dollar as a reimbursement for costs. Compliance by ~~an employer~~ a payor with the court's ~~request~~ order shall operate as a discharge of his or her liability to the employee payee as to the affected portion of the ~~employee's~~ payee's wages, or trust income.

Sec. 6. Chapter five hundred ninety-eight (598), Code 1979, is amended by adding the following new section:

NEW SECTION. ORDER TO VACATE. Notwithstanding section five hundred sixty-one point fifteen (561.15) of the Code, the court may order either party to vacate the homestead pending entry of a decree of dissolution upon a showing that the other party or the children are in imminent danger of physical harm if the order is not issued.

Approved May 19, 1980