

Senate File 2141 - Introduced

SENATE FILE _____
BY ZAUN, JOHNSON, MCKINLEY,
WIECK, ZIEMAN, BOETTGER,
MULDER, SEYMOUR, HAHN,
and ANGELO

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the consideration of certain factors in
2 division of property in a dissolution of marriage proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5832XS 82
5 pf/nh/5

PAG LIN

1 1 Section 1. Section 598.21, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 5A. ADDITIONAL CONSIDERATIONS == FINDING
1 4 OF FAULT. Notwithstanding the requirement of equitable
1 5 distribution of property pursuant to subsection 5, if there
1 6 are any minor children whose welfare may be affected by the
1 7 dissolution of marriage and if the parties to a dissolution of
1 8 marriage do not meet the requirements in section 598.8,
1 9 subsection 2, for entrance of a dissolution decree without a
1 10 hearing, in addition to the factors specified in subsection 5,
1 11 if the court finds proof of any of the following factors, the
1 12 court may consider such factors in the distribution of
1 13 property, and may distribute the property accordingly:
1 14 a. A party committed adultery.
1 15 b. A party committed a felony and has been sentenced to
1 16 imprisonment.
1 17 c. A party has abandoned the matrimonial domicile for a
1 18 period of one year and refuses to return.
1 19 d. A party has physically or sexually abused the party
1 20 seeking the dissolution or a child of one of the parties.
1 21 e. The parties have been living separately and apart
1 22 continuously without reconciliation for a period of two years.

EXPLANATION

1 24 This bill relates to the distribution of property in a
1 25 dissolution of marriage proceeding. The bill provides that if
1 26 there are minor children who may be affected by the
1 27 dissolution and if the parties do not meet the requirements
1 28 that exempt the parties from a hearing on the petition for
1 29 dissolution of marriage, then notwithstanding the requirement
1 30 for an equitable distribution of property, the court may
1 31 consider, in addition to existing factors, factors relating to
1 32 fault of the parties, if the court finds proof of the factors,
1 33 and may then distribute the property accordingly. The bill
1 34 specifies the grounds for a finding of fault including: a
1 35 party committed adultery; a party committed a felony and has
2 1 been sentenced to imprisonment; a party has abandoned the
2 2 matrimonial domicile for a period of one year and refuses to
2 3 return; a party has physically or sexually abused the party
2 4 seeking the dissolution or a child of one of the parties; or
2 5 the parties have been living separately and apart continuously
2 6 without reconciliation for a period of two years.
2 7 LSB 5832XS 82
2 8 pf/nh/5.1