

House File 72 - Introduced

HOUSE FILE 72

BY MOMMSEN

A BILL FOR

1 An Act relating to the criteria for determining payment of
2 spousal support.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.21A, subsection 1, Code 2017, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Of.* Other economic circumstances of each
4 party, including property inherited or gifts received by either
5 party, including in the form of a trust, and the potential
6 income from any such inherited or gifted property. Future
7 interests may be considered, but expectancies or interests
8 arising from inherited or gifted property created under a
9 will or other instrument under which the trustee, trustor,
10 trust protector, or owner has the power to remove the party in
11 question as a beneficiary, shall not be considered.

12 Sec. 2. Section 598.21A, Code 2017, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 1A. *Primary consideration in determining*
15 *support.* In determining support under this section, the primary
16 consideration of the court shall be the actual need of a party
17 for support and the ability of the other party to provide
18 payment of such support such that each party maintains a
19 standard of living reasonably comparable to that enjoyed during
20 the marriage.

21 EXPLANATION

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

24 This bill provides a new criterion for the determination of
25 the awarding of spousal support. In considering whether to
26 grant an order requiring support payments to either party, the
27 court is to consider the economic circumstances of each party,
28 including property inherited or gifts received by either party,
29 including in the form of a trust, and the potential income from
30 the inherited or gifted property. As with the actual division
31 of property of the parties, the court may consider future
32 interests, but expectancies or interests arising from inherited
33 or gifted property created under a will or other instrument
34 under which the trustee, trustor, trust protector, or owner has
35 the power to remove the party in question as a beneficiary,

1 shall not be considered.

2 The bill also provides that the primary consideration in
3 determining an award of spousal support is the actual need
4 of a party for support and the ability of the other party to
5 provide payment of such support such that each party maintains
6 a standard of living reasonably comparable to that enjoyed
7 during the marriage.