

House File 616 - Introduced

HOUSE FILE 616
BY GUSTOFF

A BILL FOR

- 1 An Act authorizing spouses to amend premarital agreements, and
- 2 including applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 596.5, subsection 1, Code 2025, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *Og.* Any limitations on the ability of the
4 parties to amend the agreement whether prior to after the
5 solemnization of the marriage except that any amendment must be
6 in writing and signed by both parties.

7 Sec. 2. NEW SECTION. **596.6A Amendment.**

8 Notwithstanding section 597.2, a premarital agreement may be
9 amended after marriage only by a written agreement signed by both
10 spouses which satisfies any additional criteria or limitations of
11 an amendment set forth in the premarital agreement.

12 Sec. 3. Section 596.7, unnumbered paragraph 1, Code 2025, is
13 amended to read as follows:

14 After marriage, a premarital agreement or amendment may be
15 revoked only as follows:

16 Sec. 4. Section 596.7, subsection 2, unnumbered paragraph 1,
17 Code 2025, is amended to read as follows:

18 To revoke a premarital agreement or an amendment without the
19 consent of the other spouse, the person seeking revocation must
20 prove one or more of the following:

21 Sec. 5. Section 596.8, Code 2025, is amended to read as
22 follows:

23 **596.8 Enforcement.**

24 1. A premarital agreement or amendment is not enforceable if
25 the person against whom enforcement is sought proves any of the
26 following:

27 a. The person did not execute the agreement or amendment
28 voluntarily.

29 b. The agreement or amendment was unconscionable when it was
30 executed.

31 c. Before the execution of the agreement or amendment the
32 person was not provided a fair and reasonable disclosure of
33 the property or financial obligations of the other spouse; and
34 the person did not have, or reasonably could not have had, an
35 adequate knowledge of the property or financial obligations of

1 the other spouse.

2 2. If a provision of the agreement or amendment or the
3 application of the provision to a party is found by the court
4 to be unenforceable, the provision shall be severed from the
5 remainder of the agreement and shall not affect the provisions,
6 or application, of the agreement which can be given effect
7 without the unenforceable provision.

8 Sec. 6. Section 596.9, Code 2025, is amended to read as
9 follows:

10 **596.9 Unconscionability.**

11 In any action under this chapter to amend, revoke, or
12 enforce a premarital agreement or amendment, the issue of
13 unconscionability of a premarital agreement or amendment shall be
14 decided by the court as a matter of law.

15 Sec. 7. APPLICABILITY. This Act applies to proceedings
16 concerning premarital agreement amendments commenced on or after
17 July 1, 2025.

18 EXPLANATION

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

21 This bill allows parties to amend premarital agreements.
22 Under current law, parties are only allowed to either revoke
23 or enforce a premarital agreement. The bill provides that a
24 premarital agreement amendment must be in writing and signed by
25 both spouses, and must also satisfy any additional criteria or
26 limitations of an amendment set forth in the premarital agreement
27 as agreed to by the parties.

28 The bill applies to proceedings concerning premarital
29 agreement amendments commenced on or after July 1, 2025.