

FAMILY LAW

This area of practice includes:

Adoption. An adoption occurs when parental rights of a biological parent are terminated, whether by consent or through a contested action, and a third party or step-parent is allowed to assume the responsibilities and obligations of parenthood with regard to that child. Iowa allows for adoption of both children and adults. If you are interested in pursuing adoption or termination of parental rights, you should contact legal counsel.

Dissolution of Marriage. The legal grounds for dissolution of marriage in Iowa are "a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. [Iowa Code Annotated; Sections 598.5 and 598.17].

Residency Requirements:

"If the defendant spouse is a resident of Iowa and was personally served the dissolution of marriage papers, there is no residency requirement for the spouse filing the dissolution of marriage. Otherwise, there is a 1-year residency requirement. In addition, there is a 90-day waiting period prior to the dissolution of marriage becoming final. The dissolution of marriage may be filed in a county where either spouse resides." [Iowa Code Annotated; Sections 598.2, 598.6, and 598.19].

Division of Property:

Because Iowa is an "equitable distribution state", the court will divide all property belonging to the spouses, regardless of the time of acquisition (before or during the marriage). Some property may be set aside to fund or maintain a minor child's education. The remaining property will be divided according to guidelines set by the Iowa Code:

1. The contribution of each spouse to the acquisition of the marital property, including their contribution as homemaker or in childcare
2. The value of any property brought to the marriage
3. Contribution by one party to the education, training, or increased earning capacity of the other
4. Length of the marriage
5. Age and physical and emotional health of the spouses
6. Vocational skills of the spouses
7. Time and expense necessary to obtain an education that enables a spouse to find appropriate employment, and to acquire skills and training to become self-sufficient
8. Federal income tax consequences of the court's division of the property

9. Any premarital or marital settlement agreement
10. Present and potential earning capability of each spouse, including educational background, training, employment skills, work experience, and length of absence from the job market
11. Whether the property award is instead of or in addition to alimony and the amount and duration of any such alimony award
12. The total economic circumstances of the spouses, including any pension benefits
13. Desirability of awarding the family home to the spouse with custody of any children
14. Any custodial provisions for the children
15. The amount and duration of any maintenance payments.

[Iowa Code Annotated; Section 598.21].

Legal Separation. Legal separation differs from a dissolution of marriage in that...

If the defendant spouse is a resident of Iowa and was personally served legal papers, there is no residency requirement for the spouse filing the legal separation. Otherwise, there is a 1-year residency requirement. The grounds for legal separation in Iowa are that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. [Iowa Code Annotated; Sections 598.5, 598.6, 598.17, and 598.28].

Custody and Placement of a Child. "Custody" refers to the "legal rights and responsibilities a parent has toward their child". This involves making decisions that pertain to a child's health, safety, education, and other major life decisions.

When seeking a divorce, parents are frequently unable to reach an agreement on issues of custody and placement or their children. To resolve such discrepancies, these issues are tried in the courtroom before a judge. After hearing the evidence and the arguments presented by both parties, the judge creates a solution that both meets the requirements of the law and attempts to work with the unique circumstances of each family. The court may award joint or sole custody. Custody and placement plans are always made to satisfy the best interests of the children involved.

Upon request, Joint custody may be awarded if it is in the best interests of the child and based on the following factors:

1. The ability of the parents to cooperate
2. The ability of each parent to support the child's relationship with the other parent
3. The physical proximity of the parents to each other

4. Fitness and suitability of the parents
5. If the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference, it may consider the reasonable preference of the child
6. Whether both parents have actively cared for the child before and since the separation
7. Whether the psychological and emotional needs and development of the child will suffer because of lack of contact with both parents
8. Whether the safety of the child will be jeopardized by an award of joint custody or unsupervised visitation
9. Whether one or both parents agree to, or are opposed to, joint custody
10. Any history of domestic abuse.

The court may grant joint custody even when both parents do not agree to joint custody. [Iowa Code Annotated; Section 598.41].

The court may order one or both parents to pay child support. Child Support Guideline Charts are available at www.judicial.state.ia.us/families/childsupg.asp. The support required under these guidelines is presumed to be correct, but may be adjusted for fairness or special needs of the child. [Iowa Code Annotated; Section 598.21].