

HOUSE BILL No. 1423

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-15-7-4; IC 34-57-5-8.

Synopsis: Service animal exclusion from marital property. Provides that a service animal is excluded from a court's or family law arbitrator's division of property in an action for dissolution of marriage.

Effective: July 1, 2020.

Wright

January 15, 2020, read first time and referred to Committee on Judiciary.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1423

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-15-7-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) **Subject to**
3 **subsection (c)**, in an action for dissolution of marriage under
4 IC 31-15-2-2, the court shall divide the property of the parties, whether:
5 (1) owned by either spouse before the marriage;
6 (2) acquired by either spouse in his or her own right:
7 (A) after the marriage; and
8 (B) before final separation of the parties; or
9 (3) acquired by their joint efforts.
10 (b) The court shall divide the property in a just and reasonable
11 manner by:
12 (1) division of the property in kind;
13 (2) setting the property or parts of the property over to one (1) of
14 the spouses and requiring either spouse to pay an amount, either
15 in gross or in installments, that is just and proper;
16 (3) ordering the sale of the property under such conditions as the
17 court prescribes and dividing the proceeds of the sale; or



1 (4) ordering the distribution of benefits described in
 2 IC 31-9-2-98(b)(2) or IC 31-9-2-98(b)(3) that are payable after
 3 the dissolution of marriage, by setting aside to either of the parties
 4 a percentage of those payments either by assignment or in kind at
 5 the time of receipt.

6 **(c) A service animal (as defined in IC 16-32-3-1.5) is excluded**
 7 **from the court's division of property in an action for dissolution of**
 8 **marriage under IC 31-15-2-2.**

9 SECTION 2. IC 34-57-5-8, AS ADDED BY P.L.112-2005,
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2020]: Sec. 8. (a) **Subject to subsection (b)**, in a dissolution
 12 of marriage case, the family law arbitrator shall:

13 (1) divide the property of the parties, regardless of whether the
 14 property was:

- 15 (A) owned by either party before the marriage;
- 16 (B) acquired by either party in his or her own right:
 - 17 (i) after the marriage; and
 - 18 (ii) before final separation of the parties; or
- 19 (C) acquired by their joint efforts; and

20 (2) divide the property in a just and reasonable manner by:

- 21 (A) division of the property in kind;
- 22 (B) setting the property or parts of the property over to one (1)
 23 of the parties and requiring either party to pay an amount,
 24 either in gross or in installments, that is just and proper;
- 25 (C) ordering the sale of the property under the conditions the
 26 family law arbitrator prescribes and dividing the proceeds of
 27 the sale; or
- 28 (D) ordering the distribution of benefits described in
 29 IC 31-9-2-98(b)(2) or IC 31-9-2-98(b)(3) that are payable after
 30 the dissolution of marriage, by setting aside to either of the
 31 parties a percentage of those payments either by assignment or
 32 in kind at the time of receipt.

33 **(b) A service animal (as defined in IC 16-32-3-1.5) is excluded**
 34 **from the family law arbitrator's division of property in an action**
 35 **for dissolution of marriage under IC 31-15-2-2.**

36 ~~(b)~~ (c) The division of marital property under this section must
 37 comply with IC 31-15-7-5.

