

West's Annotated Indiana Code  
Title 31. Family Law and Juvenile Law (Refs & Annos)  
Article 15. Family Law: Dissolution of Marriage and Legal Separation  
Chapter 7. Disposition of Property and Maintenance

IC 31-15-7-5

31-15-7-5 Presumption for equal division of marital property; rebuttal

Currentness

Sec. 5. The court shall presume that an equal division of the marital property between the parties is just and reasonable. However, this presumption may be rebutted by a party who presents relevant evidence, including evidence concerning the following factors, that an equal division would not be just and reasonable:

- (1) The contribution of each spouse to the acquisition of the property, regardless of whether the contribution was income producing.
- (2) The extent to which the property was acquired by each spouse:
  - (A) before the marriage; or
  - (B) through inheritance or gift.
- (3) The economic circumstances of each spouse at the time the disposition of the property is to become effective, including the desirability of awarding the family residence or the right to dwell in the family residence for such periods as the court considers just to the spouse having custody of any children.
- (4) The conduct of the parties during the marriage as related to the disposition or dissipation of their property.
- (5) The earnings or earning ability of the parties as related to:
  - (A) a final division of property; and
  - (B) a final determination of the property rights of the parties.

**Credits**

As added by [P.L.1-1997, SEC.7](#).

[Notes of Decisions \(429\)](#)

Current through 2011 First Regular Session

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