

FEB 16 1996

JUDICIARY

HOUSE FILE 2246
BY CONNORS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act eliminating the inclusion in a support obligation of
2 payment for postsecondary educational expenses and providing
3 for modification of certain support orders.

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

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HF 2246

1 Section 1. Section 252D.1, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. As used in this chapter, unless the context otherwise
4 requires, "support" or "support payments" means any amount
5 which the court may require a person to pay for the benefit of
6 a child under a temporary order or a final judgment or decree,
7 and may include child support, maintenance, medical support as
8 defined in chapter 252E, and, if contained in a child support
9 order, spousal support, and any other term used to describe
10 these obligations. These obligations may include support for
11 a child who is between the ages of eighteen and twenty-two
12 years and who is regularly attending an accredited school in
13 pursuance of a course of study leading to a high school
14 diploma or its equivalent, or regularly attending a course of
15 vocational technical training either as a part of a regular
16 school program or under special arrangements adapted to the
17 individual person's needs, ~~or-is,-in-good-faith,-a-full-time~~
18 ~~student-in-a-college,-university,-or-community-college,-or-has~~
19 ~~been-accepted-for-admission-to-a-college,-university,-or~~
20 ~~community-college-and-the-next-regular-term-has-not-yet-begun,~~
21 and may include support for a child of any age who is
22 dependent on the parties to the dissolution proceedings
23 because of physical or mental disability.

24 Sec. 2. Section 598.1, subsection 6, Code 1995, is amended
25 to read as follows:

26 6. "Support" or "support payments" means an amount which
27 the court may require either of the parties to pay under a
28 temporary order or a final judgment or decree, and may include
29 alimony, child support, maintenance, and any other term used
30 to describe these obligations. For orders entered on or after
31 July 1, 1990, unless the court specifically orders otherwise,
32 medical support is not included in the monetary amount of
33 child support. The obligations may include support for a
34 child who is between the ages of eighteen and twenty-two years
35 who is regularly attending an accredited school in pursuance

1 of a course of study leading to a high school diploma or its
2 equivalent, or regularly attending a course of vocational-
3 technical training either as a part of a regular school
4 program or under special arrangements adapted to the
5 individual person's needs, ~~or is, in good faith, a full-time~~
6 ~~student in a college, university, or community college, or has~~
7 ~~been accepted for admission to a college, university, or~~
8 ~~community college and the next regular term has not yet~~
9 begun, or a child of any age who is dependent on the parties
10 to the dissolution proceedings because of physical or mental
11 disability.

12 Sec. 3. Section 598.21, Code Supplement 1995, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 9A. Notwithstanding any provision of law
15 to the contrary, the court may modify an order for child
16 support if a party requests modification and the order was
17 entered prior to July 1, 1996, and included a provision for
18 payment of expenses for postsecondary education for a child
19 between the ages of eighteen and twenty-two.

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EXPLANATION

21 This bill removes the provision that a support obligation
22 may include support for a child who is between the ages of 18
23 and 22 and is in good faith a full-time student in a college,
24 university, or community college, or has been accepted for
25 admission to one of these institutions for the next regular
26 term.

27 The bill also provides that the inclusion in an order
28 entered prior to July 1, 1996, of payment for postsecondary
29 education of a child between the ages of 18 and 22 is grounds
30 for modification of an order entered prior to July 1, 1996, if
31 a party requests modification.

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