

JAN 20 1999

HUMAN RESOURCES

HOUSE FILE
BY BUKTA

106

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

A BILL FOR

1 An Act relating to the elements to be considered by the court in
2 awarding child support and in awarding support to either party
3 to a judgment of dissolution, annulment, or separate
4 maintenance.

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

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1 Section 1. Section 598.21, subsection 3, paragraph e, Code
2 1999, is amended to read as follows:

3 e. The earning capacity of the party seeking maintenance,
4 including educational background, training, employment skills,
5 work experience, length of absence from the job market,
6 responsibilities for children under either an award of custody
7 or physical care, the ages of any children under an award of
8 custody or physical care, and the time and expense necessary
9 to acquire sufficient education or training to enable the
10 party to find appropriate employment.

11 Sec. 2. Section 598.21, subsection 3, paragraph f, Code
12 1999, is amended to read as follows:

13 f. The feasibility of the party seeking maintenance
14 becoming self-supporting at a standard of living reasonably
15 comparable to that enjoyed during the marriage, and the length
16 of time necessary to achieve this goal. The court shall
17 attempt to balance the efforts of the parties in maintaining
18 the lifestyles of both parties at the predissolution level,
19 with the highest priority being maintenance of the
20 predissolution lifestyle of any child of the parties.

21 Sec. 3. Section 598.21, subsection 3, Code 1999, is
22 amended by adding the following new paragraph after paragraph
23 f and relettering subsequent paragraphs:

24 NEW PARAGRAPH. fa. The actual cost of maintaining the
25 household provided by any parent awarded physical custody at
26 the predissolution level, separate and apart from
27 consideration of the earning capacity of either parent.

28 Sec. 4. Section 598.21, subsection 4, unnumbered paragraph
29 1, Code 1999, is amended to read as follows:

30 The supreme court shall maintain uniform child support
31 guidelines and criteria and review the guidelines and criteria
32 at least once every four years, pursuant to the federal Family
33 Support Act of 1988, Pub. L. No. 100-485. The initial review
34 shall be performed within four years of October 12, 1989, and
35 subsequently within the four-year period of the most recent

1 review. It is the intent of the general assembly that, to the
2 extent possible within the requirements of federal law, the
3 court and the child support recovery unit consider the
4 individual facts of each judgment or case in the application
5 of the guidelines and determine the support obligation,
6 accordingly. It is also the intent of the general assembly
7 that in the supreme court's review of the guidelines, the
8 supreme court shall do both of the following: emphasize the
9 ability of a court to apply the guidelines in a just and
10 appropriate manner based upon the individual facts of a
11 judgment or case; and in determining monthly child support
12 payments, consider other children for whom either parent is
13 legally responsible for support and other child support
14 obligations actually paid by either party pursuant to a court
15 or administrative order. It is also the intent of the general
16 assembly that when applying the guidelines, the court consider
17 the ages of any children under an award of custody or physical
18 care in determining the earning capacity of a party, the court
19 attempt to balance the efforts of the parties in maintaining
20 the lifestyles of both parties, with priority given to
21 maintaining the predissolution lifestyles of any child of the
22 parties, the court consider the actual cost of maintaining any
23 household in which the child will reside at the predissolution
24 level, and the court not give primary consideration to
25 overtime pay in determining the income of the parties, but if
26 the court does consider overtime pay, the court must provide
27 written justification for doing so.

28 EXPLANATION

29 This bill provides that certain elements are to be taken
30 into consideration by the court in establishing support for a
31 party to a judgment for dissolution, annulment, or separate
32 maintenance and in establishing a child support obligation.
33 In establishing support for a party, the bill directs the
34 court to consider the ages of any children under an award of
35 custody or physical care in determining the earning capacity

1 of the person seeking support; directs the court to attempt to
2 balance the efforts of the parties in maintaining the
3 predissolution lifestyle of both parties with priority given
4 to the support of any children; and directs the court to
5 consider the actual costs of maintaining the household
6 provided by any parent awarded physical custody at the
7 predissolution level, separate and apart from consideration of
8 the earning capacity of either parent. In the area of child
9 support, the bill directs the court to also consider the
10 actual costs of maintaining the household provided by any
11 parent awarded physical custody at the predissolution level,
12 separate and apart from consideration of the earning capacity
13 of either parent, directs the court to consider the age of the
14 children in considering the earning capacity of the parent
15 awarded physical custody, directs the court to consider the
16 actual cost of maintaining the household in which the child
17 will reside, at the predissolution level, and directs the
18 court not to give primary consideration to overtime pay of a
19 party in determining income, but if the court does consider
20 overtime pay, the court must provide written justification for
21 doing so.

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