

MAR 9 2005

JUDICIARY

HOUSE FILE 659
BY SMITH

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

A BILL FOR

1 An Act relating to the provision of child support and
2 postsecondary education subsidies for nonmarital children.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 659

1 Section 1. Section 252A.3, subsection 2, Code 2005, is
2 amended to read as follows:

3 2. a. A parent is liable for the support of the parent's
4 child or children under eighteen years of age, whenever the
5 other parent of such child or children is dead, or cannot be
6 found, or is incapable of supporting the child or children,
7 and, if the liable parent is possessed of sufficient means or
8 able to earn the means. The court having jurisdiction of the
9 respondent in a proceeding instituted under this chapter shall
10 establish the respondent's monthly support payment and the
11 amount of the support debt accrued and accruing pursuant to
12 section 598.21, subsection 4. The support obligation shall
13 include support of a parent's child between the ages of
14 eighteen and nineteen years if the child is engaged full-time
15 in completing high school graduation or equivalency
16 requirements in a manner which is reasonably expected to
17 result in completion of the requirements prior to the person
18 reaching nineteen years of age.

19 b. The court may also order a postsecondary education
20 subsidy pursuant to section 598.21, subsection 5A. A
21 postsecondary education subsidy is not support or a support
22 payment or child support.

23 Sec. 2. Section 252A.3, Code 2005, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 8A. a. If paternity of a child born out
26 of wedlock is established as provided in subsection 8, the
27 court shall establish the respondent's monthly support payment
28 and the amount of the support debt accrued and accruing
29 pursuant to section 598.21, subsection 4. The support
30 obligation shall include support of the child between the ages
31 of eighteen and nineteen years if the child is engaged full-
32 time in completing high school graduation or equivalency
33 requirements in a manner which is reasonably expected to
34 result in completion of the requirements prior to the person
35 reaching nineteen year of age.

1 b. The court may also order a postsecondary education
2 subsidy pursuant to section 598.21, subsection 5A. A
3 postsecondary education subsidy is not support or a support
4 payment or child support.

5 Sec. 3. Section 598.21, subsection 5A, unnumbered
6 paragraph 1, Code 2005, is amended to read as follows:

7 The court may order a postsecondary education subsidy if
8 good cause is shown. A parent may be ordered to provide a
9 postsecondary education subsidy for the parent's child under
10 this subsection whether or not the parents of the child were
11 married to one another. This subsection shall be applied
12 consistently to all children whether or not the parents of the
13 child were married to one another or under which chapter a
14 postsecondary education subsidy is established. A
15 postsecondary education subsidy is not support or a support
16 payment or child support.

17 Sec. 4. Section 600B.25, subsection 1, Code 2005, is
18 amended to read as follows:

19 1. Upon a finding of paternity pursuant to section
20 600B.24, the court shall establish the father's monthly
21 support payment and the amount of the support debt accrued or
22 accruing pursuant to section 598.21, subsection 4~~7~~-until-the
23 child-reaches-majority-or-until-the-child-finishes-high
24 school~~7~~-if-after-majority. The support obligation shall
25 include support of a parent's child between the ages of
26 eighteen and nineteen years if the child is engaged full-time
27 in completing high school graduation or equivalency
28 requirements in a manner which is reasonably expected to
29 result in completion of the requirements prior to the person
30 reaching nineteen years of age. The court may order the
31 father to pay amounts the court deems appropriate for the past
32 support and maintenance of the child and for the reasonable
33 and necessary expenses incurred by or for the mother in
34 connection with prenatal care, the birth of the child, and
35 postnatal care of the child and the mother, and other medical

1 support as defined in section 252E.1. The court may award the
2 prevailing party the reasonable costs of suit, including but
3 not limited to reasonable attorney fees.

4 Sec. 5. Section 600B.25, Code 2005, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 3. The court may also order a
7 postsecondary education subsidy pursuant to section 598.21,
8 subsection 5A. A postsecondary education subsidy is not
9 support or a support payment or child support.

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EXPLANATION

11 This bill relates to provision of support and provision of
12 a postsecondary education subsidy to children of nonmarital
13 parents, consistent with existing provisions for support and
14 for a postsecondary education subsidy for children of a
15 marriage.

16 The bill amends portions of Code chapter 252A (support of
17 dependents), Code chapter 598 (dissolution of marriage and
18 domestic relations), and Code chapter 600B (paternity and
19 obligation for support) to make the provisions relating to
20 support of a child between the ages of 18 and 19 years
21 consistent for marital and nonmarital children. The bill also
22 amends those Code chapters to authorize the court to order a
23 postsecondary education subsidy to nonmarital children and
24 clarifies that a postsecondary education subsidy is not
25 support or a support payment or child support.

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