

Senate File 272 - Introduced

SENATE FILE 272

BY ZAUN

A BILL FOR

1 An Act relating to the postsecondary education subsidy.

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

1 Section 1. Section 598.1, subsection 8, Code 2021, is
2 amended to read as follows:

3 8. "*Postsecondary education subsidy*" means an amount
4 mutually agreed upon in writing by the parties which either of
5 the parties may be required to pay under a temporary order or
6 final judgment or decree for educational expenses of a child
7 who is between the ages of eighteen and twenty-two years if the
8 child is regularly attending a course of career and technical
9 training either as a part of a regular school program or
10 under special arrangements adapted to the individual person's
11 needs; or is, in good faith, a full-time student in a college,
12 university, or community college; or has been accepted for
13 admission to a college, university, or community college and
14 the next regular term has not yet begun.

15 Sec. 2. Section 598.21F, Code 2021, is amended by striking
16 the section and inserting in lieu thereof the following:

17 **598.21F Postsecondary education subsidy.**

18 1. *Order of subsidy.* The court may order a postsecondary
19 education subsidy only if mutually agreed upon in writing by
20 the parties.

21 2. *Subsidy payable.* The postsecondary education subsidy
22 shall be payable to the child, to the educational institution,
23 or to both, but shall not be payable to the custodial parent.

24 3. *Application.* A support order, decree, or judgment
25 entered or pending before July 1, 2021, that provides for
26 support of a child for college, university, or community
27 college expenses may be modified in accordance with this
28 section.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill amends provisions relating to a postsecondary
33 education subsidy.

34 Under current law, a "postsecondary education subsidy" is
35 defined as an amount which either party may be required to

1 pay under a temporary order or final judgment or decree for
2 educational expenses of a child who is between the ages of 18
3 and 22 years if the child is regularly attending a course of
4 career and technical training either as a part of a regular
5 school program or under special arrangements adapted to the
6 individual person's needs; or is, in good faith, a full-time
7 student in a college, university, or community college; or
8 has been accepted for admission to a college, university,
9 or community college and the next regular term has not yet
10 begun. A postsecondary education subsidy may be ordered by the
11 court if good cause is shown based upon criteria specified by
12 law. The law also specifies how the subsidy is payable; the
13 effect on the payment of the subsidy resulting from repudiation
14 of a parent by the child; the obligations of the child; the
15 application to existing support orders, decrees, or judgments;
16 and the necessary content of the order.

17 Under the bill, the current Code section relating to the
18 provision of a postsecondary education subsidy is stricken and
19 replaced to instead provide for the ordering of a postsecondary
20 education subsidy by the court only if mutually agreed upon in
21 writing by the parties. The subsidy remains payable to only
22 the child, to the educational institution, or to both, but not
23 to the custodial parent. With regard to the applicability of
24 the new provision, a support order, decree, or judgment entered
25 or pending before July 1, 2021, that provides for support of a
26 child for college, university, or community college expenses
27 may be modified in accordance with the bill. The bill makes
28 other conforming Code changes to reflect the new requirements
29 for the ordering of a postsecondary education subsidy under the
30 bill.