

JAN 24 2001  
HUMAN RESOURCES

HOUSE FILE 93  
BY RICHARDSON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the inclusion of income of a parent's spouse  
2 in the calculation of the parent's child support obligation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 598.21, subsection 4, Code 2001, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. f. (1) The court may consider, as a basis  
4 for deviation from the amount of child support which would  
5 otherwise result from application of the uniform child support  
6 guidelines, the income of the spouse of the parent from whom  
7 support is sought but who is not a parent of the child, under  
8 extraordinary circumstances in which excluding the spouse's  
9 income would lead to a substantial injustice to any child  
10 supported by the parent. For the purposes of this paragraph,  
11 "extraordinary circumstances" means a circumstance where a  
12 parent voluntarily or intentionally quits work or reduces  
13 income, or intentionally remains unemployed or underemployed,  
14 and relies on the parent's spouse for income.

15 (2) If the parent from whom support is sought requests a  
16 deviation from the amount of child support which would  
17 otherwise result from application of the uniform child support  
18 guidelines, the court may consider the income of the spouse of  
19 the parent in determining the amount of support.

20 (3) If the income of the parent's spouse is considered,  
21 discovery for the purposes of determining income shall be  
22 based on W-2 and 1099 income tax forms.

23 EXPLANATION

24 This bill provides circumstances under which the court may  
25 deviate from the child support amount that would otherwise  
26 result from application of the uniform child support  
27 guidelines relative to the income of the spouse of the parent  
28 from whom support is sought. Under the bill, the court may  
29 deviate from the guidelines under extraordinary circumstances  
30 in which excluding the income of the spouse of the parent  
31 would result in a substantial injustice to the child supported  
32 by the parent. "Extraordinary circumstances" is defined as a  
33 circumstance where a parent voluntarily or intentionally quits  
34 work or reduces income, or intentionally remains unemployed or  
35 underemployed, and relies on the parent's spouse for income.

1 Additionally, the bill provides that if the parent from whom  
2 support is sought requests a deviation from the amount which  
3 would result under the guidelines, the court may consider the  
4 income of the spouse of the parent in determining the amount  
5 of support.

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