

JAN 14 2002
HUMAN RESOURCES

HOUSE FILE 2001
BY MILLAGE

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

A BILL FOR

1 An Act relating to the applicability of the postsecondary
2 education subsidy and providing effective and retroactive
3 applicability dates.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

HF 2001

1 Section 1. Section 598.21, subsection 5A, Code Supplement
2 2001, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. A support order, decree, or judgment
4 entered or pending before July 1, 1997, that provides for
5 support of a child for college, university, or community
6 college expenses, may be modified in accordance with this
7 subsection.

8 Sec. 2. EFFECTIVE DATE AND RETROACTIVE PROVISION. This
9 Act, being deemed of immediate importance, takes effect upon
10 enactment and is retroactively applicable to support orders,
11 decrees, or judgments as described in section 1 of this Act
12 entered or pending before July 1, 1997.

13 EXPLANATION

14 This bill provides that a support order, decree, or
15 judgment entered or pending before July 1, 1997, that provides
16 for support of a child for college, university, or community
17 college expenses, may be modified in accordance with the
18 postsecondary education subsidy provisions that became
19 effective July 1, 1997. 1997 Iowa Acts, chapter 175, section
20 190, included a provision that established a formula for
21 determining the contribution of the parents and the child for
22 payment of postsecondary education expenses of that child.
23 Under the provision, Code section 598.21, subsection 5A, the
24 court may grant the subsidy for good cause shown. In *In re*
25 *Marriage of Williams*, 595 N.W.2d 126 (Iowa 1999), the Iowa
26 supreme court held, in part, that since no express provision
27 was included in the statute to make the postsecondary
28 education subsidy provision effective retroactively, the
29 provision took effect July 1, 1997, and could not be applied
30 retroactively to support orders entered or pending before that
31 date. This bill would allow for modification of those support
32 orders, decrees, or judgments entered or pending prior to July
33 1, 1997, that provided support for college, university, or
34 community college expenses, through retroactive application of
35 the postsecondary education subsidy provisions.

1 The bill takes effect upon enactment, and is retroactively
2 applicable to support orders, decrees, or judgments entered or
3 pending before July 1, 1997.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35