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JUDICIARY

SENATE FILE 2032  
BY BEHN

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

A BILL FOR

1 An Act relating to the provision of support for adult children  
2 who are dependent because of a physical or mental disability,  
3 providing an effective date, and providing for retroactive  
4 applicability.

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

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JUDICIARY  
SF 2032

1 Section 1. Section 598.1, subsection 9, Code 2005, is  
2 amended to read as follows:

3 9. "Support" or "support payments" means an amount which  
4 the court may require either of the parties to pay under a  
5 temporary order or a final judgment or decree, and may include  
6 alimony, child support, maintenance, and any other term used  
7 to describe these obligations. For orders entered on or after  
8 July 1, 1990, unless the court specifically orders otherwise,  
9 medical support is not included in the monetary amount of  
10 child support. The obligations shall include support for a  
11 child who is between the ages of eighteen and nineteen years  
12 who is engaged full-time in completing high school graduation  
13 or equivalency requirements in a manner which is reasonably  
14 expected to result in completion of the requirements prior to  
15 the person reaching nineteen years of age; a child who is  
16 between the ages of eighteen and twenty-one years who is  
17 dependent on the parties to the dissolution proceedings  
18 because of physical or mental disability and who is engaged  
19 full-time in completing high school graduation or equivalency  
20 requirements in a manner which is reasonably expected to  
21 result in completion of the requirements prior to the person  
22 reaching twenty-one years of age; and may include support for  
23 a child of any age who is dependent on the parties to the  
24 dissolution proceedings because of physical or mental  
25 disability.

26 Sec. 2. Section 598.21B, Code Supplement 2005, is amended  
27 by adding the following new subsection:

28 NEW SUBSECTION. 2A. SUPPORT ORDER -- CHILD DEPENDENT ON  
29 PARTIES BECAUSE OF DISABILITY. In calculating support for a  
30 child of any age dependent on the parties because of physical  
31 or mental disability, the court shall apply the child support  
32 guidelines and calculate the amount of support in the same  
33 manner as that provided under this section for calculation of  
34 support for a minor child. The determination of the support  
35 amount shall not include consideration of any supplemental

1 security income received by the adult child.

2 Sec. 3. Section 598.21C, Code Supplement 2005, is amended  
3 by adding the following new subsection:

4 NEW SUBSECTION. 9. MODIFICATION FOR SUPPORT OF DISABLED  
5 CHILD. Modification of a support order for a child of any age  
6 who is dependent on the parties to the original dissolution  
7 proceedings because of physical or mental disability shall be  
8 subject to the modification provisions applicable to a child  
9 support order.

10 Sec. 4. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY. This  
11 Act, being deemed of immediate importance, takes effect upon  
12 enactment and is retroactively applicable to orders, decrees,  
13 or judgments entered or pending before July 1, 2006, that  
14 provide for support for a child of any age who is dependent on  
15 the parties to the original dissolution proceedings because of  
16 physical or mental disability.

17 EXPLANATION

18 This bill relates to support of a child of any age who is  
19 dependent on the parties to a dissolution proceeding because  
20 of physical or mental disability. The bill provides in the  
21 definition of "support" that support obligations shall include  
22 the provision of support to a child who is between the ages of  
23 18 and 21 years who is dependent on the parties to the  
24 dissolution proceedings because of physical or mental  
25 disability and who is engaged full-time in completing high  
26 school graduation or equivalency requirements in a manner  
27 which is reasonably expected to result in completion of the  
28 requirements prior to the person reaching 21 years of age.

29 The bill also provides that the court, in calculating  
30 support for a child of any age dependent on the parties  
31 because of physical or mental disability, shall apply the  
32 child support guidelines and calculate the amount of support  
33 in the same manner as that provided for calculation of support  
34 for a minor child. Additionally, in calculating the support  
35 amount, the court is not to consider any supplemental security

1 income received by the adult child. The bill also provides  
2 that modification of a support order for a child of any age  
3 who is dependent on the parties to the original dissolution  
4 proceedings because of physical or mental disability is  
5 subject to the modification provisions applicable to a child  
6 support order.

7 The bill takes effect upon enactment and is retroactively  
8 applicable to orders, decrees, or judgments entered or pending  
9 before July 1, 2006, that provide for support for a child of  
10 any age who is dependent on the parties to the original  
11 dissolution proceedings because of physical or mental  
12 disability.

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