IN THE COURT OF APPEALS OF IOWA

No. 1999-400 (9-653) / 99-68
Filed March 15, 2000

IN RE THE MARRIAGE OF DAVID E. BISENIUS AND BEATRICE B. BISENIUS

Upon the Petition of
DAVID E. BISENIUS,
Petitioner-Appellant,

And Concerning
BEATRICE B. BISENIUS,
Respondent-Appellee.

FILED
MAR 15 2000
CLERK SUPREME COURT

Appeal from the Iowa District Court for Dubuque County, Alan L. Pearson, Judge.

Petitioner appeals the district court's calculation the accumulated support owed for postsecondary education expenses for two of his children. **AFFIRMED.**

Robert J. Murphy of Heckmann & Murphy, Dubuque, for appellant.

Robert L. Sudmeier of Fuerste, Carew, Coyle, Juergens & Sudmeier, P.C., Dubuque, for appellee.

Considered by Huitink, P.J., and Streit and Miller, JJ.

PER CURIAM

This appeal concerns the district court's calculation of the amount of the college support arrearage owed by the petitioner-appellant, David Bisenius, to the respondent-appellee, Beatrice Bisenius. In 1989 the district court modified the child support provisions of the parties' 1984 decree of dissolution of marriage. In 1995 Beatrice petitioned the district court to determine the support arrearage. The court's determination was modified by the supreme court on appeal. *Petition of Bisenius*, 573 N.W.2d 258, 261 (Iowa 1998). The supreme court held David was obligated to pay monthly support of $2000 for "the period of time that any child qualified for support" under Iowa Code section 598.2(6). *Id.* The district court, following submission of the matter upon written argument and the factual record from the previous hearing, found the support arrearage to be $65,299.57, not including interest. The court overruled David's rule 179(b) motion. David appealed. We affirm the district court.

On appeal, David claims the district court erred in its calculations because it included time his sons either were attending a school for which there was no competent proof of accreditation or were not "good faith" students. He argues the court overstated his support obligation by a total of $36,000.

Our review is de novo. Iowa R. App. P. 4. David bases his arguments on the language of Iowa Code section 598.1 (1995).[1] He first claims there is no

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[1] Iowa Code section 598.1(6) (1995) provides, in pertinent part:

> The obligations may include support for a child who is between the ages of eighteen and twenty-two years who is regularly attending an accredited

competent proof that Hamilton Technical College is an "accredited school" under this section. However, in the language quoted, "accredited school" refers to a high school or other school leading to a high school diploma, not to post-secondary schools. We find the district court correctly determined David owed support for the time Brian attended Hamilton Technical College.[2]

David's second and third arguments both are grounded in the claim that Joseph was not a "good faith" student at various times. He asserts he should not have to pay support during the summer months if Joseph was not enrolled full-time for the fall or when Joseph had "stops and starts" in his college career. Although Joseph did not proceed smoothly through college in four years, we find he was pursuing his college degree in good faith for purposes of college support as set forth in the language of section 598.1(6). The district court correctly determined David owed support for the months in question.

We affirm the judgment and decree of the district court that David's outstanding net support obligation as of July 4, 1994 was $65,299.57, plus interest.

AFFIRMED.

> school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational-technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or community college; or has been accepted for admission to a college, university, or community college and the next regular term has not yet begun; . . .

[2] David's brief refers to Hamilton Technical College. The district court referred to Hawkeye Tech. Despite the confusion in names, our finding is the same – support was proper under section 598.1(6) (1995).