



CHESTER J. CULVER  
GOVERNOR

**OFFICE OF THE GOVERNOR**

PATTY JUDGE  
LT. GOVERNOR

April 21, 2010

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

**Senate File 2158**, an Act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





Senate File 2158

AN ACT

RELATING TO CHILD SUPPORT RECOVERY INCLUDING CHILD SUPPORT PROVISIONS FOR MINOR PARENTS, MEDICAL SUPPORT, AND THE REVIEW AND ADJUSTMENT PROCESS.

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

Section 1. Section 252B.5, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Aid in establishing paternity and securing a court or administrative order for support pursuant to chapter 252A, 252C, 252F, or 600B, or any other chapter providing for the establishment of paternity or support. In an action to establish support, the resident parent may be a proper party defendant for purposes of determining medical support as provided in section 252E.1A upon service of notice as provided in this chapter and without a court order as provided in the rules of civil procedure. The unit's independent cause of action shall not bar a party from seeking support in a subsequent proceeding.

Sec. 2. Section 252F.1, subsection 4, Code Supplement 2009, is amended to read as follows:

4. "Party" means a putative father or a mother, as named in an action.

Sec. 3. Section 252F.4, subsections 1 through 4, Code Supplement 2009, are amended to read as follows:

1. If ~~both parties fail~~ each party fails to respond to the initial notice within twenty days after the date of service of the notice or ~~fail~~ fails to appear at a conference pursuant to section 252F.3 on the scheduled date of the conference, and paternity has not been contested and ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties, declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

2. If paternity is contested pursuant to section 252F.3, subsection 6, and the party contesting paternity fails to appear for a paternity test and fails to request a rescheduling pursuant to section 252F.3, or fails to appear for both the initial and the rescheduled paternity tests and ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

3. If a conference pursuant to section 252F.3 is held, and paternity is not contested, and ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties after the second notice has been sent declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

4. If paternity was contested and paternity testing was performed and the putative father was not excluded, if the test results indicate that the probability of the putative father's paternity is ninety-five percent or greater, if the

test results are not timely challenged, and if ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

Sec. 4. Section 252H.7, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A parent may waive the ~~thirty-day~~ fifteen-day prereview waiting period provided for in section 252H.16.

Sec. 5. Section 252H.7, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Upon receipt of signed requests from both parents waiving the prereview waiting period, the unit may conduct a review of the support order prior to the expiration of the ~~thirty-day~~ fifteen-day period provided in section 252H.16.

Sec. 6. Section 252H.8, subsections 1 and 7, Code 2009, are amended to read as follows:

1. For actions initiated under section 252H.15, either parent or the unit may request a court hearing within ~~thirty~~ fifteen days from the date of issuance of the notice of decision under section 252H.16, or within ten days of the date of issuance of the second notice of decision under section 252H.17, whichever is later.

7. For actions initiated under section 252H.15, a hearing shall not be held for at least ~~thirty-one~~ sixteen days following the date of issuance of the notice of decision unless the parents have jointly waived, in writing, the ~~thirty-day~~ fifteen-day postreview period.

Sec. 7. Section 252H.14A, subsection 1, Code 2009, is amended to read as follows:

1. Notwithstanding section 252H.15, ~~to assist the unit in meeting the requirement for reviews and adjustments under the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171,~~ the unit may use procedures under this section to review a support order if all the following apply:

a. One of the following applies:

(1) The right to ongoing child support is assigned to the state of Iowa due to the receipt of family investment program assistance, and a review of the support order is required under section 7302 of the federal Deficit Reduction Act of 2005, Pub.

L. No. 109-171.

(2) A parent requests a review, provides the unit with financial information as part of that request, and the order meets the criteria for review under this subchapter.

b. The unit has access to information concerning the financial circumstances of each parent and one of the following applies:

(1) The parent is a recipient of family investment program assistance, medical assistance, or food assistance from the department.

(2) The parent's income is from supplemental security income paid pursuant to 42 U.S.C. § 1381a.

(3) The parent is a recipient of disability benefits under the Act because of the parent's disability.

(4) The parent is an inmate of an institution under the control of the department of corrections.

(5) The unit has access to information described in section 252B.7A, subsection 1, paragraph "c".

Sec. 8. Section 252H.16, subsection 2, Code 2009, is amended to read as follows:

2. Unless both parents have waived the prereview notice period as provided for in section 252H.7, the review shall not be conducted for at least ~~thirty~~ fifteen days from the date both parents were successfully served with the notice required in section 252H.15.


Sec. 9. Section 598.21B, subsection 2, paragraph e, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

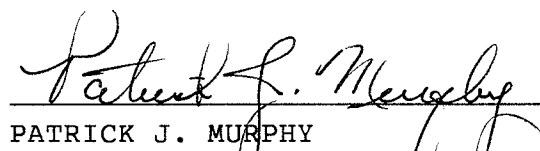
Unless the special circumstances of the case justify a deviation, the court or the child support recovery unit shall establish a monthly child support payment ~~of twenty-five dollars~~ in accordance with the guidelines for a parent who is nineteen years of age or younger, who has not received a high school or high school equivalency diploma, and to whom each of the following apply:

Sec. 10. RULES. Until the department of human services amends rules pursuant to chapter 17A necessary to conform with the sections of this Act amending sections 252H.7, 252H.8, 252H.14A, and 252H.16, any existing rule relating to review and adjustment of support orders shall apply as follows:


1. Any provision for a time limit that conflicts with a provision of this Act amending section 252H.7, 252H.8, or 252H.16, shall not apply.

2. Any rule that applies to review and adjustment of support orders shall also apply to review under section 252H.14A, as amended by this Act, except that a provision for a time limit, notice, or other procedure which conflicts with a provision of section 252H.14A, as amended by this Act, shall not apply.

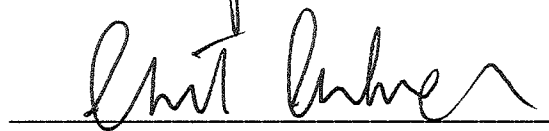
  
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JOHN P. KIBBIE  
President of the Senate

  
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PATRICK J. MURPHY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2158, Eighty-third General Assembly.

  
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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 21<sup>st</sup>, 2010

  
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CHESTER J. CULVER  
Governor