



Child Support Recovery Unit

Presented by
Carol Eaton, Bureau Chief
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- Flexibility, Efficiency, and Modernization in Child Support Final Rule
- Published on December 20, 2016, in the Federal Register on page 93492, Volume 81 Number 244.
- References 45 CFR 301, 302, 303, 304, 307, 308, and 309.

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Major Provisions

- Setting Support Orders Based on Specific Case Facts
- Implementing Due Process Safeguards (*Turner v. Rogers*)
- Securing and Enforcing Medical Support Obligations
- Ensuring Parental Right to Review
- Increasing State Program Flexibilities

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Setting Support Orders Based on Specific Case Facts

- Provides that the child support order is based on the noncustodial parent's earnings, income and other evidence of ability to pay
- Must take into consideration the basic subsistence needs of the noncustodial parent
- Provides that incarceration may NOT be treated as voluntary unemployment (e.g. - may not impute income to an individual that is incarcerated) – Iowa does not currently consider incarceration as voluntary unemployment

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Customer Impact

- Allows noncustodial parent to retain income for basic subsistence needs when calculating child support payment – will likely result in a lower child support payment
- Reduces unintended consequences such as accruing debt while incarcerated

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CSRU Impact

- CSRU currently bases orders on ability to pay - not expecting significant changes in this area
- Both parties receive deductions at all income levels for items such as other children in the home, paying court ordered support for other children, and various employment related deductions
- Iowa Supreme Court Guidelines contain a low income adjustment for individuals with income below \$850/month

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CSRU Impact

- May be a need to increase case investigation efforts through more case conferencing, in person interviews, and questionnaires

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Implementing Due Process Safeguards (*Turner v. Rogers*)

Establishes criteria CSRU must use to determine cases to refer for civil contempt and how CSRU prepares cases to present to the Court based on the U.S. Supreme Court Decision in *Turner v. Rogers*


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Customer Impact

- Ensures noncustodial parent receives due process safeguards – must have clear notice
- Must look at ability to pay in contempt action
- Ensures noncustodial parent's right to counsel

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Iowa Department of Human Services

CSRU Impact

- CSRU currently considers ability to pay in contempt actions
- Due process safeguards are in place however, CSRU modified forms to ensure there is clear notice that ability to pay is a critical question in contempt actions
- Iowa law generally requires appointment of counsel when a noncustodial parent is facing potential adverse action, and if unable to afford counsel, one will be appointed.

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Iowa Department of Human Services

Securing and Enforcing Medical Support Obligations

Clarifies that health care coverage for purposes of medical support obligations includes public and private coverage

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Iowa Department of Human Services

Customer Impact

- Medicaid and Hawk-I will now count as coverage when determining whether an individual has health care coverage

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Iowa Department of Human Services

CSRU Impact

- Updates may be necessary to CSRU computer system and forms
- Child support guidelines revisions may be needed

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Ensuring Parental Right to Seek a Review When Circumstances Change

After learning a parent who owes support will be incarcerated for more than 180 calendar days, CSRU MUST provide notice to both parents of the right to request a modification of the support order

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Customer Impact

- Set support amount commensurate with ability to pay
- Alleviate significant debt accumulation while incarcerated
- Improve ability for the noncustodial parent to provide consistent support payments

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CSRU Impact

- CSRU currently modifies orders, in accordance with established criteria, upon request by a case party – not expecting significant changes in the area of modifications
- Develop a method to determine the length of offender incarceration in the various institutions
- Reduce the amount of uncollectable debt that will accumulate while incarcerated

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Increasing State Program Flexibilities

Written Record – removes outdated barriers to electronic communication and document management so no longer have to maintain a “written” record

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Customer Impact

- Will allow for more flexibility in how we communicate with our customers via the child support website and mobile app www.childsupport.ia.gov
- Provides customers greater flexibility to submit forms on-line via the child support website

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CSRU Impact

- Updates may be necessary to CSRU computer system and forms

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Impact on State Statute and Iowa Administrative Code

- CSRU is still working to determine potential legislative changes needed to implement these regulations
- CSRU is still working to determine potential Iowa Administrative Code changes needed to implement these regulations
- Have determined no changes will be needed this legislative session
- If statutory changes are necessary, will prepare for the 2018 legislative session and submit through the DHS process