

Sec. 10. Section 601F.2, Code 1985, is amended to read as follows:

601F.2 MEMBERSHIP.

The committee shall be composed of a minimum of twenty-four members appointed by the governor and such additional members as the governor may appoint. Insofar as practicable, the committee shall consist of representatives of industry, labor, business, agriculture, federal, state, and local government, and representatives of religious, charitable, fraternal, civic, educational, medical, legal, veteran, welfare, women's, and other professional groups and organizations. Members shall be appointed representing every geographic center and employment area of the state and shall include members of both sexes.

Sec. 11. Section 659.4, Code 1985, is amended to read as follows:

659.4 CANDIDATE FOR OFFICE — RETRACTION — TIME.

If the plaintiff was a candidate for office at the time of the libelous publication, no retraction shall be available unless published in a conspicuous place on the editorial page, nor if the libel was published within two weeks next before the election; ~~provided that this.~~ This section and sections 659.2 and 659.3 shall do not apply to any libel imputing unchastity to a woman sexual misconduct to any persons.

Sec. 12. Section 674.6, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If the petitioner is married, the spouse petitioner must join in the petition or file written consent give legal notice to the spouse, in the manner of an original notice, of with the filing of the petition.

Approved May 9, 1985

CHAPTER 100
SUPPORT OBLIGATIONS

S.F. 244

AN ACT for the collection of support obligations relating to the posting of security, the ordering of assignments of income by the clerk of the district court or the child support recovery unit, the attachment of liens, and the modification of certain limitations on paternity actions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 252A.6, subsection 11, Code 1985, is amended to read as follows:

11. If, on the return day of the summons, the respondent appears at the time and place specified therein in the summons and fails to answer the petition or admits the allegations thereof of the petition, or, if, after a hearing has been duly held by the court in the responding state in accordance with the provisions of this section, such the court has found and determined that the prayer of the petitioner, or any part thereof of the prayer, is supported by the

evidence adduced in the proceeding, and that the petitioner is in need of and entitled to support from the respondent, the court shall make and enter an order directing the respondent to furnish support to the petitioner and to pay therefor such a sum as the court shall determine, having due regard to the parties' means and circumstances. An exemplified A certified copy of such the order shall be transmitted by the court to the court in the initiating state and such the copy shall be filed with and made a part of the records of such the court in such the proceeding. The court shall place the respondent on probation on such terms and conditions as the court may deem proper or necessary to assure faithful compliance by the respondent with such order. The court shall also have power to require the respondent to furnish recognizance in the form of a cash deposit or surety bond in such amount as the court may deem proper and just to assure the payment of the amount required to be paid by the respondent for the support of the petitioner. Upon entry of an order for support or upon failure of a person to make payments pursuant to an order for support, the court may require the respondent to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support. Upon the respondent's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

Sec. 2. NEW SECTION. 252C.11 SECURITY FOR PAYMENT OF SUPPORT – FORFEITURE.

Upon entry of a court order or upon the failure of a person to make payments pursuant to a court order, the court may require the person to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support obligation. Upon the person's failure to pay the support obligation under the court order, the court may declare the security, bond, or other guarantee forfeited.

Sec. 3. Section 252D.1, subsections 2 and 3, Code 1985, are amended to read as follows:

2. If support payments ordered under section 252A.6, subsection 12, section 598.21, or section 675.25, or under a comparable statute of a foreign jurisdiction, as certified to the child support recovery unit established in section 252B.2 are not paid to the clerk of the district court pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, the clerk of the district court or the child support recovery unit established under section 252B.2 may certify a default to the court. The court shall order the defaulting person to assign to the clerk that portion of the shall order an assignment of income and notify an employer, trustee, or other payor by certified mail of the order of the assignment of income requiring the withholding of specified sums to be deducted from the delinquent person's periodic earnings, trust income, or other income sufficient to pay the support obligation and, except for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, requiring the payment of such sums to the clerk of the district court. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the assignment of income shall require the payment of such sums to the alternate payee. The assignment of income is binding on an existing or future employer, trustee, or other payor ten days after the receipt of the order by certified mail. The amount of an assignment of income shall not exceed the amount specified in 15 U.S.C. § 1673(b). The assignment of income has priority over a garnishment or an assignment for a purpose other than the support of the dependents in the court order being enforced. The clerk of the district court or the child support recovery unit may modify or revoke the order upon the request of the child support recovery unit and may modify or revoke the order at any other time the assignment of income on the full payment of the delinquency or in an instance where the amount being withheld exceeds the amount specified in 15 U.S.C. § 1673(b), or may revoke the assignment of income upon the termination of parental rights, emancipation, death or majority of the child, or upon a change of custody.

3. A person entitled by court order to receive support payments or a person responsible for enforcing such a court order may petition the clerk of the district court for an assignment of income. If the petition is verified and establishes that support payments are delinquent in an amount equal to the payment for one month and if the clerk of the district court determines, after providing an opportunity for a hearing, that notice of the mandatory assignment of income as provided in section 252D.3 has been given, the clerk of the district court shall ~~declare a default and~~ order an assignment of income under subsection 2.

Sec. 4. Section 252D.3, Code 1985, is amended to read as follows:

252D.3 NOTICE OF ASSIGNMENT.

All ~~court~~ orders for support entered on or after July 1, 1984 shall notify the person ordered to pay support of the mandatory assignment of income required under section 252D.1 ~~upon the person's default~~. However, for ~~court~~ orders for support entered before July 1, 1984, the clerk of the district court, the child support recovery unit, or the person entitled by the ~~court~~ order to receive the support payments, shall notify each person ordered to pay support under such orders of the mandatory assignment of income required under section 252D.1 ~~upon the person's default~~. The notice shall be sent by certified mail to the person's last known address or the person shall be personally served with the notice in the manner provided for service of an original notice at least fifteen days prior to the filing of a petition under section 252D.1, subsection 3 or the ~~entering~~ ordering of a default an assignment of income under section 252D.1, subsection 2 or 3. A person ordered to pay support may waive the right to receive the notice at any time.

Sec. 5. Section 252D.4, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An employer, trustee, or other payor who receives an order of assignment pursuant to section 252D.1, subsection 2, is liable for the amount which the employer, trustee, or other payor willfully fails to withhold from amounts due the person named in the order, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the employer, trustee, or other payor.

Sec. 6. Section 252D.5, Code 1985, is amended to read as follows:

252D.5 OTHER REMEDIES.

The remedies provided in this chapter do not exclude the use of other civil or criminal remedies in enforcing ~~child~~ support obligations.

Sec. 7. Section 598.22, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon entry of an order for support or upon the failure of a person to make payments pursuant to an order for support, the court may require the person to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support. Upon the person's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

Sec. 8. Section 624.23, subsection 1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Judgments for child or spousal support in the appellate or district courts of this state or in the circuit or district court of the United States within this state and administrative orders for child or spousal support entered under chapter 252C, are liens upon the real property owned by the defendant at the time of the entering of the judgment or order and upon the real property subsequently acquired by the defendant. Upon full satisfaction of a judgment or order for child or spousal support, the party entitled to the support shall acknowledge the satisfaction upon request pursuant to section

624.37. Notwithstanding subsection 3, a lien established under this subsection on a judgment or order for support is not dischargeable in bankruptcy.

Sec. 9. Section 624.24, Code 1985, is amended to read as follows:

624.24 WHEN JUDGMENT LIEN ATTACHES.

When If the real estate lies in the county wherein in which the judgment of the district court of this state or of the circuit or district courts of the United States was entered in the judgment docket and lien index kept by the clerk of the district court having jurisdiction, the lien shall attach attaches from the date of such the entry of judgment, but. Except in cases of support, if in another it will the judgment and real estate are in different counties, the lien does not attach until an attested copy of the judgment is filed in the office of the clerk of the district court of the county in which the real estate lies. In cases of support, the lien attaches from the entry of the judgment. An index of support lien shall be maintained by the clerk of the district court and the child support recovery unit shall maintain an index of those support liens held by the child support recovery unit.

Sec. 10. Section 675.25, Code 1985, is amended to read as follows:

675.25 FORM OF JUDGMENT.

The judgment shall be for annual periodic amounts, equal or varying, having regard to the obligation of the father under section 675.1, as the court directs, until the child reaches the age of eighteen years majority or until the child finishes high school, if after majority. The payments may be required to be made at such periods or intervals as the court directs. The court may order the father to pay amounts the court deems appropriate for past and future support and maintenance of the child and for the reasonable and necessary expenses incurred by or for the mother in connection with prenatal care, the birth of the child, and postnatal care of the child and the mother. The court may award the prevailing party the reasonable costs of suit, including but not limited to reasonable attorney fees.

Sec. 11. NEW SECTION. 675.42 SECURITY FOR PAYMENT OF SUPPORT — FORFEITURE.

Upon entry of an order for support or upon the failure of a father to make payments pursuant to an order for support, the court may require the father to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support. Upon the father's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

Sec. 12. Sections 675.3, 675.26, and 675.33, Code 1985, are repealed.

Approved May 9, 1985