

CHAPTER 1140
ELIGIBILITY FOR COUNTY GENERAL ASSISTANCE
H.F. 2399

AN ACT relating to eligibility of persons for county general assistance.

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

Section 1. Section 252.25, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The board of supervisors of each county shall provide for the assistance of poor persons lawfully in its the county who are ineligible for, or are in immediate need and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under those programs. The county board of supervisors shall establish general rules as its the board's members deem necessary to properly discharge their responsibility under this section.

Approved April 18, 1996

CHAPTER 1141
CHILD SUPPORT ENFORCEMENT
S.F. 2344

AN ACT relating to child support enforcement.

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

DIVISION I
REVIEW AND ADJUSTMENT OF SUPPORT ORDERS

Section 1. Section 252H.8, subsection 1, paragraphs a and b, Code 1995, are amended by striking the paragraphs.

Sec. 2. Section 252H.8, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

If a timely written request for a hearing is received by the unit and the granting of the request is not precluded pursuant to subsection 1, a hearing shall be held in district court, and the unit shall certify the matter to the district court in the county in which the order subject to adjustment or modification is filed. The certification shall include the following, as applicable:

Sec. 3. Section 252H.17, subsection 2, Code 1995, is amended to read as follows:

2. A challenge shall be submitted, in writing, to the local child support office that issued the notice of decision, within the following time frames:

a. ~~If the notice of decision indicates that an adjustment is not appropriate, a challenge shall be submitted within thirty days of the date of issuance of the notice.~~

b. ~~If the notice of decision indicates that an adjustment is appropriate, a challenge shall be submitted within ten days of the issuance of the notice.~~

DIVISION II
SUSPENSION AND REINSTATEMENT OF ORDERS

Sec. 4. Section 252B.20, subsections 4 and 8, Code 1995, are amended to read as follows:

4. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

8. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 4, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.

DIVISION III GENETIC TESTING

Sec. 5. Section 252F.3, subsection 4, paragraph b, Code 1995, is amended to read as follows:

b. If paternity establishment was contested and paternity tests conducted, a court hearing on the issue of paternity shall be scheduled no earlier than fifty days from the date paternity test results are issued to all parties by the unit, unless the parties mutually agree to waive the time frame pursuant to section ~~255F.8~~ 252F.8.

Sec. 6. Section 252F.3, subsection 6, paragraph d, Code 1995, is amended to read as follows:

d. If a paternity test is ordered under this section, the administrator shall direct that inherited characteristics, ~~including but not limited to blood types~~, be analyzed and interpreted, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results.

DIVISION IV DISESTABLISHMENT/REESTABLISHMENT OF PATERNITY

Sec. 7. Section 598.21, subsection 4A, paragraph c, subparagraph (2), unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

If the court overcomes a prior determination of paternity, the previously established father shall be relieved of support obligations as specified in section 600B.41A, subsection 4. In any action to overcome paternity other than through a pending dissolution action, the provisions of section 600B.41A apply. Overcoming paternity under this paragraph does not bar subsequent actions to establish paternity. A subsequent action to establish paternity against the previously established father is not barred if it is subsequently determined that the written statement attesting that the established father is not the biological father of the child may have been submitted erroneously, and that the person previously determined not to be the child's father during the dissolution action may actually be the child's biological father.

DIVISION V INCOME WITHHOLDING

Sec. 8. Section 252D.2, subsection 2, Code 1995, is amended to read as follows:

2. The payor shall withhold and transmit the amount specified in the order or in the child support recovery unit's notice of the order of assignment to the clerk of the district court until the notice that the motion to quash has been granted is received.

Sec. 9. Section 252D.11, subsection 3, Code 1995, is amended to read as follows:

3. The payor shall withhold and transmit the amount specified in the order or in the child support recovery unit's notice of the order of assignment to the clerk of the district court or the collection services center, as appropriate, until the notice that a motion to quash has been granted is received.

Sec. 10. Section 252D.17, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

The ~~child support recovery unit~~ or the district court shall provide notice by sending a copy of the order for income withholding to the obligor's employer, trustee, or other payor of income by regular mail, with proof of service completed according to rule of civil procedure 82. The child support recovery unit shall provide notice of the income withholding order by sending a notice of the order to the obligor's employer, trustee, or other payor of income by regular mail. Proof of service may be completed according to rule of civil procedure 82. The order or the child support recovery unit's notice of the order may be sent to the employer, trustee, or other payor of income on the same date that the order is sent to the clerk of court for filing. In addition to the amount to be withheld for payment of support, the order or the child support recovery unit's notice of the order shall include all of the following information regarding the duties of the payor in implementing the withholding order:

Sec. 11. Section 252D.17, subsections 4, 7, 9, and 11, Code Supplement 1995, are amended to read as follows:

4. The income withholding order is binding on an existing or future employer, trustee, or other payor ten days after receipt of the copy of the order or the child support recovery unit's notice of the order, and is binding whether or not the copy of the order received is file-stamped.

7. The payor shall deliver or send a copy of the order or the child support recovery unit's notice of the order to the ~~person named in the order~~ obligor within one business day after receipt of the order or the child support recovery unit's notice of the order.

9. If the payor fails to withhold income in accordance with the provisions of the order or the child support recovery unit's notice of the order, the payor is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor.

11. Any payor who discharges an obligor, refuses to employ an obligor, or takes disciplinary action against an obligor based upon income withholding is guilty of a simple misdemeanor. A withholding order or the child support recovery unit's notice of the order has the same force and effect as any other district court order, including, but not limited to, contempt of court proceedings for noncompliance.

Sec. 12. Section 252D.18A, unnumbered paragraph 1, Code 1995, is amended to read as follows:

When the obligor is responsible for paying more than one support obligation and the employer or the income payor has received more than one income withholding order or the child support recovery unit's notice of an order for the obligor, the payor shall withhold amounts in accordance with all of the following:

Sec. 13. Section 252D.18A, subsection 3, paragraph a, Code 1995, is amended to read as follows:

a. To arrive at the amount to be withheld for each obligee, the payor shall total the amounts due for current support under the income withholding orders and the child support recovery unit's notices of orders and determine the proportionate share for each obligee. The proportionate share shall be determined by dividing the amount due for current support for each order or child support recovery unit's notice of order by the total due for current support for all orders and child support recovery unit's notices of orders. The results are the percentages of the obligor's net income which shall be withheld for each obligee.

Sec. 14. Section 252D.23, Code Supplement 1995, is amended to read as follows:

252D.23 FILING OF WITHHOLDING ORDER – ORDER EFFECTIVE AS DISTRICT COURT ORDER.

An income withholding order entered by the child support recovery unit pursuant to this chapter shall be filed with the clerk of the district court. For the purposes of demonstrating compliance by the employer, trustee, or other payor, the copy of the withholding order or the child support recovery unit's notice of the order received, whether or not the copy of the order is file-stamped, shall have all the force, effect, and attributes of a docketed order of the district court including, but not limited to, availability of contempt of court proceedings against an employer, trustee, or other payor for noncompliance. However, any information contained in the income withholding order or the child support recovery unit's notice of the order related to the amount of the accruing or accrued support obligation which does not reflect the correct amount of support due does not modify the underlying support judgment.

Sec. 15. Section 252G.3, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. The address to which income withholding orders or the child support recovery unit's notices of orders and garnishments should be sent.

DIVISION VI
FULL FAITH AND CREDIT OF CHILD SUPPORT ORDERS

Sec. 16. Section 252A.3, subsection 8, Code 1995, is amended by striking the subsection.

Sec. 17. NEW SECTION. 252A.4A CHOICE OF LAW.

In a proceeding to establish, modify, or enforce a child support order the forum state's law shall apply except as follows:

1. In interpreting a child support order, a court shall apply the law of the state of the court or administrative agency that issued the order.

2. In an action to enforce a child support order, a court shall apply the statute of limitations of the forum state or the state of the court or administrative agency that issued the order, whichever statute provides the longer period of limitations.

Sec. 18. Section 252A.5, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A Unless prohibited pursuant to section 252A.20, a proceeding to compel support of a dependent may be maintained under this chapter in any of the following cases:

Sec. 19. Section 252A.6, subsection 15, Code 1995, is amended to read as follows:

15. Any Except as provided in section 252A.20, any order of support issued by a court of the state acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. This subsection also applies to orders entered following an administrative process including, but not limited to, the administrative processes provided pursuant to chapters 252C and 252F.

Sec. 20. Section 252A.6, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 17. A court or administrative agency of a state that has issued a child support order consistent with 28 U.S.C. § 1738B has continuing, exclusive jurisdiction over the order if the state is the state in which the child is residing or the state is the residence of the petitioner or respondent unless the court or administrative agency of another state, acting in accordance with 28 U.S.C. § 1738B, has modified the order.

Sec. 21. Section 252A.8, Code 1995, is amended to read as follows:

252A.8 ADDITIONAL REMEDIES.

This Unless otherwise provided pursuant to 28 U.S.C. § 1738B, this chapter shall be construed to furnish an additional or alternative civil remedy and shall in no way affect or

impair any other remedy, civil or criminal, provided in any other statute and available to the petitioner in relation to the same subject matter.

Sec. 22. Section 252A.19, subsection 1, Code 1995, is amended to read as follows:

1. Upon registration ~~of the registered foreign support order shall be treated in the same manner as a support order issued by a court of this state. The order shall have the same effect and shall be subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner, both of the following shall apply:~~

a. The order is enforceable in the same manner and is subject to the same enforcement procedures as a support order issued by a court of this state.

b. The order may be modified only as provided in section 252A.20.

Sec. 23. Section 252A.20, Code 1995, is amended to read as follows:

252A.20 MODIFICATION OR ADJUSTMENT OF A REGISTERED FOREIGN SUPPORT ORDER AND OF AN IOWA ORDER REGISTERED IN A FOREIGN JURISDICTION.

1. An order which has been registered in a court of this state pursuant to section 252A.18 may be modified or adjusted following registration, ~~subject to all if one of the following applies:~~

~~a. The modification or adjustment of the order does not affect the underlying judgment in the foreign jurisdiction, unless provided pursuant to the statute of the foreign jurisdiction. The court of the rendering state no longer has continuing, exclusive jurisdiction of the order because that state no longer is the residence of the child or the petitioner or respondent.~~

~~b. The modification or adjustment of the underlying judgment by a foreign jurisdiction does not affect the registered order in this state unless confirmed by a court of this state. The petitioner and respondent have filed a written statement with the court where the order is registered consenting to that court determining the modification and assuming continuing, exclusive jurisdiction over the order.~~

2. A support order issued in a court of this state may be registered in a foreign jurisdiction and, following registration, may be modified or adjusted ~~subject to the following if either of the following applies:~~

~~a. The modification or adjustment of the registered order by a foreign jurisdiction does not affect the underlying judgment in this state unless confirmed by a court of this state. The court of this state no longer has continuing, exclusive jurisdiction of the order because this state no longer is the residence of the child, or of the petitioner or respondent.~~

~~b. The modification or adjustment of the underlying judgment by a court of this state following registration in a foreign jurisdiction does not affect the registered order unless provided by the statute of the foreign jurisdiction. The petitioner and respondent have filed a written statement with the court where the order is registered consenting to that court determining the modification and assuming continuing, exclusive jurisdiction over the order.~~

3. A court or administrative agency of a state that no longer has continuing, exclusive jurisdiction of a child support order may enforce the order with respect to nonmodifiable obligations and unsatisfied obligations that accrued before the date on which a modification of the order is made under this section.

4. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order shall not be grounds for a hearing, modification, adjustment, or other action under this chapter.

Sec. 24. Section 252E.4, subsection 1, Code 1995, is amended to read as follows:

1. When a support order requires an obligor to provide coverage under a health benefit plan, the district court or the department may enter an ex parte order directing an employer to take all actions necessary to enroll an obligor's dependent for coverage under a health benefit plan. The department may amend the information in the ex parte order regarding health insurance provisions if necessary to comply with health insurance requirements including but not limited to the provisions of section 252E.2, subsection 2.

Sec. 25. Section 252E.13, subsections 1 and 3, Code 1995, are amended to read as follows:

1. ~~When~~ Subject to 28 U.S.C. § 1738B, when high potential for obtaining medical support exists, the obligee or the department may petition for a modification of the obligor's support order to include medical support or a monetary amount for medical support pursuant to this chapter.

3. ~~The~~ Subject to 28 U.S.C. § 1738B, the department may amend information concerning the provisions regarding health benefits in a court or administrative order, ~~if necessary to comply with section 252E.2, subsection 2,~~ if notice of the amendment is provided to the court and to the parties to the order and if the amendment is filed with the clerk of court.

Sec. 26. **NEW SECTION. 598.2A CHOICE OF LAW.**

In a proceeding to establish, modify, or enforce a child support order the forum state's law shall apply except as follows:

1. In interpreting a child support order, a court shall apply the law of the state of the court or administrative agency that issued the order.

2. In an action to enforce a child support order, a court shall apply the statute of limitations of the forum state or the state of the court or administrative agency that issued the order, whichever statute provides the longer period of limitations.

Sec. 27. Section 598.14, unnumbered paragraph 2, Code 1995, is amended to read as follows:

~~After~~ Subject to 28 U.S.C. § 1738B, after notice and hearing subsequent changes in temporary orders may be made by the court on application of either party demonstrating a substantial change in the circumstances occurring subsequent to the issuance of such order. If the order is not so modified it shall continue in force and effect until the action is dismissed or a decree is entered dissolving the marriage.

Sec. 28. Section 598.21, subsection 8, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

~~The~~ Subject to 28 U.S.C. § 1738B, the court may subsequently modify orders made under this section when there is a substantial change in circumstances. In determining whether there is a substantial change in circumstances, the court shall consider the following:

Sec. 29. Section 598.21, subsection 9, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

~~Notwithstanding~~ Subject to 28 U.S.C. § 1738B, but notwithstanding subsection 8, a substantial change of circumstances exists when the court order for child support varies by ten percent or more from the amount which would be due pursuant to the most current child support guidelines established pursuant to subsection 4 or the obligor has access to a health benefit plan, the current order for support does not contain provisions for medical support, and the dependents are not covered by a health benefit plan provided by the obligee, excluding coverage pursuant to chapter 249A or a comparable statute of a foreign jurisdiction.

Sec. 30. Section 600B.31, Code 1995, is amended to read as follows:

600B.31 CONTINUING JURISDICTION.

~~The~~ Subject to 28 U.S.C. § 1738B, the court has continuing jurisdiction over proceedings brought to compel support and to increase or decrease the amount thereof until the judgment of the court has been completely satisfied, and also has continuing jurisdiction to determine the custody in accordance with the interests of the child.

Sec. 31. Section 600B.34, Code 1995, is amended to read as follows:

600B.34 FOREIGN JUDGMENTS.

~~The~~ Subject to 28 U.S.C. § 1738B, the judgment of the court of another state rendered in proceedings to compel support of a child born out of wedlock, and directing payment either of a fixed sum or of sums payable from time to time, may be sued upon in this state

and made a domestic judgment so far as not inconsistent with the laws of this state, and the same remedies may thereupon be had upon such judgment as if it had been recovered originally in this state.

Sec. 32. Section 626A.2, Code 1995, is amended to read as follows:

626A.2 FILING AND STATUS OF FOREIGN JUDGMENTS.

1. A copy of a foreign judgment authenticated in accordance with an Act of Congress or the statutes of this state may be filed in the office of the clerk of the district court of a county of this state which would have venue if the original action was being commenced in this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of the district court of this state and may be enforced or satisfied in like manner.

2. In a proceeding to enforce a child support order, the law of this state shall apply except as follows:

a. In interpreting a child support order, a court shall apply the law of the state of the court that issued the order.

b. In an action to enforce a child support order, a court shall apply the statute of limitations of this state or the state of the court that issued the order, whichever statute provides the longer period of limitations.

**DIVISION VII
INTEREST ACCRUAL**

Sec. 33. Section 535.3, Code 1995, is amended to read as follows:

535.3 INTEREST ON JUDGMENTS AND DECREES.

1. Interest shall be allowed on all money due on judgments and decrees of courts at the rate of ten percent per year, unless a different rate is fixed by the contract on which the judgment or decree is rendered, in which case the judgment or decree shall draw interest at the rate expressed in the contract, not exceeding the maximum applicable rate permitted by the provisions of section 535.2, which rate must be expressed in the judgment or decree. The interest shall accrue from the date of the commencement of the action, except as otherwise provided in subsection 3.

2. This section does not apply to the award of interest for judgments and decrees subject to section 668.13.

3. Interest on periodic payments for child, spousal, or medical support shall not accrue until thirty days after the payment becomes due and owing.

Approved April 18, 1996

CHAPTER 1142

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

S.F. 2071

AN ACT creating an advisory commission on intergovernmental relations, specifying its membership and its powers and duties, providing for other properly related matters, and providing an effective date.

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

Section 1. NEW SECTION. 28J.1 FINDINGS AND OBJECTIVES.

The general assembly finds that there is a need for an intergovernmental body to study and report on the following: