

252H.11 Concurrent actions.

This chapter does not prohibit or affect the ability or right of a parent or the parent's attorney to file a modification action at the parent's own initiative. If a modification action is filed by a parent concerning an order for which an action has been initiated but has not yet been completed by child support services under **this chapter**, child support services shall terminate any action initiated under **this chapter**, subject to the following:

1. The modification action filed by the parent must address the same issues as the action initiated under **this chapter**.

2. If the modification action filed by the parent is subsequently dismissed before being heard by the court, child support services shall continue the action previously initiated under **subchapter II** or **III**, or initiate a new action as follows:

a. If child support services previously initiated an action under **subchapter II**, and had not issued a notice of decision as required under **section 252H.14A** or **252H.16**, child support services shall proceed as follows:

(1) If notice of intent to review was served ninety days or less prior to the date the modification action filed by the parent is dismissed, child support services shall complete the review and issue the notice of decision.

(2) If the modification action filed by the parent is dismissed more than ninety days after the original notice of intent to review was served, child support services shall serve or issue a new notice of intent to review and conduct the review.

(3) If child support services initiated a review under **section 252H.14A**, child support services may issue the notice of decision.

b. If child support services previously initiated an action under **subchapter II** and had issued the notice of decision as required under **section 252H.14A** or **252H.16**, child support services shall proceed as follows:

(1) If the notice of decision was issued ninety days or less prior to the date the modification action filed by the parent is dismissed, child support services shall request, obtain, and verify any new or different information concerning the financial circumstances of the parents and issue a revised notice of decision to each parent, or if applicable, to the parent's attorney.

(2) If the modification action filed by the parent is dismissed more than ninety days after the date of issuance of the notice of decision, child support services shall serve or issue a new notice of intent to review pursuant to **section 252H.15** and conduct a review pursuant to **section 252H.16**, or conduct a review and serve a new notice of decision under **section 252H.14A**.

c. If child support services previously initiated an action under **subchapter III**, child support services shall proceed as follows:

(1) If the modification action filed by the parent is dismissed more than ninety days after the original notice of intent to modify was served, child support services shall serve a new notice of intent to modify pursuant to **section 252H.19**.

(2) If the modification action filed by the parent is dismissed ninety days or less after the original notice of intent to modify was served, child support services shall complete the original modification action initiated by child support services under **this subchapter**.

(3) Each parent shall be allowed at least twenty days from the date the administrative modification action is reinstated to request a court hearing as provided for in **section 252H.8**.

3. If an action initiated under **this chapter** is terminated as the result of a concurrent modification action filed by one of the parents or the parent's attorney, child support services shall advise each parent, or if applicable, the parent's attorney, in writing, that the action has been terminated and the provisions of **subsection 2** of **this section** for continuing or initiating a new action under **this chapter**. The notice shall be issued by regular mail to the last known mailing address of each parent, or if applicable, each parent's attorney.

4. If an action initiated under **this chapter** by child support services is terminated as the result of a concurrent action filed by one of the parents and is subsequently reinstated because the modification action filed by the parent is dismissed, child support services shall advise each parent, or if applicable, each parent's attorney, in writing, that child support services is continuing the prior administrative adjustment or modification action. The notice shall be

issued by regular mail to the last known mailing address of each parent, or if applicable, each parent's attorney.

93 Acts, ch 78, §34; 97 Acts, ch 175, §102; 2007 Acts, ch 218, §150, 156; 2023 Acts, ch 19, §930

Section amended