

Reprinted

FILED FEB 8 1990

SENATE FILE 2286
BY COMMITTEE ON JUDICIARY
Reprinted (p. 44-)
(SUCCESSOR TO SSB 2171)

Passed Senate, Date 3/1/90 (p. 713) Passed House, Date _____
Vote: Ayes 19 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to satisfaction of a support order by direct
2 payment to the person who is to receive the payment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2286

S-5254

1 Amend Senate File 2286 as follows:
2 1. Page 1, by striking lines 15 through 18, and
3 inserting the following: "judgments, except as
4 provided for trusts".
5 2. Page 1, line 27, by inserting after the word
6 "Act." the following: "Notwithstanding the provisions
7 of this section, payments ordered pursuant to any
8 chapter which are made directly to an obligee shall be
9 recorded by the clerk of the district court or the
10 collection services center only if the payment is made
11 pursuant to an order entered on or after July 1, 1985,
12 and the validity is confirmed by a court upon
13 submission of an acknowledgement of receipt of payment
14 by the person in whose favor the order was entered,
15 and after notice is given to all parties. For
16 purposes of this section, the state is a party to
17 which notice shall be given when public funds have
18 been expended pursuant to chapter 234, 239, or 249A.
19 If proper notice is not given to the state when
20 required, any order of satisfaction is void. A court
21 shall not enter an order of satisfaction for payments
22 made directly to the obligee when the state is
23 entitled to the payments pursuant to chapter 234, 239,
24 or 249A."

By RICHARD VARN

S-5254 FILED FEBRUARY 27, 1990
Adopted 5/1 (p. 812)

TLSS 8247SV 73

mj/sc/14

1 Section 1. Section 598.22, unnumbered paragraph 1, Code
2 1989, is amended to read as follows:

3 43 This section applies to all initial or modified orders for
4 support entered under this chapter, chapter 234, 252A, 252C,
5 675, or any other chapter of the Code. All orders or
6 judgments entered under chapter 234, 252A, 252C, or 675, or
7 under this chapter or any other chapter which provide for
8 temporary or permanent support payments shall direct the
9 payment of those sums to the clerk of the district court or
10 the collection services center in accordance with section
11 252B.14 for the use of the person for whom the payments have
12 been awarded. Payments to persons other than the clerk of the
13 district court and the collection services center do not
14 satisfy the support obligations created by the orders or
15 judgments, except where payment is made directly to the person
16 entitled to receive the payments under the court order and
17 receipt of the payment is acknowledged by that person to the
18 clerk of the district court, and except as provided for trusts
19 governed by the federal Retirement Equity Act of 1984, Pub.
20 L. No. 98-397, for tax refunds or rebates in section 602.8102,
21 subsection 47, or for dependent benefits paid to the child
22 support obligee as the result of disability benefits awarded
23 to the child support obligor under the federal Social Security
24 Act. For trusts governed by the federal Retirement Equity Act
25 of 1984, Pub. L. No. 98-397, the assignment of income shall
26 require the payment of such sums to the alternate payee in
27 accordance with the federal Act.

28 EXPLANATION

29 This bill provides that a payment of court-ordered support
30 made to the person who is to receive the payment, rather than
31 to the clerk of the district court or the collection services
32 center, does satisfy the support obligation if the person
33 receiving the payment acknowledges receipt of the payment to
34 the clerk of the district court.

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SENATE FILE 2286
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2171)

(AS AMENDED AND PASSED BY THE SENATE MARCH 1, 1990)

~~_____~~ - New Language by the Senate

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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2 payment to the person who is to receive the payment.

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

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S.F. 2286

1 Section 1. Section 598.22, unnumbered paragraph 1, Code
2 1989, is amended to read as follows:

3 This section applies to all initial or modified orders for
4 support entered under this chapter, chapter 234, 252A, 252C,
5 675, or any other chapter of the Code. All orders or
6 judgments entered under chapter 234, 252A, 252C, or 675, or
7 under this chapter or any other chapter which provide for
8 temporary or permanent support payments shall direct the
9 payment of those sums to the clerk of the district court or
10 the collection services center in accordance with section
11 252B.14 for the use of the person for whom the payments have
12 been awarded. Payments to persons other than the clerk of the
13 district court and the collection services center do not
14 satisfy the support obligations created by the orders or
15 judgments, except as provided for trusts governed by the
16 federal Retirement Equity Act of 1984, Pub. L. No. 98-397,
17 for tax refunds or rebates in section 602.8102, subsection 47,
18 or for dependent benefits paid to the child support obligee as
19 the result of disability benefits awarded to the child support
20 obligor under the federal Social Security Act. For trusts
21 governed by the federal Retirement Equity Act of 1984, Pub. L.
22 No. 98-397, the assignment of income shall require the payment
23 of such sums to the alternate payee in accordance with the
24 federal Act. Notwithstanding the provisions of this section,
25 payments ordered pursuant to any chapter which are made
26 directly to an obligee shall be recorded by the clerk of the
27 district court or the collection services center only if the
28 payment is made pursuant to an order entered on or after July
29 1, 1985, and the validity is confirmed by a court upon
30 submission of an acknowledgement of receipt of payment by the
31 person in whose favor the order was entered, and after notice
32 is given to all parties. For purposes of this section, the
33 state is a party to which notice shall be given when public
34 funds have been expended pursuant to chapter 234, 239, or
35 249A. If proper notice is not given to the state when

1 required, any order of satisfaction is void. A court shall
2 not enter an order of satisfaction for payments made directly
3 to the obligee when the state is entitled to the payments
4 pursuant to chapter 234, 239, or 249A.

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SENATE FILE 2286

H-5614

1 Amend Senate File 2286, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 624.37A SATISFACTION OF
6 SUPPORT PAYMENTS.

7 Notwithstanding sections 252B.14 and 598.22,
8 support payments ordered pursuant to any support
9 chapter for orders entered on or after July 1, 1985,
10 which are not made pursuant to the provisions of
11 section 252B.14 or 598.22, shall be credited only as
12 provided in this section.

13 1. For payment made pursuant to an order entered
14 on or after July 1, 1985, the clerk of the district
15 court or collection services center shall record a
16 satisfaction as a credit on the official support
17 payment record if its validity is confirmed by the
18 court upon submission of acknowledgement by the person
19 entitled to receive the payment, after notice is given
20 to all parties.

21 2. For purposes of this section, the state is a
22 party to which notice shall be given when public funds
23 have been expended pursuant to chapter 234, 239, or
24 249A, or similar statutes in another state. If proper
25 notice is not given to the state when required, any
26 order of satisfaction is void.

27 3. The court shall not enter an order for
28 satisfaction of payments not made through the clerk of
29 the district court or collection services center if
30 those payments have been assigned as a result of
31 public funds expended pursuant to chapter 234, 239, or
32 249A, or similar statutes in other states.

33 Sec. 2.

34 This Act applies retroactively to payments under
35 support orders entered on or after July 1, 1985."

36 2. Title page, line 2, by inserting after the
37 words "receive the payment" the following: ", and
38 providing for the Act's applicability".

By COMMITTEE ON HUMAN RESOURCES
TOM FEY, Chairperson

H-5614 FILED MARCH 13, 1990

SENATE FILE 2286

H-5933

1 Amend the amendment, H-5614, to Senate File 2286,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 5, the
5 following:

6 "Sec. _____. Section 598.21, subsection 8, Code
7 Supplement 1989, is amended by adding the following
8 new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Improved technology
10 leading to better evidence of nonpaternity is not
11 barred by time limits on new evidence and constitutes
12 a substantial change in circumstances authorizing the
13 court to consider modification of a previous
14 determination of paternity. The enactment of any
15 substantive amendment to section 598.41 constitutes a
16 substantial change in circumstances authorizing the
17 court to consider modification of an award of child
18 custody."

19 2. Page 1, by inserting after line 35, the
20 following:

21 "Sec. _____. NEW SECTION. 675.43 MODIFICATION.

22 1. The court may subsequently modify orders made
23 under this chapter if a substantial change in
24 circumstances occurs. Modification of orders
25 pertaining to child custody shall be made pursuant to
26 section 598.41 or chapter 598A.

27 2. The enactment of section 598.41 or the
28 enactment of any substantive amendment to section
29 598.41 constitutes a substantial change in
30 circumstances authorizing the court to consider
31 modification of an award of child custody.

32 3. Improved technology leading to better evidence
33 of nonpaternity is not barred by time limits on new
34 evidence and constitutes a substantial change in
35 circumstances authorizing the court to consider
36 modification of a previous determination of paternity.

37 Sec. _____. CHAPTER TITLE CHANGE.

38 The Code editor shall change the title of chapter
39 675 to "Parentage of Children and Obligation for
40 Support".

41 3. By renumbering as necessary.

By HALVORSON of Webster

CORBETT of Linn

BRAND of Benton

DAGGETT of Adams

H-5933 FILED MARCH 28, 1990

SENATE FILE 2286

H#5926

1 Amend the amendment, H-5614, to Senate File 2286,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 5, the
5 following:

6 ""Sec. ____ . Section 252B.5, Code 1989, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 6. At the request of either
9 parent who is subject to the order of support or upon
10 its own initiation, review the amount of the support
11 award in accordance with the guidelines established
12 pursuant to section 598.21, subsection 4, and the
13 federal Family Support Act of 1988, and take action to
14 initiate modification proceedings if the criteria
15 established pursuant to this section are met.
16 However, a review of a support award is not required
17 in those cases for which an assignment ordered
18 pursuant to chapter 234 or 239 is in effect if the
19 child support recovery unit determines that such a
20 review would not be in the best interest of the child
21 and neither parent has requested such review.

22 The department shall adopt rules no later than
23 October 13, 1990, setting forth the process for review
24 of requests for modification of support obligations
25 and the criteria and process for taking action to
26 initiate modification proceedings.

27 Sec. ____ . Section 252B.6, subsection 3, Code 1989,
28 is amended by striking the subsection and inserting in
29 lieu thereof the following:

30 3. Appear on behalf of the state for the purpose
31 of facilitating the modification of support awards
32 consistent with guidelines established pursuant to
33 section 598.21, subsection 4 and the federal Family
34 Support Act of 1988. The unit shall not otherwise
35 participate in the proceeding.

36 Sec. ____ . Section 252B.6, subsection 4, paragraph
37 b, Code 1989, is amended by striking the paragraph.

38 Sec. ____ . Section 252B.7, Code 1989, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 4. An attorney employed by or
41 under contract with the child support recovery unit
42 represents and acts on behalf of the state when
43 providing child support enforcement services.

44 Sec. ____ . NEW SECTION. 252B.18 ADVISORY
45 COMMITTEE ESTABLISHED.

46 The department shall establish a child support
47 enforcement program advisory committee which shall
48 include representatives of custodial parent groups,
49 noncustodial parent groups, the judicial department,
50 the office of citizens' aide, the Iowa state bar

H-5926

Page 2

1 association, and representatives of other
2 constituencies having an interest in child support
3 enforcement issues. The advisory committee shall
4 assist the department in reviewing issues related to
5 the implementation of the federal Family Support Act
6 of 1988 and methods of improving service. With the
7 assistance of the advisory committee, the department
8 shall review existing policies, practices, and
9 procedures of the child support recovery unit to
10 identify areas in which administrative appeals
11 procedures or other provisions for review of contested
12 issues would help to assure fair and impartial
13 treatment of persons affected by actions of the unit.

14 Sec. ____ . Section 598.21, Code Supplement 1989, is
15 amended by adding the following new subsection:

16 NEW SUBSECTION. 5A. The court, in entering an
17 order or decree of child support, shall require the
18 obligor to pay the amount ordered during the time of
19 any appeal of the order or decree."

20 2. Page 1, line 5, by striking the word and
21 figure ""Section 1." and inserting the following:
22 "Sec. 7."

23 3. Page 1, by striking lines 33 and 34, and
24 inserting the following:

25 "Sec. 8.

26 Section 7 of this Act applies retroactively to
27 payments under".

28 4. Page 1, by striking lines 36 through 38 and
29 inserting the following:

30 "____ . Title page, by striking lines 1 and 2, and
31 inserting the following: "An Act relating to the
32 satisfaction and modification of support orders and
33 providing for the Act's applicability.""

34 5. By renumbering as necessary.

By HAVERLAND of Polk
DODERER of Johnson
BRAMMER of Linn

H-5926 FILED MARCH 28, 1990

Revised not given date 3/29 (of 1575)
Rules suspended

VARN, CH.
HORN
FURNMAN

SSB 2171
JUDICIARY

SENATE FILE 2286
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON VARN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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