

*Has Judiciary 7/28*

FILED FEB 19 1990

SENATE FILE **2387**  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 2287)

Passed Senate, Date 2/27/90 (p. 731) Passed House, Date \_\_\_\_\_  
Vote: Ayes 44 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the determination of paternity and the  
2 establishment of past child support obligations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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**SF 2387**

1 Section 1. NEW SECTION. 252A.5A LIMITATIONS OF ACTIONS.

2 1. An action to establish paternity and support under this  
3 chapter may be brought within the time limitations set forth  
4 in section 614.8.

5 2. Notwithstanding subsection 1, an action to establish  
6 paternity and support under this chapter may be brought  
7 concerning a person who was under age eighteen on August 16,  
8 1984, regardless of whether any prior action was dismissed  
9 because a statute of limitations of less than eighteen years  
10 was then in effect. Such an action may be brought within the  
11 time limitations set forth in section 614.8, or until July 2,  
12 1995, whichever is later.

13 Sec. 2. Section 675.25, Code Supplement 1989, is amended  
14 to read as follows:

15 675.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT ORDER --  
16 COSTS.

17 Upon a finding or verdict of paternity pursuant to section  
18 675.24, the court shall establish the father's monthly support  
19 payment and the amount of the support debt accrued or accruing  
20 pursuant to section 598.21, subsection 4, until the child  
21 reaches majority or until the child finishes high school, if  
22 after majority. The court may order the father to pay amounts  
23 the court deems appropriate for the past support and  
24 maintenance of the child and for the reasonable and necessary  
25 expenses incurred by or for the mother in connection with  
26 prenatal care, the birth of the child, and postnatal care of  
27 the child and the mother. The court may award the prevailing  
28 party the reasonable costs of suit, including but not limited  
29 to reasonable attorney fees.

30 Sec. 3. NEW SECTION. 675.33 LIMITATIONS OF ACTIONS.

31 1. An action to establish paternity and support under this  
32 chapter may be brought within the time limitations set forth  
33 in section 614.8.

34 2. Notwithstanding subsection 1, an action to establish  
35 paternity and support under this chapter may be brought

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2 1984, regardless of whether any prior action was dismissed  
3 because a statute of limitations of less than eighteen years  
4 was then in effect. Such an action may be brought within the  
5 time limitations set forth in section 614.8, or until July 2,  
6 1995, whichever is later.

7 EXPLANATION

8 The bill attempts to bring state law into compliance with  
9 the statute of limitations requirements concerning paternity  
10 actions set forth in section 111 of the federal Family Support  
11 Act of 1988, Pub. L. No. 100-485, as codified in 42 U.S.C. §  
12 666 (a) (5). Thus, the bill permits paternity actions  
13 involving persons who were minors as of August 16, 1984, even  
14 though a paternity action was previously brought and dismissed  
15 due to a statute of limitations then in effect of less than  
16 eighteen years. However, such actions must be brought within  
17 one year of when the person reaches age 18, or by July 2,  
18 1995, whichever is later. The bill further specifies that  
19 past support may be awarded in the judgment of the court in a  
20 paternity action. The bill applies to actions brought under  
21 either chapter 252A or 675.

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RIOGDAN, CH.  
MURPHY  
CORNING

SSB 2287  
HUMAN RESOURCES

SENATE FILE 2387  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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21 either chapter 252A or 675.

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## BACKGROUND STATEMENT

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## SUBMITTED BY THE AGENCY

24 Chapter 675 of the Code of Iowa as amended by the 73rd  
25 General Assembly does not provide for inclusion of an amount  
26 in the court order for past support of the child in paternity  
27 cases.

28 Chapters 252A and 675 do not specify that, as of August 16,  
29 1984, paternity may be established for any child for whom a  
30 paternity action was brought but dismissed because a statute  
31 of limitations of less than 18 years was then in effect in the  
32 state.

33 House File 403, which amended Iowa Code section 675.25,  
34 included reference to amounts accrued and accruing. The "past  
35 support" language was removed in error and should be replaced.

1 Section 111 of the federal Family Support Act of 1988, Pub.  
2 L. No. 100-485, requires that as of the date of enactment,  
3 actions to establish paternity cannot be restricted by  
4 statutes of limitation which existed prior to August 16, 1984.

5 Prior to the supreme court's decision of Stearns v. Kearn,  
6 303 N.W.2d 408 (Iowa 1981), paternity actions brought under  
7 chapter 252A were limited by the five-year statute of  
8 limitations as found in Iowa Code section 614.1(4).  
9 Additionally, until recently, paternity actions brought under  
10 chapter 675 were limited by a two-year statute of limitations  
11 under sections 675.3 and 675.33, which were repealed by 1985  
12 Iowa Acts, chapter 100, section 12. See also State ex rel.  
13 Rake v. Ohden, 346 N.W.2d 826 (Iowa 1984).

14 Currently, the statute of limitations extends to one year  
15 after the age of majority. (Iowa Code section 614.8 (1989).  
16 However, in State v. Mundie, 436 N.W.2d 60 (Iowa 1989), the  
17 supreme court found that a case which had previously been  
18 dismissed under the five-year statute of limitations could not  
19 be brought before the court again. This case law is in  
20 conflict with federal law which requires that, as of August  
21 16, 1984, establishment of paternity be permitted for any  
22 child for whom paternity has not yet been established and any  
23 child for whom a paternity action was brought but dismissed  
24 because a statute of limitations of less than 18 years was  
25 then in effect in the state.

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