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SENATE FILE 349
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 188)

Passed Senate, Date ^(p.825) 3/24/93 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved May 3, 1993

A BILL FOR

1 An Act relating to child support and providing effective and
2 retroactive applicability dates.

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

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SF349

1 Section 1. Section 232.182, subsection 5A, Code 1993, is
2 amended to read as follows:

3 5A. If the court orders placement of the child into foster
4 care, the court or the department shall establish a support
5 obligation for the costs of the placement pursuant to section
6 234.39.

7 Sec. 2. Section 252A.18, Code 1993, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. a. The respondent shall have twenty
10 days after receiving notice of the registration in which to
11 petition the court to vacate the registration or for other
12 relief. If the respondent does not so petition, the
13 respondent is in default and the registered support order is
14 confirmed.

15 b. If a registration action is initiated by the child
16 support recovery unit, issues subject to challenge are limited
17 to issues of fact relating to the support obligation and not
18 other issues including, but not limited to, custody and
19 visitation, or the terms of the support order.

20 Sec. 3. Section 252A.19, subsection 2, Code 1993, is
21 amended by striking the subsection.

22 Sec. 4. Section 252A.19, subsection 3, Code 1993, is
23 amended to read as follows:

24 3 2. At the a hearing to enforce the registered support
25 order the respondent may present only matters that would be
26 available to the respondent as defenses in an action to
27 enforce a foreign money judgment. ~~However, the court in its~~
28 ~~discretion may consider the income and resources of the~~
29 ~~respondent, the respondent's ability to pay, and any material~~
30 ~~changes of circumstances since the granting of registered~~
31 ~~support order, and may modify the amount of the support in the~~
32 ~~same manner as other support orders are modified.~~ If the
33 respondent states to the court that an appeal from the order
34 is pending or will be taken or that a stay of execution has
35 been granted, the court shall stay enforcement of the order

1 until the appeal is concluded, the time for appeal has
2 expired, or the order is vacated, upon satisfactory proof that
3 the respondent has furnished security for payment of the
4 support as ordered by the court. If the respondent shows to
5 the court any ground upon which enforcement of a support order
6 of this state may be stayed the court shall stay enforcement
7 of the order for an appropriate period if the respondent
8 furnishes the same security for payment of the support ordered
9 that is required for a support order of this state.

10 Sec. 5. NEW SECTION. 252A.20 MODIFICATION OR ADJUSTMENT
11 OF A REGISTERED FOREIGN SUPPORT ORDER AND OF AN IOWA ORDER
12 REGISTERED IN A FOREIGN JURISDICTION.

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

16 a. The modification or adjustment of the order does not
17 affect the underlying judgment in the foreign jurisdiction,
18 unless provided pursuant to the statute of the foreign
19 jurisdiction.

20 b. The modification or adjustment of the order by a
21 foreign jurisdiction does not affect the order following
22 registration in a court of this state unless confirmed by a
23 court of this state.

24 2. A support order issued in a court of this state may be
25 registered in a foreign jurisdiction and, following
26 registration, may be modified or adjusted subject to the
27 following:

28 a. The modification or adjustment of the order by a
29 foreign jurisdiction does not affect the order unless
30 confirmed by a court of this state.

31 b. The modification or adjustment of the order by a court
32 of this state following registration in a foreign jurisdiction
33 does not affect the order unless provided by the statute of
34 the foreign jurisdiction.

35 Sec. 6. Section 252B.4, Code 1993, is amended by adding

1 the following new subsections:

2 NEW SUBSECTION. 2A. When the unit intercepts a federal
3 tax refund of an obligor for payment of delinquent support and
4 the funds are due to a recipient of services who is not
5 otherwise eligible for public assistance, the unit shall
6 deduct a twenty-five dollar fee from the funds before
7 forwarding the balance to the recipient.

8 a. The unit shall inform the recipient of the fee under
9 this subsection prior to assessment.

10 b. The fee shall be assessed only to individuals who
11 receive support from the federal tax refund offset program.
12 If the tax refund due the recipient is less than fifty
13 dollars, the fee shall not be assessed.

14 NEW SUBSECTION. 2B. The department may adopt rules to
15 establish a fee in an amount which provides for recovery of
16 administrative costs of the program in addition to other costs
17 identified.

18 Sec. 7. Section 252B.5, subsection 7, Code 1993, is
19 amended by striking the subsection and inserting in lieu
20 thereof the following:

21 7. The review and adjustment or modification of a support
22 order pursuant to chapter 252H.

23 Sec. 8. Section 252C.4, Code 1993, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 6. Actions initiated by the administrator
26 under this chapter are not subject to chapter 17A and
27 resulting court hearings following certification shall be an
28 original hearing before the district court.

29 Sec. 9. Section 252D.1, subsection 2, Code 1993, is
30 amended to read as follows:

31 2. If support payments ordered under chapter 232, 234,
32 252A, 252C, 252D, 252E, 598, 600B, or any other applicable
33 chapter, or under a comparable statute of a foreign
34 jurisdiction, as certified to the child support recovery unit
35 established in section 252B.2, are not paid to the clerk of

1 the district court or the collection services center pursuant
2 to section 598.22 and become delinquent in an amount equal to
3 the payment for one month, upon application of a person
4 entitled to receive the support payments, the child support
5 recovery unit or the district court may enter an ex parte
6 order notifying the person whose income is to be assigned, of
7 the delinquent amount, of the amount of income, or wages,
8 compensation, or benefits to be withheld, and of the procedure
9 to file a motion to quash the order of assignment, and shall
10 order an assignment of income and ~~notify an employer, trustee,~~
11 ~~or other payor by regular mail, with proof of service~~
12 ~~completed according to rule of civil procedure 82, of the~~
13 ~~order of the assignment of income~~ requiring the withholding of
14 specified sums to be deducted from the delinquent person's
15 periodic earnings, trust income, compensation, benefits, or
16 other income sufficient to pay the support obligation and,
17 except as provided in section 598.22, requiring the payment of
18 such sums to the clerk of the district court or the collection
19 services center. ~~The assignment of income is binding on an~~
20 ~~existing or future employer, trustee, or other payor ten days~~
21 ~~after the receipt of the order. -- The amount of an assignment~~
22 ~~of income shall not exceed the amount specified in 15 U.S.C. §~~
23 ~~1673(b). -- The assignment of income has priority over a~~
24 ~~garnishment or an assignment for a purpose other than the~~
25 ~~support of the dependents in the court order being enforced.~~
26 ~~The child support recovery unit or the district court, upon~~
27 ~~the application of any party, by ex parte order, may modify~~
28 ~~the assignment of income on the full payment of the~~
29 ~~delinquency or in an instance where the amount being withheld~~
30 ~~exceeds the amount specified in 15 U.S.C. § 1673(b), or may~~
31 ~~revoke the assignment of income upon the termination of~~
32 ~~parental rights, emancipation, death or majority of the child,~~
33 ~~or upon a change of custody.~~ Notification of income
34 withholding shall be provided to the payor of earnings, trust
35 income, or other income pursuant to section 252D.17A.

1 Sec. 10. Section 252D.8, Code 1993, is amended to read as
2 follows:

3 252D.8 PERSONS SUBJECT TO IMMEDIATE INCOME WITHHOLDING.

4 1. In a support order issued or modified on or after
5 November 1, 1990, for which services are being provided by the
6 child support recovery unit, and in any support orders issued
7 or modified after January 1, 1994, for which services are not
8 provided by the child support recovery unit, the income of a
9 support obligor is subject to withholding, on the effective
10 date of the order, regardless of whether support payments by
11 the obligor are in arrears. ~~The~~ If services are being
12 provided pursuant to chapter 252B, the child support recovery
13 unit may enter an ex parte order for an immediate withholding
14 of income ~~or may directly implement immediate withholding of~~
15 income if authorizing language is contained in the court
16 order. The district court may enter an ex parte order for
17 immediate income withholding for cases in which the child
18 support recovery unit is not providing services. The income
19 of the obligor is subject to ~~such automatic~~ immediate
20 withholding unless one of the following occurs:

21 a. One of the parties demonstrates and the court or child
22 support recovery unit finds there is good cause not to require
23 immediate withholding. A finding of good cause shall be based
24 on, at a minimum, written findings and conclusions by the
25 court or administrative authority as to why implementing
26 immediate withholding would not be in the best interests of
27 the child. In cases involving modifications, the findings
28 shall also include proof of timely payment of previously
29 ordered support.

30 b. A written agreement is reached between both parties
31 which provides for an alternative arrangement. If

32 ~~2--~~ if the support payments have been assigned to the
33 department of human services pursuant to chapter 234 or 239,
34 or a comparable statute of another jurisdiction, the
35 department shall be considered a party to the support order,

1 and a written agreement pursuant to this section to waive
2 immediate withholding is void unless approved by the child
3 support recovery unit. Any existing agreement is void
4 existing at the time an assignment of support to the state is
5 made pursuant to chapter 234 or 239 or pursuant to a
6 comparable statute of another jurisdiction shall not prevent
7 the child support recovery unit from implementing immediate
8 withholding.

9 ~~3-~~ 2. For an order not requiring immediate withholding,
10 income of an obligor is subject to immediate withholding,
11 without regard to whether there is an arrearage, on the
12 earliest of the following:

13 a. The date the obligor requests that the withholding
14 begin.

15 b. The date the custodial parent or party to the
16 proceeding requests that the withholding begin, if the request
17 is approved by the district court or, in cases in which
18 services are being provided pursuant to chapter 252B, if the
19 child support recovery unit approves the request.

20 Sec. 11. NEW SECTION. 252D.17A. NOTICE TO EMPLOYER OR
21 INCOME PAYOR -- DUTIES AND LIABILITY -- CRIMINAL PENALTY.

22 The child support recovery unit or the district court shall
23 provide notice of income withholding to the obligor's
24 employer, trustee, or other payor of income. Notice shall be
25 sent by regular mail, with proof of service completed
26 according to rule of civil procedure 82 and, in addition to
27 the amount to be withheld for payment of support, shall
28 include all of the following information regarding the duties
29 of the payor in implementing the withholding order:

30 1. The withholding order for child support has priority
31 over a garnishment or an assignment for a purpose other than
32 the support of the dependents in the court order being
33 enforced.

34 2. As reimbursement for the payor's processing costs, the
35 payor may deduct a fee of no more than two dollars for each

1 payment in addition to the amount withheld for support.

2 3. The amount withheld for support, including the
3 processing fee, shall not exceed the amounts specified in 15
4 U.S.C. § 1673(b).

5 4. Income withholding is binding on an existing or future
6 employer, trustee, or other payor ten days after receipt of
7 the notice.

8 5. The payor shall send the amounts withheld to the
9 collection services center or the clerk of the district court
10 within ten working days of the date the obligor is paid.

11 6. The payor may combine amounts withheld from the
12 obligor's wages in a single payment to the clerk of the
13 district court or to the collection services center, as
14 appropriate. Whether combined or separate, payments shall be
15 identified by the name of the obligor, account number, amount,
16 and the date withheld. If payments for multiple obligors are
17 combined, the portion of the payment attributable to each
18 obligor shall be specifically identified.

19 7. The payor shall deliver or send a copy of the order to
20 the person named in the order within one business day after
21 receipt of notice.

22 8. The withholding is binding on the payor until further
23 notice by the court or the child support recovery unit.

24 9. If the payor fails to withhold income in accordance
25 with the provisions of the order, the payor is liable for the
26 accumulated amount which should have been withheld, together
27 with costs, interest, and reasonable attorney fees related to
28 the collection of the amounts due from the payor.

29 10. The payor shall promptly notify the court or the child
30 support recovery unit when the obligor's employment or other
31 income terminates, and provide the obligor's last known
32 address and the name and address of the obligor's new
33 employer, if known.

34 11. Any payor who discharges an obligor, refuses to employ
35 an obligor, or takes disciplinary action against an obligor

1 based upon income withholding is guilty of a simple
2 misdemeanor. A withholding order has the same force and
3 effect as any other district court order, including, but not
4 limited to, contempt of court proceedings for noncompliance.

5 Sec. 12. Section 252D.18, Code 1993, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 252D.18 MODIFICATION OR TERMINATION OF WITHHOLDING.

9 1. The court or the child support recovery unit may, by ex
10 parte order, modify a previously entered income withholding
11 order if the court or the unit determines any of the
12 following:

13 a. There has been a change in the amount of the current
14 support obligation.

15 b. The amount required to be withheld under the income
16 withholding order is in error.

17 c. Any past due support debt has been paid in full.
18 Should a delinquency later accrue, the withholding order may
19 be modified to secure payment toward the delinquency.

20 2. The court or the child support recovery unit may, by ex
21 parte order, terminate an income withholding order if for any
22 reason an outstanding current or delinquent support obligation
23 no longer exists as applicable to all of the children covered
24 by the income withholding order.

25 3. In no case shall payment of overdue support be the sole
26 basis for termination of withholding.

27 Sec. 13. NEW SECTION. 252D.18A MULTIPLE INCOME
28 WITHHOLDING ORDERS -- AMOUNTS WITHHELD BY PAYOR.

29 When the obligor is responsible for paying more than one
30 support obligation and the employer or the income payor has
31 received more than one income withholding order for the
32 obligor, the payor shall withhold amounts in accordance with
33 all of the following:

34 1. The total of all amounts withheld shall not exceed the
35 amounts specified in 15 U.S.C. § 1673(b).

1 2. As reimbursement for the payor's processing costs, the
2 payor may deduct a fee of no more than two dollars for each
3 payment withheld in addition to the amount withheld for
4 support.

5 3. Priority shall be given to the withholding of current
6 support rather than delinquent support. The payor shall not
7 allocate amounts withheld in a manner which results in the
8 failure to withhold an amount for one or more of the current
9 support obligations.

10 a. To arrive at the amount to be withheld for each
11 obligee, the payor shall total the amounts due for current
12 support under the income withholding orders and determine the
13 proportionate share for each obligee. The proportionate share
14 shall be determined by dividing the amount due for current
15 support for each order by the total due for current support
16 for all orders. The results are the percentages of the
17 obligor's net income which shall be withheld for each obligee.

18 b. If, after completing the calculation in paragraph "a",
19 the withholding limit specified under 15 U.S.C. § 1673(b) has
20 not been attained, the payor shall total the amounts due for
21 arrearages and determine the proportionate share for each
22 obligee. The proportionate share amounts shall be established
23 utilizing the procedures established in paragraph "a" for
24 current support obligations.

25 4. The payor shall identify and report payments by the
26 obligor's name, account number, amount, and date withheld
27 pursuant to section 252D.17A. If payments for multiple
28 obligees are combined, the portion of the payment attributable
29 to each obligee shall be specifically identified.

30 Sec. 14. NEW SECTION. 252D.18B IRREGULAR INCOME.

31 When payment of income is irregular, and an order for
32 immediate or mandatory income withholding has been entered by
33 the child support recovery unit or the district court, the
34 income payor shall withhold income equal to the total that
35 would have been withheld had there been regular monthly

1 income. The amounts withheld shall not exceed the amounts
2 specified in 15 U.S.C. § 1673(b). For the purposes of this
3 section, an income source is irregular when there are periods
4 in excess of one month during which the income payor makes no
5 payment to the obligor and the periods are not the result of
6 termination or suspension of employment.

7 Sec. 15. NEW SECTION. 252D.18C WITHHOLDING FROM LUMP SUM
8 PAYMENTS.

9 The child support recovery unit or the district court may
10 enter an ex parte order for income withholding when the
11 obligor is paid by a lump sum income source. When a sole
12 payment is made or payment occurs at two month or greater
13 intervals, the withholding order may include all current and
14 delinquent support due through the current month, but shall
15 not exceed the amounts specified in 15 U.S.C. § 1673(b).

16 Sec. 16. NEW SECTION. 252D.24 APPLICABILITY TO SUPPORT
17 ORDERS OF FOREIGN JURISDICTIONS.

18 1. An income withholding order may be entered to enforce a
19 support order of a foreign jurisdiction. The foreign support
20 order may be entered and filed with the clerk of the district
21 court at the time the income withholding order is entered.
22 Entry of the foreign support order under this subsection does
23 not constitute registration of the order.

24 2. Notice of withholding requirements pursuant to section
25 252D.3 are met if comparable notice was issued in the foreign
26 jurisdiction, was included in the support order, or was
27 provided as a separate written notice.

28 3. Income withholding for a support order issued by a
29 foreign jurisdiction is subject to the law and procedures for
30 income withholding of the jurisdiction where the income
31 withholding order is implemented. With respect to when the
32 obligor becomes subject to withholding, however, the law and
33 procedures of the jurisdiction where the support order was
34 entered apply.

35 Sec. 17. NEW SECTION. 252D.25 LIMITATIONS ON SCOPE OF

1 PROCEEDINGS.

2 1. Issues related to visitation, custody, or other
3 provisions not related to the support provisions of a support
4 order are not grounds for a motion to quash, revoke, suspend,
5 or stay a withholding order.

6 2. Support orders shall not be modified under a motion to
7 quash a withholding order.

8 Sec. 18. NEW SECTION. 252D.30 EX PARTE ORDER -- PRO-
9 VISIONS FOR MEDICAL SUPPORT.

10 An ex parte order entered under this chapter may also
11 include provisions for enforcement of medical support when
12 medical support provisions are included in the support order.
13 The ex parte order may require income withholding of a dollar
14 amount for medical support or implementation of provision for
15 dependent coverage under a health benefit plan pursuant to
16 chapter 252E.

17 Sec. 19. Section 252E.1, Code 1993, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 10. "Order" means a support order entered
20 pursuant to chapter 234, 252A, 252C, 598, 600B, or any other
21 applicable provision pursuant to a comparable statute of a
22 foreign jurisdiction, or an ex parte order entered pursuant to
23 section 252E.4.

24 Sec. 20. Section 252E.2, Code 1993, is amended to read as
25 follows:

26 252E.2 ORDER FOR MEDICAL SUPPORT.

27 ~~1. The entry of an~~ An order, pursuant to chapter 234,
28 ~~252A, 252C, 598, 600B or any other chapter of the Code or~~
29 ~~pursuant to a comparable statute of a foreign jurisdiction,~~
30 requiring the provision of coverage under a health benefit
31 plan is authorization for enrollment of the dependent if the
32 dependent is otherwise eligible to be enrolled. The
33 dependent's eligibility and enrollment for coverage under such
34 a plan shall be governed by all applicable terms and
35 conditions, including, but not limited to, eligibility and

1 insurability standards. The dependent, if eligible, shall be
2 provided the same coverage as the obligor.

3 2. The obligor shall take all actions necessary to enroll
4 and maintain coverage under a health benefit plan for a
5 dependent at the obligor's present and all future places of
6 employment.

7 Sec. 21. Section 252E.4, Code 1993, is amended to read as
8 follows:

9 252E.4 ~~COPY-OF~~ ORDER TO EMPLOYER.

10 ~~The obligor shall take all steps necessary to enroll and~~
11 ~~maintain coverage under a health benefit plan for a dependent~~
12 ~~at present and all future places of employment, and shall send~~
13 ~~a copy of the order requiring the coverage to the obligor's~~
14 ~~employer.~~

15 ~~1.--Within fifteen days of entry of the order, the obligor~~
16 ~~shall provide written proof to the obligee and the department~~
17 ~~that the required coverage has been obtained or that~~
18 ~~application for coverage has been made.~~

19 ~~2.--If the obligor fails to provide written proof as~~
20 ~~required in subsection 1, a copy of the order for medical~~
21 ~~support shall be forwarded to the obligor's employer by the~~
22 ~~obligee or the department.~~

23 1. When a support order requires an obligor to provide
24 coverage under a health benefit plan, the district court or
25 the department may enter an ex parte order directing an
26 employer to take all actions necessary to enroll an obligor's
27 dependent for coverage under a health benefit plan.

28 2. The obligee, district court, or department may forward
29 either the support order containing the provision for coverage
30 under a health benefit plan or the ex parte order provided for
31 in subsection 1 to the obligor's employer.

32 ~~3. The~~ This chapter shall be constructive notice to the
33 obligor of enforcement and further notice prior to enforcement
34 is not required.

35 4. The order requiring coverage is binding on all future

1 employers or insurers if the dependent is eligible to be
2 enrolled in the health benefit plan under the applicable plan
3 terms and conditions.

4 Sec. 22. Section 252E.11, Code 1993, is amended to read as
5 follows:

6 252E.11 ASSIGNMENT.

7 If medical assistance coverage is provided by the
8 department to a dependent pursuant to chapter 249A, rights to
9 medical support payments are assigned to the department
10 ~~pursuant-to-federal-regulations~~.

11 SUBCHAPTER I

12 GENERAL PROVISIONS

13 Sec. 23. NEW SECTION. 252H.1 PURPOSE AND INTENT.

14 This chapter is intended to provide a means for state
15 compliance with the federal Family Support Act of 1988,
16 requiring states to provide procedures for the review and
17 adjustment of support orders being enforced under Title IV-D
18 of the federal Social Security Act, and also to provide an
19 expedited modification process when review and adjustment
20 procedures are not required, appropriate, or applicable.
21 Actions under this chapter shall be initiated only by the
22 child support recovery unit.

23 Sec. 24. NEW SECTION. 252H.2 DEFINITIONS.

24 As used in this chapter, unless the context otherwise
25 requires "administrator", "caretaker", "court order",
26 "department", "dependent child", "medical support", "public
27 assistance", and "responsible person", mean the same as
28 defined in section 252C.1.

29 As used in this chapter, unless the context otherwise
30 requires:

31 1. "Act" means the federal Social Security Act.

32 2. "Adjustment" applies only to the child support
33 provisions of a support order and means either of the
34 following:

35 a. A change in the amount of child support based upon an

1 application of the child support guidelines established
2 pursuant to section 598.21, subsection 4.

3 b. An addition of or change to provisions for medical
4 support as defined in section 252E.1.

5 3. "Child" means a child as defined in section 252B.1.

6 4. "Child support agency" means any state, county, or
7 local office or entity of another state that has the
8 responsibility for providing child support enforcement
9 services under Title IV-D of the Act.

10 5. "Child support recovery unit" or "unit" means the child
11 support recovery unit created pursuant to section 252B.2.

12 6. "Modification" means either of the following:

13 a. An alteration, change, correction, or termination of an
14 existing support order.

15 b. The establishment of a child or medical support
16 obligation in a previously established order entered pursuant
17 to chapter 234, 252A, 252C, 598, 600B, or any other support
18 proceeding, in which such support was not previously
19 established.

20 7. "Parent" means, for the purposes of requesting a review
21 of a support order and for being entitled to notice under this
22 chapter:

23 a. The individual ordered to pay support pursuant to the
24 order.

25 b. An individual or entity entitled to receive current or
26 future support payments pursuant to the order, or pursuant to
27 a current assignment of support including but not limited to
28 an agency of this or any other state that is currently
29 providing public assistance benefits to the child for whom
30 support is ordered and any child support agency. Service of
31 notice of an action initiated under this chapter on an agency
32 is not required, but the agency may be advised of the action
33 by other means.

34 8. "Public assistance" means benefits received in this
35 state or any other state, under Title IV-A (aid to dependent

1 children), IV-E (foster care), or XIX (medicaid) of the Act.

2 9. "Review" means an objective evaluation conducted
3 through a proceeding before a court, administrative body, or
4 an agency, of information necessary for the application of a
5 state's mandatory child support guidelines to determine:

6 a. The appropriate monetary amount of support.

7 b. Provisions for medical support.

8 10. "State" means "state" as defined in section 252A.2.

9 11. "Support order" means a "court order" as defined in
10 section 252C.1.

11 Sec. 25. NEW SECTION. 252H.3 SCOPE OF THE ADMINISTRATIVE
12 ADJUSTMENT OR MODIFICATION -- ROLE OF DISTRICT COURT IN
13 CONTESTED CASES.

14 1. Any action initiated under this chapter, including any
15 court hearing resulting from an action, shall be limited in
16 scope to the adjustment or modification of the child or
17 medical support provisions of a support order.

18 2. Nonsupport issues shall not be considered by the unit
19 or the court in any action resulting under this chapter.

20 3. Actions initiated by the unit under this chapter shall
21 not be subject to contested case proceedings or further review
22 pursuant to chapter 17A and resulting court hearings following
23 certification shall be an original hearing before the district
24 court.

25 Sec. 26. NEW SECTION. 252H.4 ROLE OF THE CHILD SUPPORT
26 RECOVERY UNIT.

27 1. The unit may administratively adjust or modify a
28 support order entered under chapter 234, 252A, 252C, 598, or
29 600B, or any other support chapter if the unit was an original
30 party to the order or has subsequently become a party to the
31 order due to an assignment of support rights on the unit's own
32 initiative.

33 2. The unit is a party to an action initiated pursuant to
34 this chapter.

35 3. The unit shall conduct a review to determine whether an

1 adjustment is appropriate or, upon the request of a parent or
2 upon the unit's own initiative, determine whether a
3 modification is appropriate.

4 4. The unit shall adopt rules to establish the process for
5 the review of requests for adjustment and the criteria and
6 procedures for conducting a review and determining when an
7 adjustment is appropriate.

8 5. Legal representation of the unit shall be provided
9 pursuant to section 252B.7, subsection 4.

10 6. The unit shall adopt rules pursuant to chapter 17A to
11 implement this chapter.

12 Sec. 27. NEW SECTION. 252H.5 FEES AND COST RECOVERY FOR
13 REVIEW -- ADJUSTMENT -- MODIFICATION.

14 The unit shall, consistent with applicable federal law,
15 charge the following fees for providing the services described
16 in this chapter:

17 1. A parent ordered to provide support, who requests a
18 review of a support order under this chapter, shall file an
19 application for services and pay an application fee pursuant
20 to section 252B.4.

21 2. Any parent entitled to receive support who is not
22 receiving public assistance and requests a review and
23 adjustment of a support order under this chapter shall pay the
24 following fees:

25 a. A fee for conducting the review, to be paid at the time
26 the request for review is submitted to the unit. If the
27 request for review is denied for any reason, the fee shall be
28 refunded to the parent making the request. Any request
29 submitted without full payment of the fee shall be denied.

30 b. A fee for a second review requested pursuant to section
31 252H.17, to be paid at the time the request for the second
32 review is submitted to the unit. Any request submitted
33 without full payment of the fee shall be denied.

34 c. A fee for activities performed by the unit in
35 association with a court hearing requested pursuant to section

1 252H.8.

2 d. A fee for activities performed by the unit in entering
3 an administrative order to adjust support when neither parent
4 requests a court hearing pursuant to section 252H.8. The fee
5 shall be paid during the post-review waiting period under
6 section 252H.17. If the fee is not paid in full during the
7 post-review notice period, further action shall not be taken
8 by the unit to adjust the order unless the parent not
9 requesting the adjustment pays the fee in full during the
10 post-review waiting period, or unless the children affected by
11 the order reviewed are currently receiving public assistance
12 benefits and the proposed adjustment would result in either an
13 increase in the amount of support or in provisions for medical
14 support for the children.

15 3. Any parent entitled to receive support who is not
16 receiving public assistance and requests an administrative
17 modification of a support order shall pay the following fees:

18 a. A fee for conducting a conference requested pursuant to
19 section 252H.20, to be paid at the time the request for the
20 conference is submitted to the unit. Any request submitted
21 without full payment of the fee shall be denied.

22 b. A fee for activities performed by the unit in
23 association with a court hearing requested pursuant to section
24 252H.8.

25 4. Any parent entitled to receive support who is not
26 receiving public assistance, and requests a review of a
27 support order pursuant to section 252H.13, shall pay any
28 service of process fees for service or attempted service of
29 the notice required in section 252H.15. The unit shall not
30 proceed to conduct a review pursuant to section 252H.16 until
31 service of process fees have been paid in full. Service of
32 process fees charged by a person other than the unit are
33 distinct from any other fees and recovery of costs provided
34 for in this section.

35 5. The unit shall, consistent with applicable federal law,

1 recover administrative costs in excess of any fees collected
2 pursuant to subsections 1, 2, and 3 for providing services
3 under this chapter and shall adopt rules providing for
4 collection of fees for administrative costs.

5 6. The unit shall adopt rules pursuant to chapter 17A to
6 establish procedures and criteria to determine the amount of
7 any fees specified in this section and the administrative
8 costs in excess of these fees.

9 Sec. 28. NEW SECTION. 252H.6 COLLECTION OF INFORMATION.

10 The unit shall request, obtain, and validate information
11 concerning the financial circumstances of the parents of a
12 child as necessary to determine the appropriate amount of
13 support pursuant to the guidelines established in section
14 598.21, subsection 4, including but not limited to those
15 sources and procedures described in sections 252B.7A and
16 252B.9. The collection of information does not constitute a
17 review conducted pursuant to section 252H.16.

18 Sec. 29. NEW SECTION. 252H.7 WAIVER OF NOTICE PERIODS
19 AND TIME LIMITATIONS.

20 1. A parent may waive the thirty-day prereview waiting
21 period provided for in section 252H.16.

22 a. Upon receipt of signed requests from both parents
23 waiving the prereview waiting period, the unit may conduct a
24 review of the support order prior to the expiration of the
25 thirty-day period provided in section 252H.16.

26 b. If the parents jointly waive the prereview waiting
27 period and the order under review is subsequently adjusted,
28 the signed statements of both parents waiving the waiting
29 period shall be filed in the court record with the order
30 adjusting the support obligation.

31 2. A parent may waive the post-review waiting period
32 provided for in section 252H.8, subsection 6, for a court
33 hearing or in section 252H.17 for requesting of a second
34 review.

35 a. Upon receipt of signed requests from both parents

1 subject to the order reviewed, waiving the post-review waiting
2 period, the unit may enter an administrative order adjusting
3 the support order, if appropriate, prior to the expiration of
4 the post-review waiting period.

5 b. If the parents jointly waive the post-review waiting
6 period and an administrative order to adjust the support order
7 is entered, the signed statements of both parents waiving the
8 waiting period shall be filed in the court record with the
9 administrative order adjusting the support obligation.

10 3. A parent may waive the time limitations established in
11 section 252H.20.

12 a. Upon receipt of signed requests from both parents,
13 subject to the order to be modified, waiving the time
14 limitations, the unit may proceed to enter an administrative
15 modification order.

16 b. If the parents jointly waive the time limitations and
17 an administrative modification order is entered under this
18 chapter, the signed statements of both parents waiving the
19 time limitations shall be filed in the court record with the
20 administrative modification order.

21 Sec. 30. NEW SECTION. 252H.8 CERTIFICATION TO COURT --
22 HEARING -- DEFAULT.

23 1. For actions initiated under subchapter II, either
24 parent or the unit may request a court hearing within thirty
25 days from the date of issuance of the notice of decision under
26 section 252H.16, or within ten days of the date of issuance of
27 the second notice of decision under section 252H.17, whichever
28 is later.

29 2. For actions initiated under subchapter III, either
30 parent or the unit may request a court hearing within the
31 latest of any of the following time periods:

32 a. Twenty days from the date of successful service of the
33 notice of intent to modify required under section 252H.19.

34 b. Ten days from the date scheduled for a conference to
35 discuss the modification action.

1 c. Ten days from the date of issuance of a second notice
2 of a proposed modification action.

3 3. The time limitations for requesting a court hearing
4 under this section may be extended by the unit.

5 4. If a timely written request for a hearing is received
6 by the unit, a hearing shall be held in district court, and
7 the unit shall certify the matter to the district court in the
8 county in which the order subject to adjustment or
9 modification is filed. The certification shall include the
10 following, as applicable:

11 a. Copies of the notice of intent to review or notice of
12 intent to modify.

13 b. The return of service, acceptance of service, or signed
14 statement by the parent requesting review and adjustment
15 waiving service of the notice.

16 c. Copies of the notice of decision and any revised notice
17 as provided in section 252H.17.

18 d. Copies of any written objections to and request for a
19 second review or conference or hearing.

20 e. Copies of any second notice of decision issued pursuant
21 to section 252H.17, or second notice of proposed modification
22 action issued pursuant to section 252H.20.

23 f. Copies of any financial statements and supporting
24 documentation provided by the parents.

25 g. Copies of any computation worksheet prepared by the
26 unit to determine the amount of support calculated using the
27 mandatory child support guidelines established under section
28 598.21, subsection 4.

29 5. The court shall set the matter for hearing within
30 forty-five days of the certification and notify the parties of
31 the time and place of the hearing.

32 6. For actions initiated under subchapter II, a hearing
33 shall not be held for at least thirty-one days following the
34 date of issuance of the notice of decision unless the parents
35 have jointly waived, in writing, the thirty-day post-review

1 period.

2 7. Pursuant to section 252H.3, the district court shall
3 review the matter as an original hearing before the court.

4 8. Issues subject to review by the court in any hearing
5 resulting from an action initiated under this chapter shall be
6 limited to the issues identified in section 252H.3.

7 9. If more than one support order exists involving the
8 same parties to the order, all of the affected support orders
9 shall be consolidated and heard simultaneously. For the
10 purposes of this subsection, the district court hearing the
11 matter shall have jurisdiction over all other support orders
12 entered by a court of this state and affected under this
13 subsection.

14 10. The court shall establish the amount of child support
15 pursuant to section 598.21, subsection 4, or medical support
16 pursuant to chapter 252E, or both.

17 11. If a party fails to appear at the hearing, upon a
18 showing of proper notice to the party, the court may find the
19 party in default and enter an appropriate order.

20 Sec. 31. NEW SECTION. 252H.9 FILING AND DOCKETING OF
21 ADMINISTRATIVE ADJUSTMENT OR MODIFICATION ORDER -- ORDER
22 EFFECTIVE AS DISTRICT COURT ORDER.

23 1. If timely request for a court hearing is not made
24 pursuant to section 252H.8, the unit shall prepare and present
25 an administrative order for adjustment or modification, as
26 applicable, for review and approval, ex parte, to the district
27 court where the order to be adjusted or modified is filed.

28 2. The unit shall determine the appropriate amount of the
29 child support obligation using the current child support
30 guidelines established pursuant to section 598.21, subsection
31 4, and the criteria established pursuant to section 252B.7A
32 and shall determine the provisions for medical support
33 pursuant to chapter 252E.

34 3. The administrative order prepared by the unit shall
35 specify all of the following:

1 a. The amount of support to be paid and the manner of
2 payment.

3 b. The name of the custodian of any child for whom support
4 is to be paid.

5 c. The name of the parent ordered to pay support.

6 d. The name and birth date of any child for whom support
7 is to be paid.

8 e. That the property of the responsible person is subject
9 to collection action, including but not limited to wage
10 withholding, garnishment, attachment of a lien, and other
11 methods of execution.

12 f. Provisions for medical support.

13 4. Supporting documents as described in section 252H.8,
14 subsection 4, may be presented to the court with the
15 administrative order, as applicable.

16 5. Unless defects appear on the face of the order or on
17 the attachments, the district court shall approve the order.
18 Upon filing, the approved order shall have the same force,
19 effect, and attributes of an order of the district court.

20 6. Upon filing, the clerk of the district court shall
21 enter the order in the judgment docket and judgment lien
22 index.

23 7. A copy of the order shall be sent by regular mail to
24 each parent's last known address, or if applicable, to the
25 last known address of the parent's attorney.

26 8. The order is final, and action by the unit to enforce
27 and collect upon the order, including arrearages and medical
28 support, or both, may be taken from the date of the entry of
29 the order by the district court.

30 Sec. 32. NEW SECTION. 252H.10 EFFECTIVE DATE OF
31 ADJUSTMENT -- MODIFICATION.

32 Pursuant to section 598.21, subsection 8, paragraph "k",
33 subparagraph (2), any administrative or court order resulting
34 from an action initiated under this chapter may be made
35 retroactive only to the date that all parties were

1 successfully served the notice required under section 252H.15
2 or section 252H.19, as applicable.

3 Sec. 33. NEW SECTION. 252H.11 CONCURRENT ACTIONS.

4 This chapter does not prohibit or affect the ability or
5 right of a parent or the parent's attorney, to file a
6 modification action at the parent's own initiative. If a
7 modification action is filed by a parent concerning an order
8 for which an action has been initiated but has not yet been
9 completed by the unit under this chapter, the unit shall
10 terminate any action initiated under this chapter, subject to
11 the following:

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

15 2. If the modification action filed by the parent is
16 subsequently dismissed before being heard by the court, the
17 unit shall continue the action previously initiated under this
18 chapter, or initiate a new action as follows:

19 a. If the unit previously initiated an action under
20 subchapter II, and had not issued a notice of decision as
21 required under section 252H.16, the unit shall proceed as
22 follows:

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

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

31 b. If the unit previously initiated an action under
32 subchapter II and had issued the notice of decision as
33 required under section 252H.16, the unit shall proceed as
34 follows:

35 (1) If the notice of decision was issued ninety days or

1 less prior to the date the modification action filed by the
2 parent is dismissed, the unit shall request, obtain, and
3 verify any new or different information concerning the
4 financial circumstances of the parents and issue a revised
5 notice of decision to each parent, or if applicable, to the
6 parent's attorney.

7 (2) If the modification action filed by the parent is
8 dismissed more than ninety days after the date of issuance of
9 the notice of decision, the unit shall serve or issue a new
10 notice of intent to review pursuant to section 252H.15 and
11 conduct a review pursuant to section 252H.16.

12 c. If the unit previously initiated an action under
13 subchapter III, the unit shall proceed as follows:

14 (1) If the modification action filed by the parent is
15 dismissed more than ninety days after the original notice of
16 intent to modify was served, the unit shall serve a new notice
17 of intent to modify pursuant to section 252H.20.

18 (2) If the modification action filed by the parent is
19 dismissed ninety days or less after the original notice of
20 intent to modify was served, the unit shall complete the
21 original modification action initiated by the unit under this
22 subchapter.

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

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

35 4. If an action initiated under this chapter by the unit

1 is terminated as the result of a concurrent action filed by
2 one of the parents and is subsequently reinstated because the
3 modification action filed by the parent is dismissed, the unit
4 shall advise each parent, or if applicable, each parent's
5 attorney, in writing, that the unit is continuing the prior
6 administrative adjustment or modification action. The notice
7 shall be issued by regular mail to the last known mailing
8 address of each parent, or if applicable, each parent's
9 attorney.

10 SUBCHAPTER II

11 REVIEW AND ADJUSTMENT

12 Sec. 34. NEW SECTION. 252H.12 SUPPORT ORDERS SUBJECT TO
13 REVIEW AND ADJUSTMENT.

14 A support order meeting all of the following conditions is
15 eligible for review and adjustment under this subchapter:

16 1. The support order is subject to the jurisdiction of
17 this state for the purposes of adjustment.

18 2. The support order provides for the ongoing support of
19 at least one child under the age of eighteen or a child
20 between the ages of eighteen and nineteen who has not yet
21 graduated from high school but who is reasonably expected to
22 graduate from high school before attaining the age of
23 nineteen.

24 3. The ongoing support for at least one child described in
25 subsection 2 continues, under the terms of the order, beyond
26 October 13, 1993.

27 4. The unit is providing enforcement services for the
28 ongoing support obligation pursuant to chapter 252B.

29 Sec. 35. NEW SECTION. 252H.13 RIGHT TO REQUEST REVIEW.

30 A parent shall have the right to request the review of a
31 support order for which the unit is currently providing
32 enforcement services of an ongoing child support obligation
33 pursuant to chapter 252B.

34 Sec. 36. NEW SECTION. 252H.14 REVIEWS INITIATED BY THE
35 CHILD SUPPORT RECOVERY UNIT.

1 1. The unit shall periodically initiate a review of
2 support orders meeting the conditions in section 252H.12 in
3 accordance with the following:

4 a. The right to any ongoing child support obligation is
5 currently assigned to the state pursuant to section 252C.2.

6 b. The right to any ongoing medical support obligation is
7 currently assigned to the state pursuant to section 252C.2
8 unless:

9 (1) The support order already includes provisions
10 requiring the parent ordered to pay child support to also
11 provide medical support.

12 (2) The parent entitled to receive support has
13 satisfactory health insurance coverage for the children,
14 excluding coverage resulting from the receipt of public
15 assistance benefits.

16 2. The unit shall periodically initiate a request to a
17 child support agency of another state to conduct a review of a
18 support order entered in that state when the right to any
19 ongoing child or medical support obligation due under the
20 order is currently assigned to the state of Iowa.

21 3. The unit shall adopt rules establishing criteria to
22 determine the appropriateness of initiating a review.

23 4. The unit shall initiate reviews under this section in
24 accordance with the federal Family Support Act of 1988.

25 Sec. 37. NEW SECTION. 252H.15 NOTICE OF INTENT TO REVIEW
26 AND ADJUST.

27 1. Prior to conducting a review of a support order, the
28 unit shall issue a notice of intent to review and adjust to
29 each parent, or if applicable, to each parent's attorney.
30 However, notice to a child support agency or an agency
31 entitled to receive child or medical support payments as the
32 result of an assignment of support rights is not required.

33 2. Notice shall be served upon each parent in accordance
34 with the rules of civil procedure, except that a parent
35 requesting a review pursuant to section 252H.13 may waive the

1 right to service of the notice and sign an acceptance of
2 service.

3 3. The unit shall adopt rules pursuant to chapter 17A to
4 ensure that all of the following are included in the notice:

5 a. The legal basis and purpose of the action.

6 b. Information sufficient to identify the affected parties
7 and the support order or orders affected.

8 c. An explanation of the procedures for obtaining or
9 determining child support and a request for financial or
10 income information as necessary for application of the child
11 support guidelines established pursuant to section 598.21,
12 subsection 4.

13 d. An explanation of the legal rights and responsibilities
14 of the affected parties, including the time frames in which
15 the parties must act.

16 e. Criteria for determining appropriateness of an
17 adjustment and a statement that the unit will use the child
18 support guidelines established pursuant to section 598.21,
19 subsection 4, and the provisions for medical support pursuant
20 to chapter 252E to adjust the order.

21 f. Procedures for contesting the action.

22 g. An explanation of the right to request a court hearing,
23 and the applicable time frames and procedures to follow in
24 requesting a court hearing.

25 h. Other information as appropriate.

26 Sec. 38. NEW SECTION. 252H.16 CONDUCTING THE REVIEW --
27 NOTICE OF DECISION.

28 1. The unit shall conduct the review and determine whether
29 an adjustment is appropriate.

30 2. Unless both parents have waived the prereview notice
31 period as provided for in section 252H.7, the review shall not
32 be conducted for at least thirty days from the date both
33 parents were successfully served with the notice required in
34 section 252H.15.

35 3. Upon completion of the review, the unit shall issue a

1 notice of decision by regular mail to the last known address
2 of each parent, or if applicable, each parent's attorney.

3 4. The unit shall adopt rules pursuant to chapter 17A to
4 ensure that all of the following are included in the notice:

5 a. Information sufficient to identify the affected parties
6 and the support order or orders affected.

7 b. A statement indicating whether the unit finds that an
8 adjustment is appropriate and the basis for the determination.

9 c. Other information, as appropriate.

10 5. A revised notice of decision shall be issued when the
11 unit receives or becomes aware of new or different information
12 affecting the results of the review after the notice of
13 decision has been issued and before the entry of an
14 administrative order adjusting the support order, when new or
15 different information is not received in conjunction with a
16 request for a second review, or subsequent to a request for a
17 court hearing. If a revised notice of decision is issued, the
18 time frames for requesting a second review or court hearing
19 shall apply from the date of issuance of the revised notice.

20 Sec. 39. NEW SECTION. 252H.17 CHALLENGING THE NOTICE OF
21 DECISION -- SECOND REVIEW -- NOTICE.

22 1. Each parent shall have the right to challenge the
23 notice of decision issued under section 252H.16, by requesting
24 a second review by the unit.

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

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

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

34 3. A parent challenging the notice of decision shall
35 submit any new or different information, not previously

1 considered by the unit in conducting the review, with the
2 challenge and request for second review.

3 4. A parent challenging the notice of decision shall
4 submit any required fees with the challenge. Any request
5 submitted without full payment of the required fee shall be
6 denied.

7 5. If a timely challenge along with any necessary fee is
8 received, the unit shall issue by regular mail to the last
9 known address of each parent, or if applicable, to each
10 parent's attorney, a notice that a second review will be
11 conducted. The unit shall adopt rules pursuant to chapter 17A
12 to ensure that all of the following are included in the
13 notice:

14 a. A statement of purpose of the second review.

15 b. Information sufficient to identify the affected parties
16 and the support order or orders affected.

17 c. A statement of the information that is eligible for
18 consideration at the second review.

19 d. The procedures and time frames in conducting and
20 completing a second review, including a statement that only
21 one second review shall be conducted as the result of a
22 challenge received from either or both parents.

23 e. An explanation of the right to request a court hearing,
24 and the applicable time frames and procedures to follow in
25 requesting a court hearing.

26 f. Other information, as appropriate.

27 6. The unit shall conduct a second review, utilizing any
28 new or additional information provided or available since
29 issuance of the notice of decision under section 252H.16, to
30 determine whether an adjustment is appropriate.

31 7. Upon completion of the review, the unit shall issue a
32 second notice of decision by regular mail to the last known
33 address of each parent, or if applicable, to each parent's
34 attorney. The unit shall adopt rules pursuant to chapter 17A
35 to ensure that all of the following are included in the

1 notice:

2 a. Information sufficient to identify the affected parties
3 and the support order or orders affected.

4 b. The unit's finding resulting from the second review
5 indicating whether the unit finds that an adjustment is
6 appropriate, the basis for the determination, and the impact
7 on the first review.

8 c. An explanation of the right to request a court hearing,
9 and the applicable time frames and procedures to follow in
10 requesting a court hearing.

11 d. Other information, as appropriate.

12 8. If the determination resulting from the first review is
13 revised or reversed by the second review, the following shall
14 be issued to each parent along with the second notice of
15 decision and the amount of any proposed adjustment:

16 a. Any updated or revised financial statements provided by
17 either parent.

18 b. A computation prepared by the local child support
19 office issuing the notice, demonstrating how the amount of
20 support due under the child support guidelines was calculated,
21 and a comparison of the newly computed amount with the current
22 support obligation amount.

23 SUBCHAPTER III

24 ADMINISTRATIVE MODIFICATION

25 Sec. 40. NEW SECTION. 252H.18 ORDERS SUBJECT TO
26 ADMINISTRATIVE MODIFICATION.

27 An order meeting all of the following conditions is
28 eligible for administrative modification under this
29 subchapter.

30 1. The order is subject to the jurisdiction of this state
31 for the purposes of modification.

32 2. The unit is providing services pursuant to chapter
33 252B.

34 3. The issue of paternity is not in dispute. If paternity
35 becomes an issue, the paternity action shall be conducted

1 pursuant to the provisions of chapter 252A or 600B, as
2 appropriate.

3 4. Review and adjustment services pursuant to subchapter
4 II are not required or are not applicable.

5 Sec. 41. NEW SECTION. 252H.19 NOTICE OF INTENT TO
6 MODIFY.

7 1. The unit shall issue a notice of intent to modify to
8 each parent. Notice to a child support agency or an agency
9 entitled to receive child or medical support payments as the
10 result of an assignment of support rights is not required.

11 2. The notice shall be served upon each parent in
12 accordance with the rules of civil procedure. The unit shall
13 adopt rules pursuant to chapter 17A to ensure that all of the
14 following are included in the notice:

15 a. The legal basis and purpose of the action.

16 b. Information sufficient to identify the affected parties
17 and the support order or orders affected.

18 c. An explanation of the procedures for obtaining or
19 determining child support and a request for financial or
20 income information as necessary for application of the child
21 support guidelines established pursuant to section 598.21,
22 subsection 4.

23 d. An explanation of the legal rights and responsibilities
24 of the affected parties, including the time frames in which
25 the parties must act.

26 e. Procedures for contesting the action through a
27 conference or a court hearing.

28 f. Other information, as appropriate.

29 Sec. 42. NEW SECTION. 252H.20 CONFERENCE -- SECOND
30 NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY.

31 1. Each parent shall have the right to request a
32 conference with the office of the unit that issued the notice
33 of intent to modify. The request may be made in person, in
34 writing, or by telephone, and shall be made within ten days of
35 the date of successful service of the notice of intent to

1 modify.

2 2. A parent requesting a conference shall submit any
3 required fee no later than the date of the scheduled
4 conference. A conference shall not be held unless the
5 required fee is paid in full.

6 3. Upon a request and full payment of any required fee,
7 the office of the unit that issued the notice of intent to
8 modify shall schedule a conference with the parent and advise
9 the parent of the date, time, place, and procedural aspects of
10 the conference. The unit shall adopt rules pursuant to
11 chapter 17A to specify the manner in which a conference is
12 conducted and the purpose of the conference.

13 4. Following the conference, the office of the unit that
14 conducted the review shall issue a second notice of proposed
15 modification and finding of financial responsibility to the
16 parent requesting the conference. The unit shall adopt rules
17 pursuant to chapter 17A to ensure that all of the following
18 are included in the notice:

- 19 a. Information sufficient to identify the affected parties
- 20 and the support order or orders affected.
- 21 b. If the unit will continue or terminate the action.
- 22 c. Procedures for contesting the action and the applicable
- 23 time frames for actions by the parents.
- 24 d. Other information, as appropriate.

25 Sec. 43. Section 598.21, subsection 8, unnumbered
26 paragraph 2, Code 1993, is amended to read as follows:

27 A modification of a support order entered under chapter
28 252A, chapter 600B, or this chapter between parties to the
29 order is void unless the modification is approved by the
30 court, after proper notice and opportunity to be heard is
31 given to all parties to the order, and entered as an order of
32 the court. If support payments have been assigned to the
33 department of human services pursuant to section 234.39, or
34 section 239.3, the department shall be considered a party to
35 the support order. Modifications of orders pertaining to

1 child custody shall be made pursuant to chapter 598A. If the
2 petition for a modification of an order pertaining to child
3 custody asks either for joint custody or that joint custody be
4 modified to an award of sole custody, the modification, if
5 any, shall be made pursuant to section 598.41.

6 Sec. 44. Section 598.21, subsection 9, Code 1993, is
7 amended to read as follows:

8 9. Notwithstanding subsection 8, a substantial change of
9 circumstances exists when the court order for child support
10 deviates varies by ten percent or more from the amount which
11 would be due pursuant to the most current child support
12 guidelines established pursuant to subsection 4 or the obligor
13 has access to a health benefit plan, the current order for
14 support does not contain provisions for medical support, and
15 the dependents are not covered by a health benefit plan
16 provided by the obligee, excluding coverage pursuant to
17 chapter 249A.

18 This basis for modification is applicable to petitions
19 filed on or after July 1, 1992, notwithstanding whether the
20 guidelines prescribed by subsection 4 were used in
21 establishing the current amount of support. Upon application
22 for a modification of an order for child support where for
23 which services are being received pursuant to chapter 252B,
24 the court shall set the amount of child support based upon the
25 most current child support guidelines established pursuant to
26 subsection 4, including provisions for medical support
27 pursuant to chapter 252E. The child support recovery unit
28 shall, in submitting an application for modification or
29 adjustment of an order for support, employ additional criteria
30 and procedures ~~for-the-review-and-adjustment-of-support~~
31 awards, as provided in chapter 252H and as established by
32 rule.

33 Sec. 45. Section 598.21, Code 1993, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 9A. Notwithstanding any other provision

1 of law to the contrary, when an application for modification
2 of support is submitted by the child support recovery unit,
3 the sole issues which may be considered by the court in that
4 action are the application of the guidelines in establishing
5 the amount of support pursuant to section 598.21, subsection
6 4, and provision for medical support under chapter 252E.
7 Issues related to custody, visitation, or other provisions
8 unrelated to support shall be considered only under a separate
9 application for modification.

10 Sec. 46. Sections 252D.12 and 252D.14, Code 1993, are
11 repealed.

12 Sec. 47. ADOPTION OF EMERGENCY RULES. The department of
13 human services may adopt rules under section 17A.4, subsection
14 2, to implement chapter 252H. The rules shall become
15 effective immediately upon filing pursuant to section 17A.5,
16 subsection 2, unless a later effective date is specified in
17 the rules. Rules adopted in accordance with this paragraph
18 shall also be published as a notice of intended action as
19 provided in section 17A.4. If the department determines that
20 rules are necessary to clarify section 252B.4, subsection 2A,
21 the department may proceed to adopt rules in the manner
22 provided for in this section.

23 Sec. 48. IMPLEMENTATION. In implementing section 252B.4,
24 subsection 2B, the department of human services shall consider
25 recovery of costs from both the custodial and noncustodial
26 parents. Identification of costs to be recovered and the
27 adoption of rules may be completed in stages. The department
28 shall give notice of intended action for initial rules by June
29 30, 1995.

30 Sec. 49. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

31 1. Sections 6, 47, 48, and this section of this Act, being
32 deemed of immediate importance, take effect upon enactment.

33 2. Section 44 of this Act, being deemed of immediate
34 importance, takes effect upon enactment and applies
35 retroactively to July 1, 1992.

EXPLANATION

1

2 This bill provides for amendment of the provisions relating
3 to child support.

4 The bill addresses income withholding by extending the
5 provisions for immediate income withholding, beginning January
6 1, 1994, to all cases including those cases for which support
7 payments have not been assigned to the department of human
8 services (DHS); by addressing notice provisions; by providing
9 for payments by payors with multiple withholding orders; by
10 expanding income withholding provisions to apply to lump sum
11 payments; and by making income withholding provisions
12 applicable to orders granted by a foreign jurisdiction.

13 The bill also limits the issues that may be raised during
14 the registration of a foreign support order initiated by the
15 child support recovery unit (CSRU) to those issues of fact
16 relating to the support obligation. The bill prohibits issues
17 related to custody, visitation, or other issues from being
18 addressed in a separate proceeding until after the
19 registration action is completed. The bill also addresses the
20 effect of a modification or adjustment on a registered foreign
21 support order and on an Iowa order registered in a foreign
22 jurisdiction.

23 The bill addresses the enforcement and assignment of
24 medical support obligations and provides that an ex parte
25 order may be entered which includes provisions for enforcement
26 of a medical support provision if included in the support
27 order, and provides that enforcement of a medical support
28 order may include income withholding enforcement of provisions
29 under a health benefit plan; requires the obligor to take all
30 necessary actions to enroll in and maintain coverage for the
31 dependent; provides for the entering of an ex parte order by
32 the district court or DHS directing the employer to enroll the
33 dependent in the health benefit plan when the support order
34 requires such coverage; and provides that if DHS provides
35 medical assistance under chapter 249A or in accordance with a

1 statute of a foreign jurisdiction, that the rights to medical
2 support payments are assigned to the department.

3 The bill establishes a new chapter 252H which provides a
4 procedure for the review and adjustment of support orders and
5 additionally provides for an administrative modification
6 procedure.

7 The bill also provides for the expansion of user fees to
8 services provided by the CSRU and provides an immediate
9 effective date and emergency rulemaking authority; addresses
10 the jurisdiction for establishment of a support order in
11 certain foster care cases; addresses issues relating to
12 modification of child support orders, including that the
13 provisions relating to a substantial change of circumstances
14 based upon a 10 percent or more variance between the amount of
15 child support currently required by the child support order
16 and the amount in the original order are applicable to
17 petitions for modification filed on or after July 1, 1992;
18 provides that modification may be sought if the obligor has
19 access to health insurance and medical support that was not
20 included in the original order; and provides that the only
21 issues that may be addressed when the CSRU applies for
22 modification of an order are those related to support.

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SENATE FILE 349

S-3195

- 1 Amend Senate File 349 as follows:
2 1. Page 2, by inserting after line 34 the
3 following:
4 "Sec. ____ . Section 252B.4, subsection 1, Code
5 1993, is amended to read as follows:
6 1. The director shall require an application fee
7 of not to exceed twenty-five dollars in accordance
8 with a fee schedule established by rule of the
9 department which is based upon applicants' incomes and
10 which is designed so as not to discourage the
11 application for such services by applicants most in
12 need of the services."
13 2. By renumbering as necessary.

By JOE WELSH

S-3195 FILED MARCH 23, 1993

Adapted 3.24-93 (p. 813)

SENATE FILE 349

S-3226

- 1 Amend Senate File 349 as follows:
2 1. Page 15, line 23, by striking the words "an
3 original" and inserting the following: "a de novo".
By TOM VILSACK

S-3226 FILED MARCH 24, 1993

WITHDRAWN

SENATE FILE 349

S-3223

1 Amend Senate File 349 as follows:

2 1. Page 3, by inserting after line 22, the
3 following:

4 "Sec. 101. Section 252B.13A, subsection 1, Code
5 1993, is amended to read as follows:

6 ~~1. The department shall establish within the unit
7 a collection services center for the receipt and
8 disbursement of support payments as defined in section
9 598.1 as required pursuant to an order for which the
10 unit is providing enforcement services under this
11 chapter orders by section 252B.14. For purposes of
12 this section, support payments do not include attorney
13 fees, or court costs, or property settlements.~~

14 Sec. 102. Section 252B.13A, subsections 2 and 3,
15 Code 1993, are amended by striking the subsections.

16 Sec. 103. Section 252B.14, Code 1993, is amended
17 to read as follows:

18 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES
19 CENTER -- CLERK OF THE DISTRICT COURT.

20 ~~All support payments required pursuant to orders
21 entered under this chapter and chapter 234, 252A,
22 252C, 598, 600B, or any other chapter shall be
23 directed and processed as follows:~~

24 1. For the purposes of this section, "support
25 order" includes any order entered pursuant to chapter
26 234, 252A, 252C, 598, 600B, or any other support
27 chapter which applies to support payments as defined
28 in section 598.1.

29 ~~2. If For support orders being enforced by the
30 child support recovery unit is providing enforcement
31 services for a support order, support payments made
32 pursuant to the order shall be directed to and
33 processed as follows: disbursed by the collection
34 services center.~~

35 ~~a. -- Payments made through income withholding, wage
36 assignment, unemployment insurance offset, or tax
37 offset shall be directed to and disbursed by the
38 collection services center.~~

39 ~~b. -- Payments made through electronic transfer of
40 funds, including but not limited to use of an
41 automated teller machine, a telephone initiated bank
42 account withdrawal, or an automatic bank account
43 withdrawal shall be directed to and disbursed by the
44 collection services center.~~

45 ~~c. -- Payments made through any other method shall be
46 directed to the clerk of the district court in the
47 county in which the order for support is filed and
48 shall be disbursed by the collection services center.~~

49 3. For any new support order issued on or after
50 January 1, 1994, support payments made pursuant to the

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1 order shall be directed to and disbursed by the
2 collection services center.

3 4. For any support order modified on or after
4 January 1, 1994, which requires that support payments
5 be made by an employer through an income withholding
6 order pursuant to chapter 252D, support payments
7 pursuant to the order shall be directed to and
8 disbursed by the collection services center.

9 5. For any support order not identified under
10 subsection 2, 3, or 4, upon agreement of the person
11 obligated to pay the support and the person entitled
12 to receive the support, the responsibility for the
13 receipt and disbursement of support payments may be
14 transferred from the clerk of the district court to
15 the collection services center. The transfer may be
16 accomplished by either of the following:

17 a. As the result of an action of the court
18 including but not limited to a modification of the
19 support obligation.

20 b. By the parties filing a written statement
21 requesting the transfer signed by both parties with
22 the clerk of the district court where support payments
23 are directed and with the collection services center.

24 ~~2 6. If the child support recovery unit is not~~
25 ~~providing enforcement services for a support order~~ For
26 ~~a support order to which subsection 2, 3, 4, or 5 does~~
27 ~~not apply, support payments made pursuant to the order~~
28 ~~shall be directed to and disbursed by the clerk of the~~
29 ~~district court in the county in which the order for~~
30 ~~support is filed.~~

31 ~~3 7. Payments to persons other than the clerk of~~
32 ~~the district court or the collection services center~~
33 ~~do not satisfy the support obligations created by a~~
34 ~~support order or judgment, except as provided for~~
35 ~~trusts and social security income in section sections~~
36 ~~252B.17, 598.227, or 598.237, or for tax refunds or~~
37 ~~rebates in section 602.81027, subsection 47, and except~~
38 ~~as provided in section 598.22A.~~

39 Sec. 104. Section 252B.15, subsections 1 through
40 4, Code 1993, are amended by striking the subsections.

41 Sec. 105. Section 252B.15, subsection 5, Code
42 1993, is amended to read as follows:

43 5- If it is possible to identify the support order
44 to which a payment is to be applied, a payment
45 received by the collection services center or the
46 clerk of the district court shall be disbursed to the
47 appropriate individual or office within two working
48 days in accordance with section 598.22.

49 Sec. 106. Section 252B.16, subsection 2, Code
50 1993, is amended to read as follows:

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Page 3

~~1 2. The department shall adopt rules pursuant to~~
~~2 chapter 17A to ensure that the affected parties are~~
~~3 notified that the support payment disbursement~~
~~4 responsibilities have been transferred to the~~
~~5 collection services center from the clerk of the~~
~~6 district court. The rules shall include a provision~~
~~7 requiring that a notice shall be sent by regular mail~~
~~8 to the last known addresses of the obligee and the~~
~~9 obligor. The issuance by regular mail of notice by~~
10 the child support recovery unit or the collection
11 services center to the an obligor is the equivalent of
12 a court order requiring the obligor to direct payment
13 to the collection services center for disbursement.

14 Sec. 107. Section 252B.16, Code 1993, is amended
15 by adding the following new subsections:

16 NEW SUBSECTION. 3. Once the responsibility for
17 receiving and disbursing support payments has been
18 transferred from a clerk of the district court to the
19 collection services center, the responsibility shall
20 remain with the collection services center even if the
21 child support recovery unit is no longer providing
22 enforcement services.

23 NEW SUBSECTION. 4. Upon the filing of a new or
24 modified support order to which section 252B.14,
25 subsection 2, 3, 4, or 5 is applicable, the clerk of
26 the district court shall forward a copy of the order
27 to the collection services center within five working
28 days of the filing.

29 a. For the purposes of this subsection, "support
30 order" includes any order entered pursuant to chapter
31 234, 252A, 252C, 598, 600B, or any other support
32 chapter which applies to support payments as defined
33 in section 598.1, and any subsequent court action
34 which affects the underlying support order.

35 b. In the case of a support order in which a
36 history of support payments or court actions exist,
37 the clerk of the district court shall also include
38 with the copy of the court order a copy of the payment
39 history, the last known addresses of the person
40 ordered to pay support and of the person ordered to
41 receive support, and copies of the support orders,
42 modifications, and other court actions that affect the
43 accrued or accruing support obligation.

44 c. When the child support recovery unit is
45 involved in the enforcement of a support order, the
46 clerk of the district court shall provide copies of
47 court documents to the child support recovery unit as
48 necessary to enforce the support obligation."

49 2. Page 34, by inserting after line 9, the
50 following:

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1 "Sec. 108. Section 602.8102, Code 1993, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 47B. Perform duties related to
4 support payment processing by the collection services
5 center or the clerk as specified in sections 252B.14
6 and 252B.16.

7 Sec. 109. Section 642.23, Code 1993, is amended to
8 read as follows:

9 642.23 SUPPORT DISBURSEMENTS BY THE CLERK.

10 Notwithstanding the seventy-day period in section
11 626.16 for the return of an execution in garnishment
12 for the payment of a support obligation, the sheriff
13 shall promptly deposit any amounts collected with the
14 clerk of the district court, and the clerk shall
15 disburse the amounts, after subtracting applicable
16 fees, within ten two working days of deposit-to the
17 filing of an order condemning funds as follows:

18 a. To the person entitled to the support payments
19 when the clerk of the district court is the official
20 entity responsible for the receipt and disbursement of
21 support payments pursuant to section 252B.14.

22 b. To the collection services center when the
23 collection services center is the official entity
24 responsible for the receipt and disbursement of
25 support payments pursuant to section 252B.14."

26 3. Page 34, by inserting after line 11, the
27 following:

28 "Sec. 110. REPEAL. 1990 Iowa Acts, chapter 1224,
29 section 1, as amended by 1991 Iowa Acts, chapter 62,
30 section 1, and 1992 Iowa Acts, chapter 1028, section
31 1, is repealed.

32 Sec. 111. COLLECTION OF SUPPORT PAYMENTS --
33 TRANSFER. The department of human services, in
34 cooperation with the judicial department, shall
35 develop a plan to transfer all responsibilities for
36 receipt and disbursement of support payments from the
37 clerks of the district court to the collection
38 services center. The plan shall be presented to the
39 general assembly no later than January 1, 1998, and
40 shall include reasonable time frames and the estimated
41 fiscal impacts necessary to ensure an efficient
42 transfer."

43 4. Page 34, by inserting after line 35, the
44 following:

45 "Sec. 112. EFFECTIVE DATE. Unless otherwise
46 specified, sections 101 through 112 of this Act, being
47 deemed of immediate importance, take effect upon
48 enactment."

49 5. By renumbering as necessary.

By RICHARD VARN

S-3223 FILED MARCH 24, 1993

LOST

1 Section 1. Section 232.182, subsection 5A, Code 1993, is
2 amended to read as follows:

3 5A. If the court orders placement of the child into foster
4 care, the court or the department shall establish a support
5 obligation for the costs of the placement pursuant to section
6 234.39.

7 Sec. 2. Section 252A.18, Code 1993, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. a. The respondent shall have twenty
10 days after receiving notice of the registration in which to
11 petition the court to vacate the registration or for other
12 relief. If the respondent does not so petition, the
13 respondent is in default and the registered support order is
14 confirmed.

15 b. If a registration action is initiated by the child
16 support recovery unit, issues subject to challenge are limited
17 to issues of fact relating to the support obligation and not
18 other issues including, but not limited to, custody and
19 visitation, or the terms of the support order.

20 Sec. 3. Section 252A.19, subsection 2, Code 1993, is
21 amended by striking the subsection.

22 Sec. 4. Section 252A.19, subsection 3, Code 1993, is
23 amended to read as follows:

24 3 2. At the a hearing to enforce the registered support
25 order the respondent may present only matters that would be
26 available to the respondent as defenses in an action to
27 enforce a foreign money judgment. ~~However, the court in its~~
28 ~~discretion may consider the income and resources of the~~
29 ~~respondent, the respondent's ability to pay, and any material~~
30 ~~changes of circumstances since the granting of registered~~
31 ~~support order, and may modify the amount of the support in the~~
32 ~~same manner as other support orders are modified.~~ If the
33 respondent states to the court that an appeal from the order
34 is pending or will be taken or that a stay of execution has
35 been granted, the court shall stay enforcement of the order

1 until the appeal is concluded, the time for appeal has
2 expired, or the order is vacated, upon satisfactory proof that
3 the respondent has furnished security for payment of the
4 support as ordered by the court. If the respondent shows to
5 the court any ground upon which enforcement of a support order
6 of this state may be stayed the court shall stay enforcement
7 of the order for an appropriate period if the respondent
8 furnishes the same security for payment of the support ordered
9 that is required for a support order of this state.

10 Sec. 5. NEW SECTION. 252A.20 MODIFICATION OR ADJUSTMENT
11 OF A REGISTERED FOREIGN SUPPORT ORDER AND OF AN IOWA ORDER
12 REGISTERED IN A FOREIGN JURISDICTION.

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

16 a. The modification or adjustment of the order does not
17 affect the underlying judgment in the foreign jurisdiction,
18 unless provided pursuant to the statute of the foreign
19 jurisdiction.

20 b. The modification or adjustment of the order by a
21 foreign jurisdiction does not affect the order following
22 registration in a court of this state unless confirmed by a
23 court of this state.

24 2. A support order issued in a court of this state may be
25 registered in a foreign jurisdiction and, following
26 registration, may be modified or adjusted subject to the
27 following:

28 a. The modification or adjustment of the order by a
29 foreign jurisdiction does not affect the order unless
30 confirmed by a court of this state.

31 b. The modification or adjustment of the order by a court
32 of this state following registration in a foreign jurisdiction
33 does not affect the order unless provided by the statute of
34 the foreign jurisdiction.

35 Sec. 6. Section 252B.4, subsection 1, Code 1993, is

1 amended to read as follows:

2 1. The director shall require an application fee of not to
3 exceed twenty-five dollars in accordance with a fee schedule
4 established by rule of the department which is based upon
5 applicants' incomes and which is designed so as not to
6 discourage the application for such services by applicants
7 most in need of the services.

8 Sec. 7. Section 252B.4, Code 1993, is amended by adding
9 the following new subsections:

10 NEW SUBSECTION. 2A. When the unit intercepts a federal
11 tax refund of an obligor for payment of delinquent support and
12 the funds are due to a recipient of services who is not
13 otherwise eligible for public assistance, the unit shall
14 deduct a twenty-five dollar fee from the funds before
15 forwarding the balance to the recipient.

16 a. The unit shall inform the recipient of the fee under
17 this subsection prior to assessment.

18 b. The fee shall be assessed only to individuals who
19 receive support from the federal tax refund offset program.
20 If the tax refund due the recipient is less than fifty
21 dollars, the fee shall not be assessed.

22 NEW SUBSECTION. 2B. The department may adopt rules to
23 establish a fee in an amount which provides for recovery of
24 administrative costs of the program in addition to other costs
25 identified.

26 Sec. 8. Section 252B.5, subsection 7, Code 1993, is
27 amended by striking the subsection and inserting in lieu
28 thereof the following:

29 7. The review and adjustment or modification of a support
30 order pursuant to chapter 252H.

31 Sec. 9. Section 252C.4, Code 1993, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 6. Actions initiated by the administrator
34 under this chapter are not subject to chapter 17A and
35 resulting court hearings following certification shall be an

1 original hearing before the district court.

2 Sec. 10. Section 252D.1, subsection 2, Code 1993, is
3 amended to read as follows:

4 2. If support payments ordered under chapter 232, 234,
5 252A, 252C, 252D, 252E, 598, 600B, or any other applicable
6 chapter, or under a comparable statute of a foreign
7 jurisdiction, as certified to the child support recovery unit
8 established in section 252B.2, are not paid to the clerk of
9 the district court or the collection services center pursuant
10 to section 598.22 and become delinquent in an amount equal to
11 the payment for one month, upon application of a person
12 entitled to receive the support payments, the child support
13 recovery unit or the district court may enter an ex parte
14 order notifying the person whose income is to be assigned, of
15 the delinquent amount, of the amount of income, or wages,
16 compensation, or benefits to be withheld, and of the procedure
17 to file a motion to quash the order of assignment, and shall
18 order an assignment of income ~~and-notify-an-employer,-trustee,~~
19 ~~or-other-payor-by-regular-mail,-with-proof-of-service~~
20 ~~completed-according-to-rule-of-civil-procedure-827-of-the~~
21 ~~order-of-the-assignment-of-income~~ requiring the withholding of
22 specified sums to be deducted from the delinquent person's
23 periodic earnings, trust income, compensation, benefits, or
24 other income sufficient to pay the support obligation and,
25 except as provided in section 598.22, requiring the payment of
26 such sums to the clerk of the district court or the collection
27 services center. ~~The-assignment-of-income-is-binding-on-an~~
28 ~~existing-or-future-employer,-trustee,-or-other-payor-ten-days~~
29 ~~after-the-receipt-of-the-order.--The-amount-of-an-assignment~~
30 ~~of-income-shall-not-exceed-the-amount-specified-in-15-U.S.C.-§~~
31 ~~1673(b).--The-assignment-of-income-has-priority-over-a~~
32 ~~garnishment-or-an-assignment-for-a-purpose-other-than-the~~
33 ~~support-of-the-dependents-in-the-court-order-being-enforced.~~
34 ~~The-child-support-recovery-unit-or-the-district-court,-upon~~
35 ~~the-application-of-any-party,-by-ex-parte-order,-may-modify~~

1 ~~the assignment of income on the full payment of the~~
2 ~~delinquency or in an instance where the amount being withheld~~
3 ~~exceeds the amount specified in 15 U.S.C. § 1673(b), or may~~
4 ~~revoke the assignment of income upon the termination of~~
5 ~~parental rights, emancipation, death or majority of the child,~~
6 ~~or upon a change of custody.~~ Notification of income
7 withholding shall be provided to the payor of earnings, trust
8 income, or other income pursuant to section 252D.17A.

9 Sec. 11. Section 252D.8, Code 1993, is amended to read as
10 follows:

11 252D.8 PERSONS SUBJECT TO IMMEDIATE INCOME WITHHOLDING.

12 1. In a support order issued or modified on or after
13 November 1, 1990, for which services are being provided by the
14 child support recovery unit, and in any support orders issued
15 or modified after January 1, 1994, for which services are not
16 provided by the child support recovery unit, the income of a
17 support obligor is subject to withholding, on the effective
18 date of the order, regardless of whether support payments by
19 the obligor are in arrears. ~~The~~ If services are being
20 provided pursuant to chapter 252B, the child support recovery
21 unit may enter an ex parte order for an immediate withholding
22 of income ~~or may directly implement immediate withholding of~~
23 ~~income~~ if authorizing language is contained in the court
24 order. The district court may enter an ex parte order for
25 immediate income withholding for cases in which the child
26 support recovery unit is not providing services. The income
27 of the obligor is subject to ~~such automatic~~ immediate
28 withholding unless one of the following occurs:

29 a. One of the parties demonstrates and the court or child
30 support recovery unit finds there is good cause not to require
31 immediate withholding. A finding of good cause shall be based
32 on, at a minimum, written findings and conclusions by the
33 court or administrative authority as to why implementing
34 immediate withholding would not be in the best interests of
35 the child. In cases involving modifications, the findings

1 shall also include proof of timely payment of previously
2 ordered support.

3 b. A written agreement is reached between both parties
4 which provides for an alternative arrangement. If

5 ~~2--if~~ the support payments have been assigned to the
6 department of human services pursuant to chapter 234 or 239,
7 or a comparable statute of another jurisdiction, the
8 department shall be considered a party to the support order,
9 and a written agreement pursuant to this section to waive
10 immediate withholding is void unless approved by the child
11 support recovery unit. Any ~~existing~~ agreement ~~is void~~
12 existing at the time an assignment of support to the state is
13 made pursuant to chapter 234 or 239 or pursuant to a
14 comparable statute of another jurisdiction shall not prevent
15 the child support recovery unit from implementing immediate
16 withholding.

17 ~~3-~~ 2. For an order not requiring immediate withholding,
18 income of an obligor is subject to immediate withholding,
19 without regard to whether there is an arrearage, on the
20 earliest of the following:

21 a. The date the obligor requests that the withholding
22 begin.

23 b. The date the custodial parent or party to the
24 proceeding requests that the withholding begin, if the request
25 is approved by the district court or, in cases in which
26 services are being provided pursuant to chapter 252B, if the
27 child support recovery unit approves the request.

28 Sec. 12. NEW SECTION. 252D.17A. NOTICE TO EMPLOYER OR
29 INCOME PAYOR -- DUTIES AND LIABILITY -- CRIMINAL PENALTY.

30 The child support recovery unit or the district court shall
31 provide notice of income withholding to the obligor's
32 employer, trustee, or other payor of income. Notice shall be
33 sent by regular mail, with proof of service completed
34 according to rule of civil procedure 82 and, in addition to
35 the amount to be withheld for payment of support, shall

1 include all of the following information regarding the duties
2 of the payor in implementing the withholding order:

3 1. The withholding order for child support has priority
4 over a garnishment or an assignment for a purpose other than
5 the support of the dependents in the court order being
6 enforced.

7 2. As reimbursement for the payor's processing costs, the
8 payor may deduct a fee of no more than two dollars for each
9 payment in addition to the amount withheld for support.

10 3. The amount withheld for support, including the
11 processing fee, shall not exceed the amounts specified in 15
12 U.S.C. § 1673(b).

13 4. Income withholding is binding on an existing or future
14 employer, trustee, or other payor ten days after receipt of
15 the notice.

16 5. The payor shall send the amounts withheld to the
17 collection services center or the clerk of the district court
18 within ten working days of the date the obligor is paid.

19 6. The payor may combine amounts withheld from the
20 obligor's wages in a single payment to the clerk of the
21 district court or to the collection services center, as
22 appropriate. Whether combined or separate, payments shall be
23 identified by the name of the obligor, account number, amount,
24 and the date withheld. If payments for multiple obligors are
25 combined, the portion of the payment attributable to each
26 obligor shall be specifically identified.

27 7. The payor shall deliver or send a copy of the order to
28 the person named in the order within one business day after
29 receipt of notice.

30 8. The withholding is binding on the payor until further
31 notice by the court or the child support recovery unit.

32 9. If the payor fails to withhold income in accordance
33 with the provisions of the order, the payor is liable for the
34 accumulated amount which should have been withheld, together
35 with costs, interest, and reasonable attorney fees related to

1 the collection of the amounts due from the payor.

2 10. The payor shall promptly notify the court or the child
3 support recovery unit when the obligor's employment or other
4 income terminates, and provide the obligor's last known
5 address and the name and address of the obligor's new
6 employer, if known.

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

13 Sec. 13. Section 252D.18, Code 1993, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 252D.18 MODIFICATION OR TERMINATION OF WITHHOLDING.

17 1. The court or the child support recovery unit may, by ex
18 parte order, modify a previously entered income withholding
19 order if the court or the unit determines any of the
20 following:

21 a. There has been a change in the amount of the current
22 support obligation.

23 b. The amount required to be withheld under the income
24 withholding order is in error.

25 c. Any past due support debt has been paid in full.
26 Should a delinquency later accrue, the withholding order may
27 be modified to secure payment toward the delinquency.

28 2. The court or the child support recovery unit may, by ex
29 parte order, terminate an income withholding order if for any
30 reason an outstanding current or delinquent support obligation
31 no longer exists as applicable to all of the children covered
32 by the income withholding order.

33 3. In no case shall payment of overdue support be the sole
34 basis for termination of withholding.

35 Sec. 14. NEW SECTION. 252D.18A MULTIPLE INCOME

1 WITHHOLDING ORDERS -- AMOUNTS WITHHELD BY PAYOR.

2 When the obligor is responsible for paying more than one
3 support obligation and the employer or the income payor has
4 received more than one income withholding order for the
5 obligor, the payor shall withhold amounts in accordance with
6 all of the following:

7 1. The total of all amounts withheld shall not exceed the
8 amounts specified in 15 U.S.C. § 1673(b).

9 2. As reimbursement for the payor's processing costs, the
10 payor may deduct a fee of no more than two dollars for each
11 payment withheld in addition to the amount withheld for
12 support.

13 3. Priority shall be given to the withholding of current
14 support rather than delinquent support. The payor shall not
15 allocate amounts withheld in a manner which results in the
16 failure to withhold an amount for one or more of the current
17 support obligations.

18 a. To arrive at the amount to be withheld for each
19 obligee, the payor shall total the amounts due for current
20 support under the income withholding orders and determine the
21 proportionate share for each obligee. The proportionate share
22 shall be determined by dividing the amount due for current
23 support for each order by the total due for current support
24 for all orders. The results are the percentages of the
25 obligor's net income which shall be withheld for each obligee.

26 b. If, after completing the calculation in paragraph "a",
27 the withholding limit specified under 15 U.S.C. § 1673(b) has
28 not been attained, the payor shall total the amounts due for
29 arrearages and determine the proportionate share for each
30 obligee. The proportionate share amounts shall be established
31 utilizing the procedures established in paragraph "a" for
32 current support obligations.

33 4. The payor shall identify and report payments by the
34 obligor's name, account number, amount, and date withheld
35 pursuant to section 252D.17A. If payments for multiple

1 obligees are combined, the portion of the payment attributable
2 to each obligee shall be specifically identified.

3 Sec. 15. NEW SECTION. 252D.18B IRREGULAR INCOME.

4 When payment of income is irregular, and an order for
5 immediate or mandatory income withholding has been entered by
6 the child support recovery unit or the district court, the
7 income payor shall withhold income equal to the total that
8 would have been withheld had there been regular monthly
9 income. The amounts withheld shall not exceed the amounts
10 specified in 15 U.S.C. § 1673(b). For the purposes of this
11 section, an income source is irregular when there are periods
12 in excess of one month during which the income payor makes no
13 payment to the obligor and the periods are not the result of
14 termination or suspension of employment.

15 Sec. 16. NEW SECTION. 252D.18C WITHHOLDING FROM LUMP SUM
16 PAYMENTS.

17 The child support recovery unit or the district court may
18 enter an ex parte order for income withholding when the
19 obligor is paid by a lump sum income source. When a sole
20 payment is made or payment occurs at two month or greater
21 intervals, the withholding order may include all current and
22 delinquent support due through the current month, but shall
23 not exceed the amounts specified in 15 U.S.C. § 1673(b).

24 Sec. 17. NEW SECTION. 252D.24 APPLICABILITY TO SUPPORT
25 ORDERS OF FOREIGN JURISDICTIONS.

26 1. An income withholding order may be entered to enforce a
27 support order of a foreign jurisdiction. The foreign support
28 order may be entered and filed with the clerk of the district
29 court at the time the income withholding order is entered.
30 Entry of the foreign support order under this subsection does
31 not constitute registration of the order.

32 2. Notice of withholding requirements pursuant to section
33 252D.3 are met if comparable notice was issued in the foreign
34 jurisdiction, was included in the support order, or was
35 provided as a separate written notice.

1 3. Income withholding for a support order issued by a
2 foreign jurisdiction is subject to the law and procedures for
3 income withholding of the jurisdiction where the income
4 withholding order is implemented. With respect to when the
5 obligor becomes subject to withholding, however, the law and
6 procedures of the jurisdiction where the support order was
7 entered apply.

8 Sec. 18. NEW SECTION. 252D.25 LIMITATIONS ON SCOPE OF
9 PROCEEDINGS.

10 1. Issues related to visitation, custody, or other
11 provisions not related to the support provisions of a support
12 order are not grounds for a motion to quash, revoke, suspend,
13 or stay a withholding order.

14 2. Support orders shall not be modified under a motion to
15 quash a withholding order.

16 Sec. 19. NEW SECTION. 252D.30 EX PARTE ORDER -- PRO-
17 VISIONS FOR MEDICAL SUPPORT.

18 An ex parte order entered under this chapter may also
19 include provisions for enforcement of medical support when
20 medical support provisions are included in the support order.
21 The ex parte order may require income withholding of a dollar
22 amount for medical support or implementation of provision for
23 dependent coverage under a health benefit plan pursuant to
24 chapter 252E.

25 Sec. 20. Section 252E.1, Code 1993, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 10. "Order" means a support order entered
28 pursuant to chapter 234, 252A, 252C, 598, 600B, or any other
29 applicable provision pursuant to a comparable statute of a
30 foreign jurisdiction, or an ex parte order entered pursuant to
31 section 252E.4.

32 Sec. 21. Section 252E.2, Code 1993, is amended to read as
33 follows:

34 252E.2 ORDER FOR MEDICAL SUPPORT.

35 1. ~~The entry of an~~ An order, ~~pursuant to chapter 234,~~

1 ~~252A7-252E7-5987-600B-or-any-other-chapter-of-the-Code-or~~
 2 ~~pursuant-to-a-comparable-statute-of-a-foreign-jurisdiction,~~
 3 requiring the provision of coverage under a health benefit
 4 plan is authorization for enrollment of the dependent if the
 5 dependent is otherwise eligible to be enrolled. The
 6 dependent's eligibility and enrollment for coverage under such
 7 a plan shall be governed by all applicable terms and
 8 conditions, including, but not limited to, eligibility and
 9 insurability standards. The dependent, if eligible, shall be
 10 provided the same coverage as the obligor.

11 2. The obligor shall take all actions necessary to enroll
 12 and maintain coverage under a health benefit plan for a
 13 dependent at the obligor's present and all future places of
 14 employment.

15 Sec. 22. Section 252E.4, Code 1993, is amended to read as
 16 follows:

17 252E.4 ~~COPY-OF ORDER TO EMPLOYER.~~

18 ~~The-obligor-shall-take-all-steps-necessary-to-enroll-and~~
 19 ~~maintain-coverage-under-a-health-benefit-plan-for-a-dependent~~
 20 ~~at-present-and-all-future-places-of-employment,-and-shall-send~~
 21 ~~a-copy-of-the-order-requiring-the-coverage-to-the-obligor's~~
 22 ~~employer.~~

23 ~~1.--Within-fifteen-days-of-entry-of-the-order,-the-obligor~~
 24 ~~shall-provide-written-proof-to-the-obligee-and-the-department~~
 25 ~~that-the-required-coverage-has-been-obtained-or-that~~
 26 ~~application-for-coverage-has-been-made.~~

27 ~~2.--if-the-obligor-fails-to-provide-written-proof-as~~
 28 ~~required-in-subsection-1,-a-copy-of-the-order-for-medical~~
 29 ~~support-shall-be-forwarded-to-the-obligor's-employer-by-the~~
 30 ~~obligee-or-the-department.~~

31 1. When a support order requires an obligor to provide
 32 coverage under a health benefit plan, the district court or
 33 the department may enter an ex parte order directing an
 34 employer to take all actions necessary to enroll an obligor's
 35 dependent for coverage under a health benefit plan.

1 2. The obligee, district court, or department may forward
2 either the support order containing the provision for coverage
3 under a health benefit plan or the ex parte order provided for
4 in subsection 1 to the obligor's employer.

5 3. ~~The~~ This chapter shall be constructive notice to the
6 obligor of enforcement and further notice prior to enforcement
7 is not required.

8 4. The order requiring coverage is binding on all future
9 employers or insurers if the dependent is eligible to be
10 enrolled in the health benefit plan under the applicable plan
11 terms and conditions.

12 Sec. 23. Section 252E.11, Code 1993, is amended to read as
13 follows:

14 252E.11 ASSIGNMENT.

15 If medical assistance coverage is provided by the
16 department to a dependent pursuant to chapter 249A, rights to
17 medical support payments are assigned to the department
18 pursuant-to-federal-regulations.

19 SUBCHAPTER I

20 GENERAL PROVISIONS

21 Sec. 24. NEW SECTION. 252H.1 PURPOSE AND INTENT.

22 This chapter is intended to provide a means for state
23 compliance with the federal Family Support Act of 1988,
24 requiring states to provide procedures for the review and
25 adjustment of support orders being enforced under Title IV-D
26 of the federal Social Security Act, and also to provide an
27 expedited modification process when review and adjustment
28 procedures are not required, appropriate, or applicable.
29 Actions under this chapter shall be initiated only by the
30 child support recovery unit.

31 Sec. 25. NEW SECTION. 252H.2 DEFINITIONS.

32 As used in this chapter, unless the context otherwise
33 requires "administrator", "caretaker", "court order",
34 "department", "dependent child", "medical support", "public
35 assistance", and "responsible person", mean the same as

1 defined in section 252C.1.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Act" means the federal Social Security Act.

5 2. "Adjustment" applies only to the child support
6 provisions of a support order and means either of the
7 following:

8 a. A change in the amount of child support based upon an
9 application of the child support guidelines established
10 pursuant to section 598.21, subsection 4.

11 b. An addition of or change to provisions for medical
12 support as defined in section 252E.1.

13 3. "Child" means a child as defined in section 252B.1.

14 4. "Child support agency" means any state, county, or
15 local office or entity of another state that has the
16 responsibility for providing child support enforcement
17 services under Title IV-D of the Act.

18 5. "Child support recovery unit" or "unit" means the child
19 support recovery unit created pursuant to section 252B.2.

20 6. "Modification" means either of the following:

21 a. An alteration, change, correction, or termination of an
22 existing support order.

23 b. The establishment of a child or medical support
24 obligation in a previously established order entered pursuant
25 to chapter 234, 252A, 252C, 598, 600B, or any other support
26 proceeding, in which such support was not previously
27 established.

28 7. "Parent" means, for the purposes of requesting a review
29 of a support order and for being entitled to notice under this
30 chapter:

31 a. The individual ordered to pay support pursuant to the
32 order.

33 b. An individual or entity entitled to receive current or
34 future support payments pursuant to the order, or pursuant to
35 a current assignment of support including but not limited to

1 an agency of this or any other state that is currently
2 providing public assistance benefits to the child for whom
3 support is ordered and any child support agency. Service of
4 notice of an action initiated under this chapter on an agency
5 is not required, but the agency may be advised of the action
6 by other means.

7 8. "Public assistance" means benefits received in this
8 state or any other state, under Title IV-A (aid to dependent
9 children), IV-E (foster care), or XIX (medicaid) of the Act.

10 9. "Review" means an objective evaluation conducted
11 through a proceeding before a court, administrative body, or
12 an agency, of information necessary for the application of a
13 state's mandatory child support guidelines to determine:

- 14 a. The appropriate monetary amount of support.
15 b. Provisions for medical support.

16 10. "State" means "state" as defined in section 252A.2.

17 11. "Support order" means a "court order" as defined in
18 section 252C.1.

19 Sec. 26. NEW SECTION. 252H.3 SCOPE OF THE ADMINISTRATIVE
20 ADJUSTMENT OR MODIFICATION -- ROLE OF DISTRICT COURT IN
21 CONTESTED CASES.

22 1. Any action initiated under this chapter, including any
23 court hearing resulting from an action, shall be limited in
24 scope to the adjustment or modification of the child or
25 medical support provisions of a support order.

26 2. Nonsupport issues shall not be considered by the unit
27 or the court in any action resulting under this chapter.

28 3. Actions initiated by the unit under this chapter shall
29 not be subject to contested case proceedings or further review
30 pursuant to chapter 17A and resulting court hearings following
31 certification shall be an original hearing before the district
32 court.

33 Sec. 27. NEW SECTION. 252H.4 ROLE OF THE CHILD SUPPORT
34 RECOVERY UNIT.

35 1. The unit may administratively adjust or modify a

1 support order entered under chapter 234, 252A, 252C, 598, or
2 600B, or any other support chapter if the unit was an original
3 party to the order or has subsequently become a party to the
4 order due to an assignment of support rights on the unit's own
5 initiative.

6 2. The unit is a party to an action initiated pursuant to
7 this chapter.

8 3. The unit shall conduct a review to determine whether an
9 adjustment is appropriate or, upon the request of a parent or
10 upon the unit's own initiative, determine whether a
11 modification is appropriate.

12 4. The unit shall adopt rules to establish the process for
13 the review of requests for adjustment and the criteria and
14 procedures for conducting a review and determining when an
15 adjustment is appropriate.

16 5. Legal representation of the unit shall be provided
17 pursuant to section 252B.7, subsection 4.

18 6. The unit shall adopt rules pursuant to chapter 17A to
19 implement this chapter.

20 Sec. 28. NEW SECTION. 252H.5 FEES AND COST RECOVERY FOR
21 REVIEW -- ADJUSTMENT -- MODIFICATION.

22 The unit shall, consistent with applicable federal law,
23 charge the following fees for providing the services described
24 in this chapter:

25 1. A parent ordered to provide support, who requests a
26 review of a support order under this chapter, shall file an
27 application for services and pay an application fee pursuant
28 to section 252B.4.

29 2. Any parent entitled to receive support who is not
30 receiving public assistance and requests a review and
31 adjustment of a support order under this chapter shall pay the
32 following fees:

33 a. A fee for conducting the review, to be paid at the time
34 the request for review is submitted to the unit. If the
35 request for review is denied for any reason, the fee shall be

1 refunded to the parent making the request. Any request
2 submitted without full payment of the fee shall be denied.

3 b. A fee for a second review requested pursuant to section
4 252H.17, to be paid at the time the request for the second
5 review is submitted to the unit. Any request submitted
6 without full payment of the fee shall be denied.

7 c. A fee for activities performed by the unit in
8 association with a court hearing requested pursuant to section
9 252H.8.

10 d. A fee for activities performed by the unit in entering
11 an administrative order to adjust support when neither parent
12 requests a court hearing pursuant to section 252H.8. The fee
13 shall be paid during the post-review waiting period under
14 section 252H.17. If the fee is not paid in full during the
15 post-review notice period, further action shall not be taken
16 by the unit to adjust the order unless the parent not
17 requesting the adjustment pays the fee in full during the
18 post-review waiting period, or unless the children affected by
19 the order reviewed are currently receiving public assistance
20 benefits and the proposed adjustment would result in either an
21 increase in the amount of support or in provisions for medical
22 support for the children.

23 3. Any parent entitled to receive support who is not
24 receiving public assistance and requests an administrative
25 modification of a support order shall pay the following fees:

26 a. A fee for conducting a conference requested pursuant to
27 section 252H.20, to be paid at the time the request for the
28 conference is submitted to the unit. Any request submitted
29 without full payment of the fee shall be denied.

30 b. A fee for activities performed by the unit in
31 association with a court hearing requested pursuant to section
32 252H.8.

33 4. Any parent entitled to receive support who is not
34 receiving public assistance, and requests a review of a
35 support order pursuant to section 252H.13, shall pay any

1 service of process fees for service or attempted service of
2 the notice required in section 252H.15. The unit shall not
3 proceed to conduct a review pursuant to section 252H.16 until
4 service of process fees have been paid in full. Service of
5 process fees charged by a person other than the unit are
6 distinct from any other fees and recovery of costs provided
7 for in this section.

8 5. The unit shall, consistent with applicable federal law,
9 recover administrative costs in excess of any fees collected
10 pursuant to subsections 1, 2, and 3 for providing services
11 under this chapter and shall adopt rules providing for
12 collection of fees for administrative costs.

13 6. The unit shall adopt rules pursuant to chapter 17A to
14 establish procedures and criteria to determine the amount of
15 any fees specified in this section and the administrative
16 costs in excess of these fees.

17 Sec. 29. NEW SECTION. 252H.6 COLLECTION OF INFORMATION.

18 The unit shall request, obtain, and validate information
19 concerning the financial circumstances of the parents of a
20 child as necessary to determine the appropriate amount of
21 support pursuant to the guidelines established in section
22 598.21, subsection 4, including but not limited to those
23 sources and procedures described in sections 252B.7A and
24 252B.9. The collection of information does not constitute a
25 review conducted pursuant to section 252H.16.

26 Sec. 30. NEW SECTION. 252H.7 WAIVER OF NOTICE PERIODS
27 AND TIME LIMITATIONS.

28 1. A parent may waive the thirty-day prereview waiting
29 period provided for in section 252H.16.

30 a. Upon receipt of signed requests from both parents
31 waiving the prereview waiting period, the unit may conduct a
32 review of the support order prior to the expiration of the
33 thirty-day period provided in section 252H.16.

34 b. If the parents jointly waive the prereview waiting
35 period and the order under review is subsequently adjusted,

1 the signed statements of both parents waiving the waiting
2 period shall be filed in the court record with the order
3 adjusting the support obligation.

4 2. A parent may waive the post-review waiting period
5 provided for in section 252H.8, subsection 6, for a court
6 hearing or in section 252H.17 for requesting of a second
7 review.

8 a. Upon receipt of signed requests from both parents
9 subject to the order reviewed, waiving the post-review waiting
10 period, the unit may enter an administrative order adjusting
11 the support order, if appropriate, prior to the expiration of
12 the post-review waiting period.

13 b. If the parents jointly waive the post-review waiting
14 period and an administrative order to adjust the support order
15 is entered, the signed statements of both parents waiving the
16 waiting period shall be filed in the court record with the
17 administrative order adjusting the support obligation.

18 3. A parent may waive the time limitations established in
19 section 252H.20.

20 a. Upon receipt of signed requests from both parents,
21 subject to the order to be modified, waiving the time
22 limitations, the unit may proceed to enter an administrative
23 modification order.

24 b. If the parents jointly waive the time limitations and
25 an administrative modification order is entered under this
26 chapter, the signed statements of both parents waiving the
27 time limitations shall be filed in the court record with the
28 administrative modification order.

29 Sec. 31. NEW SECTION. 252H.8 CERTIFICATION TO COURT --
30 HEARING -- DEFAULT.

31 1. For actions initiated under subchapter II, either
32 parent or the unit may request a court hearing within thirty
33 days from the date of issuance of the notice of decision under
34 section 252H.16, or within ten days of the date of issuance of
35 the second notice of decision under section 252H.17, whichever

1 is later.

2 2. For actions initiated under subchapter III, either
3 parent or the unit may request a court hearing within the
4 latest of any of the following time periods:

5 a. Twenty days from the date of successful service of the
6 notice of intent to modify required under section 252H.19.

7 b. Ten days from the date scheduled for a conference to
8 discuss the modification action.

9 c. Ten days from the date of issuance of a second notice
10 of a proposed modification action.

11 3. The time limitations for requesting a court hearing
12 under this section may be extended by the unit.

13 4. If a timely written request for a hearing is received
14 by the unit, a hearing shall be held in district court, and
15 the unit shall certify the matter to the district court in the
16 county in which the order subject to adjustment or
17 modification is filed. The certification shall include the
18 following, as applicable:

19 a. Copies of the notice of intent to review or notice of
20 intent to modify.

21 b. The return of service, acceptance of service, or signed
22 statement by the parent requesting review and adjustment
23 waiving service of the notice.

24 c. Copies of the notice of decision and any revised notice
25 as provided in section 252H.17.

26 d. Copies of any written objections to and request for a
27 second review or conference or hearing.

28 e. Copies of any second notice of decision issued pursuant
29 to section 252H.17, or second notice of proposed modification
30 action issued pursuant to section 252H.20.

31 f. Copies of any financial statements and supporting
32 documentation provided by the parents.

33 g. Copies of any computation worksheet prepared by the
34 unit to determine the amount of support calculated using the
35 mandatory child support guidelines established under section

1 598.21, subsection 4.

2 5. The court shall set the matter for hearing within
3 forty-five days of the certification and notify the parties of
4 the time and place of the hearing.

5 6. For actions initiated under subchapter II, a hearing
6 shall not be held for at least thirty-one days following the
7 date of issuance of the notice of decision unless the parents
8 have jointly waived, in writing, the thirty-day post-review
9 period.

10 7. Pursuant to section 252H.3, the district court shall
11 review the matter as an original hearing before the court.

12 8. Issues subject to review by the court in any hearing
13 resulting from an action initiated under this chapter shall be
14 limited to the issues identified in section 252H.3.

15 9. If more than one support order exists involving the
16 same parties to the order, all of the affected support orders
17 shall be consolidated and heard simultaneously. For the
18 purposes of this subsection, the district court hearing the
19 matter shall have jurisdiction over all other support orders
20 entered by a court of this state and affected under this
21 subsection.

22 10. The court shall establish the amount of child support
23 pursuant to section 598.21, subsection 4, or medical support
24 pursuant to chapter 252E, or both.

25 11. If a party fails to appear at the hearing, upon a
26 showing of proper notice to the party, the court may find the
27 party in default and enter an appropriate order.

28 Sec. 32. NEW SECTION. 252H.9 FILING AND DOCKETING OF
29 ADMINISTRATIVE ADJUSTMENT OR MODIFICATION ORDER -- ORDER
30 EFFECTIVE AS DISTRICT COURT ORDER.

31 1. If timely request for a court hearing is not made
32 pursuant to section 252H.8, the unit shall prepare and present
33 an administrative order for adjustment or modification, as
34 applicable, for review and approval, ex parte, to the district
35 court where the order to be adjusted or modified is filed.

1 2. The unit shall determine the appropriate amount of the
2 child support obligation using the current child support
3 guidelines established pursuant to section 598.21, subsection
4 4, and the criteria established pursuant to section 252B.7A
5 and shall determine the provisions for medical support
6 pursuant to chapter 252E.

7 3. The administrative order prepared by the unit shall
8 specify all of the following:

9 a. The amount of support to be paid and the manner of
10 payment.

11 b. The name of the custodian of any child for whom support
12 is to be paid.

13 c. The name of the parent ordered to pay support.

14 d. The name and birth date of any child for whom support
15 is to be paid.

16 e. That the property of the responsible person is subject
17 to collection action, including but not limited to wage
18 withholding, garnishment, attachment of a lien, and other
19 methods of execution.

20 f. Provisions for medical support.

21 4. Supporting documents as described in section 252H.8,
22 subsection 4, may be presented to the court with the
23 administrative order, as applicable.

24 5. Unless defects appear on the face of the order or on
25 the attachments, the district court shall approve the order.
26 Upon filing, the approved order shall have the same force,
27 effect, and attributes of an order of the district court.

28 6. Upon filing, the clerk of the district court shall
29 enter the order in the judgment docket and judgment lien
30 index.

31 7. A copy of the order shall be sent by regular mail to
32 each parent's last known address, or if applicable, to the
33 last known address of the parent's attorney.

34 8. The order is final, and action by the unit to enforce
35 and collect upon the order, including arrearages and medical

1 support, or both, may be taken from the date of the entry of
2 the order by the district court.

3 Sec. 33. NEW SECTION. 252H.10 EFFECTIVE DATE OF
4 ADJUSTMENT -- MODIFICATION.

5 Pursuant to section 598.21, subsection 8, paragraph "k",
6 subparagraph (2), any administrative or court order resulting
7 from an action initiated under this chapter may be made
8 retroactive only to the date that all parties were
9 successfully served the notice required under section 252H.15
10 or section 252H.19, as applicable.

11 Sec. 34. NEW SECTION. 252H.11 CONCURRENT ACTIONS.

12 This chapter does not prohibit or affect the ability or
13 right of a parent or the parent's attorney, to file a
14 modification action at the parent's own initiative. If a
15 modification action is filed by a parent concerning an order
16 for which an action has been initiated but has not yet been
17 completed by the unit under this chapter, the unit shall
18 terminate any action initiated under this chapter, subject to
19 the following:

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

23 2. If the modification action filed by the parent is
24 subsequently dismissed before being heard by the court, the
25 unit shall continue the action previously initiated under this
26 chapter, or initiate a new action as follows:

27 a. If the unit previously initiated an action under
28 subchapter II, and had not issued a notice of decision as
29 required under section 252H.16, the unit shall proceed as
30 follows:

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

35 (2) If the modification action filed by the parent is

1 dismissed more than ninety days after the original notice of
2 intent to review was served, the unit shall serve or issue a
3 new notice of intent to review and conduct the review.

4 b. If the unit previously initiated an action under
5 subchapter II and had issued the notice of decision as
6 required under section 252H.16, the unit shall proceed as
7 follows:

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

15 (2) If the modification action filed by the parent is
16 dismissed more than ninety days after the date of issuance of
17 the notice of decision, the unit shall serve or issue a new
18 notice of intent to review pursuant to section 252H.15 and
19 conduct a review pursuant to section 252H.16.

20 c. If the unit previously initiated an action under
21 subchapter III, the unit shall proceed as follows:

22 (1) If the modification action filed by the parent is
23 dismissed more than ninety days after the original notice of
24 intent to modify was served, the unit shall serve a new notice
25 of intent to modify pursuant to section 252H.20.

26 (2) If the modification action filed by the parent is
27 dismissed ninety days or less after the original notice of
28 intent to modify was served, the unit shall complete the
29 original modification action initiated by the unit under this
30 subchapter.

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

34 3. If an action initiated under this chapter is terminated
35 as the result of a concurrent modification action filed by one

1 of the parents or the parent's attorney, the unit shall advise
2 each parent, or if applicable the parent's attorney, in
3 writing, that the action has been terminated and the
4 provisions of subsection 2 of this section for continuing or
5 initiating a new action under this chapter. The notice shall
6 be issued by regular mail to the last known mailing address of
7 each parent, or if applicable, each parent's attorney.

8 4. If an action initiated under this chapter by the unit
9 is terminated as the result of a concurrent action filed by
10 one of the parents and is subsequently reinstated because the
11 modification action filed by the parent is dismissed, the unit
12 shall advise each parent, or if applicable, each parent's
13 attorney, in writing, that the unit is continuing the prior
14 administrative adjustment or modification action. The notice
15 shall be issued by regular mail to the last known mailing
16 address of each parent, or if applicable, each parent's
17 attorney.

18 SUBCHAPTER II

19 REVIEW AND ADJUSTMENT

20 Sec. 35. NEW SECTION. 252H.12 SUPPORT ORDERS SUBJECT TO
21 REVIEW AND ADJUSTMENT.

22 A support order meeting all of the following conditions is
23 eligible for review and adjustment under this subchapter:

24 1. The support order is subject to the jurisdiction of
25 this state for the purposes of adjustment.

26 2. The support order provides for the ongoing support of
27 at least one child under the age of eighteen or a child
28 between the ages of eighteen and nineteen who has not yet
29 graduated from high school but who is reasonably expected to
30 graduate from high school before attaining the age of
31 nineteen.

32 3. The ongoing support for at least one child described in
33 subsection 2 continues, under the terms of the order, beyond
34 October 13, 1993.

35 4. The unit is providing enforcement services for the

1 ongoing support obligation pursuant to chapter 252B.

2 Sec. 36. NEW SECTION. 252H.13 RIGHT TO REQUEST REVIEW.

3 A parent shall have the right to request the review of a
4 support order for which the unit is currently providing
5 enforcement services of an ongoing child support obligation
6 pursuant to chapter 252B.

7 Sec. 37. NEW SECTION. 252H.14 REVIEWS INITIATED BY THE
8 CHILD SUPPORT RECOVERY UNIT.

9 1. The unit shall periodically initiate a review of
10 support orders meeting the conditions in section 252H.12 in
11 accordance with the following:

12 a. The right to any ongoing child support obligation is
13 currently assigned to the state pursuant to section 252C.2.

14 b. The right to any ongoing medical support obligation is
15 currently assigned to the state pursuant to section 252C.2
16 unless:

17 (1) The support order already includes provisions
18 requiring the parent ordered to pay child support to also
19 provide medical support.

20 (2) The parent entitled to receive support has
21 satisfactory health insurance coverage for the children,
22 excluding coverage resulting from the receipt of public
23 assistance benefits.

24 2. The unit shall periodically initiate a request to a
25 child support agency of another state to conduct a review of a
26 support order entered in that state when the right to any
27 ongoing child or medical support obligation due under the
28 order is currently assigned to the state of Iowa.

29 3. The unit shall adopt rules establishing criteria to
30 determine the appropriateness of initiating a review.

31 4. The unit shall initiate reviews under this section in
32 accordance with the federal Family Support Act of 1988.

33 Sec. 38. NEW SECTION. 252H.15 NOTICE OF INTENT TO REVIEW
34 AND ADJUST.

35 1. Prior to conducting a review of a support order, the

1 unit shall issue a notice of intent to review and adjust to
2 each parent, or if applicable, to each parent's attorney.
3 However, notice to a child support agency or an agency
4 entitled to receive child or medical support payments as the
5 result of an assignment of support rights is not required.

6 2. Notice shall be served upon each parent in accordance
7 with the rules of civil procedure, except that a parent
8 requesting a review pursuant to section 252H.13 may waive the
9 right to service of the notice and sign an acceptance of
10 service.

11 3. The unit shall adopt rules pursuant to chapter 17A to
12 ensure that all of the following are included in the notice:

13 a. The legal basis and purpose of the action.

14 b. Information sufficient to identify the affected parties
15 and the support order or orders affected.

16 c. An explanation of the procedures for obtaining or
17 determining child support and a request for financial or
18 income information as necessary for application of the child
19 support guidelines established pursuant to section 598.21,
20 subsection 4.

21 d. An explanation of the legal rights and responsibilities
22 of the affected parties, including the time frames in which
23 the parties must act.

24 e. Criteria for determining appropriateness of an
25 adjustment and a statement that the unit will use the child
26 support guidelines established pursuant to section 598.21,
27 subsection 4, and the provisions for medical support pursuant
28 to chapter 252E to adjust the order.

29 f. Procedures for contesting the action.

30 g. An explanation of the right to request a court hearing,
31 and the applicable time frames and procedures to follow in
32 requesting a court hearing.

33 h. Other information as appropriate.

34 Sec. 39. NEW SECTION. 252H.16 CONDUCTING THE REVIEW --
35 NOTICE OF DECISION.

1 1. The unit shall conduct the review and determine whether
2 an adjustment is appropriate.

3 2. Unless both parents have waived the prereview notice
4 period as provided for in section 252H.7, the review shall not
5 be conducted for at least thirty days from the date both
6 parents were successfully served with the notice required in
7 section 252H.15.

8 3. Upon completion of the review, the unit shall issue a
9 notice of decision by regular mail to the last known address
10 of each parent, or if applicable, each parent's attorney.

11 4. The unit shall adopt rules pursuant to chapter 17A to
12 ensure that all of the following are included in the notice:

13 a. Information sufficient to identify the affected parties
14 and the support order or orders affected.

15 b. A statement indicating whether the unit finds that an
16 adjustment is appropriate and the basis for the determination.

17 c. Other information, as appropriate.

18 5. A revised notice of decision shall be issued when the
19 unit receives or becomes aware of new or different information
20 affecting the results of the review after the notice of
21 decision has been issued and before the entry of an
22 administrative order adjusting the support order, when new or
23 different information is not received in conjunction with a
24 request for a second review, or subsequent to a request for a
25 court hearing. If a revised notice of decision is issued, the
26 time frames for requesting a second review or court hearing
27 shall apply from the date of issuance of the revised notice.

28 Sec. 40. NEW SECTION. 252H.17 CHALLENGING THE NOTICE OF
29 DECISION -- SECOND REVIEW -- NOTICE.

30 1. Each parent shall have the right to challenge the
31 notice of decision issued under section 252H.16, by requesting
32 a second review by the unit.

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

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

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

7 3. A parent challenging the notice of decision shall
8 submit any new or different information, not previously
9 considered by the unit in conducting the review, with the
10 challenge and request for second review.

11 4. A parent challenging the notice of decision shall
12 submit any required fees with the challenge. Any request
13 submitted without full payment of the required fee shall be
14 denied.

15 5. If a timely challenge along with any necessary fee is
16 received, the unit shall issue by regular mail to the last
17 known address of each parent, or if applicable, to each
18 parent's attorney, a notice that a second review will be
19 conducted. The unit shall adopt rules pursuant to chapter 17A
20 to ensure that all of the following are included in the
21 notice:

22 a. A statement of purpose of the second review.

23 b. Information sufficient to identify the affected parties
24 and the support order or orders affected.

25 c. A statement of the information that is eligible for
26 consideration at the second review.

27 d. The procedures and time frames in conducting and
28 completing a second review, including a statement that only
29 one second review shall be conducted as the result of a
30 challenge received from either or both parents.

31 e. An explanation of the right to request a court hearing,
32 and the applicable time frames and procedures to follow in
33 requesting a court hearing.

34 f. Other information, as appropriate.

35 6. The unit shall conduct a second review, utilizing any

1 new or additional information provided or available since
2 issuance of the notice of decision under section 252H.16, to
3 determine whether an adjustment is appropriate.

4 7. Upon completion of the review, the unit shall issue a
5 second notice of decision by regular mail to the last known
6 address of each parent, or if applicable, to each parent's
7 attorney. The unit shall adopt rules pursuant to chapter 17A
8 to ensure that all of the following are included in the
9 notice:

10 a. Information sufficient to identify the affected parties
11 and the support order or orders affected.

12 b. The unit's finding resulting from the second review
13 indicating whether the unit finds that an adjustment is
14 appropriate, the basis for the determination, and the impact
15 on the first review.

16 c. An explanation of the right to request a court hearing,
17 and the applicable time frames and procedures to follow in
18 requesting a court hearing.

19 d. Other information, as appropriate.

20 8. If the determination resulting from the first review is
21 revised or reversed by the second review, the following shall
22 be issued to each parent along with the second notice of
23 decision and the amount of any proposed adjustment:

24 a. Any updated or revised financial statements provided by
25 either parent.

26 b. A computation prepared by the local child support
27 office issuing the notice, demonstrating how the amount of
28 support due under the child support guidelines was calculated,
29 and a comparison of the newly computed amount with the current
30 support obligation amount.

31 SUBCHAPTER III

32 ADMINISTRATIVE MODIFICATION

33 Sec. 41. NEW SECTION. 252H.18 ORDERS SUBJECT TO
34 ADMINISTRATIVE MODIFICATION.

35 An order meeting all of the following conditions is

1 eligible for administrative modification under this
2 subchapter.

3 1. The order is subject to the jurisdiction of this state
4 for the purposes of modification.

5 2. The unit is providing services pursuant to chapter
6 252B.

7 3. The issue of paternity is not in dispute. If paternity
8 becomes an issue, the paternity action shall be conducted
9 pursuant to the provisions of chapter 252A or 600B, as
10 appropriate.

11 4. Review and adjustment services pursuant to subchapter
12 II are not required or are not applicable.

13 Sec. 42. NEW SECTION. 252H.19 NOTICE OF INTENT TO
14 MODIFY.

15 1. The unit shall issue a notice of intent to modify to
16 each parent. Notice to a child support agency or an agency
17 entitled to receive child or medical support payments as the
18 result of an assignment of support rights is not required.

19 2. The notice shall be served upon each parent in
20 accordance with the rules of civil procedure. The unit shall
21 adopt rules pursuant to chapter 17A to ensure that all of the
22 following are included in the notice:

23 a. The legal basis and purpose of the action.

24 b. Information sufficient to identify the affected parties
25 and the support order or orders affected.

26 c. An explanation of the procedures for obtaining or
27 determining child support and a request for financial or
28 income information as necessary for application of the child
29 support guidelines established pursuant to section 598.21,
30 subsection 4.

31 d. An explanation of the legal rights and responsibilities
32 of the affected parties, including the time frames in which
33 the parties must act.

34 e. Procedures for contesting the action through a
35 conference or a court hearing.

1 f. Other information, as appropriate.

2 Sec. 43. NEW SECTION. 252H.20 CONFERENCE -- SECOND
3 NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY.

4 1. Each parent shall have the right to request a
5 conference with the office of the unit that issued the notice
6 of intent to modify. The request may be made in person, in
7 writing, or by telephone, and shall be made within ten days of
8 the date of successful service of the notice of intent to
9 modify.

10 2. A parent requesting a conference shall submit any
11 required fee no later than the date of the scheduled
12 conference. A conference shall not be held unless the
13 required fee is paid in full.

14 3. Upon a request and full payment of any required fee,
15 the office of the unit that issued the notice of intent to
16 modify shall schedule a conference with the parent and advise
17 the parent of the date, time, place, and procedural aspects of
18 the conference. The unit shall adopt rules pursuant to
19 chapter 17A to specify the manner in which a conference is
20 conducted and the purpose of the conference.

21 4. Following the conference, the office of the unit that
22 conducted the review shall issue a second notice of proposed
23 modification and finding of financial responsibility to the
24 parent requesting the conference. The unit shall adopt rules
25 pursuant to chapter 17A to ensure that all of the following
26 are included in the notice:

27 a. Information sufficient to identify the affected parties
28 and the support order or orders affected.

29 b. If the unit will continue or terminate the action.

30 c. Procedures for contesting the action and the applicable
31 time frames for actions by the parents.

32 d. Other information, as appropriate.

33 Sec. 44. Section 598.21, subsection 8, unnumbered
34 paragraph 2, Code 1993, is amended to read as follows:

35 A modification of a support order entered under chapter

1 shall, in submitting an application for modification or
2 adjustment of an order for support, employ additional criteria
3 and procedures ~~for-the-review-and-adjustment-of-support~~
4 awards, as provided in chapter 252H and as established by
5 rule.

6 Sec. 46. Section 598.21, Code 1993, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 9A. Notwithstanding any other provision
9 of law to the contrary, when an application for modification
10 of support is submitted by the child support recovery unit,
11 the sole issues which may be considered by the court in that
12 action are the application of the guidelines in establishing
13 the amount of support pursuant to section 598.21, subsection
14 4, and provision for medical support under chapter 252E.
15 Issues related to custody, visitation, or other provisions
16 unrelated to support shall be considered only under a separate
17 application for modification.

18 Sec. 47. Sections 252D.12 and 252D.14, Code 1993, are
19 repealed.

20 Sec. 48. ADOPTION OF EMERGENCY RULES. The department of
21 human services may adopt rules under section 17A.4, subsection
22 2, to implement chapter 252H. The rules shall become
23 effective immediately upon filing pursuant to section 17A.5,
24 subsection 2, unless a later effective date is specified in
25 the rules. Rules adopted in accordance with this paragraph
26 shall also be published as a notice of intended action as
27 provided in section 17A.4. If the department determines that
28 rules are necessary to clarify section 252B.4, subsection 2A,
29 the department may proceed to adopt rules in the manner
30 provided for in this section.

31 Sec. 49. IMPLEMENTATION. In implementing section 252B.4,
32 subsection 2B, the department of human services shall consider
33 recovery of costs from both the custodial and noncustodial
34 parents. Identification of costs to be recovered and the
35 adoption of rules may be completed in stages. The department

1 shall give notice of intended action for initial rules by June
2 30, 1995.

3 Sec. 50. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

4 1. Sections 7, 48, 49, and this section of this Act, being
5 deemed of immediate importance, take effect upon enactment.

6 2. Section 45 of this Act, being deemed of immediate
7 importance, takes effect upon enactment and applies
8 retroactively to July 1, 1992.

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SENATE FILE 349

H-3789

1 Amend Senate File 349 as amended, passed, and

2 reprinted by the Senate as follows:

3 1. Page 2, by striking lines 20 through 23 and

4 inserting the following:

5 "_____. The modification or adjustment of the
6 underlying judgment by a foreign jurisdiction does not
7 affect the registered order in this state unless
8 confirmed by a court of this state."

9 2. Page 2, line 28, by inserting before the word
10 "order" the following: "registered".

11 3. Page 2, line 29, by striking the word "order"
12 and inserting the following: "underlying judgment in
13 this state".

14 4. Page 2, line 31, by striking the word "order"
15 and inserting the following: "underlying judgment".

16 5. Page 2, line 33, by inserting before the word
17 "order" the following: "registered".

18 6. By striking page 2, line 35 through page 3,
19 line 7.

20 7. Page 3, by striking line 23 and inserting the
21 following: "establish fees which provide for recovery
22 of".

23 8. Page 3, line 24 by striking the words "other
24 costs" and inserting the following: "other fees".

25 9. Page 3, by striking lines 26 through 30, and
26 inserting the following:

27 "Sec. _____. Section 252B.5, Code 1993, is amended
28 by adding the following new subsection:

29 NEW SUBSECTION. 8. The review and adjustment or
30 modification of a support order pursuant to chapter
31 252H upon adoption of rules pursuant to chapter 17A
32 governing policies and procedures for review and
33 adjustment or modification."

34 10. Page 8, by striking lines 29 through 32 and
35 inserting the following: "parte order, terminate an
36 income withholding order when the current support
37 obligation has terminated and when the delinquent
38 support obligation has been fully satisfied as
39 applicable to all of the children covered by the
40 income withholding order."

41 11. Page 11, line 28, by inserting after the
42 figure "252C," the following: "252H,".

43 12. Page 11, line 29, by striking the words
44 "applicable provision" and inserting the following:
45 "support chapter, or".

46 13. Page 14, line 27, by inserting after the word
47 "established" the following: ", or in which support
48 was previously established and subsequently terminated
49 prior to the emancipation of the children affected".

50 14. Page 15, line 18, by inserting after the

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Page 2

1 figure "252C.1" the following: "or an order
2 establishing support entered pursuant to an
3 administrative or quasi-judicial process if authorized
4 by law".

5 15. Page 16, by striking lines 2 through 5 and
6 inserting the following: "600B, or any other support
7 chapter if the unit is providing enforcement services
8 pursuant to chapter 252B. The unit is not required to
9 intervene to administratively adjust or modify a
10 support order identified under this subsection unless
11 an action is initiated under this chapter."

12 16. Page 16, line 12, by inserting after the word
13 "rules" the following: "pursuant to chapter 17A".

14 17. Page 16, line 13, by striking the words "and
15 the" and inserting the following: ", the".

16 18. Page 16, line 15, by inserting after the word
17 "appropriate" the following: ", and other rules
18 necessary to implement this chapter".

19 19. Page 16, by striking lines 18 and 19.

20 20. Page 16, line 26, by striking the words "this
21 chapter" and inserting the following: "subchapter
22 II".

23 21. Page 16, by striking lines 29 through 32, and
24 inserting the following:

25 22. A parent requesting a service shall pay the
26 fee established for that service as established under
27 this subsection. The fees established are not
28 applicable to a parent who as a condition of
29 eligibility for receiving public assistance benefits
30 has assigned the rights to child or medical support
31 for the order to be reviewed. The following fees
32 shall be paid for the following services:"

33 22. Page 17, by striking lines 23 through 34 and
34 inserting the following:

35 "e. A fee for conducting a conference requested
36 pursuant to section 252H.20.

37 3. A parent who requests a review of a".

38 23. Page 18, line 4, by inserting after the word
39 "full." the following: "The service of process fee
40 requirement of this subsection is not applicable to a
41 parent who as a condition of eligibility for public
42 assistance benefits has assigned the rights to child
43 or medical support for the order to be reviewed."

44 24. Page 18, line 8, by striking the figure "5"
45 and inserting the following: "4".

46 25. Page 18, line 13, by striking the figure "5"
47 and inserting the following: "5".

48 26. Page 19, by striking line 19 and inserting
49 the following: "section 252H.8, subsection 2, for
50 requesting a court hearing, or in section 252H.20 for

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Page 3

- 1 requesting a conference."
2 27. Page 19, line 20, by striking the word
3 "parents," and inserting the following: "parents who
4 are".
5 28. Page 20, by inserting after line 1, the
6 following:
7 "a. A court hearing shall not be granted if the
8 review resulted in a determination that the adjustment
9 was not appropriate.
10 b. If a court hearing is not granted pursuant to
11 paragraph "a", a party retains the right to file a
12 modification action upon the party's own initiative."
13 29. Page 20, line 14, by inserting after the word
14 "unit" the following: "and the granting of the
15 request is not precluded pursuant to subsection 1".
16 30. Page 20, line 25, by striking the figure
17 "252H.17" and inserting the following: "252H.16".
18 31. Page 21, by striking lines 15 through 21 and
19 inserting the following:
20 "9. Notwithstanding any other law to the contrary,
21 if more than one support order exists involving
22 children with the same legally established parents,
23 one hearing on all of the affected support orders
24 shall be held in the district court in the county
25 where the unit files the action. For the purposes of
26 this subsection, the district court hearing the matter
27 shall have jurisdiction over all other support orders
28 entered by a court of this state and affected under
29 this subsection."
30 32. Page 23, lines 5 and 6, by striking the words
31 and figure ", paragraph "k", subparagraph (2)".
32 33. Page 24, line 25, by striking the figure
33 "252H.20" and inserting the following: "252H.19".
34 34. Page 26, line 13, by striking the words
35 "pursuant to section 252C.2" and inserting the
36 following: "due to the receipt of public assistance".
37 35. Page 26, line 15, by striking the words
38 "pursuant to section 252C.2" and inserting the
39 following: "due to the receipt of public assistance".
40 36. Page 27, by striking lines 9 and 10 and
41 inserting the following: "right to personal service
42 of the notice in writing and accept service by regular
43 mail. If the service by regular mail does not occur
44 within ninety days of the written waiver of personal
45 service, personal service of the notice is required
46 unless a new waiver of personal service is obtained."
47 37. Page 27, line 16, by striking the words
48 "obtaining or".
49 38. Page 31, by striking lines 7 through 10, and
50 inserting the following:

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-3-

adopted
4-15-93
(P. 1297)

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Page 4

- 1 "3. The child was conceived or born during a
 2 marriage or paternity has been legally established."
 3 39. Page 31, line 26, by striking the words
 4 "obtaining or".
 5 40. Page 32, line 35, by inserting after the word
 6 "chapter" the following: "234,".
 7 41. Page 33, by striking line 1, and inserting the
 8 following: "252A, chapter 252C, 600B, or this
 9 chapter, or any other support chapter or proceeding
 10 between parties to the".
 11 42. Page 33, lines 6 and 7, by striking the words
 12 "or section".
 13 43. Page 33, line 7, by inserting after the
 14 figure "239.3," the following: "or 252E.11,".
 15 44. Page 33, line 25, by inserting after the
 16 figure "249A" the following: "or a comparable statute
 17 of a foreign jurisdiction".
 18 45. Page 34, line 9, by inserting after the word
 19 "modification" the following: "or adjustment".
 20 46. Page 34, line 18, by inserting after the
 21 figure "252D.12" the following: ", 252D.13,".
 22 47. By renumbering, relettering and correcting
 23 internal references as necessary.

By COMMITTEE ON HUMAN RESOURCES
 PLASIER of Sioux, Chairperson

H-3789 FILED APRIL 7, 1993

SENATE FILE 349

H-3831

- 1 Amend the amendment, H-3789, to Senate File 349, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

- 4 1. Page 1, by striking lines 18 and 19, and
 5 inserting the following:
 6 " ". Page 3, by striking lines 2 through 7 and
 7 inserting the following:
 8 "1. The director shall require an application fee
 9 of ~~twenty-five~~ five dollars."
 10 2. Page 4, by inserting after line 21 the
 11 following:
 12 " ". Page 34, by inserting after line 19 the
 13 following:
 14 "Sec. ____ . ADDITIONAL FEE -- SUSPENSION. Notwith-
 15 standing section 252B.4, subsection 2, the director
 16 shall not require an additional fee for the fiscal
 17 year beginning July 1, 1993, and ending June 30, 1994.
 18 The department shall adopt rules which provide for the
 19 suspension of any existing rule requiring such a fee
 20 for the fiscal year."
 21 3. By renumbering as necessary.

By JOCHUM of Dubuque *A. adopted* HAMMOND of Story
 BODDICKER of Cedar *B. Withdrawn* BERNAU of Story
 PETERSON of Carroll *4-15-93*

H-3831 FILED APRIL 8, 1993

SENATE FILE 349

H-3857

1 Amend the amendment, H-3789, to Senate File 349, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking lines 10 and 11 and
5 inserting the following: "support order under this
6 chapter."
7 2. Page 3, by inserting after line 17 the
8 following:
9 " . Page 21, by striking lines 2 through 4 and
10 inserting the following:
11 "5. The court shall set the matter for hearing and
12 notify the parties of the time and place of the
13 hearing.""
14 3. By renumbering as necessary.

By HAVERLAND of Polk

H-3857 FILED APRIL 12, 1993

Adopted 4-15-93 (P.1297)

HOUSE AMENDMENT TO
SENATE FILE 349

S-3525

- 1 Amend Senate File 349 as amended, passed, and
2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 20 through 23 and
4 inserting the following:
5 " ". The modification or adjustment of the
6 underlying judgment by a foreign jurisdiction does not
7 affect the registered order in this state unless
8 confirmed by a court of this state."
- 9 2. Page 2, line 28, by inserting before the word
10 "order" the following: "registered".
- 11 3. Page 2, line 29, by striking the word "order"
12 and inserting the following: "underlying judgment in
13 this state".
- 14 4. Page 2, line 31, by striking the word "order"
15 and inserting the following: "underlying judgment".
- 16 5. Page 2, line 33, by inserting before the word
17 "order" the following: "registered".
- 18 6. Page 3, by striking lines 2 through 7 and
19 inserting the following:
20 "1. The director shall require an application fee
21 of ~~twenty-five~~ five dollars."
- 22 7. Page 3, by striking line 23 and inserting the
23 following: "establish fees which provide for recovery
24 of".
- 25 8. Page 3, line 24 by striking the words "other
26 costs" and inserting the following: "other-fees".
- 27 9. Page 3, by striking lines 26 through 30, and
28 inserting the following:
29 "Sec. ____ . Section 252B.5, Code 1993, is amended
30 by adding the following new subsection:
31 NEW SUBSECTION. 8. The review and adjustment or
32 modification of a support order pursuant to chapter
33 252H upon adoption of rules pursuant to chapter 17A
34 governing policies and procedures for review and
35 adjustment or modification."
- 36 10. Page 8, by striking lines 29 through 32 and
37 inserting the following: "parte order, terminate an
38 income withholding order when the current support
39 obligation has terminated and when the delinquent
40 support obligation has been fully satisfied as
41 applicable to all of the children covered by the
42 income withholding order."
- 43 11. Page 11, line 28, by inserting after the
44 figure "252C," the following: "252H,".
- 45 12. Page 11, line 29, by striking the words
46 "applicable provision" and inserting the following:
47 "support chapter, or".
- 48 13. Page 14, line 27, by inserting after the word
49 "established" the following: ", or in which support
50 was previously established and subsequently terminated

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Page 2

1 prior to the emancipation of the children affected".
2 14. Page 15, line 18, by inserting after the
3 figure "252C.1" the following: "or an order
4 establishing support entered pursuant to an
5 administrative or quasi-judicial process if authorized
6 by law".
7 15. Page 16, by striking lines 2 through 5 and
8 inserting the following: "600B, or any other support
9 chapter if the unit is providing enforcement services
10 pursuant to chapter 252B. The unit is not required to
11 intervene to administratively adjust or modify a
12 support order under this chapter."
13 16. Page 16, line 12, by inserting after the word
14 "rules" the following: "pursuant to chapter 17A".
15 17. Page 16, line 13, by striking the words "and
16 the" and inserting the following: ", the".
17 18. Page 16, line 15, by inserting after the word
18 "appropriate" the following: ", and other rules
19 necessary to implement this chapter".
20 19. Page 16, by striking lines 18 and 19.
21 20. Page 16, line 26, by striking the words "this
22 chapter" and inserting the following: "subchapter
23 II".
24 21. Page 16, by striking lines 29 through 32, and
25 inserting the following:
26 "2. A parent requesting a service shall pay the
27 fee established for that service as established under
28 this subsection. The fees established are not
29 applicable to a parent who as a condition of
30 eligibility for receiving public assistance benefits
31 has assigned the rights to child or medical support
32 for the order to be reviewed. The following fees
33 shall be paid for the following services:".
34 22. Page 17, by striking lines 23 through 34 and
35 inserting the following:
36 "e. A fee for conducting a conference requested
37 pursuant to section 252H.20.
38 3. A parent who requests a review of a".
39 23. Page 18, line 4, by inserting after the word
40 "full." the following: "The service of process fee
41 requirement of this subsection is not applicable to a
42 parent who as a condition of eligibility for public
43 assistance benefits has assigned the rights to child
44 or medical support for the order to be reviewed."
45 24. Page 18, line 8, by striking the figure "5"
46 and inserting the following: "4".
47 25. Page 18, line 13, by striking the figure "6"
48 and inserting the following: "5".
49 26. Page 19, by striking line 19 and inserting
50 the following: "section 252H.8, subsection 2, for
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Page 3

1 requesting a court hearing, or in section 252H.20 for
2 requesting a conference."

3 27. Page 19, line 20, by striking the word
4 "parents," and inserting the following: "parents who
5 are".

6 28. Page 20, by inserting after line 1, the
7 following:

8 "a. A court hearing shall not be granted if the
9 review resulted in a determination that the adjustment
10 was not appropriate.

11 b. If a court hearing is not granted pursuant to
12 paragraph "a", a party retains the right to file a
13 modification action upon the party's own initiative."

14 29. Page 20, line 14, by inserting after the word
15 "unit" the following: "and the granting of the
16 request is not precluded pursuant to subsection 1".

17 30. Page 20, line 25, by striking the figure
18 "252H.17" and inserting the following: "252H.16".

19 31. Page 21, by striking lines 2 through 4 and
20 inserting the following:

21 "5. The court shall set the matter for hearing and
22 notify the parties of the time and place of the
23 hearing."

24 32. Page 21, by striking lines 15 through 21 and
25 inserting the following:

26 "9. Notwithstanding any other law to the contrary,
27 if more than one support order exists involving
28 children with the same legally established parents,
29 one hearing on all of the affected support orders
30 shall be held in the district court in the county
31 where the unit files the action. For the purposes of
32 this subsection, the district court hearing the matter
33 shall have jurisdiction over all other support orders
34 entered by a court of this state and affected under
35 this subsection."

36 33. Page 23, lines 5 and 6, by striking the words
37 and figure ", paragraph "k", subparagraph (2)".

38 34. Page 24, line 25, by striking the figure
39 "252H.20" and inserting the following: "252H.19".

40 35. Page 26, line 13, by striking the words
41 "pursuant to section 252C.2" and inserting the
42 following: "due to the receipt of public assistance".

43 36. Page 26, line 15, by striking the words
44 "pursuant to section 252C.2" and inserting the
45 following: "due to the receipt of public assistance".

46 37. Page 27, by striking lines 9 and 10 and
47 inserting the following: "right to personal service
48 of the notice in writing and accept service by regular
49 mail. If the service by regular mail does not occur
50 within ninety days of the written waiver of personal

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-3-

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Page 4

- 1 service, personal service of the notice is required
2 unless a new waiver of personal service is obtained."
3 38. Page 27, line 16, by striking the words
4 "obtaining or".
5 39. Page 31, by striking lines 7 through 10, and
6 inserting the following:
7 "3. The child was conceived or born during a
8 marriage or paternity has been legally established."
9 40. Page 31, line 26, by striking the words
10 "obtaining or".
11 41. Page 32, line 35, by inserting after the word
12 "chapter" the following: "234,".
13 42. Page 33, by striking line 1, and inserting the
14 following: "252A, chapter 252C, 600B, or this
15 chapter, or any other support chapter or proceeding
16 between parties to the".
17 43. Page 33, lines 6 and 7, by striking the words
18 "or section".
19 44. Page 33, line 7, by inserting after the
20 figure "239.3," the following: "or 252E.11,".
21 45. Page 33, line 25, by inserting after the
22 figure "249A" the following: "or a comparable statute
23 of a foreign jurisdiction".
24 46. Page 34, line 9, by inserting after the word
25 "modification" the following: "or adjustment".
26 47. Page 34, line 18, by inserting after the
27 figure "252D.12" the following: ", 252D.13,".
28 48. By renumbering, relettering and correcting
29 internal references as necessary.

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S-3525 FILED APRIL 20, 1993

*Senate Concurred 4/21/93**(p. 1281)*

LLOYD-JONES, CH.
JUDGE
BARTZ

SSB 188
Human Resources

SENATE/HOUSE FILE 349
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

A BILL FOR

1 An Act relating to child support and providing effective and
2 retroactive applicability dates.

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

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1 Section 1. Section 232.182, subsection 5A, Code 1993, is
2 amended to read as follows:

3 5A. If the court orders placement of the child into foster
4 care, ~~the court shall establish~~ a support obligation for the
5 costs of the placement is established pursuant to section
6 234.39.

7 Sec. 2. Section 252A.19, subsection 2, Code 1993, is
8 amended to read as follows:

9 2. a. The respondent shall have twenty days after
10 receiving notice of the registration in which to petition the
11 court to vacate the registration or for other relief. If the
12 respondent does not so petition, the respondent is in default
13 and the registered support order is confirmed.

14 b. If a registration action is initiated by the child
15 support recovery unit based upon assignment under section
16 252A.3, issues subject to challenge are limited to issues of
17 fact relating to the support obligation and not other issues
18 including, but not limited to, custody and visitation.

19 Sec. 3. Section 252A.19, Code 1993, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 4. A modification of a foreign support
22 order registered in Iowa does not affect the underlying
23 judgment in the original jurisdiction, unless otherwise
24 provided pursuant to the statute of the original jurisdiction.

25 NEW SUBSECTION. 5. A modification by a foreign
26 jurisdiction of an Iowa support order registered in that
27 jurisdiction has no force and effect in Iowa, unless confirmed
28 by an Iowa court.

29 Sec. 4. Section 252B.4, Code 1993, is amended by adding
30 the following new subsections:

31 NEW SUBSECTION. 2A. When a request for the services
32 provided under section 252B.5, subsection 7, is made to the
33 unit, the director shall adopt rules specifying the amount of
34 the following fees:

35 a. A fee to be paid to the unit by the person requesting

1 the review.

2 b. An additional fee to be paid by the person requesting
3 the review, if the review meets the criteria of the department
4 for initiating modification proceedings and an application for
5 modification will be filed.

6 NEW SUBSECTION. 2B. When the unit intercepts a federal
7 tax refund of an obligor for payment of delinquent support and
8 the funds are due to a nonpublic assistance recipient of
9 services, the unit shall deduct a twenty-five dollar fee from
10 the funds before forwarding the balance to the recipient.

11 a. The unit shall inform the recipient of the fee under
12 this subsection prior to assessment.

13 b. The fee shall be assessed only on individuals who
14 receive support from the federal tax refund offset program.
15 If the tax refund due the recipient is less than fifty
16 dollars, the fee shall not be assessed.

17 NEW SUBSECTION. 2C. The department may adopt rules to
18 establish a fee in an amount which provides for recovery of
19 administrative costs of the program in addition to other costs
20 identified in this section.

21 Sec. 5. Section 252B.5, subsection 7, unnumbered paragraph
22 1, Code 1993, is amended to read as follows:

23 At the request of either parent who is subject to the order
24 of support, upon the request of a child support enforcement
25 agency of a foreign jurisdiction operating pursuant to Title
26 IV-D of the federal Social Security Act, or upon its own
27 initiation, review the amount of the support award in
28 accordance with the guidelines established pursuant to section
29 598.21, subsection 4, and the federal Family Support Act of
30 1988, and take action to initiate modification proceedings if
31 the criteria established pursuant to this section are met.
32 However, a review of a support award is not required in those
33 cases for which an assignment ordered pursuant to chapter 234
34 or 239 is in effect if the child support recovery unit
35 determines that such a review would not be in the best

1 interest of the child and neither parent has requested such
2 review. This subsection applies only to orders entered in the
3 state of Iowa for which services are being provided under this
4 chapter.

5 Sec. 6. Section 252B.5, Code 1993, is amended by adding
6 the following new subsection before unnumbered paragraph 2:

7 NEW SUBSECTION. 8. Upon initiation by the department, for
8 all cases where support is ordered and the children covered by
9 the order are receiving public assistance pursuant to chapter
10 239, review the amount of the support award in accordance with
11 the guidelines established pursuant to section 598.21,
12 subsection 4, and the federal Family Support Act of 1988, and
13 initiate modification proceedings if the criteria established
14 by the department are met.

15 a. The department shall adopt rules to establish the
16 process of review and the criteria for initiating modification
17 proceedings. The department may adopt rules under section
18 17A.4, subsection 2. Pursuant to section 17A.5, subsection 2,
19 the rules are effective immediately upon filing unless a later
20 effective date is specified in the rules. Rules adopted in
21 accordance with this paragraph shall be published as a notice
22 of intended action as provided in section 17A.4.

23 b. If federal regulations require states to administer
24 orders in accordance with provisions similar to those
25 established under this subsection for orders under which the
26 children covered by those orders are receiving public
27 assistance in a foreign jurisdiction under provisions
28 comparable to chapter 239, the department may administer those
29 cases under this subsection.

30 c. This subsection is applicable only to orders entered in
31 Iowa for which services are being provided under this chapter.

32 d. To comply with the federal Family Support Act of 1988,
33 the department shall adopt rules that do all of the following:

34 (1) Implement this section on or before October 13, 1993,
35 or at a later date if federal action delays the required

1 implementation date.

2 (2) Comply with notice requirements under the federal Act.

3 (3) Ensure that support order reviews under this section
4 are conducted at least once every three years for all
5 applicable cases.

6 Sec. 7. Section 252D.1, subsection 2, Code 1993, is
7 amended to read as follows:

8 2. If support payments ordered under chapter 232, 234,
9 252A, 252C, 252D, 252E, 598, 600B, or any other applicable
10 chapter, or under a comparable statute of a foreign
11 jurisdiction, as certified to the child support recovery unit
12 established in section 252B.2, are not paid to the clerk of
13 the district court or the collection services center pursuant
14 to section 598.22 and become delinquent in an amount equal to
15 the payment for one month, upon application of a person
16 entitled to receive the support payments, the child support
17 recovery unit or the district court may enter an ex parte
18 order notifying the person whose income is to be assigned, of
19 the delinquent amount, of the amount of income or wages to be
20 withheld, and of the procedure to file a motion to quash the
21 order of assignment, and shall order an assignment of income
22 ~~and notify an employer, trustee, or other payor by regular~~
23 ~~mail, with proof of service completed according to rule of~~
24 ~~civil procedure 82, of the order of the assignment of income~~
25 requiring the withholding of specified sums to be deducted
26 from the delinquent person's periodic earnings, trust income,
27 or other income sufficient to pay the support obligation and,
28 except as provided in section 598.22, requiring the payment of
29 such sums to the clerk of the district court or the collection
30 services center. ~~The assignment of income is binding on an~~
31 ~~existing or future employer, trustee, or other payor ten days~~
32 ~~after the receipt of the order. The amount of an assignment~~
33 ~~of income shall not exceed the amount specified in 15 U.S.C. §~~
34 ~~1673(b). The assignment of income has priority over a~~
35 ~~garnishment or an assignment for a purpose other than the~~

1 support-of-the-dependents-in-the-court-order-being-enforced;
2 The-child-support-recovery-unit-or-the-district-court, upon
3 the-application-of-any-party, by-ex-parte-order, may-modify
4 the-assignment-of-income-on-the-full-payment-of-the
5 delinquency-or-in-an-instance-where-the-amount-being-withheld
6 exceeds-the-amount-specified-in-15-U.S.C.-§-1673(b), or-may
7 revoke-the-assignment-of-income-upon-the-termination-of
8 parental-rights, emancipation, death-or-majority-of-the-child,
9 or-upon-a-change-of-custody. Notification of income
10 withholding shall be provided to the payor of earnings, trust
11 income, or other income pursuant to section 252D.12.

12 Sec. 8. Section 252D.8, Code 1993, is amended to read as
13 follows:

14 252D.8 PERSONS SUBJECT TO IMMEDIATE INCOME WITHHOLDING.

15 1. In a support order issued or modified on or after
16 November 1, 1990, for which services are being provided by the
17 child support recovery unit, and from any support orders
18 issued or modified after January 1, 1994, for which services
19 are not provided by the child support recovery unit, the
20 income of a support obligor is subject to withholding, on the
21 effective date of the order, regardless of whether support
22 payments by the obligor are in arrears. The If services are
23 being provided pursuant to chapter 252B, the child support
24 recovery unit may enter an ex parte order for an immediate
25 withholding of income or-may-directly-implement-immediate
26 withholding-of-income if authorizing language is contained in
27 the court order. The district court may enter an ex parte
28 order for immediate income withholding for cases in which the
29 child support recovery unit is not providing services. The
30 income of the obligor is subject to such-automatic immediate
31 withholding unless one of the following occurs:

32 a. One of the parties demonstrates and the court or child
33 support recovery unit finds there is good cause not to require
34 immediate withholding. A finding of good cause shall be based
35 on, at a minimum, written findings and conclusions by the

1 court or administrative authority as to why implementing
2 immediate withholding would not be in the best interests of
3 the child. In cases involving modifications, the findings
4 shall also include proof of timely payment of previously
5 ordered support.

6 b. A written agreement is reached between both parties
7 which provides for an alternative arrangement. If
8 ~~2--if~~ the support payments have been assigned to the
9 department of human services pursuant to chapter 234 or 239,
10 or a comparable statute of another jurisdiction, the
11 department shall be considered a party to the support order,
12 and a written agreement pursuant to this section to waive
13 immediate withholding is void unless approved by the child
14 support recovery unit. Any existing agreement ~~is void~~
15 existing at the time an assignment of support ~~to the state~~ is
16 made pursuant to chapter 234 or 239 or pursuant to a
17 comparable statute of another jurisdiction shall not prevent
18 the child support recovery unit from implementing immediate
19 withholding.

20 ~~3-~~ 2. For an order not requiring immediate withholding,
21 income of an obligor is subject to immediate withholding,
22 without regard to whether there is an arrearage, on the
23 earliest of the following:

24 a. The date the obligor requests that the withholding
25 begin.

26 b. The date the custodial parent or party to the
27 proceeding requests that the withholding begin, if the request
28 is approved by the district court or, in cases in which
29 services are being provided pursuant to chapter 252B, if the
30 child support recovery unit approves the request.

31 Sec. 9. Section 252D.12, Code 1993, is amended by striking
32 the section and inserting in lieu thereof the following:

33 252D.12 NOTICE TO EMPLOYER OR INCOME PAYOR -- DUTIES AND
34 LIABILITY.

35 The child support recovery unit or the district court shall

1 provide notice of income withholding to the obligor's
2 employer, trustee, or other payor of income. Notice shall be
3 sent by regular mail, with proof of service completed
4 according to rule of civil procedure 82 and, in addition to
5 the amount to be withheld for payment of support, shall
6 include all of the following information regarding
7 withholding:

8 1. The withholding order for child support has priority
9 over a garnishment or an assignment for a purpose other than
10 the support of the dependents in the court order being
11 enforced.

12 2. As reimbursement for the payor's processing costs, the
13 payor may deduct a fee of no more than two dollars for each
14 payment in addition to the amount withheld for support.

15 3. The amount withheld for support, including the
16 processing fee, shall not exceed the amounts specified in 15
17 U.S.C. § 1673(b).

18 4. Income withholding is binding on an existing or future
19 employer, trustee, or other payor ten days after receipt of
20 the notice.

21 5. The payor shall send the amounts withheld to the
22 collection services center or the clerk of the district court
23 within ten working days of the date the obligor received
24 payment.

25 6. The payor may combine amounts withheld from the
26 obligor's wages in a single payment to each appropriate agency
27 requesting withholding. Whether combined or separate,
28 payments shall be identified by the name of the obligor,
29 account number, amount, and date withheld. If payments for
30 multiple obligors are combined, the portion of the payment
31 attributable to each obligor shall be specifically identified.

32 7. The payor shall deliver or send a copy of the order to
33 the person named in the order within one day after receipt of
34 notice.

35 8. The withholding is binding on the payor until further

1 notice by the court or the child support recovery unit.

2 9. If the payor fails to withhold income in accordance
3 with the provisions of the order, the payor is liable for the
4 accumulated amount required to be withheld, together with
5 costs, interest, and reasonable attorney fees related to the
6 collection of the amounts due from the payor.

7 10. The payor shall notify the court or the child support
8 recovery unit immediately when the obligor's employment or
9 other income terminates, and provide the obligor's last known
10 address and the name and address of the obligor's new
11 employer, if known.

12 11. Any payor who discharges an obligor, refuses to employ
13 an obligor, or takes disciplinary action against any obligor
14 based upon income withholding is guilty of a simple
15 misdemeanor. A withholding order has the same force and
16 effect as any other district court order, including, but not
17 limited to, contempt of court proceedings for noncompliance.

18 Sec. 10. Section 252D.18, Code 1993, is amended by
19 striking the section and inserting in lieu thereof, the
20 following:

21 252D.18 MODIFICATION OR TERMINATION OF WITHHOLDING.

22 1. The court or the child support recovery unit may, by ex
23 parte order, modify a previously entered income withholding
24 order if the court or the unit determines any of the
25 following:

26 a. There has been a change in the amount of the current
27 support obligation.

28 b. The amount required to be withheld under the income
29 withholding order is in error.

30 c. Any past due support debt has been paid in full.
31 Should a delinquency later accrue, the withholding order may
32 be modified to secure payment toward the delinquency.

33 2. The court or the child support recovery unit may, by ex
34 parte order, terminate an income withholding order if for any
35 reason an outstanding support obligation no longer exists.

1 3. In no case shall payment of overdue support be the sole
2 basis for termination of withholding.

3 Sec. 11. NEW SECTION. 252D.18A MULTIPLE INCOME
4 WITHHOLDING ORDERS -- AMOUNTS WITHHELD BY PAYOR.

5 When the obligor is responsible for paying more than one
6 support obligation and the employer or the income payor has
7 received more than one income withholding order for the
8 obligor, the payor shall withhold amounts in accordance with
9 all of the following:

10 1. The total of all amounts withheld shall not exceed the
11 amounts specified in 15 U.S.C. § 1673(b).

12 2. As reimbursement for the payor's processing costs, the
13 payor may deduct a fee of no more than two dollars for each
14 payment in addition to the amount withheld for support.

15 3. Priority shall be given to the withholding of current
16 support rather than past due support. The payor shall not
17 allocate amounts withheld in a manner which results in the
18 failure to withhold any current support obligations, unless
19 the amounts would exceed the amounts specified in 15 U.S.C. §
20 1637(b).

21 a. To arrive at the amount to be withheld for each
22 obligee, the payor shall total the amounts due for current
23 support under the income withholding orders and determine the
24 proportionate share for each obligee. The proportionate share
25 shall be determined by dividing the amount due for current
26 support for each order by the total due for current support
27 for all orders. The results are the percentages of the
28 obligor's net income which shall be withheld for each obligee.

29 b. If, after completing the calculation in paragraph "a",
30 the withholding limit specified under 15 U.S.C. § 1673(b) has
31 not been attained, the payor shall total the amounts due for
32 arrearages and determine the proportionate share for each
33 obligee. The proportionate share amounts shall be established
34 utilizing the procedures established in paragraph "a" for
35 current support obligations.

1 4. The payor shall identify and report payments by the
2 obligor's name, account number, amount, and date withheld
3 pursuant to section 252D.12. If payments for multiple
4 obligees are combined, the portion of the payment attributable
5 to each obligee shall be specifically identified.

6 Sec. 12. NEW SECTION. 252D.18B IRREGULAR INCOME.

7 When payment of income is irregular, and an order for
8 immediate or mandatory income withholding has been entered by
9 the child support recovery unit or the district court, the
10 income payor shall withhold income equal to the total that
11 would have been withheld had there been regular monthly
12 income. The amounts withheld shall not exceed the amounts
13 specified in 15 U.S.C. § 1673(b). For the purposes of this
14 section, an income source is irregular when there are periods
15 in excess of one month during which the income payor makes no
16 payment to the obligor and the periods are not the result of
17 termination or suspension of employment.

18 Sec. 13. NEW SECTION. 252D.18C WITHHOLDING FROM LUMP SUM
19 PAYMENTS.

20 The child support recovery unit or the district court may
21 enter an ex parte order for income withholding when the
22 obligor is paid by a lump sum income source. When a sole
23 payment is made or payment occurs at two month or greater
24 intervals, the withholding order may include all current and
25 delinquent support due through the current month, but shall
26 not exceed the amounts specified in 15 U.S.C. § 1673(b).

27 Sec. 14. NEW SECTION. 252D.24 APPLICABILITY TO SUPPORT
28 ORDERS OF FOREIGN JURISDICTIONS.

29 1. This chapter applies to a support order of a foreign
30 jurisdiction. A foreign support order filed under section
31 252D.23 is not a registered support order unless the support
32 order is registered pursuant to section 252A.17 or chapter
33 626A.

34 2. Notice of withholding requirements pursuant to section
35 252D.3 is met if comparable notice was issued in the foreign.

1 jurisdiction, was included in the support order, or was
2 provided as a separate written notice.

3 3. Income withholding for a support order issued by a
4 foreign jurisdiction is subject to the law and procedures for
5 income withholding of the jurisdiction where the income
6 withholding order is implemented. With respect to when the
7 obligor becomes subject to withholding, however, the law and
8 procedures of the jurisdiction where the support order was
9 entered apply.

10 Sec. 15. NEW SECTION. 252D.25 LIMITATIONS ON SCOPE OF
11 PROCEEDINGS.

12 1. Issues related to visitation, custody, or other
13 provisions not related to the support provisions of a support
14 order are not grounds for a motion to quash, revoke, suspend,
15 or stay a withholding order.

16 2. Support orders shall not be modified under a motion to
17 quash a withholding order.

18 Sec. 16. NEW SECTION. 252D.30 EX PARTE ORDER -- PRO-
19 VISIONS FOR MEDICAL SUPPORT.

20 An ex parte order entered under this chapter may also
21 include provisions for enforcement of medical support when
22 medical support provisions are included in the support order.
23 Medical support enforcement includes enforcement of an amount
24 of medical support through income withholding or enforcement
25 of provisions for dependent coverage under a health benefit
26 plan as provided in section 252E.4. A notice of assignment
27 under section 252D.3 is sufficient notice to proceed with
28 withholding of income under this section.

29 Sec. 17. Section 252E.1, Code 1993, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 10. "Order" means a support order entered
32 pursuant to chapter 234, 252A, 252C, 598, 675, or any other
33 applicable provision pursuant to a comparable statute of a
34 foreign jurisdiction, or an ex parte order entered pursuant to
35 section 252E.4.

1 Sec. 18. Section 252E.2, Code 1993, is amended to read as
2 follows:

3 252E.2 ORDER FOR MEDICAL SUPPORT.

4 ~~1. The entry of an An order, pursuant to chapter 234,~~
5 ~~252A, 252E, 598, 600B or any other chapter of the Code or~~
6 ~~pursuant to a comparable statute of a foreign jurisdiction,~~
7 requiring the provision of coverage under a health benefit
8 plan is authorization for enrollment of the dependent if the
9 dependent is otherwise eligible to be enrolled. The
10 dependent's eligibility and enrollment for coverage under such
11 a plan shall be governed by all applicable terms and
12 conditions, including, but not limited to, eligibility and
13 insurability standards. The dependent, if eligible, shall be
14 provided the same coverage as the obligor.

15 2. The obligor shall take all actions necessary to enroll
16 and maintain coverage under a health benefit plan for a
17 dependent at the obligor's present and all future places of
18 employment.

19 Sec. 19. Section 252E.4, Code 1993, is amended to read as
20 follows:

21 252E.4 ~~COPY OF ORDER TO EMPLOYER.~~

22 ~~The obligor shall take all steps necessary to enroll and~~
23 ~~maintain coverage under a health benefit plan for a dependent~~
24 ~~at present and all future places of employment, and shall send~~
25 ~~a copy of the order requiring the coverage to the obligor's~~
26 ~~employer.~~

27 ~~1.--Within fifteen days of entry of the order, the obligor~~
28 ~~shall provide written proof to the obligee and the department~~
29 ~~that the required coverage has been obtained or that~~
30 ~~application for coverage has been made.~~

31 ~~2.--If the obligor fails to provide written proof as~~
32 ~~required in subsection 1, a copy of the order for medical~~
33 ~~support shall be forwarded to the obligor's employer by the~~
34 ~~obligee or the department.~~

35 1. When a support order requires an obligor to provide

1 coverage under a health benefit plan, the district court or
2 the department may enter an ex parte order directing an
3 employer to enroll an obligor's dependent for coverage under a
4 health benefit plan if the dependent is otherwise eligible for
5 coverage.

6 2. The obligee, district court, or department may forward
7 either the support order containing the provision for coverage
8 under a health benefit plan or the ex parte order provided for
9 in subsection 1 to the obligor's employer.

10 3. ~~The~~ This chapter shall be constructive notice to the
11 obligor of enforcement and further notice prior to enforcement
12 is not required.

13 4. The order requiring coverage is binding on all future
14 employers or insurers if the dependent is eligible to be
15 enrolled in the health benefit plan under the applicable plan
16 terms and conditions.

17 Sec. 20. Section 252E.11, Code 1993, is amended to read as
18 follows:

19 252E.11 ASSIGNMENT.

20 If medical assistance coverage is provided by the
21 department to a dependent pursuant to chapter 249A or a
22 comparable statute of a foreign jurisdiction, rights to
23 medical support payments are assigned to the department
24 ~~pursuant-to-federal-regulations~~.

25 Sec. 21. Section 598.21, subsection 9, Code 1993, is
26 amended to read as follows:

27 9. Notwithstanding subsection 8, a substantial change of
28 circumstances exists when the court order for child support
29 deviates by ten percent or more from the amount which would be
30 due pursuant to the most current child support guidelines
31 established pursuant to subsection 4. This basis for
32 modification is applicable to petitions filed or pending on or
33 after July 1, 1992. Upon application for a modification of an
34 order for child support where services are being received
35 pursuant to chapter 252B, the court shall set the amount of

1 child support based upon the most current child support
2 guidelines established pursuant to subsection 4. The child
3 support recovery unit shall, in submitting an application for
4 modification of an order for support, employ additional
5 criteria and procedures for the review and adjustment of
6 support awards, as established by rule.

7 Sec. 22. Section 598.21, Code 1993, is amended by adding
8 the following new subsections:

9 NEW SUBSECTION. 9A. Notwithstanding subsection 8, if the
10 obligor of a support judgment has access to health insurance,
11 and medical support as defined in chapter 252E is not
12 contained in the current support order, a modification action
13 may be initiated and the order modified to order medical
14 support as defined in chapter 252E without a showing of a
15 substantial change in circumstances.

16 NEW SUBSECTION. 9B. Notwithstanding any other provision
17 of law to the contrary, when an application for modification
18 of support is submitted by the child support recovery unit,
19 the sole issues that may be considered by the court in that
20 action are support issues. Issues related to custody,
21 visitation, or other provisions unrelated to support must be
22 considered under a separate application for modification.

23 Sec. 23. Section 252D.14, Code 1993, is repealed.

24 Sec. 24. ADOPTION OF EMERGENCY RULES. The department of
25 human services may adopt rules under section 17A.4, subsection
26 2, to implement section 252B.4, subsection 2A. The rules
27 shall become effective immediately upon filing pursuant to
28 section 17A.5, subsection 2, unless a later effective date is
29 specified in the rules. Rules adopted in accordance with this
30 paragraph shall also be published as a notice of intended
31 action as provided in section 17A.4. If the department
32 determines that rules are necessary to clarify section 252B.4,
33 subsection 2B, the department may proceed to adopt rules in
34 the manner provided for in this section.

35 Sec. 25. IMPLEMENTATION. In implementing section 252B.4,

1 subsection 2C, the department of human services shall consider
2 recovery of costs from both the custodial and noncustodial
3 parents. Identification of costs to be recovered and the
4 adoption of rules may be completed in stages. The department
5 shall give notice of intended action for initial rules by June
6 30, 1995.

7 Sec. 26. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

8 1. Sections 4, 24, 25, and this section of this Act, being
9 deemed of immediate importance, take effect upon enactment.

10 2. Section 21 of this Act, being deemed of immediate
11 importance, takes effect upon enactment and applies
12 retroactively to July 1, 1992.

13 EXPLANATION

14 This bill provides for amendment of the provisions relating
15 to child support.

16 The bill addresses income withholding by extending the
17 provisions for immediate income withholding, beginning January
18 1, 1994, to all cases including those cases for which support
19 payments have not been assigned to the department; by altering
20 notice provisions; by providing for the priority of payments
21 by payors with multiple withholding orders; by expanding
22 income withholding provisions to apply to lump sum payments,
23 and periodic payments that are paid on a basis less frequently
24 than monthly; and by making income withholding provisions
25 applicable to orders granted by a foreign jurisdiction.

26 The bill provides for review of a support order when
27 requested by a child support enforcement agency of another
28 jurisdiction if the agency is operating under Title IV-D of
29 the federal Social Security Act, in addition to the current
30 requests by either parent or the child support recovery unit
31 (CSRU). The bill also authorizes the department of human
32 services (DHS) to adopt rules to establish criteria to
33 initiate modification proceedings following a department-
34 initiated review of the amount of the support award and also
35 allows the department to apply the rules adopted to the review

1 of support orders which cover children who are receiving
2 public assistance in a foreign jurisdiction.

3 The bill also limits the issues that may be raised during
4 the registration of a foreign support order initiated by the
5 child support recovery unit to those issues of fact relating
6 to the support obligation. The bill prohibits issues related
7 to custody, visitation, or other issues from being addressed
8 in a separate proceeding until after the registration action
9 is completed.

10 The bill addresses the enforcement and assignment of
11 medical support obligations and provides that an ex parte
12 order may be entered which includes provisions for enforcement
13 of a medical support provision if included in the support
14 order, and provides that enforcement of a medical support
15 order may include income withholding enforcement of provisions
16 under a health benefit plan; provides that an order requiring
17 coverage under an obligor's health benefit plan is
18 authorization of the dependent in the plan if the dependent is
19 otherwise eligible, and requires the obligor to take all
20 necessary actions to enroll in and maintain coverage for the
21 dependent; provides for the entering of an ex parte order by
22 the district court or DHS directing the employer to enroll the
23 dependent in the health benefit plan when the support order
24 requires such coverage; and provides that if DHS provides
25 medical assistance under chapter 249A or in accordance with a
26 statute of a foreign jurisdiction, that the rights to medical
27 support payments are assigned to the department.

28 The bill provides for the expansion of user fees to
29 services provided by the CSRU and provides an immediate
30 effective date and emergency rulemaking authority, addresses
31 the jurisdiction for establishment of a support order in
32 certain foster care cases, and also addresses issues relating
33 to modification of child support orders, including that the
34 provisions relating to substantial change of circumstances
35 based upon a 10 percent or more deviation between the amount

1 of child support currently required by the child support order
2 and the amount in the original order are applicable to
3 petitions for modification filed or still pending on or after
4 July 1, 1992; that modification may be sought if the obligor
5 has access to health insurance and medical support that was
6 not included in the original order; and that the only issues
7 that may be addressed when the CSRU applies for modification
8 of an order are those related to support.

9 BACKGROUND STATEMENT

10 SUBMITTED BY THE AGENCY

11 Income Withholding:

12 This bill contains the following proposals related to
13 income withholding:

14 1. Extends immediate income withholding to all cases,
15 including cases not covered by Title IV-D of the federal
16 Social Security Act (IV-D), effective January 1, 1994. This
17 is required by the federal Family Support Act of 1988 and must
18 be done this session. The current federal requirement
19 requires the enactment of these provisions by January 1, 1994,
20 but currently places no clear burden of administration of the
21 process on the state. The proposed language, therefore,
22 creates the statutory authority but does not place
23 responsibility for administration of income withholding in
24 non-IV-D cases on the child support recovery unit (CSRU).

25 2. Makes technical conforming amendments based upon final
26 regulations released in July 1992 on income withholding in
27 interstate cases, when the underlying support order was issued
28 in another state. This primarily relates to clarifying
29 statutory authority, notice requirements, and the initiation
30 of the withholding under Iowa law.

31 3. Expands income withholding provisions to include lump
32 sum payouts in addition to periodic payments and periodic
33 payments that are made less frequently than monthly. Examples
34 include court awards and lottery winnings. Currently, CSRU
35 must use garnishments, which are more cumbersome, require more

1 elapsed time to implement, and expire after 70 days. This is
2 a collections initiative.

3 Items 1 and 2 above are primarily state plan issues. While
4 the department is not aware of any state currently under a
5 full state plan failure, the associated sanction is suspension
6 of all federal funding of the child support enforcement
7 program, which is approximately \$14 million per year in Iowa.

8 Items 2 and 3 would both simplify existing procedures which
9 should provide for more timely collection of support in
10 certain cases.

11 Review and Adjustment of Support Obligations:

12 This bill clarifies issues related to current statutory
13 provisions for review and adjustment of support obligations
14 upon request. The bill also incorporates provisions for
15 periodic review and adjustment of support obligations and
16 notice requirements into statute. Federal regulations have
17 not addressed fully these requirements. However, the federal
18 Family Support Act of 1988 does require that state laws
19 include these provisions by October 1993. This proposal
20 outlines basic provisions and gives DHS rule-making authority,
21 but does not require implementation in FY 92-93.

22 Activities related to the periodic review and adjustment of
23 support obligations are not funded within the proposed budget
24 for FY 92-93 or FY 93-94. However, the legislation would
25 authorize, rather than require, the activity in FY 92-93.
26 Implementation is required in FY 93-94 to meet the federal
27 requirement.

28 This is a state plan issue; federal funding of the child
29 support enforcement program (approximately \$14 million per
30 year) is at risk based upon state plan compliance.

31 Enforcement Actions:

32 The bill clarifies that visitation and custody are separate
33 legal issues by placing limitations on issues that may be
34 raised during a registration of a foreign order initiated by
35 the CSRU and clarifying that lack of visitation is not grounds

1 to quash an enforcement action. This is an initiative
2 designed to focus the work of CSRU on support issues. Federal
3 funding is not available for CSRU to become involved in
4 visitation or custody issues, nor is CSRU authorized by
5 statute to become involved. However, these limitations have
6 not prevented the court from considering these issues. This
7 can put custodial parents in a predicament. Since the CSRU
8 cannot represent them in nonsupport issues, a cross-petition
9 resulting from a CSRU action could require the custodial
10 parent to seek legal counsel at the parent's own expense.
11 Also, the staying of an enforcement action based on visitation
12 may not be sufficient grounds for lack of case activity in a
13 federal audit.

14 This proposal will not have a major impact on the child
15 support recovery operations, but will simplify some
16 enforcement actions by giving the court direction in a case
17 being handled by the CSRU while providing some protection for
18 custodial parents against incurring additional legal expenses.

19 Medical Support Enforcement and Assignment:

20 The bill provides for incorporation of medical support
21 enforcement with income withholding, which would allow CSRU to
22 enforce medical and child support in one action, rather than
23 two. The current medical support statute requires additional
24 notice provisions that do not conform to the income
25 withholding statute. These additional notice provisions are
26 not required by federal law or by due process.

27 This proposal could be implemented within the scope of
28 existing resources. The result would be an enhancement of the
29 existing process, allowing staff to implement both income
30 withholding and medical support in a more efficient manner.

31 The bill also amends chapter 252E, the medical support
32 chapter, to clarify that the statute also applies to state-
33 paid foster care cases. No legal issue has arisen to date,
34 but this proposal would serve to clarify the intent and
35 prevent a future challenge. This would not create a change in

1 existing practice. Failure to address this issue may result
2 in the loss of medical support or health insurance in some
3 state-paid foster care cases.

4 User Fees:

5 The bill provides for expansion of the use of user fees.
6 The federal general accounting office has stated that states
7 need to expand the use of cost recovery. A fiscal impact has
8 not been completed to date.

9 Modification Issues:

10 The bill addresses the following issues related to
11 modifications:

12 1. The statute passed in the 1992 legislative session
13 relating to a 10 percent or more deviation from the guidelines
14 as a substantial change in circumstances and grounds for a
15 modification applies to petitions for modification filed or
16 pending on or after July 1, 1992. That statutory provision
17 was passed in response to a requirement of the federal Family
18 Support Act of 1988.

19 2. Availability of health insurance for dependent children
20 is grounds for a modification when not provided for in the
21 original order.

22 3. Issues that can be heard in a CSRU-initiated
23 modification are limited to support issues.

24 This proposal will not have a major impact on the child
25 support, recovery operations, but will simplify some
26 enforcement actions, by giving the court direction in a case
27 being handled by the CSRU.

28 Foster Care:

29 The bill addresses jurisdiction for establishment of a
30 support order in some foster care cases.

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SENATE FILE 349

AN ACT

RELATING TO CHILD SUPPORT AND PROVIDING EFFECTIVE AND RETRO-
ACTIVE APPLICABILITY DATES.

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

Section 1. Section 232.182, subsection 5A, Code 1993, is amended to read as follows:

5A. If the court orders placement of the child into foster care, the court or the department shall establish a support obligation for the costs of the placement pursuant to section 234.39.

Sec. 2. Section 252A.18, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. The respondent shall have twenty days after receiving notice of the registration in which to petition the court to vacate the registration or for other relief. If the respondent does not so petition, the respondent is in default and the registered support order is confirmed.

b. If a registration action is initiated by the child support recovery unit, issues subject to challenge are limited to issues of fact relating to the support obligation and not other issues including, but not limited to, custody and visitation, or the terms of the support order.

Sec. 3. Section 252A.19, subsection 2, Code 1993, is amended by striking the subsection.

Sec. 4. Section 252A.19, subsection 3, Code 1993, is amended to read as follows:

3 2. At the a hearing to enforce the registered support order the respondent may present only matters that would be available to the respondent as defenses in an action to enforce a foreign money judgment. ~~However, the court in its discretion may consider the income and resources of the respondent, the respondent's ability to pay, and any material changes of circumstances since the granting of registered support order, and may modify the amount of the support in the same manner as other support orders are modified.~~ If the respondent states to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the respondent has furnished security for payment of the support as ordered by the court. If the respondent shows to the court any ground upon which enforcement of a support order of this state may be stayed the court shall stay enforcement of the order for an appropriate period if the respondent furnishes the same security for payment of the support ordered that is required for a support order of this state.

Sec. 5. NEW SECTION. 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 of the following:

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.

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.

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:

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.

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.

Sec. 6. Section 252B.4, subsection 1, Code 1993, is amended to read as follows:

1. The director shall require an application fee of twenty-five five dollars.

Sec. 7. Section 252B.4, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. When the unit intercepts a federal tax refund of an obligor for payment of delinquent support and the funds are due to a recipient of services who is not otherwise eligible for public assistance, the unit shall deduct a twenty-five dollar fee from the funds before forwarding the balance to the recipient.

a. The unit shall inform the recipient of the fee under this subsection prior to assessment.

b. The fee shall be assessed only to individuals who receive support from the federal tax refund offset program. If the tax refund due the recipient is less than fifty dollars, the fee shall not be assessed.

NEW SUBSECTION. 2B. The department may adopt rules to establish fees which provide for recovery of administrative costs of the program in addition to other fees identified.

Sec. 8. Section 252B.5, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The review and adjustment or modification of a support order pursuant to chapter 252H upon adoption of rules pursuant to chapter 17A governing policies and procedures for review and adjustment or modification.

Sec. 9. Section 252C.4, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Actions initiated by the administrator under this chapter are not subject to chapter 17A and resulting court hearings following certification shall be an original hearing before the district court.

Sec. 10. Section 252D.1, subsection 2, Code 1993, is amended to read as follows:

2. If support payments ordered under chapter 232, 214, 252A, 252C, 252D, 252E, 598, 600B, or any other applicable chapter, 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 or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, upon application of a person entitled to receive the support payments, the child support recovery unit or the district court may enter an ex parte order notifying the person whose income is to be assigned, of the delinquent amount, of the amount of income, or wages, compensation, or benefits to be withheld, and of the procedure to file a motion to quash the order of assignment, and shall

~~order an assignment of income and notify an employer, trustee or other payor by regular mail with proof of service completed according to rule of civil procedure 82, 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, compensation, benefits, or other income sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center. The assignment of income is binding on an existing or future employer, trustee, or other payor ten days after the receipt of the order. The amount of an assignment of income shall not exceed the amount specified in 15-8-9-2-§ 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 child support recovery unit or the district court, upon the application of any party, by ex parte order, may modify 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 15-8-9-2-§ 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. Notification of income withholding shall be provided to the payor of earnings, trust income, or other income pursuant to section 252D.17A.~~

Sec. 11. Section 252D.8, Code 1993, is amended to read as follows:

252D.8 PERSONS SUBJECT TO IMMEDIATE INCOME WITHHOLDING.

1. In a support order issued or modified on or after November 1, 1990, for which services are being provided by the child support recovery unit, and in any support orders issued or modified after January 1, 1994, for which services are not provided by the child support recovery unit, the income of a support obligor is subject to withholding, on the effective

date of the order, regardless of whether support payments by the obligor are in arrears. The If services are being provided pursuant to chapter 252B, the child support recovery unit may enter an ex parte order for an immediate withholding of income or may directly implement immediate withholding of income if authorizing language is contained in the court order. The district court may enter an ex parte order for immediate income withholding for cases in which the child support recovery unit is not providing services. The income of the obligor is subject to such automatic immediate withholding unless one of the following occurs:

a. One of the parties demonstrates and the court or child support recovery unit finds there is good cause not to require immediate withholding. A finding of good cause shall be based on, at a minimum, written findings and conclusions by the court or administrative authority as to why implementing immediate withholding would not be in the best interests of the child. In cases involving modifications, the findings shall also include proof of timely payment of previously ordered support.

b. A written agreement is reached between both parties which provides for an alternative arrangement. If

2--if the support payments have been assigned to the department of human services pursuant to chapter 234 or 239, or a comparable statute of another jurisdiction, the department shall be considered a party to the support order, and a written agreement pursuant to this section to waive immediate withholding is void unless approved by the child support recovery unit. Any existing agreement is void existing at the time an assignment of support to the state is made pursuant to chapter 234 or 239 or pursuant to a comparable statute of another jurisdiction shall not prevent the child support recovery unit from implementing immediate withholding.

3- 2. For an order not requiring immediate withholding, income of an obligor is subject to immediate withholding, without regard to whether there is an arrearage, on the earliest of the following:

- a. The date the obligor requests that the withholding begin.
- b. The date the custodial parent or party to the proceeding requests that the withholding begin, if the request is approved by the district court or, in cases in which services are being provided pursuant to chapter 252B, if the child support recovery unit approves the request.

Sec. 12. NEW SECTION. 252D.17A NOTICE TO EMPLOYER OR INCOME PAYOR -- DUTIES AND LIABILITY -- CRIMINAL PENALTY.

The child support recovery unit or the district court shall provide notice of income withholding to the obligor's employer, trustee, or other payor of income. Notice shall be sent by regular mail, with proof of service completed according to rule of civil procedure 82 and, in addition to the amount to be withheld for payment of support, shall include all of the following information regarding the duties of the payor in implementing the withholding order:

1. The withholding order for child support has priority over a garnishment or an assignment for a purpose other than the support of the dependents in the court order being enforced.
2. As reimbursement for the payor's processing costs, the payor may deduct a fee of no more than two dollars for each payment in addition to the amount withheld for support.
3. The amount withheld for support, including the processing fee, shall not exceed the amounts specified in 15 U.S.C. § 1673(b).
4. Income withholding is binding on an existing or future employer, trustee, or other payor ten days after receipt of the notice.

5. The payor shall send the amounts withheld to the collection services center or the clerk of the district court within ten working days of the date the obligor is paid.

6. The payor may combine amounts withheld from the obligor's wages in a single payment to the clerk of the district court or to the collection services center, as appropriate. Whether combined or separate, payments shall be identified by the name of the obligor, account number, amount, and the date withheld. If payments for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

7. The payor shall deliver or send a copy of the order to the person named in the order within one business day after receipt of notice.

8. The withholding is binding on the payor until further notice by the court or the child support recovery unit.

9. If the payor fails to withhold income in accordance with the provisions 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.

10. The payor shall promptly notify the court or the child support recovery unit when the obligor's employment or other income terminates, and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

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 has the same force and effect as any other district court order, including, but not limited to, contempt of court proceedings for noncompliance.

Sec. 13. Section 252D.18, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

252D.18 MODIFICATION OR TERMINATION OF WITHHOLDING.

1. The court or the child support recovery unit may, by ex parte order, modify a previously entered income withholding order if the court or the unit determines any of the following:

a. There has been a change in the amount of the current support obligation.

b. The amount required to be withheld under the income withholding order is in error.

c. Any past due support debt has been paid in full. Should a delinquency later accrue, the withholding order may be modified to secure payment toward the delinquency.

2. The court or the child support recovery unit may, by ex parte order, terminate an income withholding order when the current support obligation has terminated and when the delinquent support obligation has been fully satisfied as applicable to all of the children covered by the income withholding order.

3. In no case shall payment of overdue support be the sole basis for termination of withholding.

Sec. 14. NEW SECTION. 252D.18A MULTIPLE INCOME WITHHOLDING ORDERS -- AMOUNTS WITHHELD BY PAYOR.

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 for the obligor, the payor shall withhold amounts in accordance with all of the following:

1. The total of all amounts withheld shall not exceed the amounts specified in 15 U.S.C. § 1673(b).

2. As reimbursement for the payor's processing costs, the payor may deduct a fee of no more than two dollars for each payment withheld in addition to the amount withheld for support.

3. Priority shall be given to the withholding of current support rather than delinquent support. The payor shall not allocate amounts withheld in a manner which results in the

failure to withhold an amount for one or more of the current support obligations.

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 determine the proportionate share for each obligee. The proportionate share shall be determined by dividing the amount due for current support for each order by the total due for current support for all orders. The results are the percentages of the obligor's net income which shall be withheld for each obligee.

b. If, after completing the calculation in paragraph "a", the withholding limit specified under 15 U.S.C. § 1673(b) has not been attained, the payor shall total the amounts due for arrearages and determine the proportionate share for each obligee. The proportionate share amounts shall be established utilizing the procedures established in paragraph "a" for current support obligations.

4. The payor shall identify and report payments by the obligor's name, account number, amount, and date withheld pursuant to section 252D.17A. If payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified.

Sec. 15. NEW SECTION. 252D.18B IRREGULAR INCOME.

When payment of income is irregular, and an order for immediate or mandatory income withholding has been entered by the child support recovery unit or the district court, the income payor shall withhold income equal to the total that would have been withheld had there been regular monthly income. The amounts withheld shall not exceed the amounts specified in 15 U.S.C. § 1673(b). For the purposes of this section, an income source is irregular when there are periods in excess of one month during which the income payor makes no payment to the obligor and the periods are not the result of termination or suspension of employment.

Sec. 16. NEW SECTION. 252D.18C WITHHOLDING FROM LUMP SUM PAYMENTS.

The child support recovery unit or the district court may enter an ex parte order for income withholding when the obligor is paid by a lump sum income source. When a sole payment is made or payment occurs at two month or greater intervals, the withholding order may include all current and delinquent support due through the current month, but shall not exceed the amounts specified in 15 U.S.C. § 1673(b).

Sec. 17. NEW SECTION. 252D.24 APPLICABILITY TO SUPPORT ORDERS OF FOREIGN JURISDICTIONS.

1. An income withholding order may be entered to enforce a support order of a foreign jurisdiction. The foreign support order may be entered and filed with the clerk of the district court at the time the income withholding order is entered. Entry of the foreign support order under this subsection does not constitute registration of the order.

2. Notice of withholding requirements pursuant to section 252D.3 are met if comparable notice was issued in the foreign jurisdiction, was included in the support order, or was provided as a separate written notice.

3. Income withholding for a support order issued by a foreign jurisdiction is subject to the law and procedures for income withholding of the jurisdiction where the income withholding order is implemented. With respect to when the obligor becomes subject to withholding, however, the law and procedures of the jurisdiction where the support order was entered apply.

Sec. 18. NEW SECTION. 252D.25 LIMITATIONS ON SCOPE OF PROCEEDINGS.

1. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a motion to quash, revoke, suspend, or stay a withholding order.

2. Support orders shall not be modified under a motion to quash a withholding order.

Sec. 19. NEW SECTION. 252D.30 EX PARTE ORDER -- PROVISIONS FOR MEDICAL SUPPORT.

An ex parte order entered under this chapter may also include provisions for enforcement of medical support when medical support provisions are included in the support order. The ex parte order may require income withholding of a dollar amount for medical support or implementation of provision for dependent coverage under a health benefit plan pursuant to chapter 252E.

Sec. 20. Section 252E.1, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 10. "Order" means a support order entered pursuant to chapter 234, 252A, 252C, 252B, 598, 600B, or any other support chapter, or pursuant to a comparable statute of a foreign jurisdiction, or an ex parte order entered pursuant to section 252E.4.

Sec. 21. Section 252E.2, Code 1993, is amended to read as follows:

252E.2 ORDER FOR MEDICAL SUPPORT.

1. ~~The entry of an An order, pursuant to chapter 234, 252A, 252C, 598, 600B or any other chapter of the Code or pursuant to a comparable statute of a foreign jurisdiction, requiring the provision of coverage under a health benefit plan is authorization for enrollment of the dependent if the dependent is otherwise eligible to be enrolled. The dependent's eligibility and enrollment for coverage under such a plan shall be governed by all applicable terms and conditions, including, but not limited to, eligibility and insurability standards. The dependent, if eligible, shall be provided the same coverage as the obligor.~~

2. The obligor shall take all actions necessary to enroll and maintain coverage under a health benefit plan for a dependent at the obligor's present and all future places of employment.

Sec. 22. Section 252E.4, Code 1993, is amended to read as follows:

252E.4 COPY-OF ORDER TO EMPLOYER.

~~The obligor shall take all steps necessary to enroll and maintain coverage under a health benefit plan for a dependent at present and all future places of employment, and shall send a copy of the order requiring the coverage to the obligor's employer:~~

~~1. Within fifteen days of entry of the order, the obligor shall provide written proof to the obligee and the department that the required coverage has been obtained or that application for coverage has been made:~~

~~2. If the obligor fails to provide written proof as required in subsection 1, a copy of the order for medical support shall be forwarded to the obligor's employer by the obligee or the department:~~

~~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.~~

~~2. The obligee, district court, or department may forward either the support order containing the provision for coverage under a health benefit plan or the ex parte order provided for in subsection 1 to the obligor's employer.~~

~~3. The This chapter shall be constructive notice to the obligor of enforcement and further notice prior to enforcement is not required.~~

~~4. The order requiring coverage is binding on all future employers or insurers if the dependent is eligible to be enrolled in the health benefit plan under the applicable plan terms and conditions.~~

Sec. 23. Section 252E.11, Code 1993, is amended to read as follows:

252E.11 ASSIGNMENT.

If medical assistance coverage is provided by the department to a dependent pursuant to chapter 249A, rights to medical support payments are assigned to the department pursuant to federal regulations.

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 24. NEW SECTION. 252H.1 PURPOSE AND INTENT.

This chapter is intended to provide a means for state compliance with the federal Family Support Act of 1988, requiring states to provide procedures for the review and adjustment of support orders being enforced under Title IV-D of the federal Social Security Act, and also to provide an expedited modification process when review and adjustment procedures are not required, appropriate, or applicable. Actions under this chapter shall be initiated only by the child support recovery unit.

Sec. 25. NEW SECTION. 252H.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires "administrator", "caretaker", "court order", "department", "dependent child", "medical support", "public assistance", and "responsible person", mean the same as defined in section 252C.1.

As used in this chapter, unless the context otherwise requires:

1. "Act" means the federal Social Security Act.

2. "Adjustment" applies only to the child support provisions of a support order and means either of the following:

a. A change in the amount of child support based upon an application of the child support guidelines established pursuant to section 598.21, subsection 4.

b. An addition of or change to provisions for medical support as defined in section 252E.1.

3. "Child" means a child as defined in section 252B.1.

4. "Child support agency" means any state, county, or local office or entity of another state that has the responsibility for providing child support enforcement services under Title IV-D of the Act.

5. "Child support recovery unit" or "unit" means the child support recovery unit created pursuant to section 252B.2.

6. "Modification" means either of the following:

a. An alteration, change, correction, or termination of an existing support order.

b. The establishment of a child or medical support obligation in a previously established order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support proceeding, in which such support was not previously established, or in which support was previously established and subsequently terminated prior to the emancipation of the children affected.

7. "Parent" means, for the purposes of requesting a review of a support order and for being entitled to notice under this chapter:

a. The individual ordered to pay support pursuant to the order.

b. An individual or entity entitled to receive current or future support payments pursuant to the order, or pursuant to a current assignment of support including but not limited to an agency of this or any other state that is currently providing public assistance benefits to the child for whom support is ordered and any child support agency. Service of notice of an action initiated under this chapter on an agency is not required, but the agency may be advised of the action by other means.

8. "Public assistance" means benefits received in this state or any other state, under Title IV-A (aid to dependent children), IV-E (foster care), or XIX (medicaid) of the Act.

9. "Review" means an objective evaluation conducted through a proceeding before a court, administrative body, or

an agency, of information necessary for the application of a state's mandatory child support guidelines to determine:

a. The appropriate monetary amount of support.

b. Provisions for medical support.

10. "State" means "state" as defined in section 252A.2.

11. "Support order" means a "court order" as defined in section 252C.1 or an order establishing support entered pursuant to an administrative or quasi-judicial process if authorized by law.

Sec. 26. NEW SECTION. 252H.3 SCOPE OF THE ADMINISTRATIVE ADJUSTMENT OR MODIFICATION -- ROLE OF DISTRICT COURT IN CONTESTED CASES.

1. Any action initiated under this chapter, including any court hearing resulting from an action, shall be limited in scope to the adjustment or modification of the child or medical support provisions of a support order.

2. Nonsupport issues shall not be considered by the unit or the court in any action resulting under this chapter.

3. Actions initiated by the unit under this chapter shall not be subject to contested case proceedings or further review pursuant to chapter 17A and resulting court hearings following certification shall be an original hearing before the district court.

Sec. 27. NEW SECTION. 252H.4 ROLE OF THE CHILD SUPPORT RECOVERY UNIT.

1. The unit may administratively adjust or modify a support order entered under chapter 234, 252A, 252C, 598, or 600B, or any other support chapter if the unit is providing enforcement services pursuant to chapter 252B. The unit is not required to intervene to administratively adjust or modify a support order under this chapter.

2. The unit is a party to an action initiated pursuant to this chapter.

3. The unit shall conduct a review to determine whether an adjustment is appropriate or, upon the request of a parent or

upon the unit's own initiative, determine whether a modification is appropriate.

4. The unit shall adopt rules pursuant to chapter 17A to establish the process for the review of requests for adjustment, the criteria and procedures for conducting a review and determining when an adjustment is appropriate, and other rules necessary to implement this chapter.

5. Legal representation of the unit shall be provided pursuant to section 252B.7, subsection 4.

Sec. 28. NEW SECTION. 252H.5 FEES AND COST RECOVERY FOR REVIEW -- ADJUSTMENT -- MODIFICATION.

The unit shall, consistent with applicable federal law, charge the following fees for providing the services described in this chapter:

1. A parent ordered to provide support, who requests a review of a support order under subchapter II, shall file an application for services and pay an application fee pursuant to section 252B.4.

2. A parent requesting a service shall pay the fee established for that service as established under this subsection. The fees established are not applicable to a parent who as a condition of eligibility for receiving public assistance benefits has assigned the rights to child or medical support for the order to be reviewed. The following fees shall be paid for the following services:

a. A fee for conducting the review, to be paid at the time the request for review is submitted to the unit. If the request for review is denied for any reason, the fee shall be refunded to the parent making the request. Any request submitted without full payment of the fee shall be denied.

b. A fee for a second review requested pursuant to section 252B.17, to be paid at the time the request for the second review is submitted to the unit. Any request submitted without full payment of the fee shall be denied.

c. A fee for activities performed by the unit in association with a court hearing requested pursuant to section 252H.8.

d. A fee for activities performed by the unit in entering an administrative order to adjust support when neither parent requests a court hearing pursuant to section 252H.8. The fee shall be paid during the post-review waiting period under section 252H.17. If the fee is not paid in full during the post-review notice period, further action shall not be taken by the unit to adjust the order unless the parent not requesting the adjustment pays the fee in full during the post-review waiting period, or unless the children affected by the order reviewed are currently receiving public assistance benefits and the proposed adjustment would result in either an increase in the amount of support or in provisions for medical support for the children.

e. A fee for conducting a conference requested pursuant to section 252H.20.

3. A parent who requests a review of a support order pursuant to section 252H.13, shall pay any service of process fees for service or attempted service of the notice required in section 252H.15. The unit shall not proceed to conduct a review pursuant to section 252H.16 until service of process fees have been paid in full. The service of process fee requirement of this subsection is not applicable to a parent who as a condition of eligibility for public assistance benefits has assigned the rights to child or medical support for the order to be reviewed. Service of process fees charged by a person other than the unit are distinct from any other fees and recovery of costs provided for in this section.

4. The unit shall, consistent with applicable federal law, recover administrative costs in excess of any fees collected pursuant to subsections 1, 2, and 3 for providing services under this chapter and shall adopt rules providing for collection of fees for administrative costs.

5. The unit shall adopt rules pursuant to chapter 17A to establish procedures and criteria to determine the amount of any fees specified in this section and the administrative costs in excess of these fees.

Sec. 29. NEW SECTION. 252H.6 COLLECTION OF INFORMATION.

The unit shall request, obtain, and validate information concerning the financial circumstances of the parents of a child as necessary to determine the appropriate amount of support pursuant to the guidelines established in section 598.21, subsection 4, including but not limited to those sources and procedures described in sections 252B.7A and 252B.9. The collection of information does not constitute a review conducted pursuant to section 252H.16.

Sec. 30. NEW SECTION. 252H.7 WAIVER OF NOTICE PERIODS AND TIME LIMITATIONS.

1. A parent may waive the thirty-day prereview waiting period provided for in section 252H.16.

a. Upon receipt of signed requests from both parents waiving the prereview waiting period, the unit may conduct a review of the support order prior to the expiration of the thirty-day period provided in section 252H.16.

b. If the parents jointly waive the prereview waiting period and the order under review is subsequently adjusted, the signed statements of both parents waiving the waiting period shall be filed in the court record with the order adjusting the support obligation.

2. A parent may waive the post-review waiting period provided for in section 252H.8, subsection 6, for a court hearing or in section 252H.17 for requesting of a second review.

a. Upon receipt of signed requests from both parents subject to the order reviewed, waiving the post-review waiting period, the unit may enter an administrative order adjusting the support order, if appropriate, prior to the expiration of the post-review waiting period.

b. If the parents jointly waive the post-review waiting period and an administrative order to adjust the support order is entered, the signed statements of both parents waiving the waiting period shall be filed in the court record with the administrative order adjusting the support obligation.

3. A parent may waive the time limitations established in section 252H.8, subsection 2, for requesting a court hearing, or in section 252H.20 for requesting a conference.

a. Upon receipt of signed requests from both parents who are subject to the order to be modified, waiving the time limitations, the unit may proceed to enter an administrative modification order.

b. If the parents jointly waive the time limitations and an administrative modification order is entered under this chapter, the signed statements of both parents waiving the time limitations shall be filed in the court record with the administrative modification order.

Sec. 31. NEW SECTION. 252H.8 CERTIFICATION TO COURT -- HEARING -- DEFAULT.

1. For actions initiated under subchapter II, either parent or the unit may request a court hearing within thirty days from the date of issuance of the notice of decision under section 252H.16, or within ten days of the date of issuance of the second notice of decision under section 252H.17, whichever is later.

a. A court hearing shall not be granted if the review resulted in a determination that the adjustment was not appropriate.

b. If a court hearing is not granted pursuant to paragraph "a", a party retains the right to file a modification action upon the party's own initiative.

2. For actions initiated under subchapter III, either parent or the unit may request a court hearing within the latest of any of the following time periods:

a. Twenty days from the date of successful service of the notice of intent to modify required under section 252H.19.

b. Ten days from the date scheduled for a conference to discuss the modification action.

c. Ten days from the date of issuance of a second notice of a proposed modification action.

3. The time limitations for requesting a court hearing under this section may be extended by the unit.

4. 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:

a. Copies of the notice of intent to review or notice of intent to modify.

b. The return of service, acceptance of service, or signed statement by the parent requesting review and adjustment waiving service of the notice.

c. Copies of the notice of decision and any revised notice as provided in section 252H.16.

d. Copies of any written objections to and request for a second review or conference or hearing.

e. Copies of any second notice of decision issued pursuant to section 252H.17, or second notice of proposed modification action issued pursuant to section 252H.20.

f. Copies of any financial statements and supporting documentation provided by the parents.

g. Copies of any computation worksheet prepared by the unit to determine the amount of support calculated using the mandatory child support guidelines established under section 598.21, subsection 4.

5. The court shall set the matter for hearing and notify the parties of the time and place of the hearing.

6. For actions initiated under subchapter II, a hearing shall not be held for at least thirty-one days following the date of issuance of the notice of decision unless the parents have jointly waived, in writing, the thirty-day post-review period.

7. Pursuant to section 252H.3, the district court shall review the matter as an original hearing before the court.

8. Issues subject to review by the court in any hearing resulting from an action initiated under this chapter shall be limited to the issues identified in section 252H.3.

9. Notwithstanding any other law to the contrary, if more than one support order exists involving children with the same legally established parents, one hearing on all of the affected support orders shall be held in the district court in the county where the unit files the action. For the purposes of this subsection, the district court hearing the matter shall have jurisdiction over all other support orders entered by a court of this state and affected under this subsection.

10. The court shall establish the amount of child support pursuant to section 598.21, subsection 4, or medical support pursuant to chapter 252E, or both.

11. If a party fails to appear at the hearing, upon a showing of proper notice to the party, the court may find the party in default and enter an appropriate order.

Sec. 32. NEW SECTION. 252H.9 FILING AND DOCKETING OF ADMINISTRATIVE ADJUSTMENT OR MODIFICATION ORDER -- ORDER EFFECTIVE AS DISTRICT COURT ORDER.

1. If timely request for a court hearing is not made pursuant to section 252H.8, the unit shall prepare and present an administrative order for adjustment or modification, as applicable, for review and approval, ex parte, to the district court where the order to be adjusted or modified is filed.

2. The unit shall determine the appropriate amount of the child support obligation using the current child support guidelines established pursuant to section 598.21, subsection

4, and the criteria established pursuant to section 252B.7A and shall determine the provisions for medical support pursuant to chapter 252E.

3. The administrative order prepared by the unit shall specify all of the following:

- a. The amount of support to be paid and the manner of payment.
- b. The name of the custodian of any child for whom support is to be paid.
- c. The name of the parent ordered to pay support.
- d. The name and birth date of any child for whom support is to be paid.
- e. That the property of the responsible person is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and other methods of execution.
- f. Provisions for medical support.

4. Supporting documents as described in section 252H.8, subsection 4, may be presented to the court with the administrative order, as applicable.

5. Unless defects appear on the face of the order or on the attachments, the district court shall approve the order. Upon filing, the approved order shall have the same force, effect, and attributes of an order of the district court.

6. Upon filing, the clerk of the district court shall enter the order in the judgment docket and judgment lien index.

7. A copy of the order shall be sent by regular mail to each parent's last known address, or if applicable, to the last known address of the parent's attorney.

8. The order is final, and action by the unit to enforce and collect upon the order, including arrearages and medical support, or both, may be taken from the date of the entry of the order by the district court.

Sec. 33. NEW SECTION. 252H.10 EFFECTIVE DATE OF ADJUSTMENT -- MODIFICATION.

Pursuant to section 598.21, subsection 8, any administrative or court order resulting from an action initiated under this chapter may be made retroactive only to the date that all parties were successfully served the notice required under section 252H.15 or section 252H.19, as applicable.

Sec. 34. NEW SECTION. 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 the unit under this chapter, the unit 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, the unit shall continue the action previously initiated under this chapter, or initiate a new action as follows:

a. If the unit previously initiated an action under subchapter II, and had not issued a notice of decision as required under section 252H.16, the unit 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, the unit 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, the unit shall serve or issue a new notice of intent to review and conduct the review.

b. If the unit previously initiated an action under subchapter II and had issued the notice of decision as required under section 252H.16, the unit 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, the unit 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, the unit 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.

c. If the unit previously initiated an action under subchapter III, the unit 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, the unit 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, the unit shall complete the original modification action initiated by the unit 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, the unit 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 the unit 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, the unit shall advise each parent, or if applicable, each parent's attorney, in writing, that the unit 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.

SUBCHAPTER II
REVIEW AND ADJUSTMENT

Sec. 35. NEW SECTION. 252H.12 SUPPORT ORDERS SUBJECT TO REVIEW AND ADJUSTMENT.

A support order meeting all of the following conditions is eligible for review and adjustment under this subchapter:

1. The support order is subject to the jurisdiction of this state for the purposes of adjustment.

2. The support order provides for the ongoing support of at least one child under the age of eighteen or a child between the ages of eighteen and nineteen who has not yet graduated from high school but who is reasonably expected to graduate from high school before attaining the age of nineteen.

3. The ongoing support for at least one child described in subsection 2 continues, under the terms of the order, beyond October 13, 1993.

4. The unit is providing enforcement services for the ongoing support obligation pursuant to chapter 252B.

Sec. 36. NEW SECTION. 252H.13 RIGHT TO REQUEST REVIEW.

A parent shall have the right to request the review of a support order for which the unit is currently providing enforcement services of an ongoing child support obligation pursuant to chapter 252B.

Sec. 37. NEW SECTION. 252H.14 REVIEWS INITIATED BY THE CHILD SUPPORT RECOVERY UNIT.

1. The unit shall periodically initiate a review of support orders meeting the conditions in section 252H.12 in accordance with the following:

a. The right to any ongoing child support obligation is currently assigned to the state due to the receipt of public assistance.

b. The right to any ongoing medical support obligation is currently assigned to the state due to the receipt of public assistance unless:

(1) The support order already includes provisions requiring the parent ordered to pay child support to also provide medical support.

(2) The parent entitled to receive support has satisfactory health insurance coverage for the children, excluding coverage resulting from the receipt of public assistance benefits.

2. The unit shall periodically initiate a request to a child support agency of another state to conduct a review of a support order entered in that state when the right to any ongoing child or medical support obligation due under the order is currently assigned to the state of Iowa.

3. The unit shall adopt rules establishing criteria to determine the appropriateness of initiating a review.

4. The unit shall initiate reviews under this section in accordance with the federal Family Support Act of 1988.

Sec. 38. NEW SECTION. 252H.15 NOTICE OF INTENT TO REVIEW AND ADJUST.

1. Prior to conducting a review of a support order, the unit shall issue a notice of intent to review and adjust to

each parent, or if applicable, to each parent's attorney. However, notice to a child support agency or an agency entitled to receive child or medical support payments as the result of an assignment of support rights is not required.

2. Notice shall be served upon each parent in accordance with the rules of civil procedure, except that a parent requesting a review pursuant to section 252H.13 may waive the right to personal service of the notice in writing and accept service by regular mail. If the service by regular mail does not occur within ninety days of the written waiver of personal service, personal service of the notice is required unless a new waiver of personal service is obtained.

3. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. The legal basis and purpose of the action.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. An explanation of the procedures for determining child support and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21, subsection 4.

d. An explanation of the legal rights and responsibilities of the affected parties, including the time frames in which the parties must act.

e. Criteria for determining appropriateness of an adjustment and a statement that the unit will use the child support guidelines established pursuant to section 598.21, subsection 4, and the provisions for medical support pursuant to chapter 252E to adjust the order.

f. Procedures for contesting the action.

g. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

h. Other information as appropriate.

Sec. 39. NEW SECTION. 252H.16 CONDUCTING THE REVIEW --
NOTICE OF DECISION.

1. The unit shall conduct the review and determine whether an adjustment is appropriate.

2. Unless both parents have waived the prereview notice period as provided for in section 252H.7, the review shall not be conducted for at least thirty days from the date both parents were successfully served with the notice required in section 252H.15.

3. Upon completion of the review, the unit shall issue a notice of decision by regular mail to the last known address of each parent, or if applicable, each parent's attorney.

4. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. A statement indicating whether the unit finds that an adjustment is appropriate and the basis for the determination.

c. Other information, as appropriate.

5. A revised notice of decision shall be issued when the unit receives or becomes aware of new or different information affecting the results of the review after the notice of decision has been issued and before the entry of an administrative order adjusting the support order, when new or different information is not received in conjunction with a request for a second review, or subsequent to a request for a court hearing. If a revised notice of decision is issued, the time frames for requesting a second review or court hearing shall apply from the date of issuance of the revised notice.

Sec. 40. NEW SECTION. 252H.17 CHALLENGING THE NOTICE OF DECISION -- SECOND REVIEW -- NOTICE.

1. Each parent shall have the right to challenge the notice of decision issued under section 252H.16, by requesting a second review by the unit.

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.

3. A parent challenging the notice of decision shall submit any new or different information, not previously considered by the unit in conducting the review, with the challenge and request for second review.

4. A parent challenging the notice of decision shall submit any required fees with the challenge. Any request submitted without full payment of the required fee shall be denied.

5. If a timely challenge along with any necessary fee is received, the unit shall issue by regular mail to the last known address of each parent, or if applicable, to each parent's attorney, a notice that a second review will be conducted. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. A statement of purpose of the second review.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. A statement of the information that is eligible for consideration at the second review.

d. The procedures and time frames in conducting and completing a second review, including a statement that only one second review shall be conducted as the result of a challenge received from either or both parents.

e. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

f. Other information, as appropriate.

6. The unit shall conduct a second review, utilizing any new or additional information provided or available since issuance of the notice of decision under section 252H.16, to determine whether an adjustment is appropriate.

7. Upon completion of the review, the unit shall issue a second notice of decision by regular mail to the last known address of each parent, or if applicable, to each parent's attorney. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. The unit's finding resulting from the second review indicating whether the unit finds that an adjustment is appropriate, the basis for the determination, and the impact on the first review.

c. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

d. Other information, as appropriate.

8. If the determination resulting from the first review is revised or reversed by the second review, the following shall be issued to each parent along with the second notice of decision and the amount of any proposed adjustment:

a. Any updated or revised financial statements provided by either parent.

b. A computation prepared by the local child support office issuing the notice, demonstrating how the amount of support due under the child support guidelines was calculated, and a comparison of the newly computed amount with the current support obligation amount.

SUBCHAPTER III
ADMINISTRATIVE MODIFICATION

Sec. 41. NEW SECTION. 252H.18 ORDERS SUBJECT TO ADMINISTRATIVE MODIFICATION.

An order meeting all of the following conditions is eligible for administrative modification under this subchapter.

1. The order is subject to the jurisdiction of this state for the purposes of modification.

2. The unit is providing services pursuant to chapter 252B.

3. The child was conceived or born during a marriage or paternity has been legally established.

4. Review and adjustment services pursuant to subchapter II are not required or are not applicable.

Sec. 42. NEW SECTION. 252H.19 NOTICE OF INTENT TO MODIFY.

1. The unit shall issue a notice of intent to modify to each parent. Notice to a child support agency or an agency entitled to receive child or medical support payments as the result of an assignment of support rights is not required.

2. The notice shall be served upon each parent in accordance with the rules of civil procedure. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. The legal basis and purpose of the action.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. An explanation of the procedures for determining child support and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21, subsection 4.

d. An explanation of the legal rights and responsibilities of the affected parties, including the time frames in which the parties must act.

e. Procedures for contesting the action through a conference or a court hearing.

f. Other information, as appropriate.

Sec. 43. NEW SECTION. 252H.20 CONFERENCE -- SECOND NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY.

1. Each parent shall have the right to request a conference with the office of the unit that issued the notice of intent to modify. The request may be made in person, in writing, or by telephone, and shall be made within ten days of the date of successful service of the notice of intent to modify.

2. A parent requesting a conference shall submit any required fee no later than the date of the scheduled conference. A conference shall not be held unless the required fee is paid in full.

3. Upon a request and full payment of any required fee, the office of the unit that issued the notice of intent to modify shall schedule a conference with the parent and advise the parent of the date, time, place, and procedural aspects of the conference. The unit shall adopt rules pursuant to chapter 17A to specify the manner in which a conference is conducted and the purpose of the conference.

4. Following the conference, the office of the unit that conducted the review shall issue a second notice of proposed modification and finding of financial responsibility to the parent requesting the conference. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

- a. Information sufficient to identify the affected parties and the support order or orders affected.
- b. If the unit will continue or terminate the action.
- c. Procedures for contesting the action and the applicable time frames for actions by the parents.
- d. Other information, as appropriate.

Sec. 44. Section 598.21, subsection 8, unnumbered paragraph 2, Code 1993, is amended to read as follows:

A modification of a support order entered under chapter 234, 252A, chapter 252C, 600B, or this chapter, or any other

support chapter or proceeding between parties to the order is void unless the modification is approved by the court, after proper notice and opportunity to be heard is given to all parties to the order, and entered as an order of the court. If support payments have been assigned to the department of human services pursuant to section 234.39, 239.1, or 252E.11, the department shall be considered a party to the support order. Modifications of orders pertaining to child custody shall be made pursuant to chapter 598A. If the petition for a modification of an order pertaining to child custody asks either for joint custody or that joint custody be modified to an award of sole custody, the modification, if any, shall be made pursuant to section 598.41.

Sec. 45. Section 598.21, subsection 9, Code 1993, is amended to read as follows:

9. Notwithstanding subsection 8, a substantial change of circumstances exists when the court order for child support deviates 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.

This basis for modification is applicable to petitions filed on or after July 1, 1992, notwithstanding whether the guidelines prescribed by subsection 4 were used in establishing the current amount of support. Upon application for a modification of an order for child support where for which services are being received pursuant to chapter 252B, the court shall set the amount of child support based upon the most current child support guidelines established pursuant to subsection 4, including provisions for medical support

pursuant to chapter 252E. The child support recovery unit shall, in submitting an application for modification or adjustment of an order for support, employ additional criteria and procedures for-the-review-and-adjustment-of-support awards, as provided in chapter 252H and as established by rule.

Sec. 46. Section 598.21, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. Notwithstanding any other provision of law to the contrary, when an application for modification or adjustment of support is submitted by the child support recovery unit, the sole issues which may be considered by the court in that action are the application of the guidelines in establishing the amount of support pursuant to section 598.21, subsection 4, and provision for medical support under chapter 252E. Issues related to custody, visitation, or other provisions unrelated to support shall be considered only under a separate application for modification.

Sec. 47. Sections 252D.12, 252D.13, and 252D.14, Code 1993, are repealed.

Sec. 48. ADOPTION OF EMERGENCY RULES. The department of human services may adopt rules under section 17A.4, subsection 2, to implement chapter 252H. The rules shall become effective immediately upon filing pursuant to section 17A.5, subsection 2, unless a later effective date is specified in the rules. Rules adopted in accordance with this paragraph shall also be published as a notice of intended action as provided in section 17A.4. If the department determines that rules are necessary to clarify section 252B.4, subsection 2A, the department may proceed to adopt rules in the manner provided for in this section.

Sec. 49. IMPLEMENTATION. In implementing section 252B.4, subsection 2B, the department of human services shall consider recovery of costs from both the custodial and noncustodial parents. Identification of costs to be recovered and the

adoption of rules may be completed in stages. The department shall give notice of intended action for initial rules by June 30, 1995.

Sec. 50. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

1. Sections 7, 48, 49, and this section of this Act, being deemed of immediate importance, take effect upon enactment.

2. Section 45 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1992.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 349, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 3, 1993

TERRY E. BRANSTAD
Governor