

by the minority leader of the house from the membership of the house, one to be appointed by the majority leader president of the senate, after consultation with the majority leader of the senate, from the membership of the senate, and one to be appointed by the minority leader of the senate, after consultation with the president of the senate, from the membership of the senate.

Sec. 31. 1989 Iowa Acts, chapter 195, section 3, subsection 3, unnumbered paragraph 1, is amended to read as follows:

3. The speaker of the house of representatives shall appoint two representatives, the minority leader of the house shall appoint one representative, the president of the senate, after consultation with the majority leader of the senate, shall appoint two senators, and the minority leader of the senate, after consultation with the president of the senate, shall appoint one senator to the advisory committee. No more than two members from each house shall be from the same political party. The legislative service bureau shall provide staff and other support for the advisory committee. The secretary of agriculture shall appoint as public members of the advisory committee, the titular head or the titular head's designee of the following organizations:

Sec. 32.

Appointments made by the majority leader or the minority leader to a term of office under a section amended by this Act remain in effect until the expiration of the term.

Sec. 33.

This Act takes effect January 14, 1991.

Approved April 30, 1990

CHAPTER 1224

SUPPORT OF DEPENDENTS AND MEDICAL SUPPORT

S.F. 2429

AN ACT relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions.

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

Section 1. COLLECTION SERVICES — TRANSITIONAL PROVISIONS.

In order to implement this Act, the department of human services and the judicial department shall mutually agree on a schedule to complete the transfer of support payment collection and disbursement responsibilities from the collection services center to the clerks of the district court. The schedule shall provide for the completion of the transfer of the responsibilities for all affected orders by June 30, 1991. The following procedure shall be used for any order affected by the initial transfer of responsibilities:

1. The department of human services shall develop a cumulative listing which specifies for each county the effective date by which the transfers of the responsibilities to the clerks of the district court in each county are completed. The department shall cause the listing to be published in the Iowa administrative bulletin on the first date the bulletin is published subsequent to the date the transfer of responsibilities to all counties are completed.

2. The department of human services shall issue a notice directing the obligor to submit payments to the clerk of the district court in accordance with the provisions of section 252B.14. The notice shall be issued to the obligor and the obligee by regular mail, when an address is known, at least ten days prior to the effective date of the transfer of the receipt of payment responsibilities to the clerk of the district court. The notice shall serve as the equivalent of a court order in redirecting the payment. The notice shall contain all of the following information:

- a. The names of the obligor, obligee, and affected children.
- b. A list of all court orders affected by transfer of the responsibilities, including the docket numbers, the county or counties of filing, effective dates of the support obligation, and the support obligation amounts.
- c. A list of credit amounts from the collection services center records that will be transmitted from the collection services center to the clerk of the district court.
- d. The effective date of the transfer of the responsibilities.

3. The clerk of the district court shall issue a notice to the obligor within ten days of the date the responsibilities are transferred. The notice shall contain all of the following information:

- a. Confirmation that the court-ordered support obligation is established within the clerk of the district court system for support payments.
- b. The clerk of the district court payment record account number.
- c. A list of the credit amounts entered into the clerk of the district court system for support payments.

Sec. 2. Section 252A.4, subsection 2, Code 1989, is amended to read as follows:

2. The court of the responding state shall have the power to may order the respondent to pay sums sufficient to provide necessary food, shelter, clothing, care, medical or hospital expenses, including medical support as defined in chapter 252E, expenses of confinement, expenses of education of a child, funeral expenses and such other reasonable and proper expenses of the petitioner as justice requires, having due regard to the circumstances of the respective parties.

Sec. 3. NEW SECTION. 252A.5A LIMITATIONS OF ACTIONS.

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

2. Notwithstanding subsection 1, an action to establish paternity and support under this chapter may be brought concerning a person who was under age eighteen on August 16, 1984, regardless of whether any prior action was dismissed because a statute of limitations of less than eighteen years was then in effect. Such an action may be brought within the time limitations set forth in section 614.8, or until July 2, 1992, whichever is later.

Sec. 4. Section 252B.5, Code 1989, is amended by adding the following new subsection: NEW SUBSECTION. 6. Assistance in obtaining medical support as defined in chapter 252E.

Sec. 5. Section 252B.5, Code 1989, is amended by adding the following new subsection: NEW SUBSECTION. 7. At the request of either parent who is subject to the order of support or upon its own initiation, review the amount of the support award in accordance with the guidelines established pursuant to section 598.21, subsection 4, and the federal Family Support Act of 1988, and take action to initiate modification proceedings if the criteria established pursuant to this section are met. However, a review of a support award is not required in those cases for which an assignment ordered pursuant to chapter 234 or 239 is in effect if the child support recovery unit determines that such a review would not be in the best interest of the child and neither parent has requested such review.

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

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

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

Sec. 7. Section 252B.6, subsection 4, paragraph b, Code 1989, is amended by striking the paragraph.

Sec. 8. Section 252B.7, Code 1989, is amended by adding the following new subsection: NEW SUBSECTION. 4. An attorney employed by or under contract with the child support recovery unit represents and acts on behalf of the state when providing child support enforcement services.

Sec. 9. Section 252B.13, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

252B.13 COLLECTION SERVICES CENTER.

1. The department shall establish within the unit a collection services center for the receipt and disbursement of support payments as defined in section 598.1 required pursuant to an order for which the unit is providing or has provided enforcement services on or after July 1, 1988, under this chapter. For purposes of this section, support payments do not include attorney fees or court costs.

2. The center shall develop an automated system to provide support payment records from the center to the clerks of the district court and the clerks of the district court are authorized to receive this information.

3. On January 1 of each year the center shall submit a report to the fiscal committee of the legislative council relating to the time required between the time the payment is received and the time the funds are distributed to the recipient.

Sec. 10. Section 252B.14, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

252B.14 SUPPORT PAYMENTS – COLLECTION SERVICES CENTER – CLERK OF THE DISTRICT COURT.

All support payments required pursuant to orders entered under this chapter and chapter 234, 252A, 252C, 598, 675, or any other chapter shall be directed and processed as follows:

1. If the child support recovery unit is providing enforcement services for a support order, support payments made pursuant to the order shall be directed to and processed as follows:

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

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

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

2. If the child support recovery unit is not providing enforcement services for a support order, support payments made pursuant to the order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed.

3. Payments to persons other than the clerk of the district court or the collection services center do not satisfy the support obligations created by a support order or judgment, except as provided for trusts and social security income in section 252D.1, 598.22, or 598.23, or for tax refunds or rebates in section 602.8102, subsection 47, and except as provided for certain orders entered on or after July 1, 1985, in which a sworn affidavit is submitted as proof of payment pursuant to section 598.22A.

Sec. 11. NEW SECTION. 252B.15 PROCESSING AND DISBURSEMENT OF SUPPORT PAYMENTS.

1. If the child support recovery unit is providing enforcement services for a support order, the collection services center is the official entity responsible for disbursing the support payments made pursuant to the order.

2. The collection services center shall notify the clerk of the district court of any order for which the child support recovery unit is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. The collection services center shall process and disburse the payment in accordance with federal requirements.

3. If the child support recovery unit is not providing enforcement services for a support order, the clerk of the district court in the county in which the order for support is filed is the official entity responsible for disbursing of support payments made pursuant to the order.

4. If the unit's child support enforcement services relating to a support order are terminated but the support obligation remains accrued or accruing, the support payment receipt and disbursement responsibilities relating to the order shall be transferred from the collection services center to the appropriate clerk of the district court. The department shall adopt rules pursuant to chapter 17A relating to the transfer of the responsibilities.

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

Sec. 12. Section 252B.16, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

252B.16 TRANSFER OF SUPPORT ORDER PROCESSING RESPONSIBILITIES — ONGOING PROCEDURES.

1. For a support order being processed by the clerk of the district court, upon notification that the unit is providing enforcement services related to the order, the clerk of the district court shall immediately transfer the responsibility for the disbursement of support payments received pursuant to the order to the collection services center.

2. The department shall adopt rules pursuant to chapter 17A to ensure that the affected parties are notified that the support payment disbursement responsibilities have been transferred to the collection services center from the clerk of the district court. The rules shall include a provision requiring that a notice shall be sent by regular mail to the last known addresses of the obligee and the obligor.

Sec. 13. NEW SECTION. 252B.18 ADVISORY COMMITTEE ESTABLISHED.

The department shall establish a child support enforcement program advisory committee which shall include representatives of custodial parent groups, noncustodial parent groups, the judicial department, the office of citizens' aide, the Iowa state bar association, and representatives of other constituencies having an interest in child support enforcement issues. The advisory committee shall assist the department in reviewing issues related to the implementation of the federal Family Support Act of 1988 and methods of improving service. With the assistance of the advisory committee, the department shall review existing policies, practices, and procedures of the child support recovery unit to identify areas in which administrative appeals procedures or other provisions for review of contested issues would help to assure fair and impartial treatment of persons affected by actions of the unit.

Sec. 14. Section 252C.1, subsection 2, Code 1989, is amended to read as follows:

2. "Court order" means a judgment or order of a court of this state or another state requiring the payment of a set or determinable amount of monetary support. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support, as defined in section 252E.1, is not included in the amount of monetary support.

Sec. 15. Section 252C.1, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 8. "Medical support" means either the provision of coverage under a health benefit plan, including a group or employment-related or an individual health benefit plan, or a health benefit plan provided pursuant to chapter 514E, to meet the medical needs of a dependent and the cost of any premium required by a health benefit plan, or the payment to the obligee of a monetary amount in lieu of providing coverage under a health benefit plan, either of which is an obligation separate from any monetary amount of child support ordered to be paid.

Sec. 16. Section 252C.3, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

In the absence of a court order, or if an administrative order exists which does not require provision of medical support as defined in chapter 252E or equivalent medical support, the administrator may issue a notice establishing and demanding either payment of medical support established as defined in chapter 252E or payment of an accrued or accruing support debt due and owed to the department or an individual under section 252C.2, or both. The notice shall be served upon the responsible person in accordance with the rules of civil procedure. The notice shall include all of the following:

Sec. 17. Section 252C.3, subsection 1, paragraph d, Code 1989, is amended to read as follows:

d. A demand for either immediate payment of the support debt or of a medical support debt established as defined in chapter 252E, or both.

Sec. 18. Section 252C.3, subsection 1, paragraph e, subparagraphs (3) and (4), Code 1989, are amended to read as follows:

(3) A statement that after the holding of the negotiation conference, the administrator may issue a new notice and finding of financial responsibility for child support or medical support, or both, to be sent to the responsible person by regular mail addressed to the responsible person's last known address, or if applicable, to the last known address of the responsible person's attorney.

(4) A statement that if the administrator issues a new notice and finding of financial responsibility for child support or medical support, or both, then the responsible person shall have ten days from the date of issuance of the new notice or twenty days from the date of service of the original notice, whichever is later, to send a request for a hearing to the office of the child support recovery unit which issued the notice.

Sec. 19. Section 252C.3, subsection 1, paragraphs f, g, and i, Code 1989, are amended to read as follows:

f. A statement that if the responsible person objects to all or any part of the notice or finding of financial responsibility for child support or medical support, or both, and ~~no~~ a negotiation conference is not requested, ~~then within twenty days of the date of service~~, the responsible person shall, within twenty days of the date of service send to the office of the child support recovery unit which issued the notice a written response setting forth any objections and requesting a hearing.

g. A statement that if a timely written request for a hearing is received by the office of the child support recovery unit which issued the notice, the responsible person shall have the right to a hearing to be held in district court; and that if no timely written response is received, the administrator may enter an order in accordance with the notice and finding of financial responsibility for child support or medical support, or both.

i. A statement that the responsible person shall notify the administrator of any change of address, ~~or~~ employment, or medical coverage as required by chapter 252E.

Sec. 20. Section 252C.3, subsection 4, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The medical support required pursuant to chapter 598 and rules adopted pursuant to chapter 252E.

Sec. 21. Section 252C.3, subsection 5, Code 1989, is amended to read as follows:

5. The responsible person shall be sent a copy of the order by regular mail addressed to the responsible person's last known address, or if applicable, to the last known address of the responsible person's attorney. The order is final, and action by the administrator to enforce and collect upon the order, including arrearages and medical support, or both, may be taken from the date of issuance of the order.

Sec. 22. Section 252C.4, subsections 2 and 4, Code Supplement 1989, are amended to read as follows:

2. If the matter has not been heard previously by the district court, or an existing administrative order does not provide for medical support pursuant to chapter 252E, the certification shall include true copies of the notice and finding of financial responsibility or notice of the support debt accrued and accruing, the return of service, the written objections and request for hearing, and true copies of any administrative orders previously entered.

4. The court shall establish the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21, subsection 4, or medical support pursuant to chapter 252E, or both.

Sec. 23. Section 252C.9, Code 1989, is amended to read as follows:

252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.

If an order of the administrator issued pursuant to this chapter conflicts with an order of a court, the court order prevails regarding support issues addressed by the court order.

Sec. 24. Section 252D.1, subsection 1, Code 1989, is amended to read as follows:

1. As used in this chapter, unless the context otherwise requires, "support" or "support payments" means any amount which the court may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree, and may include child support, maintenance, medical support as defined in chapter 252E, and, if contained in a child support order, spousal support, and any other term used to describe these obligations. These obligations may include support for a child who is between the ages of eighteen and twenty-two years and who is regularly attending an accredited school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs, or is, in good faith, a full-time student in a college, university, or area school, or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; and may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.

Sec. 25. **NEW SECTION. 252E.1 DEFINITIONS.**

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

1. "Child" means a person for whom child support may be ordered pursuant to chapter 234, 239, 252A, 252C, 598, or 675 or any other chapter of the Code.

2. "Department" means the department of human services, which includes but is not limited to the child support recovery unit, or any comparable support enforcement agency of another state.

3. "Dependent" means a child, or an obligee for whom a court may order coverage by a health benefit plan pursuant to section 252E.3.

4. "Enroll" means to be eligible for and covered by a health benefit plan.

5. "Health benefit plan" means any policy or contract of insurance, indemnity, subscription or membership issued by an insurer, health service corporation, health maintenance organization, or any similar corporation, organization, or a self-insured employee benefit plan, for the purpose of covering medical expenses. These expenses may include, but are not limited to hospital, surgical, major medical insurance, dental, optical, prescription drugs, office visits, or any combination of these or any other comparable health care expenses.

6. "Insurer" means any entity which provides a health benefit plan.

7. "Medical support" means either the provision of a health benefit plan, including a group or employment-related or an individual health benefit plan, or a health benefit plan provided pursuant to chapter 514E, to meet the medical needs of a dependent and the cost of any premium required by a health benefit plan, or the payment to the obligee of a monetary amount in lieu of a health benefit plan, either of which is an obligation separate from any monetary amount of child support ordered to be paid. Medical support is not alimony.

8. "Obligee" means a parent or another natural person legally entitled to receive a support payment on behalf of a child.

9. "Obligor" means a parent or another natural person legally responsible for the support of a dependent.

Sec. 26. NEW SECTION. 252E.2 ORDER FOR MEDICAL SUPPORT.

The entry of an order, pursuant to chapter 234, 252A, 252C, 598, or 675, 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.

Sec. 27. NEW SECTION. 252E.3 HEALTH BENEFIT COVERAGE OF OBLIGEE.

For cases for which services are being provided pursuant to chapter 252B, the order may require an obligor providing a health benefit plan for a child to also provide a health benefit plan for the benefit of an obligee if the obligee is eligible for enrollment under the plan in which the child or the obligor is enrolled, and if the plan is available at no additional cost.

Sec. 28. NEW SECTION. 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.

3. The 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. 29. NEW SECTION. 252E.5 EFFECT OF ORDER ON EMPLOYER.

When the order has been forwarded to the obligor's employer pursuant to section 252E.4, the order is binding on the employer and the employer's insurer to the extent that the dependent is eligible to be enrolled in the plan under the applicable terms and conditions of the health benefit plan. The employer shall forward a copy of the order to the insurer and request enrollment of the dependent in the health benefit plan. Within sixty days of receipt of the order or within sixty days of receipt of application of the obligor pursuant to the order, whichever is earlier, the insurer shall determine whether the dependent is eligible for enrollment under the plan and shall notify the employer of the dependent's eligibility status. If eligible, the employer shall withhold any required premium from the obligor's income or wages. If more than one plan is offered by the employer, the dependent shall be enrolled in the health benefit plan in which the obligor is enrolled.

Within thirty days of receipt of an order that requires an obligor to enroll a dependent in a health benefit plan, the obligor's employer shall provide the following information regarding the enrollment status of the dependent to the obligor, the obligee, and the department:

1. That the dependent has been enrolled in a health benefit plan.
2. That the dependent will be enrolled in the next enrollment period.
3. That the dependent is not eligible for enrollment and the reasons that the dependent is not eligible to be enrolled.
4. That the order has been forwarded to the insurer and a determination of eligibility for enrollment has not been made.
5. If either subsection 1 or 2 describes the enrollment status of the dependent, all of the following information:
 - a. The name of the insurer providing the health benefit plan.
 - b. The dependent's effective date of coverage.
 - c. The health benefit plan or account number.
 - d. The type of health benefit plan under which the dependent has been enrolled, including whether dental, optical, office visits, and prescription drugs are covered services. Additionally, the response shall include a brief description of the applicable deductibles, coinsurance, waiting periods for preexisting medical conditions, and other significant terms or conditions which materially affect the coverage.

If an order requiring that the obligor provide coverage under a health benefit plan for the dependent has been forwarded to the obligor's employer pursuant to section 252E.4, and the obligor's employment is terminated, the employer shall provide notice to the obligee and the department within ten days of termination of the obligor's employment. If an order requiring that the obligor provide coverage under a health benefit plan for the dependent has been forwarded to the obligor's employer pursuant to section 252E.4, and the employer's health benefit plan is terminated either in its entirety or with respect to the obligor's insurance classification, or the employer has changed its insurer, the employer shall provide notice to the obligee and the department ten days prior to the termination of coverage or change in insurer.

This chapter does not preclude the exchange of required information between the department and employers or insurers through electronic data transfer.

Sec. 30. NEW SECTION. 252E.6 DURATION OF HEALTH BENEFIT PLAN COVERAGE.

1. A child is eligible for medical support for the duration of the obligor's child support obligation. However, the child's eligibility for coverage under a health benefit plan shall be governed by all applicable plan provisions including, but not limited to, eligibility and insurability standards.

2. For cases for which services are being provided pursuant to chapter 252B, termination of an obligee's medical support ordered pursuant to section 252E.3 shall be governed by the insurer's health benefit plan provisions for termination and by applicable federal law.

Sec. 31. NEW SECTION. 252E.7 INSURER AUTHORIZATION.

1. The entry of an order requiring a health benefit plan is authorization for enrollment of the dependent if the dependent is otherwise eligible to be enrolled. If an order has been forwarded to the insurer pursuant to section 252E.5 and is not accompanied by an appropriate application for enrollment of the dependent signed by the obligor, the insurer shall attempt to obtain a signed application from the obligor. If the insurer is unsuccessful in obtaining a signed application from the obligor within thirty days after the insurer's initial request to the obligor, the insurer shall accept the signature of the obligee or an employee of the department as valid authorization for enrollment of the dependent under the health benefit plan.

2. For purposes of processing claims for payment, the insurer shall attempt to obtain the obligor's written authorization to accept the signature of the obligee or an employee of the department on all claim forms submitted to the insurer for medical services provided to the dependent. Upon receipt of such written authorization from the obligor on at least an annual

basis, the insurer shall accept the signature of the obligee or an employee of the department as valid authorization for purposes of processing any medical expense claims on behalf of the dependent for payment or reimbursement of medical services rendered to the dependent.

If the insurer is unsuccessful in obtaining such written authorization from the obligor within thirty days after the insurer's initial request to the obligor, the insurer shall accept the signature of the obligee or an employee of the department as valid authorization for purposes of processing any medical expense claims on behalf of the dependent for payment or reimbursement of medical services rendered to the dependent.

3. The insurer shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed for actions taken in implementing this section including, but not limited to, the insurer's release of any information, or the payment of any claims for services by the insurer, or the insurer's acceptance of applications for enrollment of the dependent and medical expense claims for the dependent which are signed by the obligee or an employee of the department pursuant to this section.

4. This section does not preclude an insurer from issuing payment directly to the provider if such payment procedure is consistent with the health benefit plan under which the dependent is enrolled, except as provided pursuant to chapter 249A.

5. Payments remitted to the obligor by the insurer for services received by the dependent shall be recoverable by the obligee or the department from the obligor if not properly paid by the obligor to the provider or the obligee.

Sec. 32. NEW SECTION. 252E.8 RELEASES OF INFORMATION.

1. If an order for coverage under a health benefit plan has been forwarded pursuant to section 252E.5, the obligor's employer or insurer shall release to the obligee or the department upon receiving a written request, the information necessary to complete an application or to file a claim for medical expenses of the dependent, provided the obligor's employer or insurer is given sufficient opportunity to obtain written authorization for the release of such information from the obligor pursuant to this section.

2. The employer or insurer shall make available to the obligee or the department any necessary claim forms or enrollment membership cards if required to obtain services.

3. The obligor's employer and insurer shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed for any information released by such employer or insurer pursuant to this chapter.

4. The department may release to the obligor's employer or insurer or to the obligee information necessary to obtain, enforce, and collect medical support.

Sec. 33. NEW SECTION. 252E.9 RESPONSIBILITIES OF THE OBLIGOR.

1. For cases for which services are being provided pursuant to chapter 252B, an obligor who fails to maintain medical support for the benefit of the dependent as ordered shall be liable to the obligee or the department for any medical expenses incurred from the date of the court order. Proof of failure to maintain medical support constitutes a showing of increased need and provides a basis for the establishment of a monetary amount for medical support.

2. For cases for which services are being provided pursuant to chapter 252B, the obligor shall notify the obligee and the department within ten days of a change in the terms or conditions of coverage under a health benefit plan. Such changes may include, but are not limited to, a change in deductibles, coinsurance, preadmission notification requirements, coverage for dental, optical, office visits, prescription drugs, inpatient and outpatient hospitalization, and any other changes which materially affect the coverage. Costs incurred by the obligee or the department as a result of the obligor's failure to provide notification as required are recoverable from the obligor.

Sec. 34. NEW SECTION. 252E.10 RESPONSIBILITY OF THE DEPARTMENT.

For cases for which services are being provided pursuant to chapter 252B, the department shall take steps required by federal regulations to implement and enforce an order for medical support.

Sec. 35. NEW SECTION. 252E.11 ASSIGNMENT.

If medical assistance coverage is provided by the department to a dependent, rights to medical support payments are assigned to the department pursuant to federal regulations.

Sec. 36. NEW SECTION. 252E.12 ENFORCEMENT.

For the purposes of enforcement pursuant to chapter 252B, medical support may be reduced to a dollar amount and may be collected through the same remedies available for the collection and enforcement of child support.

Sec. 37. NEW SECTION. 252E.13 MODIFICATION OF SUPPORT ORDER.

1. When high potential for obtaining medical support exists, the obligee or the department may petition for a modification of the obligor's support order to include medical support or a monetary amount for medical support pursuant to this chapter.

2. In addition, if an administrative order entered pursuant to chapter 252C does not provide medical support as defined in this chapter or equivalent medical support, the department may obtain a medical support order pursuant to chapter 252C. A medical support order obtained pursuant to chapter 252C may be an additional or separate support judgment and shall be known as an administrative order for medical support.

Sec. 38. NEW SECTION. 252E.14 CHILD SUPPORT.

Unless the order specifies otherwise, medical support is not included in the monetary amount of child support ordered to be paid for orders entered on or after July 1, 1990.

Sec. 39. NEW SECTION. 252E.15 RULEMAKING AUTHORITY — COMPLIANCE.

The department shall adopt rules pursuant to chapter 17A to implement this chapter for cases for which services are being provided pursuant to chapter 252B. The department shall cooperate with any agency of the state or federal government as may be necessary to qualify for federal funds in conformity with provisions of this chapter and Title IV-D of the federal Social Security Act.

Sec. 40. NEW SECTION. 252E.16 SCOPE AND EFFECT.

1. The provisions of this chapter take effect July 1, 1990, for all support orders entered pursuant to chapter 234, 252A, 252C, 598, or 675.

2. If an obligor was ordered to provide a health benefit plan or insurance coverage under an order entered prior to July 1, 1990, but did not comply with the order, insurers are not liable for medical expenses incurred prior to July 1, 1990. However, such an order may be implemented pursuant to the provisions of this chapter following its enactment. This chapter shall not be implemented retroactively; however, previous orders for medical support not otherwise complied with may be reduced to a dollar amount and collected from the obligor.

Sec. 41. Section 598.1, subsection 2, Code 1989, is amended to read as follows:

2. "Support" or "support payments" means an amount which the court may require either of the parties to pay under a temporary order or a final judgment or decree, and may include alimony, child support, maintenance, and any other term used to describe these obligations. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support is not included in the monetary amount of child support. The obligations may include support for a child who is between the ages of eighteen and twenty-two years who is regularly attending an accredited school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational-technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or area school; or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; or a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.

Sec. 42. Section 598.21, subsection 4, paragraph a, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Until such time as the supreme court incorporates the provision of medical support in the guidelines as required by paragraph "c", the court shall order as child medical support a health benefit plan as defined in chapter 252E if available to either parent at a reasonable cost. A health benefit plan is considered reasonable in cost if it is employment-related or other group health insurance, regardless of the service delivery mechanism. The premium cost of the health benefit plan may be considered by the court as a reason for varying from the child support guidelines. If a health benefit plan is not available at a reasonable cost, the court may order any other provisions for medical support as defined in chapter 252E.

Sec. 43. Section 598.21, subsection 4, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The guidelines prescribed by the supreme court shall incorporate provisions for medical support as defined in chapter 252E to be effective on or before January 1, 1991.

Sec. 44. Section 598.21, subsection 8, Code Supplement 1989, is amended to read as follows:

8. The court may subsequently modify orders made under this section when there is a substantial change in circumstances. In determining whether there is a substantial change in circumstances, the court shall consider the following:

- a. Changes in the employment, earning capacity, income or resources of a party.
- b. Receipt by a party of an inheritance, pension or other gift.
- c. Changes in the medical expenses of a party.
- d. Changes in the number or needs of dependents of a party.
- e. Changes in the physical, mental, or emotional health of a party.
- f. Changes in the residence of a party.
- g. Remarriage of a party.
- h. Possible support of a party by another person.
- i. Changes in the physical, emotional or educational needs of a child whose support is governed by the order.
- j. Contempt by a party of existing orders of court.
- k. Changes in technology related to determination of paternity, subject to the following conditions and limitations:
 - (1) (a) For orders entered before July 1, 1990, a petition to modify must be filed by July 1, 1991, provided that the child is under the age of nineteen years at the time the petition to modify is filed.
 - (b) For orders entered on or after July 1, 1990, a petition to modify must be filed within five years of the date of entry of the dissolution decree or the order establishing paternity, provided that the child is under the age of nineteen years at the time the petition to modify is filed.
 - (2) Any modification of child support brought under this lettered paragraph can be made retroactive only to the date on which the notice of the pending petition for modification is served on the opposing party.
 - (3) The cost of testing related to the determination of paternity shall be paid by the person requesting the modification.

l. Other factors the court determines to be relevant in an individual case.

PARAGRAPH DIVIDED. A modification of a support order entered under chapter 252A, chapter 675, or this chapter 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 239.3, 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.

Judgments for child support or child support awards entered pursuant to this chapter, chapter 234, 252A, 252C, 675, or any other chapter of the Code which are subject to a modification proceeding may be retroactively modified only from the date the notice of the pending petition for modification is served on the opposing party.

Sec. 45. Section 598.21, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. Notwithstanding subsection 8, a substantial change of circumstances exists when the court order for child support deviates from the child support guidelines established pursuant to section 598.21, subsection 4 for a reason other than that stated in the original order, unless the provisions of the guidelines themselves have changed since the entry or subsequent modification of the original order. Upon application for a modification of an order for child support where services are being received pursuant to chapter 252B, the court shall act in accordance with section 598.21, subsection 4.

Sec. 46. Section 598.22, unnumbered paragraph 1, Code 1989, is amended to read as follows:

This Except as otherwise provided in section 598.22A, this section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 675, or any other chapter of the Code. All orders or judgments entered under chapter 234, 252A, 252C, or 675, or under this chapter or any other chapter which provide for temporary or permanent support payments shall direct the payment of those sums to the clerk of the district court or the collection services center in accordance with section 252B.14 for the use of the person for whom the payments have been awarded. Payments to persons other than the clerk of the district court and the collection services center do not satisfy the support obligations created by the orders or judgments, except as provided for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for tax refunds or rebates in section 602.8102, subsection 47, or for dependent benefits paid to the child support obligee as the result of disability benefits awarded to the child support obligor under the federal Social Security Act. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the assignment of income shall require the payment of such sums to the alternate payee in accordance with the federal Act.

Sec. 47. Section 598.22, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purpose of enforcement, medical support is additional support which, upon being reduced to a dollar amount, may be collected through the same remedies available for the collection and enforcement of child support.

Sec. 48. **NEW SECTION.** 598.22A SATISFACTION OF SUPPORT PAYMENTS.

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

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

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

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

Sec. 49. Section 675.25, Code Supplement 1989, is amended to read as follows:

675.25 FORM OF JUDGMENT – CONTENTS OF SUPPORT ORDER – COSTS.

Upon a finding or verdict of paternity pursuant to section 675.24, the court shall establish the father's monthly support payment and the amount of the support debt accrued or accruing pursuant to section 598.21, subsection 4, until the child reaches majority or until the child finishes high school, if after majority. The court may order the father to pay amounts the court deems appropriate for the past support and maintenance of the child and for the reasonable and necessary expenses incurred by or for the mother in connection with prenatal care, the birth of the child, and postnatal care of the child and the mother, and other medical support as defined in section 252E.1. The court may award the prevailing party the reasonable costs of suit, including but not limited to reasonable attorney fees.

Sec. 50. **NEW SECTION. 675.33 LIMITATIONS OF ACTIONS.**

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

2. Notwithstanding subsection 1, an action to establish paternity and support under this chapter may be brought concerning a person who was under age eighteen on August 16, 1984, regardless of whether any prior action was dismissed because a statute of limitations of less than eighteen years was then in effect. Such an action may be brought within the time limitations set forth in section 614.8, or until July 2, 1992, whichever is later.

Sec. 51. **RULES.**

The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of sections 5, 13, and 25 through 40 of this Act, and the rules may be made effective on or after July 1, 1990.

Sec. 52.

Section 48 of this Act applies retroactively to payments under support orders entered on or after July 1, 1985.

Approved April 30, 1990

CHAPTER 1225

FLASHING WHITE LIGHTS ON MOTOR VEHICLES

H.F. 2562

AN ACT relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable.

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

Section 1. Section 321.423, subsection 1, paragraph b, Code 1989, is amended to read as follows:

b. "Member" means a person who is a member in good standing of a fire department or a person who is an advanced or basic emergency medical care provider employed by an ambulance, rescue, or first responder service.

Sec. 2. Section 321.423, subsection 1, Code 1989, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. "Advanced emergency medical care provider" means as defined in section 147A.1.