

6. Enter into agreements with a local board of health ~~or local boards of health in a contiguous area~~ to implement the inspection and enforcement provisions of this chapter. The agreements shall provide that the fees established by the local board ~~or boards of health~~ for inspection and enforcement shall be retained by the local board ~~or boards~~. ~~A local board of health or boards of health in a contiguous area may enter into such an agreement with the department.~~ However, inspection fees shall not be charged by the department for facilities which are inspected by third-party authorities. Third-party authorities shall be approved by the department. The department shall monitor and certify the inspection and enforcement programs of local boards of health and approved third-party authorities.

Sec. 4. Section 135I.6, Code 1991, is amended to read as follows:  
135I.6 ENFORCEMENT.

If the department or a local board ~~or boards~~ of health acting pursuant to agreement with the department determines that a provision of this chapter or a rule adopted pursuant to this chapter has been or is being violated, the department or the local board ~~or boards~~ of health may order that a facility or item of equipment not be used until the necessary corrective action has been taken. The department or the local board of health may request the county attorney to bring appropriate legal proceedings to enforce this chapter, including an action to enjoin violations. The attorney general may also institute appropriate legal proceedings at the request of the department. This remedy is in addition to any other legal remedy available to the department or a local board ~~or boards~~ of health.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 4, 1992

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## CHAPTER 1195

### CHILD SUPPORT RECOVERY

*S.F. 2316*

**AN ACT** relating to child support recovery.

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

#### DIVISION I

Section 101. Section 252B.4, Code 1991, is amended to read as follows:  
252B.4 NONASSISTANCE CASES.

The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239, 252A, 252C, 252D, 252E, 598 and 675 shall be made available by the unit to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services. The application shall be filed with the department.

1. The director ~~may~~ shall require an application fee ~~not to exceed twenty~~ of twenty-five dollars.

2. The director may require an additional fee to cover the costs incurred by the department in providing the support collection and paternity determination services.

a. The director shall, by rule, establish and ~~make available to inform~~ all applicants for support enforcement and paternity determination services a of the fee schedule. ~~The fee for support collection and paternity determination services charged to an applicant shall be agreed upon in writing by the applicant, and shall be based upon the applicant's ability to pay for the services.~~

b. ~~The application fee and the additional fee for services may be deducted from the amount of the support money recovered by the department or may be collected from the recipient of the services following recovery of support money by the department.~~

3. ~~Seventy percent of the fees Fees collected pursuant to this section may shall be retained by the department for use by the unit and thirty percent shall be remitted to the treasurer of state who shall deposit it in the general fund of the state. The director or a designee and the treasurer of state shall keep an accurate record of funds so retained, remitted, and deposited.~~

Sec. 102. Section 252B.4, Code 1991, is amended by adding the following new subsection:  
**NEW SUBSECTION. 4.** An application fee paid by a recipient of services pursuant to subsection 1 may be recovered by the unit from the person responsible for payment of support and if recovered, shall be used to reimburse the recipient of services.

a. The fee shall be an automatic judgment against the person responsible to pay support.

b. This subsection shall serve as constructive notice that the fee is a debt due and owing, is an automatic judgment against the person responsible for support, and is assessed as the fee is paid by a recipient of services. The fee may be collected in addition to any support payments or support judgment ordered, and no further notice or hearing is required prior to collecting the fee.

c. Notwithstanding any provision to the contrary, the unit may collect the fee through any legal means by which support payments may be collected, including but not limited to income withholding under chapter 252D or income tax refund offsets, unless prohibited under federal law.

d. The unit is not required to file these judgments with the clerk of the district court, but shall maintain an accurate accounting of the fee assessed, the amount of the fee, and the recovery of the fee.

e. Support payments collected shall not be applied to the recovery of the fee until all other support obligations under the support order being enforced, which have accrued through the end of the current calendar month, have been paid or satisfied in full.

f. This subsection applies to fees that become due on or after July 1, 1992.

Sec. 103. Section 252B.11, Code 1991, is amended to read as follows:  
**252B.11 RECOVERY OF COSTS OF COLLECTION SERVICES.**

The unit may initiate necessary civil proceedings to recover the unit's costs of support collection services provided to an individual, whether or not the individual is a public assistance recipient, from an individual who owes and is able to pay a support obligation but willfully fails to pay the obligation. The unit may seek a lump sum recovery of the unit's costs or may seek to recover the unit's costs through periodic payments which are in addition to periodic support payments. If the unit's costs are recovered from an individual owing a support obligation, the costs shall not be deducted from the amount of support money received from the individual. ~~Seventy percent of the~~ The costs collected pursuant to this section may shall be retained by the department for use by the unit ~~and thirty percent shall be remitted to the treasurer of state who shall deposit it in the general fund of the state.~~ The director or a designee ~~and the treasurer of state shall keep an accurate record of funds so retained, remitted, and deposited.~~

Sec. 104. Section 252D.1, subsection 2, Code 1991, is amended to read as follows:

2. If support payments ordered under ~~section 234.39, section 252A.6, subsection 12, chapter 252C, section 598.21, or section 675.25~~ chapter 232, 234, 252A, 252C, 252D, 252E, 598, 675, 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 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 certified 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, 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 by certified mail. The amount of an assignment of income shall not exceed the amount specified in 15 U.S.C. § 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 U.S.C. § 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.

Sec. 105. Section 252D.12, Code 1991, is amended to read as follows:  
252D.12 NOTICE TO EMPLOYER OR INCOME PAYOR.

A notice of immediate income withholding shall be sent to the employer, trustee, or other payor by certified regular mail, with proof of service completed according to rule of civil procedure 82. The assignment of income is binding on an existing or future employer, trustee, or other payor ten days after the receipt of the notice by certified mail.

Sec. 106. Section 252D.18, subsection 1, Code Supplement 1991, is amended to read as follows:

1. The employer, trustee, or other payor who receives an order of assignment by certified mail pursuant to section 252D.1, subsection 3, or subchapter H, shall deliver, on the next working day, a copy of the order to the person named in the order.

a. The order of assignment shall be sent to the employer, trustee, or other payor by regular mail, with proof of service completed according to rule of civil procedure 82.

b. The payor may deduct not more than two dollars from each payment from the employee's wages as a reimbursement for the payor's costs relating to the assignment.

c. The payor's compliance with the order of assignment satisfies the payor's obligation to the person for the amount of income withheld and transmitted to the clerk of the district court or collection services center.

## DIVISION II

Sec. 201. NEW SECTION. 252B.7A DETERMINING PARENT'S INCOME.

1. The unit shall use any of the following in determining the amount of the net monthly income of a parent for purposes of establishing or modifying a support obligation:

a. Income as identified in a signed statement of the parent pursuant to section 252B.9, subsection 1, paragraph "b". If evidence suggests that the statement is incomplete or inaccurate, the unit may present the evidence to the court in a judicial proceeding or to the administrator in a proceeding under chapter 252C, and the court or administrator shall weigh the evidence in setting the support obligation. Evidence includes but is not limited to income as established under paragraph "c".

b. If a sworn statement is not provided by the parent, the unit may determine income as established under paragraph "c" or "d".

c. Income established by any of the following:

- (1) Income verified by an employer or payor of income.
- (2) Income reported to the department of employment services.
- (3) For a public assistance recipient, income as reported to the department case worker assigned to the public assistance case.

(4) Other written documentation which identifies income.

d. The estimated state median income for a one-person family as published annually in the Federal Register for use by the federal office of community services, office of energy assistance, for the subsequent federal fiscal year.

(1) This provision is effective beginning July 1, 1992, based upon the information published in the Federal Register dated March 8, 1991.

(2) The unit may revise the estimated income each October 1. If the estimate is not available or has not been published, the unit may revise the estimate when it becomes available.

e. When the income information obtained pursuant to this subsection does not include the information necessary to determine the net monthly income of the parent, the unit may deduct twenty percent from the parent's gross monthly income to arrive at the net monthly income figure.

2. The amount of the income determined may be challenged any time prior to the entry of a new or modified order for support.

3. If the child support recovery unit is providing services pursuant to chapter 252B, the court shall use the income figure determined pursuant to this section when applying the guidelines to determine the amount of support.

4. The department may develop rules as necessary to further implement disclosure of financial information of the parties.

Sec. 202. Section 252C.3, subsection 1, paragraph a, Code 1991, is amended by striking the paragraph and relettering the remaining paragraphs.

Sec. 203. Section 252C.3, subsection 1, paragraph b, Code 1991, is amended to read as follows:

b. A computation of the support debt statement that the support obligation will be set pursuant to the child support guidelines established pursuant to section 598.21, subsection 4, and the criteria established pursuant to section 252B.7A.

Sec. 204. Section 252C.4, subsection 1, Code 1991, is amended to read as follows:

1. A responsible person or the child support recovery unit may request a hearing regarding a determination of support. If a timely written request for a hearing is received, the administrator shall certify the matter to the district court in the county in which the order has been filed, or if no such order has been filed, then to a district court in the county where the dependent child resides or, where the dependent child resides in another state, to the district court where the absent parent resides.

Sec. 205. NEW SECTION. 252C.12 WAIVER OF TIME LIMITATIONS BY RESPONSIBLE PERSON.

1. A responsible person may waive the time limitations established in section 252C.3.

2. Upon receipt of a signed statement from the responsible person waiving the time limitations established in section 252C.3, the administrator may proceed to enter an order for support and the court may approve the order, whether or not the time limitations have expired.

3. If a responsible person waives the time limitations established in section 252C.3 and an order for support is entered under this chapter, the signed statement of the responsible person waiving the time limitations shall be filed with the order for support.

Sec. 206. Section 252D.9, Code 1991, is amended to read as follows:

252D.9 SUMS SUBJECT TO IMMEDIATE WITHHOLDING.

Specified sums shall be deducted from the obligor's earnings, trust income, or other income sufficient to pay the support obligation and any judgment established or delinquency accrued under the support order. The amount withheld pursuant to an assignment of income shall not exceed the amount specified in 15 U.S.C. § 1673(b).

Sec. 207. NEW SECTION. 252D.23 FILING OF WITHHOLDING ORDER — ORDER EFFECTIVE AS DISTRICT COURT ORDER.

An income withholding order entered by the child support recovery unit pursuant to this chapter shall be filed with the clerk of the district court. Upon filing, the withholding order

shall have all the force, effect, and attributes of a docketed order of the district court including, but not limited to, availability of contempt of court proceedings against an employer, trustee, or other payor for noncompliance.

Sec. 208. Section 421.17, subsection 29, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

To establish and maintain a procedure to set off against any claim owed to a person by a state agency any liability of that person owed to a state agency or a support debt being enforced by the child support recovery unit pursuant to chapter 252B, except the setoff procedures provided for in subsections 21, 23, and 25. The procedure shall only apply when at the discretion of the director it is feasible. The procedure shall meet the following conditions:

Sec. 209. Section 642.2, Code 1991, is amended by adding the following new subsection 4 and renumbering the subsequent subsection:

**NEW SUBSECTION. 4.** Notwithstanding subsections 3 and 6, any moneys owed to the child support obligor by the state and payments owed to the child support obligor through the Iowa public employees' retirement system are subject to garnishment, attachment, execution, or assignment by the child support recovery unit if the child support recovery unit is providing enforcement services pursuant to chapter 252B.

Sec. 210. Section 675.41, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

**675.41 BLOOD AND GENETIC TESTS.**

1. In a proceeding to establish paternity in law or in equity the court may on its own motion, and upon request of a party shall, require the child, mother, and alleged father to submit to blood or genetic tests.

2. If a blood or genetic test is required, the court shall direct that inherited characteristics, including but not limited to blood types, be determined by appropriate testing procedures, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results and to report to the court.

3. Verified documentation of the chain of custody of the blood specimen is competent evidence to establish the chain of custody. The testimony of the court-appointed expert at trial is not required.

4. A verified expert's report shall be admitted at trial.

5. The results of the tests shall have the following effects:

a. Test results which show a statistical probability of paternity are admissible.

b. If the expert concludes that the test results show that the alleged father is not excluded and that the probability of the alleged father's paternity is ninety-five percent or higher, there shall be a rebuttable presumption that the alleged father is the father, and this evidence must be admitted.

(1) To challenge this presumption of paternity, a party must file a notice of the challenge with the court within twenty days of the filing of the expert's report with the clerk of the district court.

(2) The party challenging the presumption of the alleged father's paternity has the burden of proving that the alleged father is not the father of the child.

(3) The presumption of paternity can be rebutted only by clear and convincing evidence.

c. If the expert concludes that the test results show that the alleged father is not excluded and that the probability of the alleged father's paternity is less than ninety-five percent, test results shall be weighed along with other evidence of the alleged father's paternity. To challenge the test results, a party must file a notice of the challenge with the court within twenty days of the filing of the expert's report with the clerk of the district court.

6. If the results of the tests or the expert's analysis of inherited characteristics is disputed, the court, upon reasonable request of a party, shall order that an additional test be made by the same laboratory or an independent laboratory at the expense of the party requesting additional testing.

7. a. Notwithstanding section 598.21, subsection 8, paragraph "k", the establishment of paternity by court order may be overcome if all of the following conditions are met:

(1) Prior blood or genetic tests have not been performed to establish paternity of the child.

(2) The court finds that it is in the best interest of the child to overcome the establishment of paternity. In determining the best interest of the child, the court shall consider the possibility of establishing actual paternity of the child.

(3) The court finds that the conclusion of the expert as disclosed by the evidence based upon blood or genetic tests demonstrates that the established father is not the biological father of the child.

(4) The action to overcome paternity is filed no later than three years after the entry of an order of paternity.

(5) The action to overcome paternity is filed prior to the child reaching majority.

(6) Notice of the action to overcome paternity is served on any parent of the child not initiating the action and any assignee of the support judgment.

(7) A guardian ad litem is appointed for the child.

b. The court may order additional tests to be conducted by the expert or an independent expert in order to confirm a test upon which an expert concludes that the established father is not the biological father of the child.

c. If the court finds that the establishment of paternity is overcome, in accordance with all of the conditions prescribed, the established father is relieved of all future support obligations owed on behalf of the child.

d. The costs of testing, the fee of the guardian ad litem, and all court costs shall be paid by the person bringing the action to overcome paternity.

e. This subsection shall not be construed as a basis for terminating an adoption decree or for discharging the obligation of an adoptive father to an adopted child pursuant to section 675.5.

8. All costs shall be paid by the parties or parents in proportions and at times determined by the court.

### DIVISION III

Sec. 301. Section 232.147, Code 1991, is amended by adding the following new subsections:  
NEW SUBSECTION. 7. The clerk of the district court shall enter information from the juvenile record on the judgment docket and lien index, but only as necessary to record support judgments.

NEW SUBSECTION. 8. The state agency designated to enforce support obligations may release information as necessary in order to meet statutory responsibilities.

Sec. 302. NEW SECTION. 232.4 JURISDICTION.

Notwithstanding any other provision of this chapter, and for the purposes of establishing a parental liability obligation for a child under the jurisdiction of the juvenile court, the court shall establish a support obligation pursuant to section 234.39 or the department shall establish a support obligation pursuant to chapter 252C, provided that a support obligation has not previously been established under an order of the district court or chapter 252C.

Sec. 303. Section 234.39, subsections 1 and 2, Code 1991, are amended to read as follows:

1. For an individual to whom section 234.35, subsection 2, 4, or 5, is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to chapter 252C, shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's support obligation for the cost of foster care provided by the department, if a support obligation has not previously been established under an order of the district court or court of comparable jurisdiction in another state or pursuant to chapter 252C. The court, or the department of human services in establishing support by administrative order, shall establish the amount of the parent's or guardian's support obligation and the amount of support debt accrued and accruing in accordance with the child support guidelines prescribed under section 598.21, subsection 4. However, the court, or the department of human services in establishing

support by administrative order, may adjust deviate from the prescribed obligation after considering a recommendation by the department for expenses related to goals and objectives of a case permanency plan as defined under section 237.15, and upon written findings of fact which specify the reason for deviation and the prescribed guidelines amount. The order Any order for support shall direct the payment of the support obligation to the collection services center for the use of the department's foster care recovery unit. The order shall be filed with the clerk of the district court in which the responsible parent or guardian resides and has the same force and effect as a judgment when entered in the judgment docket and lien index. The collection services center shall disburse the payments pursuant to the order and enter record the disbursements in a record book. If payments are not made as ordered, the child support recovery unit shall may certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23 or the child support recovery unit may enforce the judgment as allowed by law. An order entered under this subsection may be modified only in accordance with the guidelines prescribed under section 598.21, subsection 8.

2. For an individual served by the department of human services under section 234.35, subsection 3, the department shall determine the obligation of the individual's parent or guardian pursuant to chapter 252C and in accordance with the child support guidelines prescribed under section 598.21, subsection 4. However, the department may adjust the prescribed obligation for expenses related to goals and objectives of a case permanency plan as defined under section 237.15. An obligation determined under this subsection may be modified only in accordance with conditions under section 598.21, subsection 8.

Sec. 304. Section 234.39, Code 1991, is amended by adding the following new subsection: **NEW SUBSECTION. 3.** A person entitled to periodic support payments pursuant to an order or judgment entered in any action for support, who also is or has a child receiving foster care services, is deemed to have assigned to the department current and accruing support payments attributable to the child effective as of the date the child enters foster care placement, to the extent of expenditure of foster care funds. The department shall notify the clerk of the district court when a child entitled to support payments is receiving foster care services pursuant to chapter 234. Upon notification by the department that a child entitled to periodic support payments is receiving foster care services, the clerk of the district court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of assignment. The clerk of court shall furnish the department with copies of all orders and decrees awarding support when the child is receiving foster care services. At the time the child ceases to receive foster care services, the assignment of support shall be automatically terminated. Unpaid support accrued under the assignment of support rights during the time that the child was in foster care remains due to the department up to the amount of unreimbursed foster care funds expended. The department shall notify the clerk of court of the automatic termination of the assignment.

#### DIVISION IV

Sec. 401. Section 252C.2, subsections 2 and 3, Code 1991, are amended to read as follows:

2. The payment of public assistance to or for the benefit of a dependent child or a dependent child's caretaker creates a support debt due and owing to the department by the responsible person in an amount equal to the public assistance payment, except that the support debt is limited to the amount of a support obligation established by court order or by the administrator. If a court order has not been entered in Iowa, or if an order does not address accrued support owed to the state for public assistance expended, the administrator may establish a support debt, both as to amounts accrued and accruing, pursuant to section 598.21, subsection 4. However, a support debt is not created in favor of the department against a responsible person for the period during which the responsible person is a recipient on the person's own behalf of public assistance for the benefit of the dependent child or the dependent child's caretaker.

3. The provision of child support collection or paternity determination services under chapter 252B to an individual, even though the individual is ineligible for public assistance, creates a support debt due and owing to the individual or the individual's child or ward by the responsible person in the amount of a support obligation established by court order or by the administrator. If a court order has not been entered in Iowa, the administrator may establish a support debt in favor of the individual or the individual's child or ward and against the responsible person, both as to amounts accrued and accruing, pursuant to section 598.21, subsection 4.

Sec. 402. Section 252C.2, Code 1991, is amended by adding the following new subsection 4 and renumbering the subsequent subsection:

NEW SUBSECTION. 4. The payment of medical assistance pursuant to chapter 249A for the benefit of a dependent child or a dependent child's caretaker creates a support debt due and owing to the department. If a court order has not been entered in Iowa, or if an administrative order or a court order entered in Iowa does not require provision of medical support pursuant to chapter 252E, or equivalent medical support, the administrator may establish an order for medical support.

Sec. 403. Section 252C.3, subsection 1, unnumbered paragraph 1, Code 1991, 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 stating the intent to secure an order for 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. 404. Section 252D.20, Code 1991, is amended to read as follows:

252D.20 ADMINISTRATION OF INCOME WITHHOLDING PROCEDURES.

The child support recovery unit is designated as the entity of the state to administer income withholding in accordance with the procedures specified for keeping adequate records to document, track, and monitor support payments on cases subject to Title IV-D of the federal Social Security Act. The clerks of the district court are designated as the entities for administering income withholding on cases which are not subject to Title IV-D. Notwithstanding section 622.53, in cases where the court or the child support recovery unit is enforcing a foreign judgment through income withholding, a certified copy of the underlying judgment is sufficient proof of authenticity.

Sec. 405. Section 598.21, subsection 4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The supreme court is authorized to prescribe shall maintain uniform child support guidelines and criteria to be effective October 12, 1989, and to review the guidelines and criteria at least once every four years, pursuant to the federal Family Support Act of 1988, Pub. L. No. 100-485. The initial review shall be performed within four years of October 12, 1989, and subsequently within the four-year period of the most recent review.

Sec. 406. Section 598.21, subsection 9, Code 1991, is amended to read as follows:

9. Notwithstanding subsection 8, a substantial change of circumstances exists when the court order for child support deviates from the by ten percent or more from the amount which would be due pursuant to the most current 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, set the amount of child support based upon the most current child support guidelines established pursuant to subsection 4. The child support recovery unit shall, in submitting an application for modification of an order for support, employ additional criteria and procedures for the review and adjustment of support awards, as established by rule.



## DIVISION V

Sec. 501. Section 97B.39, Code 1991, is amended to read as follows:

**97B.39 RIGHTS NOT TRANSFERABLE – NOT SUBJECT TO LEGAL PROCESS.**

The right of any person to any future payment under this chapter is not transferable or assignable, at law or in equity, and the moneys paid or payable or rights existing under this chapter are not subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law except for the purposes of enforcing child, spousal, or medical support obligations. For the purposes of enforcing child, spousal, or medical support obligations, the garnishment or attachment of or the execution against compensation due a person under chapter 97B shall not exceed the amount specified in 15 U.S.C. § 1673(b).

Sec. 502. Section 252B.1, subsection 1, Code Supplement 1991, is amended to read as follows:

1. "Child" includes but shall not be limited to a stepchild, foster child or legally adopted child and means a child actually or apparently under eighteen years of age, and a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge. "Child" includes "dependent children" as defined in section 239.1, subsection 3.

Sec. 503. Section 252B.5, subsections 2, 3, and 5, Code 1991, are amended to read as follows:

2. Aid in establishing paternity and securing a court order for support pursuant to chapter 252A or 675.

3. Aid in enforcing through court or administrative proceedings an existing court order for support issued pursuant to ~~chapters~~ chapter 252A, 252C, 598, and or 675, or any other chapter under which child or medical support is granted.

5. Determine periodically whether an individual receiving unemployment compensation benefits under chapter 96 owes a support obligation which is being enforced by the unit, and enforce the support obligation through court or administrative proceedings ~~in the absence of a voluntary agreement by the individual~~ to have specified amounts withheld from the individual's unemployment compensation benefits.

Sec. 504. Section 252C.5, Code 1991, is amended to read as follows:

**252C.5 FILING AND DOCKETING OF FINANCIAL RESPONSIBILITY ORDER – ORDER EFFECTIVE AS DISTRICT COURT DECREE.**

A true copy of any order entered by the administrator pursuant to this chapter, along with a true copy of the return of service, if applicable, may be filed in the office of the clerk of the district court in the county in which the dependent child resides or, where the dependent child resides in another state, in the office of the district court in the county in which the absent parent resides. Upon filing, the clerk shall enter the order in the judgment docket, and the

1. The administrator's order shall be presented, ex parte, to the district court for review and approval, and unless, Unless defects appear on the face of the order or on the attachments, the district court shall approve the order, and the. The approved order shall have all the force, effect, and attributes of a docketed order or decree of the district court.

2. Upon filing, the clerk shall enter the order in the judgment docket.

Sec. 505. Section 252E.1, subsection 1, Code 1991, is amended to read as follows:

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

Sec. 506. Section 252E.2, Code 1991, is amended to read as follows:

**252E.2 ORDER FOR MEDICAL SUPPORT.**

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

Sec. 507. Section 421.17, subsection 21, Code Supplement 1991, is amended to read as follows:

21. To establish and maintain a procedure to set off against a debtor's income tax refund or rebate any debt, which is assigned to the department of human services, which the child support recovery unit is attempting to collect on behalf of an individual not eligible as a public assistance recipient, or which the foster care recovery unit of the department of human services is attempting to collect on behalf of a child receiving foster care provided by the department of human services,

a. This includes any of the following:

(1) Any debt which has accrued through written contract, subrogation, or court judgment and which is in the form of a liquidated sum due and owing for the care, support or maintenance of a child or.

(2) Any debt which has accrued through a court judgment which is due and owing as a support obligation for the debtor's spouse or former spouse when enforced in conjunction with a child support obligation.

(3) Any debt which is owed to the state for public assistance overpayments to recipients or to providers of services to recipients which the investigations division of the department of inspections and appeals is attempting to collect on behalf of the state. For purposes of this subsection, "public assistance" means aid to dependent children, medical assistance, food stamps, foster care, and state supplementary assistance.

b. The procedure shall meet the following conditions:

(1) Before setoff all outstanding tax liabilities collectible by the department of revenue and finance shall be satisfied except that no portion of a refund or rebate shall be credited against tax liabilities which are not yet due.

(2) Before setoff the child support recovery unit established pursuant to section 252B.2, the foster care recovery unit, and the investigations division of the department of inspections and appeals shall obtain and forward to the department of revenue and finance the full name and social security number of the debtor. The department of revenue and finance shall cooperate in the exchange of relevant information with the child support recovery unit as provided in section 252B.9, with the foster care recovery unit, and with the investigations division of the department of inspections and appeals. However, only relevant information required by the child support unit, by the foster care recovery unit, or by the investigations division of the department of inspections and appeals shall be provided by the department of revenue and finance. The information shall be held in confidence and shall be used for purposes of setoff only.

(3) The child support recovery unit, the foster care recovery unit, and the investigations division of the department of inspections and appeals shall, at least annually, submit to the department of revenue and finance for setoff the debts described in this subsection, which are at least fifty dollars, on a date to be specified by the department of human services and the department of inspections and appeals by rule.

(4) Upon submission of a claim the department of revenue and finance shall notify the child support recovery unit, the foster care recovery unit, or the investigations division of the department of inspections and appeals as to whether the debtor is entitled to a refund or rebate and if so entitled shall notify the unit or division of the amount of the refund or rebate and of the debtor's address on the income tax return.

(5) Upon notice of entitlement to a refund or rebate the child support recovery unit, the foster care recovery unit, or the investigations division of the department of inspections and appeals shall send written notification to the debtor, and a copy of the notice to the department of revenue and finance, of the unit's or division's assertion of its rights, or the rights of the department of human services, or the rights of an individual not eligible as a public

assistance recipient to all or a portion of the debtor's refund or rebate and the entitlement to recover the debt through the setoff procedure, the basis of the assertion, the opportunity to request that a joint income tax refund or rebate be divided between spouses, the debtor's opportunity to give written notice of intent to contest the claim, and the fact that failure to contest the claim by written application for a hearing will result in a waiver of the opportunity to contest the claim, causing final setoff by default. Upon application filed with the department of human services within fifteen days from the mailing of the notice of entitlement to a refund or rebate, the department of human services shall grant a hearing pursuant to chapters 10A and 17A. An appeal taken from the decision of an administrative law judge and subsequent appeals shall be taken pursuant to chapter 17A.

¶ (6) Upon the request of a debtor or a debtor's spouse to the child support recovery unit, the foster care recovery unit, or the investigations division of the department of inspections and appeals, filed within fifteen days from the mailing of the notice of entitlement to a refund or rebate, and upon receipt of the full name and social security number of the debtor's spouse, the unit or division shall notify the department of revenue and finance of the request to divide a joint income tax refund or rebate. The department of revenue and finance shall upon receipt of the notice divide a joint income tax refund or rebate between the debtor and the debtor's spouse in proportion to each spouse's net income as determined under section 422.7.

g. (7) The department of revenue and finance shall, after notice has been sent to the debtor by the child support recovery unit, the foster care recovery unit, or the investigations division of the department of inspections and appeals, set off the debt against the debtor's income tax refund or rebate. However, if a debtor has made all current child support or foster care payments in accordance with a court order or an assessment of foster care liability for the twelve months preceding the proposed setoff and has regularly made delinquent child support or foster care payments during those twelve months, the child support or foster care recovery unit shall notify the department of revenue and finance not to set off the debt against the debtor's income tax refund or rebate. If a debtor has made all current repayment of public assistance in accordance with a court order or voluntary repayment agreement for the twelve months preceding the proposed setoff and has regularly made delinquent payments during those twelve months, the investigations division of the department of inspections and appeals shall notify the department of revenue and finance not to set off the debt against the debtor's income tax refund or rebate. The department of revenue and finance shall refund any balance of the income tax refund or rebate to the debtor. The department of revenue and finance shall periodically transfer the amount set off to the child support recovery unit, the foster care recovery unit, or the investigations division of the department of inspections and appeals. If the debtor gives timely written notice of intent to contest the claim the department of revenue and finance shall hold the refund or rebate until final disposition of the contested claim pursuant to chapter 17A or by court judgment. The child support recovery unit, the foster care recovery unit, or the investigations division of the department of inspections and appeals shall notify the debtor in writing upon completion of setoff.

Sec. 508. Section 598.21, subsection 4, paragraph a, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Until such time as the supreme court incorporates the provision of medical support in the guidelines as required by paragraph "e", the 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. 509. Section 598.21, subsection 4, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. For purposes of calculating a support obligation under this section, the income of the parent from whom support is sought shall be used as the noncustodial parent income for purposes of application of the guidelines, regardless of the legal custody of the child.

Sec. 510. NEW SECTION. 598.23A CONTEMPT PROCEEDINGS FOR PROVISIONS OF SUPPORT PAYMENTS.

1. If a person against whom an order or decree for support has been entered pursuant to this chapter or chapter 234, 252A, 252C, 675, or any other support chapter, or a comparable chapter of a foreign jurisdiction, fails to make payments or provide medical support pursuant to that order or decree, the person may be cited and punished by the court for contempt under section 598.23 or this section.

2. If a person is cited for contempt, the court may require the posting of a cash bond, within seven calendar days, in an amount equivalent to the current arrearages and an additional amount which is equivalent to at least twelve months of future support obligations.

3. If the arrearages are not paid within three months of the hearing, the bond shall be automatically forfeited to cover payment of the full portion of the arrearages and the portion of the bond representing future support obligations shall be automatically forfeited to cover future support payments as they become due.

Sec. 511. Section 627.13, Code 1991, is amended to read as follows:

627.13 WORKERS' COMPENSATION.

Any compensation due or that may become due an employee or dependent under the provisions of chapter 85 shall be is exempt from garnishment, attachment, and execution, and assignment of income, except for the purposes of enforcing child, spousal, or medical support obligations. For the purposes of enforcing child, spousal, or medical support obligations, the garnishment or attachment of or the execution against compensation due an employee or dependent under chapter 85 shall be limited as specified in 15 U.S.C. § 1673(b).

Sec. 512. MINIMUM CHILD SUPPORT PAYMENT PLAN. The department of human services shall develop a plan in accordance with this section to provide minimum child support payments in place of welfare payments. The plan shall include a process to establish a minimum child support payment amount for a child in this state. The plan shall provide for wage withholding to collect child support payments from obligors based on ability to pay. If the obligor's child support obligation is less than the minimum child support payment amount, state funds in the amount of the difference would be used to pay the minimum child support payment amount. In developing the plan, the department shall analyze the efforts of other states to develop this type of system, including Wisconsin and New York. The department shall explore the availability of public and private funding sources for developing and implementing a minimum child support payment plan in the state. The department shall submit the plan to the general assembly and the governor on or before February 1, 1993.

Approved May 4, 1992