

CHAPTER 175**CHILD SUPPORT, SPOUSAL SUPPORT, AND RELATED MATTERS***H.F. 612*

AN ACT relating to child support recovery, providing penalties, and providing effective dates.

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

DIVISION I**PART A**

Section 1. Section 252A.3, subsection 8, paragraphs b and c, Code 1997, are amended to read as follows:

b. By the statement of the person admitting paternity in court and upon concurrence of the mother. If the mother was married, at the time of conception, birth or at any time during the period between conception and birth of the child, to an individual other than the person admitting paternity, the individual to whom the mother was married at the time of conception, birth or at any time during the period between conception and birth must deny paternity in order to establish the paternity of the person admitting paternity upon the sole basis of the admission.

c. By Subject to the right of any signatory to rescind as provided in section 252A.3A, subsection 12, by the filing and registration by the state registrar of an affidavit of paternity executed on or after July 1, 1993, as provided in section 252A.3A, provided that the mother of the child was unmarried at the time of conception, birth and at any time during the period between conception and birth of the child or if the mother was married at the time of conception, birth or at any time during the period between conception and birth of the child, a court of competent jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

Sec. 2. Section 252A.3A, Code 1997, is amended to read as follows:

252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.

1. The paternity of a child born out of wedlock may be legally established by the completion, ~~and~~ filing and registration by the state registrar of an affidavit of paternity only as provided by this section.

2. When paternity has not been legally established, paternity may be established by affidavit under this section for the following children:

a. The child of a woman who was unmarried at the time of conception, ~~and~~ birth and at any time during the period between conception and birth of the child.

b. The child of a woman who is married at the time of conception, ~~or~~ birth or at any time during the period between conception and birth of the child if a court of competent jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

3. a. Prior to or at the time of completion of an affidavit of paternity, written and oral information about paternity establishment, developed by the child support recovery unit created in section 252B.2, shall be provided to the mother and putative father.

b. The information provided shall include a description of parental rights and responsibilities, including the duty to provide financial support for the child, ~~and the benefits of establishing paternity, and the alternatives to and legal consequences of signing an affidavit of paternity, including the rights available if a parent is a minor.~~

c. Copies of the written information shall be made available by the child support recovery unit or the Iowa department of public health to those entities where an affidavit of paternity may be obtained as provided under subsection 4.

4. a. The affidavit of paternity form developed and used by the Iowa department of public health is the only affidavit of paternity form recognized for the purpose of establishing paternity under this section. It shall include the minimum requirements specified by the secretary of the United States department of health and human services pursuant to 42 U.S.C. § 652(a)(7). A properly completed affidavit of paternity form developed by the Iowa department of public health and existing on or after July 1, 1993, but which is superseded by a later affidavit of paternity form developed by the Iowa department of public health, shall have the same legal effect as a paternity affidavit form used by the Iowa department of public health on or after July 1, 1997, regardless of the date of the filing and registration of the affidavit of paternity, unless otherwise required under federal law.

b. The form shall be available from the state registrar, each county registrar, the child support recovery unit, and any institution in the state.

c. The Iowa department of public health shall make copies of the form available to the entities identified in paragraph "b" for distribution.

5. A completed affidavit of paternity shall contain or have attached all of the following:

a. A statement by the mother consenting to the assertion of paternity and the identity of the father and acknowledging either of the following:

(1) That the mother was unmarried at the time of conception, ~~and birth~~ and at anytime during the period between conception and birth of the child.

(2) That the mother was married at the time of conception, ~~or birth~~ or at any time during the period between conception and birth of the child, and that a court order has been entered ruling that the individual to whom the mother was married at that time is not the father of the child.

b. If paragraph "a", subparagraph (2), is applicable, a certified copy of the filed order ruling that the husband is not the father of the child.

c. A statement from the putative father that the putative father is the father of the child.

d. The name of the child at birth and the child's birth date.

e. The signatures of the mother and putative father.

f. The social security numbers of the mother and putative father.

g. The addresses of the mother and putative father, as available.

h. The signature of a notary public attesting to the identities of the parties signing the affidavit of paternity.

i. Instructions for filing the affidavit.

6. A completed affidavit of paternity shall be filed with the state registrar. However, if the affidavit of paternity is obtained directly from the county registrar, the completed affidavit may be filed with the county registrar who shall forward the original affidavit to the state registrar. For the purposes of legal establishment of paternity under this section, paternity is legally established only upon filing of the affidavit with and registration of the affidavit by the state registrar subject to the right of any signatory to recision pursuant to subsection 12.

7. The state registrar shall make copies of affidavits of paternity and identifying information from the affidavits filed and registered pursuant to this section available to the child support recovery unit created under section 252B.2 in accordance with section 144.13, subsection 4, and any subsequent recision form which rescinds the affidavit.

8. An affidavit of paternity completed and filed with and registered by the state registrar pursuant to this section has all of the following effects:

a. Is admissible as evidence of paternity.

b. Has the same legal force and effect as a judicial determination of paternity subject to the right of any signatory to recision pursuant to subsection 12.

c. Serves as a basis for seeking child or medical support without further determination of paternity subject to the right of any signatory to recision pursuant to subsection 12.

9. All institutions in the state shall provide the following services with respect to any newborn child born out of wedlock:

a. Prior to discharge of the newborn from the institution, the institution where the birth occurs shall provide the mother and, if present, the putative father, with all of the following:

(1) Written and oral information about establishment of paternity pursuant to subsection 3.

(2) An affidavit of paternity form.

(3) An opportunity for consultation with the staff of the institution regarding the written information provided under subparagraph (1).

(4) An opportunity to complete an affidavit of paternity at the institution, as provided in this section.

b. The institution shall file any affidavit of paternity completed at the institution with the state registrar, pursuant to subsection 6, accompanied by a copy of the child's birth certificate, within ten days of the birth of the child.

10. a. An institution may be reimbursed by the child support recovery unit created in section 252B.2 for providing the services described under subsection 9, or may provide the services at no cost.

b. An institution electing reimbursement shall enter into a written agreement with the child support recovery unit for this purpose.

c. An institution entering into an agreement for reimbursement shall assist the parents of a child born out of wedlock in completing and filing an affidavit of paternity.

d. Reimbursement shall be based only on the number of affidavits completed in compliance with this section and submitted to the state registrar during the duration of the written agreement with the child support recovery unit.

e. The reimbursement rate is twenty dollars for each completed affidavit filed with the state registrar.

11. The state registrar, upon request of the mother or the putative father, shall provide the following services with respect to a child born out of wedlock:

a. Written and oral information about the establishment of paternity pursuant to subsection 3.

b. An affidavit of paternity form.

c. An opportunity for consultation with staff regarding the information provided under paragraph "a".

12. a. A completed affidavit of paternity may be rescinded by registration by the state registrar of a completed and notarized recision form signed by either the mother or putative father who signed the affidavit of paternity that the putative father is not the father of the child. The completed and notarized recision form shall be filed with the state registrar for the purpose of registration prior to the earlier of the following:

(1) Sixty days after the latest notarized signature of the mother or putative father on the affidavit of paternity.

(2) Twenty days after the service of the notice or petition initiating a proceeding in this state to which the signatory is a party relating to the child, including a proceeding to establish a support order under chapter 252A, 252C, 252F, 598, or 600B or other law of this state.

b. Unless the state registrar has received and registered an order as provided in section 252A.3, subsection 8, paragraph "a", which legally establishes paternity, upon registration of a timely recision form the state registrar shall remove the father's information from the certificate of birth, and shall send a written notice of the recision to the last known address of the signatory of the affidavit of paternity who did not sign the recision form.

c. The Iowa department of public health shall develop a recision form and an administrative process for rescission. The form shall be the only recision form recognized for the purpose of rescinding a completed affidavit of paternity. A completed recision form shall include the signature of a notary public attesting to the identity of the party signing the recision form. The Iowa department of public health shall adopt rules which establish a fee, based upon the average administrative cost, to be collected for the registration of a rescission.

d. If an affidavit of paternity has been rescinded under this subsection, the state registrar shall not register any subsequent affidavit of paternity signed by the same mother and putative father relating to the same child.

13. The child support recovery unit may enter into a written agreement with an entity designated by the secretary of the United States department of health and human services to offer voluntary paternity establishment services.

a. The agreement shall comply with federal requirements pursuant to 42 U.S.C. § 666(a)(5)(C) including those regarding notice, materials, training, and evaluations.

b. The agreement may provide for reimbursement of the entity by the state if reimbursement is permitted by federal law.

Sec. 3. Section 252A.6A, subsection 1, paragraph a, Code 1997, is amended to read as follows:

a. Except with the consent of all parties, the trial shall not be held until after the birth of the child and shall be held no earlier than twenty days from the date the respondent is served with notice of the action or, if blood or genetic tests are conducted, no earlier than fifty thirty days from the date the test results are filed with the clerk of the district court as provided under section 600B.41.

Sec. 4. Section 252A.6A, subsection 1, Code 1997, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. Appropriate genetic testing procedures shall be used which include any genetic test generally acknowledged as reliable by accreditation bodies designated by the secretary of the United States department of health and human services and which are performed by a laboratory approved by such an accreditation body.

NEW PARAGRAPH. d. A copy of a bill for blood or genetic testing, or for the cost of prenatal care or the birth of the child, shall be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of amounts incurred for testing.

Sec. 5. Section 252A.6A, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the expert analyzing the blood or genetic test concludes that the test results demonstrate that the putative father is not excluded and that the probability of the putative father's paternity is ninety-nine percent or higher and if the test results have not been challenged, the court, upon motion by a party, shall enter a temporary order for child support to be paid pursuant to section 598.21, subsection 4. The court shall require temporary support to be paid to the clerk of court or to the collection services center. If the court subsequently determines the putative father is not the father, the court shall terminate the temporary support order. All support obligations which came due prior to the order terminating temporary support are unaffected by this action and remain a judgment subject to enforcement.

Sec. 6. Section 252A.10, Code 1997, is amended to read as follows:

252A.10 COSTS ADVANCED.

Actual costs incurred in this state incidental to any action brought under the provisions of this chapter shall be advanced by the initiating party or agency, as appropriate, unless otherwise ordered by the court. Where the action is brought by an agency of the state or county there shall be no filing fee or court costs of any type either advanced by or charged to the state or county.

Sec. 7. Section 252A.13, Code 1997, is amended to read as follows:

252A.13 RECIPIENTS OF PUBLIC ASSISTANCE — ASSIGNMENT OF SUPPORT PAYMENTS.

~~A person entitled to periodic support payments pursuant to an order or judgment entered in a uniform support action under this chapter, who is also a recipient of public assistance, is deemed to have assigned the person's rights to the support payments, to the extent of public assistance received by the person, to the department of human services. If public~~

assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker. The department shall immediately notify the clerk of court by mail when a person entitled to support payments such child or caretaker has been determined to be eligible for public assistance. Upon notification by the department that a person entitled to periodic support payments pursuant to this chapter is receiving public assistance, the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. If the applicant for public assistance, for whom public assistance is approved and provided on or after July 1, 1997, is a person other than a parent of the child, the department shall send notice of the assignment by regular mail to the last known addresses of the obligee and obligor. The clerk of court shall forward support payments received pursuant to section 252A.6, to which the department is entitled, to the department, unless the court has ordered the payments made directly to the department under subsection 12 of that section. The department may secure support payments in default through other proceedings prescribed in this chapter. The clerk shall furnish the department with copies of all orders or decrees awarding and temporary domestic abuse orders addressing support to parties having custody of minor children when the parties are receiving public assistance or services are otherwise provided by the child support recovery unit. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child, subject to the order or judgment, for purposes of an assignment under this section.

PART B

Sec. 8. Section 252A.1, Code 1997, is amended to read as follows:

252A.1 TITLE AND PURPOSE.

This chapter may be cited and referred to as the "Uniform Support of Dependents Law".

The purpose of this uniform chapter is to secure support in civil proceedings for dependent spouses, children and poor relatives from persons legally responsible for their support.

Sec. 9. Section 252A.2, Code 1997, is amended to read as follows:

252A.2 DEFINITIONS.

As used in this chapter, unless the context shall require otherwise, the following terms shall have the meanings ascribed to them by this section:

1. "Birth center" means birth center as defined in section 135G.2.
2. "Birthing hospital" means a private or public hospital licensed pursuant to chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services, or a licensed birthing center associated with a hospital.
3. "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.
4. "Court" shall mean and include any court by whatever name known, in any state having reciprocal laws or laws substantially similar to this chapter upon which jurisdiction has been conferred to determine the liability of persons for the support of dependents within and without such state.
5. "Dependent" shall mean and include a spouse, child, mother, father, grandparent or grandchild who is in need of and entitled to support from a person who is declared to be legally liable for such support by the laws of the state or states wherein the petitioner and the respondent reside.
6. "Initiating state" shall mean the state of domicile or residence of the petitioner.

7 6. "Institution" means a birthing hospital or birth center.

8 7. "Petitioner" ~~shall mean and include~~ includes each dependent person for whom support is sought in a proceeding instituted pursuant to this chapter or a mother or putative father of a dependent. However, in an action brought by the child support recovery unit, the state is the petitioner.

8. "Party" means a petitioner, a respondent, or a person who intervenes in a proceeding instituted under this chapter.

9. "Petitioner's representative" ~~shall mean and include a corporation~~ includes counsel, ~~of a dependent person for whom support is sought and counsel for a mother or putative father of a dependent. In an action brought by the child support recovery unit, "petitioner's representative" includes a county attorney, state's attorney, commonwealth attorney and any other public officer, by whatever title the officer's public office may be known, charged by law with the duty of instituting, maintaining, or prosecuting a proceeding under this chapter or under the laws of the state or states wherein the petitioner and the respondent reside.~~

10. "Putative father" means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the birth of the child.

11. "Register" means to file a foreign support order in the registry of foreign support orders maintained as a filing in equity by the clerk of court.

12. "Rendering state" ~~means a state in which the court has issued a support order for which registration is sought or granted in the court of another state.~~

13 12. "Respondent" ~~shall mean and include~~ includes each person against whom a proceeding is instituted pursuant to this chapter. "Respondent" may include the mother or the putative father of a dependent.

14. "Responding state" ~~shall mean the state wherein the respondent resides or is domiciled or found.~~

15. "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a similar reciprocal law is in effect.

16 13. "State registrar" means state registrar as defined in section 144.1.

17. "Summons" ~~shall mean and include a subpoena, warrant, citation, order or other notice, by whatever name known, provided for by the laws of the state or states wherein the petitioner and the respondent reside as the means for requiring the appearance and attendance in court of the respondent in a proceeding instituted pursuant to this chapter.~~

Sec. 10. Section 252A.3, subsections 1, 2, 3, 5, and 6, Code 1997, are amended to read as follows:

1. A spouse ~~in one state is hereby declared to be liable for the support of the other spouse and any child or children under eighteen years of age and any other dependent residing or found in the same state or in another state having substantially similar or reciprocal laws. The court having jurisdiction of the respondent in a proceeding instituted under this chapter shall establish the respondent's monthly support payment and the amount of the support debt accrued and accruing pursuant to section 598.21, subsection 4.~~

2. A parent ~~in one state is hereby declared to be liable for the support of the parent's child or children under eighteen years of age residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever the other parent of such child or children is dead, or cannot be found, or is incapable of supporting the child or children, and, if the liable parent is possessed of sufficient means or able to earn the means. The court having jurisdiction of the respondent in a proceeding instituted under this chapter shall establish the respondent's monthly support payment and the amount of the support debt accrued and accruing pursuant to section 598.21, subsection 4.~~

3. The parents ~~in one state are hereby declared to be severally liable for the support of a dependent child eighteen years of age or older residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever such child is unable~~

to maintain the child's self and is likely to become a public charge.

5. A child or children born of parents who held or hold themselves out as husband and wife by virtue of a common law marriage ~~recognized as valid by the laws of the initiating state and of the responding state shall be~~ are deemed the legitimate child or children of both parents.

6. A man or woman who was or is held out as the person's spouse by a person by virtue of a common law marriage ~~recognized as valid by the laws of the initiating state and of the responding state shall be~~ is deemed the legitimate spouse of such person.

Sec. 11. Section 252A.3, Code 1997, is amended by adding the following new subsection: NEW SUBSECTION. 9. The court may order a party 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 dependent as justice requires, giving due regard to the circumstances of the respective parties.

Sec. 12. Section 252A.5, Code 1997, is amended to read as follows:
252A.5 WHEN PROCEEDING MAY BE MAINTAINED.

Unless prohibited pursuant to ~~section 252A.20~~ 28 U.S.C. § 1738B, a proceeding to compel support of a dependent may be maintained under this chapter in any of the following cases:

1. Where the petitioner and the respondent are residents of or domiciled or found ~~in the same state in this state.~~

2. ~~Where the petitioner resides in one state and the respondent is a resident of or is domiciled or found in another state having substantially similar or reciprocal laws.~~

3. ~~Where the respondent is not and never was a resident of or domiciled in the initiating state and the petitioner resides or is domiciled in such state and the respondent is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.~~

4. ~~Where the respondent was or is a resident of or domiciled in the initiating state and has departed or departs from such state leaving therein a dependent in need of and entitled to support under this chapter and is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.~~

5. 2. Whenever the state or a political subdivision thereof furnishes support to a dependent, it has the same right through proceedings instituted by the petitioner's representative to invoke the provisions hereof as the dependent to whom the support was furnished, for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support; the petition in such case may be verified by any official having knowledge of such expenditures without further verification of any person and consent of the dependent shall not be required in order to institute proceedings under this chapter. The child support recovery unit may bring the action based upon a statement of a witness, regardless of age, with knowledge of the circumstances, including, but not limited to, statements by the mother of the dependent or a relative of the mother or the putative father.

3. If the child support recovery unit is providing services, the unit has the same right to invoke the provisions of this section as the dependent for which support is owed for the purpose of securing support. The petition in such case may be verified by any official having knowledge of the request for services by the unit, without further verification by any other person, and consent of the dependent shall not be required in order to institute proceedings under this chapter. The child support recovery unit may bring the action based upon the statement of a witness, regardless of age, with knowledge of the circumstances, including, but not limited to, statements by the mother of the dependent or a relative of the mother or the putative father.

Sec. 13. Section 252A.6, Code 1997, is amended to read as follows:
252A.6 HOW COMMENCED — TRIAL.

1. A proceeding under this chapter shall be commenced by ~~a petitioner, or a petitioner's~~

representative, by filing a verified petition in the court in equity in the county of the state wherein ~~where~~ the petitioner dependent resides or is domiciled, showing the name, age, residence, and circumstances of the petitioner dependent, alleging that the petitioner dependent is in need of and is entitled to support from the respondent, giving the respondent's name, age, residence, and circumstances, and praying that the respondent be compelled to furnish such support. The petitioner may include in or attach to the petition any information which may help in locating or identifying the respondent including, but without limitation by enumeration, a photograph of the respondent, a description of any distinguishing marks of the respondent's person, other names and aliases by which the respondent has been or is known, the name of the respondent's employer, the respondent's fingerprints, or social security number.

~~2. If the respondent be a resident of or domiciled in such state and the court has or can acquire jurisdiction of the person of the respondent under existing laws in effect in such state, such laws shall govern and control the procedure to be followed in such proceeding.~~

~~3. If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or the respondent's property, it shall so certify and shall cause three copies of (a) the petition (b) its certificate and (c) this chapter to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.~~

~~4. When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall docket the cause, notify the county attorney or other official acting as petitioner's representative, set a time and place for a hearing, and take such action as is necessary in accordance with the laws of this state to serve notice and thus obtain jurisdiction over the respondent. If a court of the state, acting as a responding state, is unable to obtain jurisdiction of the respondent or the respondent's property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or the respondent's property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state.~~

~~However, if the court of the responding state is unable to obtain jurisdiction because the respondent resides in or is domiciled or found in another county of the responding state, the papers received from the court of the initiating state may be forwarded by the court of the responding state which received the papers to the court of the county in the responding state in which the respondent resides or is domiciled or found, and the court of the initiating state shall be notified of the transfer. The court of the county where the respondent resides or is domiciled or found shall acknowledge receipt of the papers to both the court of the initiating state and the court of the responding state which forwarded them, and shall take full jurisdiction of the proceedings with the same powers as if it had received the papers directly from the court of the initiating state.~~

~~5 2. It shall not be necessary for the petitioner dependent or the petitioner's dependent's witnesses to appear personally at such a hearing on the petition, but it shall be the duty of the petitioner's representative of the responding state to appear on behalf of and represent the petitioner at all stages of the proceeding.~~

~~6 3. If at such a hearing on the petition the respondent controverts the petition and enters a verified denial of any of the material allegations thereof, the judge presiding at such the hearing shall stay the proceedings and transmit to the judge of the court in the initiating state a transcript of the clerk's minutes showing the denials entered by the respondent. The petitioner shall be given the opportunity to present further evidence to address issues which~~

the respondent has controverted.

7. ~~Upon receipt by the judge of the court in the initiating state of such transcript, such court shall take such proof, including the testimony of the petitioner and the petitioner's witnesses and such other evidence as the court may deem proper, and, after due deliberation, the court shall make its recommendation, based on all of such proof and evidence, and shall transmit to the court in the responding state an exemplified transcript of such proof and evidence and of its proceedings and recommendation in connection therewith.~~

8. ~~Upon the receipt of such transcript, the court in the responding state shall resume its hearing in the proceeding and shall give the respondent a reasonable opportunity to appear and reply.~~

9. ~~Upon the resumption of such hearing, the respondent shall have the right to examine or cross examine the petitioner and the petitioner's witnesses by means of depositions or written interrogatories, and the petitioner shall have the right to examine or cross examine the respondent and the respondent's witnesses by means of depositions or written interrogatories.~~

10. ~~If a respondent, duly summoned by a court in the responding state, willfully fails without good cause to appear as directed in the summons, the respondent shall be punished in the same manner and to the same extent as is provided by law for the punishment of a defendant or witness who willfully disobeys a summons or subpoena duly issued out of such court in any other action or proceeding cognizable by said court.~~

11 4. ~~If, on the return day of the summons, the respondent appears at the time and place specified in the summons hearing and fails to answer the petition or admits the allegations of the petition, or, if, after a hearing has been duly held by the court in the responding state in accordance with this section, the court has found and determined that the prayer of the petitioner, or any part of the prayer, is supported by the evidence adduced in the proceeding, and that the petitioner dependent is in need of and entitled to support from the respondent a party, the court shall make and enter an order directing the respondent a party to furnish support to the petitioner for the dependent and to pay a sum as the court determines pursuant to section 598.21, subsection 4. A certified copy of the order shall be transmitted by the court to the court in the initiating state and the copy shall be filed with and made a part of the records of the court in the proceeding.~~ Upon entry of an order for support or upon failure of a person to make payments pursuant to an order for support, the court may require the respondent a party to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support. Upon the respondent's party's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

12 5. The court making such order may require the respondent party to make payment at specified intervals to the clerk of the district court; or to the dependent, or to any state or county agency collection services center, and to report personally to the sheriff or any other official, at such times as may be deemed necessary.

13 6. A respondent party who shall willfully fail fails to comply with or violate who violates the terms or conditions of the support order or of the respondent's party's probation shall be punished by the court in the same manner and to the same extent as is provided by law for a contempt of such court or a violation of probation ordered by such court in any other suit or proceeding cognizable by such court.

14. ~~The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court: Upon receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.~~

15 7. Except as provided in section 252A:20 28 U.S.C. § 1738B, any order of support issued by a court of the state acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued

for the same period under both. This subsection also applies to orders entered following an administrative process including, but not limited to, the administrative processes provided pursuant to chapters 252C and 252F.

~~16. The court of the initiating state shall receive and accept all payments made by the respondent to the probation department or bureau of the court of the responding state and transmitted by the latter on behalf of the respondent. Upon receipt of any such payment, and under such rules as the court of the initiating state may prescribe, the court, or its probation department or bureau, as the court may direct, shall deliver such payment to the dependent person entitled thereto, take a proper receipt and acquittance therefor, and keep a permanent record thereof.~~

~~17. A court or administrative agency of a state that has issued a child support order consistent with 28 U.S.C. § 1738B has continuing, exclusive jurisdiction over the order if the state is the state in which the child is residing or the state is the residence of the petitioner or respondent unless the court or administrative agency of another state, acting in accordance with 28 U.S.C. § 1738B, has modified the order.~~

Sec. 14. Section 252A.6A, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

When a court of this state is acting as the responding state in an action is initiated under this chapter to establish paternity, all of the following shall apply:

Sec. 15. Section 252A.6A, subsection 2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

When a court of this state is acting as the responding state in an action is initiated under this chapter to establish child or medical support based on a prior determination of paternity and the respondent files an answer to the notice required under section 252A.6 denying paternity, all of the following shall apply:

Sec. 16. Section 252A.6A, subsection 2, paragraph a, subparagraph (2), Code 1997, is amended to read as follows:

(2) If the court determines that the prior determination of paternity should not be overcome, pursuant to section 600B.41A, and that the respondent party has a duty to provide support, the court shall enter an order establishing 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. 17. Section 252A.6A, subsection 2, paragraph b, Code 1997, is amended to read as follows:

b. If the prior determination of paternity is based on an administrative or court order or by any other means, pursuant to the laws of a foreign jurisdiction, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the respondent party requests and is granted a stay of an action ~~initiated under this chapter~~ to establish child or medical support, the action shall proceed as otherwise provided ~~in this chapter~~.

Sec. 18. Section 252A.17, Code 1997, is amended to read as follows:

252A.17 REGISTRY OF FOREIGN SUPPORT ORDERS.

The petitioner may register the a foreign support order in a court of this state in the manner and with the effect provided in ~~sections 252A.18 and 252A.19~~ chapter 252K. The clerk of the court shall maintain a registry of foreign support orders in which foreign support orders shall be filed. The filing is in equity.

Sec. 19. Section 252A.18, Code 1997, is amended to read as follows:

252A.18 REGISTRATION PROCEDURE FOR FOREIGN SUPPORT ORDERS — NOTICE.

~~1. A petitioner seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court three certified copies of the order reflecting all modifica-~~

tions, one copy of the reciprocal enforcement of support act of the state in which the order was made, and a statement verified and signed by the petitioner, showing the post-office address of the petitioner, the last known place of residence and post-office address of the respondent, the amount of support remaining unpaid, a description and the location of any property of the respondent available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents the clerk of the court, with payment of a filing fee of six dollars, shall file them in the registry of foreign support orders. The filing constitutes registration under this chapter.

2. Promptly Registration of a foreign support order shall be in accordance with chapter 252K except that, with regard to service, promptly upon registration, the clerk of the court shall send a notice by restricted certified mail to the respondent at the address given a notice of the registration with a copy of the registered support order and the post-office address of the petitioner, or the petitioner may request that or the respondent may be personally served with the notice and the copy of the order in the same manner as original notices are personally served. The clerk shall also docket the case and notify the prosecuting attorney of the action.

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

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

Sec. 20. Section 252A.20, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

252A.20 LIMITATION ON ACTIONS.

Issues related to visitation, custody, or other provisions not related to the support provisions of a support order shall not be grounds for a hearing, modification, adjustment, or other action under this chapter.

Sec. 21. Sections 252A.4, 252A.4A, 252A.7, 252A.9, 252A.11, 252A.12, 252A.16, 252A.19, 252A.24, and 252A.25, Code 1997, are repealed.

Sec. 22. Part B, sections 8 through 21 of this Act, are effective January 1, 1998.

DIVISION II PART A

Sec. 23. Section 252B.1, Code 1997, is amended by adding the following new subsection: NEW SUBSECTION. 2A. "Child support agency" means child support agency as defined in section 252H.2.

Sec. 24. Section 252B.1, subsection 5, Code 1997, is amended to read as follows:

5. "Obligor" means the person legally responsible for the support of a child as defined in section 252D.16A or 598.1 under a support order issued in this state or a foreign jurisdiction.

Sec. 25. Section 252B.2, Code 1997, is amended to read as follows:

252B.2 UNIT ESTABLISHED — INTERVENTION — REVIEW.

There is created within the department of human services a child support recovery unit for the purpose of providing the services required in sections 252B.3 to 252B.6. The unit is not required to intervene in actions to provide such services.

Sec. 26. Section 252B.3, Code 1997, is amended to read as follows:

252B.3 DUTY OF DEPARTMENT TO ENFORCE CHILD SUPPORT — COOPERATION — RULES.

1. Upon receipt by the department of an application for public assistance on behalf of a child and determination by the department that the child ~~has been abandoned by its parents~~

or that the child and one parent have been abandoned by the other parent or that the parent or other person responsible for the care, support or maintenance of the child has failed or neglected to give proper care or support to the child is eligible for public assistance and that provision of child support services is appropriate, the department shall take appropriate action under the provisions of this chapter or under other appropriate statutes of this state including but not limited to chapters 239, 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, 598, and 600B, to ensure that the parent or other person responsible for the support of the child fulfills the support obligation. The department shall also take appropriate action as required by federal law upon receiving a request from a child support agency for a child receiving public assistance in another state.

2. The department of human services may negotiate a partial payment of a support obligation with a parent or other person responsible for the support of the child, provided that the negotiation and partial payment are consistent with applicable federal law and regulation.

3. The department shall adopt rules pursuant to chapter 17A regarding cases in which, under federal law, it is a condition of eligibility for an individual who is an applicant for or recipient of public assistance to cooperate in good faith with the department in establishing the paternity of, or in establishing, modifying, or enforcing a support order by identifying and locating the parent of the child or enforcing rights to support payments. The rules shall include all of the following provisions:

a. As required by the unit, the individual shall provide the name of the noncustodial parent and additional necessary information, and shall appear at interviews, hearings, and legal proceedings.

b. If paternity is an issue, the individual and child shall submit to blood or genetic tests pursuant to a judicial or administrative order.

c. The individual may be requested to sign a voluntary affidavit of paternity, after notice of the rights and consequences of such an acknowledgment, but shall not be required to sign an affidavit or otherwise relinquish the right to blood or genetic tests.

d. The unit shall promptly notify the individual and the appropriate division of the department administering the public assistance program of each determination by the unit of noncooperation of the individual and the reason for such determination.

e. A procedure under which the individual may claim that, and the department shall determine whether, the individual has sufficient good cause or other exception for not cooperating, taking into consideration the best interest of the child.

4. Without need for a court order and notwithstanding the requirements of section 598.22A, the support payment ordered pursuant to any chapter shall be satisfied as to the department, the child, and either parent for the period during which the parents are reconciled and are cohabiting, the child for whom support is ordered is living in the same residence as the parents, and the obligor receives public assistance on the obligor's own behalf for the benefit of the child. The department shall implement this subsection as follows:

a. The unit shall file a notice of satisfaction with the clerk of court.

b. This subsection shall not apply unless all the children for whom support is ordered reside with both parents, except that a child may be absent from the home due to a foster care placement pursuant to chapter 234 or a comparable law of a foreign jurisdiction.

c. The unit shall send notice by regular mail to the obligor when the provisions of this subsection no longer apply. A copy of the notice shall be filed with the clerk of court.

d. This section shall not limit the rights of the parents or the department to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

Sec. 27. Section 252B.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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, 252F, 598, and 600B 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 or upon referral as described in subsection 6. The application shall be filed with the department.

Sec. 28. Section 252B.4, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 29. Section 252B.4, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 6. The unit shall also provide child support and paternity determination services and shall respond as provided in federal law for an individual not otherwise eligible as a public assistance recipient if the unit receives a request from any of the following:

- a. A child support agency.
- b. A foreign reciprocating country or foreign country with which the state has an arrangement as provided in 42 U.S.C. § 659A.

Sec. 30. Section 252B.5, subsection 3, Code 1997, is amended to read as follows:

3. Aid in enforcing through court or administrative proceedings an existing court order for support issued pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any other chapter under which child or medical support is granted. The director may enter into a contract with a private collection agency to collect support payments for cases which have been identified by the department as difficult collection cases if the department determines that this form of collection is more cost-effective than departmental collection methods. The department shall utilize, to the maximum extent possible, every available automated process to collect support payments prior to referral of a case to a private collection agency. A private collection agency with whom the department enters a contract under this subsection shall comply with state and federal confidentiality requirements and debt collection laws. The director may use a portion of the state share of funds collected through this means to pay the costs of any contract authorized under this subsection.

Sec. 31. Section 252B.5, subsection 7, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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 Title IV-D of the federal Social Security Act, as amended, 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 230 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.

Sec. 32. Section 252B.5, subsection 9, Code 1997, is amended to read as follows:

9. The review and adjustment, ~~or modification, or alteration~~ of a support order pursuant to chapter 252H upon adoption of rules pursuant to chapter 17A ~~governing policies and procedures for review and adjustment or modification~~ and periodic notification, at a minimum of once every three years, to parents subject to a support order of their rights to these services.

Sec. 33. Section 252B.5, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 10. The unit shall not establish orders for spousal support. The unit shall enforce orders for spousal support only if the spouse is the custodial parent of a child for whom the unit is also enforcing a child support or medical support order.

NEW SUBSECTION. 11. a. Effective October 1, 1997, periodically certify to the secretary of the United States department of health and human services, a list of the names of obligors determined by the unit to owe delinquent child support, under a support order as defined in section 252J.1, in excess of five thousand dollars. The determination of the delinquent amount owed may be based upon one or more support orders being enforced by the unit if the

delinquent support owed exceeds five thousand dollars. The determination shall include any amounts which are delinquent pursuant to the periodic payment plan when a modified order has been retroactively applied. The certification shall be in a format and shall include any supporting documentation required by the secretary.

b. All of the following shall apply to an action initiated by the unit under this subsection:

(1) At least thirty days prior to provision of certification to the secretary, the unit shall send notice by regular mail to the last known address of the obligor. The notice shall include all of the following:

(a) A statement that the unit has determined that the obligor owes delinquent child support in excess of five thousand dollars.

(b) A statement that upon certification by the unit to the secretary, the secretary will transmit the certification to the United States secretary of state for denial, revocation, restriction, or limitation of a passport as provided in 42 U.S.C. § 652(k).

(c) Information regarding the procedures for challenging the determination by the unit, based upon mistake of fact. For the purposes of this subsection, "mistake of fact" means a mistake in the identity of the obligor or a mistake in the amount of the delinquent child support owed if the amount did not exceed five thousand dollars on the date of the unit's decision on the challenge.

(2) (a) If the obligor chooses to challenge the determination, the obligor shall submit the challenge in writing to the unit, to be received by the unit within twenty days of the date of the notice to the obligor. The obligor shall include any relevant information in the written challenge.

(b) Upon timely receipt of the written challenge, the unit shall review the determination for a mistake of fact.

(c) Following review of the determination, the unit shall send a written decision to the obligor within ten days of timely receipt of the written challenge.

(i) If the unit determines that a mistake of fact exists, the unit shall not certify the name of the obligor to the secretary.

(ii) If the unit determines that a mistake of fact does not exist, the unit shall certify the name of the obligor to the secretary no earlier than ten days following the issuance of the decision, unless, within ten days of the issuance of the decision, the obligor requests a contested case proceeding pursuant to chapter 17A or makes a payment for child support so that the amount of delinquent child support no longer exceeds five thousand dollars.

(3) Following issuance of a final decision under chapter 17A that no mistake of fact exists, the obligor may request a hearing before the district court in the county where one or more of the support orders upon which the determination is based is filed. To request a hearing, the obligor shall file a written application with the court contesting the decision and shall send a copy of the application to the unit by regular mail. Notwithstanding the time specifications of section 17A.19, an application for a hearing shall be filed with the court no later than ten days after issuance of the final decision. The clerk of the district court shall schedule a hearing and shall mail a copy of the order scheduling the hearing to the obligor and to the unit. The unit shall certify a copy of its written decision indicating the date of issuance to the court prior to the hearing. The hearing shall be held within thirty days of the filing of the application. The filing of an application for a hearing shall stay the certification by the unit to the secretary. However, if the obligor fails to appear at the scheduled hearing, the stay shall be automatically lifted and the unit shall certify the name of the obligor to the secretary. The scope of the review by the district court shall be limited to demonstration of a mistake of fact. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this subsection.

c. Following certification to the secretary, if the unit determines that an obligor no longer owes delinquent child support in excess of five thousand dollars, the unit shall notify the secretary of the change or shall provide information to the secretary as the secretary requires.

Sec. 34. Section 252B.6, subsection 3, Code 1997, is amended to read as follows:

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~~ Title IV-D of the federal Social Security Act. The unit shall not otherwise participate in the proceeding.

Sec. 35. NEW SECTION. 252B.6A EXTERNAL SERVICES.

1. Provided that the action is consistent with applicable federal law and regulation, an attorney licensed in this state shall receive compensation as provided in this section for support collected as the direct result of a judicial proceeding maintained by the attorney, if all of the following apply to the case:

a. The unit is providing services under this chapter.

b. The current support obligation is terminated and only arrearages are due under an administrative or court order and there has been no payment under the order for at least the twelve-month period prior to the provision of notice to the unit by the attorney under this section.

c. Support is assigned to the state based upon cash assistance paid under chapter 239, or its successor.

d. The attorney has provided written notice to the central office of the unit and to the obligee at the last known address of the obligee of the intent to initiate a specified judicial proceeding, at least thirty days prior to initiating the proceeding.

e. The attorney has provided documentation to the unit that the attorney is insured against loss caused by the attorney's legal malpractice or acts or omissions of the attorney which result in loss to the state or other person.

f. The collection is received by the collection services center within ninety days of provision of the notice to the unit. An attorney may provide subsequent notices to the unit to extend the time for receipt of the collection by subsequent ninety-day periods.

2. a. If, prior to February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall not apply to the proceeding unless the unit consents to the proceeding.

b. (1) If, on or after February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall apply to the proceeding only if the case is exempt from application of rules adopted by the department pursuant to subparagraph (2) which limit application of this section.

(2) The department shall adopt rules which include, but are not limited to, exemption from application of this section to proceedings based upon, but not limited to, any of the following:

(a) A finding of good cause pursuant to section 252B.3.

(b) The existence of a support obligation due another state based upon public assistance provided by that state.

(c) The maintaining of another proceeding by an attorney under this section for which the unit has not received notice that the proceeding has concluded or the ninety-day period during which a collection may be received pertaining to the same case has not yet expired.

(d) The initiation of a seek employment action under section 252B.21, and the notice from the attorney indicates that the attorney intends to pursue a contempt action.

(e) Any other basis for exemption of a specified proceeding designated by rule which relates to collection and enforcement actions provided by the unit.

3. The unit shall issue a response to the attorney providing notice within ten days of receipt of the notice. The response shall advise the attorney whether the case to which the specified judicial proceeding applies meets the requirements of this section.

4. For the purposes of this section, a "judicial proceeding" means an action to enforce support filed with a court of competent jurisdiction in which the court issues an order which identifies the amount of the support collection which is a direct result of the court proceeding. "Judicial proceedings" include but are not limited to those pursuant to chapters 598,

626, 633, 642, 654, or 684 and also include contempt proceedings if the collection payment is identified in the court order as the result of such a proceeding. "Judicial proceedings" do not include enforcement actions which the unit is required to implement under federal law including, but not limited to, income withholding.

5. All of the following are applicable to a collection which is the result of a judicial proceeding which meets the requirements of this section:

a. All payments made as the result of a judicial proceeding under this section shall be made to the clerk of the district court or to the collection services center and shall not be made to the attorney. Payments received by the clerk of the district court shall be forwarded to the collection services center as provided in section 252B.15.

b. The attorney shall be entitled to receive an amount which is equal to twenty-five percent of the support collected as the result of the specified judicial proceeding not to exceed the amount of the nonfederal share of assigned support collected as the result of that proceeding. The amount paid under this paragraph is the full amount of compensation due the attorney for a proceeding under this section and is in lieu of any attorney fees. The court shall not order the obligor to pay additional attorney fees. The amount of compensation calculated by the unit is subject, upon application of the attorney, to judicial review.

c. Any support collected shall be disbursed in accordance with federal requirements and any support due the obligee shall be disbursed to the obligee prior to disbursement to the attorney as compensation.

d. The collection services center shall disburse compensation due the attorney only from the nonfederal share of assigned collections. The collection services center shall not disburse any compensation for court costs.

e. The unit may delay disbursement to the attorney pending the resolution of any timely appeal by the obligor or obligee.

f. Negotiation of a partial payment or settlement for support shall not be made without the approval of the unit and the obligee, as applicable.

6. The attorney initiating a judicial proceeding under this section shall notify the unit when the judicial proceeding is completed.

7. a. An attorney who initiates a judicial proceeding under this section represents the state for the sole and limited purpose of collecting support to the extent provided in this section.

b. The attorney is not an employee of the state and has no right to any benefit or compensation other than as specified in this section.

c. The state is not liable or subject to suit for any acts or omissions resulting in any damages as a consequence of the attorney's acts or omissions under this section.

d. The attorney shall hold the state harmless from any act or omissions of the attorney which may result in any penalties or sanctions, including those imposed under federal bankruptcy laws, and the state may recover any penalty or sanction imposed by offsetting any compensation due the attorney under this section for collections received as a result of any judicial proceeding initiated under this section.

e. The attorney initiating a proceeding under this section does not represent the obligor.

8. The unit shall comply with all state and federal laws regarding confidentiality. The unit may release to an attorney who has provided notice under this section, information regarding child support balances due, to the extent provided under such laws.

9. This section shall not be interpreted to prohibit the unit from providing services or taking other actions to enforce support as provided under this chapter.

Sec. 36. Section 252B.7, subsection 4, Code 1997, is amended to read as follows:

4. An attorney employed by or under contract with the child support recovery unit represents and acts exclusively on behalf of the state when providing child support enforcement services. An attorney-client relationship does not exist between the attorney and an individual party, witness, or person other than the state, regardless of the name in which the action is brought.

Sec. 37. Section 252B.7A, subsection 1, paragraph a and paragraph d,* Code 1997, are amended to read as follows:

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 or a comparable chapter, 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".

d. The Until such time as the department adopts rules establishing a different standard for determining the income of a parent who does not provide income information or for whom income information is not available, 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.

Sec. 38. NEW SECTION. 252B.7B INFORMATIONAL MATERIALS PROVIDED BY THE UNIT.

1. The unit shall prepare and make available to the public, informational materials which explain the unit's procedures including, but not limited to, procedures with regard to all of the following:

- a. Accepting applications for services.
- b. Locating individuals.
- c. Establishing paternity.
- d. Establishing support.
- e. Enforcing support.
- f. Modifying, suspending, or reinstating support.
- g. Terminating services.

2. The informational materials shall include general information about and descriptions of the processes involved relating to the services provided by the unit including application for services, fees for services, the responsibilities of the recipient of services, resolution of disagreements with the unit, rights to challenge the actions of the unit, and obtaining additional information.

Sec. 39. Section 252B.9, Code 1997, is amended to read as follows:

252B.9 INFORMATION AND ASSISTANCE FROM OTHERS — AVAILABILITY OF RECORDS.

1. a. The director may request from state, county and local agencies, information and assistance deemed necessary to carry out the provisions of this chapter. State, county and local agencies, officers and employees shall co-operate with the unit ~~in locating absent parents of children on whose behalf public assistance is being provided~~ and shall on request supply the department with available information relative to ~~the location, income and property holdings of the absent parent, and the custodial parent, and any other necessary party,~~ notwithstanding any provisions of law making this information confidential. The cooperation and information required by this subsection shall also be provided ~~to the department when it is requested by the unit on behalf of persons who have applied for support enforcement services a child support agency.~~ Information required by this subsection includes, but is not limited to, information relative to location, income, property holdings, records of licenses as defined in section 252J.1, and records concerning the ownership and control of corporations, partnerships, and other business entities. If the information is maintained in an automated database, the unit shall be provided automated access.

b. Parents of a child on whose behalf support enforcement services are provided shall provide information regarding income, resources, financial circumstances, and property holdings to the department for the purpose of establishment, modification, or enforcement of a support obligation. The department may provide the information to parents of a child as needed to implement the requirements of section 598.21, subsection 4, notwithstanding any provisions of law making this information confidential.

* Paragraph d, unnumbered paragraph 1, probably intended

c. Notwithstanding any provisions of law making this information confidential, all persons, including for-profit, nonprofit, and governmental employers, shall, on request, promptly supply the unit or a child support agency information on the employment, compensation, and benefits of any individual employed by such person as an employee or contractor with relation to whom the unit or a child support agency is providing services.

d. Notwithstanding any provisions of law making this information confidential, the unit may subpoena or a child support agency may use the administrative subpoena form promulgated by the secretary of the United States department of health and human services under 42 U.S.C. § 652(a)(11)(C), to obtain any of the following:

(1) Books, papers, records, or information regarding any financial or other information relating to a paternity or support proceeding.

(2) Certain records held by public utilities and cable television companies with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records. If the records are maintained in automated databases, the unit shall be provided with automated access.

e. The unit or a child support agency may subpoena information for one or more individuals.

f. If the unit or a child support agency issues a request under paragraph "c", or a subpoena under paragraph "d", all of the following shall apply:

(1) The unit or child support agency may issue a request or subpoena to a person by sending it by regular mail. Proof of service may be completed according to R.C.P. 82.

(2) A person who is not a parent or putative father in a paternity or support proceeding, who is issued a request or subpoena, shall be provided an opportunity to refuse to comply for good cause by filing a request for a conference with the unit or child support agency in the manner and within the time specified in rules adopted pursuant to subparagraph (7).

(3) Good cause shall be limited to mistake in the identity of the person, or prohibition under federal law to release such information.

(4) After the conference the unit shall issue a notice finding that the person has good cause for refusing to comply, or a notice finding that the person does not have good cause for failing to comply. If the person refuses to comply after issuance of notice finding lack of good cause, or refuses to comply and does not request a conference, the person is subject to a penalty of one hundred dollars per refusal.

(5) If the person fails to comply with the request or subpoena, fails to request a conference, and fails to pay a fine imposed under subparagraph (4), the unit may petition the district court to compel the person to comply with this paragraph. If the person objects to imposition of the fine, the person may seek judicial review by the district court.

(6) If a parent or putative father fails to comply with a subpoena or request for information, the provisions of chapter 252J shall apply.

(7) The unit may adopt rules pursuant to chapter 17A to implement this section.

g. Notwithstanding any provisions of law making this information confidential, the unit or a child support agency shall have access to records and information held by financial institutions with respect to individuals who owe or are owed support, or with respect to whom a support obligation is sought including information on assets and liabilities. If the records are maintained in automated databases, the unit shall be provided with automated access. For the purposes of this section, "financial institution" means financial institution as defined in section 252I.1.

h. Notwithstanding any law to the contrary, the unit and a child support agency shall have access to any data maintained by the state of Iowa which contains information that would aid the agency in locating individuals. Such information shall include, but is not limited to, driver's license, motor vehicle, and criminal justice information. However, the information does not include criminal investigative reports or intelligence files maintained

by law enforcement. The unit and child support agency shall use or disclose the information obtained pursuant to this paragraph only in accordance with subsection 3. Criminal history records maintained by the department of public safety shall be disclosed in accordance with chapter 692.

i. Liability shall not arise under this subsection with respect to any disclosure by a person as required by this subsection, and no advance notice from the unit or a child support agency is required prior to requesting information or assistance or issuing a subpoena under this subsection.

2. Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to confidentiality of records maintained by the department, the payment records of the collection services center maintained under section 252B.13A are public records only as follows:

a. Payment records of the collection services center which are maintained pursuant to chapter 598 are public records and may be released upon request.

b. Except as otherwise provided in subsection 1, the department shall not release details related to payment records or provide alternative formats for release of the information, with the following additional exceptions:

(1) The unit or collection services center may provide additional detail or present the information in an alternative format to an individual or to the individual's legal representative if the individual owes or is owed a support obligation, to an agency assigned the obligation as the result of receipt by a party of public assistance, to an agency charged with enforcing child support pursuant to Title IV-D of the federal Social Security Act, or to the court.

(2) For support orders entered in Iowa which are being enforced by the unit, the unit may compile and make available for publication a listing of cases in which no payment has been credited to an accrued or accruing support obligation during a previous three-month period. Each case on the list shall be identified only by the name of the support obligor, the address, if known, of the support obligor, unless the information pertaining to the address of the support obligor is protected through confidentiality requirements established by law and has not otherwise been verified with the unit, the support obligor's court order docket or case number, the county in which the obligor's support order is filed, the collection services center case numbers, and the range within which the balance of the support obligor's delinquency is established. The department shall determine dates for the release of information, the specific format of the information released, and the three-month period used as a basis for identifying cases. The department may not release the information more than twice annually. In compiling the listing of cases, no prior public notice to the obligor is required, but the unit may send notice annually by mail to the current known address of any individual owing a support obligation which is being enforced by the unit. The notice shall inform the individual of the provisions of this subparagraph. Actions taken pursuant to this subparagraph are not subject to review under chapter 17A, and the lack of receipt of a notice does not prevent the unit from proceeding in implementing this subparagraph.

(3) The provisions of subparagraph (2) may be applied to support obligations entered in another state, at the request of ~~an initiating state~~ a child support agency if the ~~initiating state~~ child support agency has demonstrated that the provisions of subparagraph (2) are not in conflict with the laws of the state where the support obligation is entered and the unit is enforcing the support obligation. ~~For the purposes of this subparagraph, "initiating state" means any child support enforcement agency operating under the provisions of Title IV-D of the federal Social Security Act.~~

3. Notwithstanding other statutory provisions to the contrary, including but not limited to, chapters 22 and 217, as the chapters relate to the confidentiality of records maintained by the department, information recorded by the department pursuant to this section or obtained by the unit is confidential and, except when prohibited by federal law or regulation, may be used or disclosed as provided in subsection 1, paragraph "b" and "h", and subsection 2, and as follows:

e a. The attorney general may utilize the information of the unit to secure, modify, or enforce a support obligation of an individual, ~~unless otherwise prohibited by federal law.~~

d b. This subsection shall not permit or require the release of information ~~contained in the case records of the unit~~, except to the extent provided in this section.

c. The unit may release or disclose information as necessary to provide services under section 252B.5, as provided by Title IV-D of the federal Social Security Act, as amended, or as required by federal law.

d. After contact with the nonrequesting party, information on the location of a party may be released to a party unless the unit has or obtains knowledge of a protective order against the requesting party with respect to a nonrequesting party, or unless the unit has or obtains reasonable evidence of domestic violence or child abuse or reason to believe that the release of the information may result in physical or emotional harm to a nonrequesting party or a child, and if one of the following conditions is met:

(1) Release of the information is required by federal law or regulation.

(2) Release of the information is required by chapter 252K.

(3) The requesting party demonstrates a need for that information to notify a nonrequesting party of a proceeding relating to a child who is subject to a paternity or support order being enforced by the unit for a child of the parties.

e. Information may be released if directly connected with any of the following:

(1) The administration of the plan or program approved under Title I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI, XIX, or XX, or the supplemental security income program established under Title XVI of the federal Social Security Act, as amended.

(2) Any investigations, prosecutions, or criminal or civil proceeding conducted in connection with the administration of any such plan or program.

(3) The administration of any other federal or federally assisted program which provides assistance in cash or in kind or provides services, directly to individuals on the basis of need.

(4) Reporting to an appropriate agency or official, information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement action under circumstances which indicate that the child's health or welfare is threatened.

3. f. Except as otherwise provided in subsection 1, paragraph "b", and in subsection 2, information recorded by the department pursuant to this section shall be available only to the unit, attorneys prosecuting a case in which the unit may participate according to sections 252B.5 and 252B.6, Information may be released to courts having jurisdiction in support or abandonment proceedings, and agencies in other states charged with support collection and paternity determination responsibilities as determined by the rules of the department and the provisions of Title IV of the federal Social Security Act. However, information relating to the location of an absent parent shall be made available, pursuant to federal regulations, to a resident parent, legal guardian, attorney, or agent of a child who is not receiving assistance under Title IV-A of the federal Social Security Act. Unless otherwise prohibited by federal statute or regulation, the

g. The child support recovery unit shall release information relating to an absent parent to another unit of the department pursuant to a written request for the information approved by the director or the director's designee.

h. For purposes of this subsection, "party" means an absent parent, obligor, resident parent, or other necessary party.

Sec. 40. Section 252B.10, subsection 2, Code 1997, is amended to read as follows:

2. Any reasonable grounds for belief that a public employee has violated any provision of this chapter shall be grounds for immediate removal from all access to paternity determination and support collection data available through or recorded under section 252B.9.

Sec. 41. Section 252B.13A, Code 1997, is amended to read as follows:

252B.13A COLLECTION SERVICES CENTER.

The department shall establish within the unit a collection services center for the receipt

and disbursement of support payments as defined in section 252D.16A or 598.1 as required for orders by section 252B.14. For purposes of this section, support payments do not include attorney fees, court costs, or property settlements.

Sec. 42. Section 252B.14, subsection 1, Code 1997, is amended to read as follows:

1. For the purposes of this section, "support order" includes any order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support chapter or proceeding which establishes support payments as defined in section 252D.16A or 598.1.

Sec. 43. Section 252B.14, subsection 3, Code 1997, is amended to read as follows:

3. For a support order as to which subsection 2 does not apply, 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. The clerk of the district court may require the obligor to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

Sec. 44. NEW SECTION. 252B.17A IMAGING OR PHOTOGRAPHIC COPIES — ORIGINALS DESTROYED.

1. If the unit, in the regular course of business or activity, has recorded or received any memorandum, writing, entry, print, document, representation, or combination thereof, of any act, transaction, occurrence, event, or communication from any source, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic imaging, electronic data processing, or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original, the original may be destroyed. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original recording, copy, or reproduction is in existence and available for inspection. The introduction of a reproduced record, enlargement, or facsimile, does not preclude admission of the original.

2. The electronically imaged, copied, or otherwise reproduced record or document maintained or received by the unit, when certified over the signature of a designated employee of the unit, shall be considered to be satisfactorily identified. Certified documents are deemed to have been imaged or copied or otherwise reproduced accurately and unaltered in the regular course of business, and such documents are admissible in any judicial or administrative proceeding as evidence. Additional proof of the official character of the person certifying the record or authenticity of the person's signature shall not be required. Whenever the unit or an employee of the unit is served with a summons, subpoena, subpoena duces tecum, or order directing production of such records, the unit or employee may comply by transmitting a copy of the record certified as described above to the district court.

Sec. 45. COOPERATION OF APPLICANT OR RECIPIENT — RULES.

Until the department adopts rules pursuant to section 252B.3, subsection 3, relating to cooperation by applicants or recipients of public assistance, the department shall apply existing rules regarding cooperation, except that the child support recovery unit, rather than the income maintenance unit, shall determine noncooperation of an applicant or recipient of public assistance under that subsection.

PART B

Sec. 46. Section 252B.6, subsections 1, 2, and 4, Code 1997, are amended to read as follows:

1. Represent the ~~child state~~ in obtaining a support order necessary to meet the child's needs or in enforcing a similar order previously entered.

2. ~~Appear as a friend of the court~~ Represent the state's interest in obtaining support for a

child in dissolution of marriage and separate maintenance proceedings, or proceedings supplemental ~~thereto to these proceedings or any other support proceedings~~, when either or both of the parties to the proceedings are receiving public assistance, for the purpose of advising the court of the financial interest of the state in the proceeding.

~~4. If public assistance has been applied for or granted on behalf of a child of parents who are legally separated or whose marriage has been legally dissolved, the unit may apply~~ Apply to the district court for a court order directing either or both parents to show cause for the following: or initiate an administrative action, as necessary, to obtain, enforce, or modify support.

- ~~a. Why an order of support for the child should not be entered, or~~
- ~~b. Why the parent should not be held in contempt for failure to comply with a support order previously entered.~~

Sec. 47. Section 252B.7, subsection 1, paragraph b, Code 1997, is amended to read as follows:

- b. Cases under chapter 252A, the ~~Uniform~~ Support of Dependents Law.

Sec. 48. Section 252B.12, Code 1997, is amended to read as follows:

252B.12 JURISDICTION OVER NONRESIDENT PARENTS.

~~In an action to establish paternity or to establish or enforce a child support obligation, or to modify a support order, a nonresident person is subject to the jurisdiction of the courts of this state upon service of process of original notice in accordance with the rules of civil procedure, Iowa court rules, third edition, if any of the following circumstances exists: as specified in section 252K.201.~~

- ~~1. Any circumstance in which the nonresident has the necessary minimum contact with this state for the exercise of jurisdiction, consistent with the constitutions of this state and the United States.~~
- ~~2. The affected child was conceived in this state while at least one of the parents was a resident of this state and the nonresident is the parent or alleged parent of the child.~~
- ~~3. The affected child resides in this state as a result of the acts or directives or with the approval of the nonresident.~~
- ~~4. The nonresident has resided with the affected child in this state.~~

Sec. 49. Part B, sections 46 through 48 of this Act, are effective January 1, 1998.

DIVISION III

Sec. 50. Section 252C.2, subsections 1 and 2, Code 1997, are amended to read as follows:

~~1. By accepting If public assistance for is provided by the department to or on behalf of a dependent child or a dependent child's caretaker, the recipient is deemed to have made there is an assignment by operation of law to the department of any and all right in, title to, and interest in any support obligation and, payment, and arrearages owed to or for the child or caretaker up to the amount of public assistance paid for or on behalf of the child or caretaker. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.~~

~~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. The administrator may establish a support debt as to amounts accrued and accruing pursuant to section 598.21, subsection 4. However, when establishing a support debt is not created in favor of the department obligation against a responsible person, no debt shall be created 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 depen-~~

dent child's caretaker, if any of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support would otherwise be sought is living in the same residence as the parents.

b. The child is living with the parent from whom support would otherwise be sought.

Sec. 51. Section 252C.3, subsection 1, paragraph c, subparagraphs (2) and (4), Code 1997, are amended to read as follows:

(2) A statement that if a negotiation conference is requested, then the responsible person shall have ten days from the date set for the negotiation conference or ~~twenty~~ thirty 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.

(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~~ thirty 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. If the administrator does not issue a new notice and finding of financial responsibility for child support or medical support, or both, the responsible party shall have ten days from the date of issuance of the conference report to send a request for a hearing to the office of the child support recovery unit which issued the conference report.

Sec. 52. Section 252C.3, subsection 1, paragraph d, Code 1997, is amended to read as follows:

d. 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 a negotiation conference is not requested, the responsible person shall, within ~~twenty~~ thirty 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.

Sec. 53. Section 252C.3, subsection 5, Code 1997, 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~~ approval of the order by the court pursuant to section 252C.5.

Sec. 54. Section 252C.5, Code 1997, is amended by adding the following new subsection: NEW SUBSECTION. 4. If the responsible party appeals the order approved by the court under this section, and the court on appeal establishes an amount of support which is less than the amount of support established under the approved order, the court, in the order issued on appeal, shall reconcile the amounts due and shall provide that any amount which represents the unpaid difference between the amount under the approved order and the amount under the order of the court on appeal is satisfied.

Sec. 55. Section 252C.7, Code 1997, is repealed.

DIVISION IV PART A

Sec. 56. Section 252D.1, Code 1997, is amended to read as follows:

252D.1 ~~SUPPORT DEFINITION—~~ **SUPPORT DEFINITION—** ~~DELINQUENT SUPPORT PAYMENTS —~~ **ASSIGNMENT OF INCOME.**

~~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 sup-~~

~~port, 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 community college, or has been accepted for admission to a college, university, or community college 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.~~

2- If support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of a foreign jurisdiction, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, the child support recovery unit may enter an ex parte order or, 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 withheld, of the delinquent amount, of the amount of income, wages, compensation, or benefits to be withheld, and of the procedure to file a motion to quash the order of assignment for income withholding, and shall order an assignment of income requiring ordering the withholding of specified sums to be deducted from the delinquent person's periodic earnings, trust income, compensation, benefits, or other income as defined in section 252D.16A 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. Notification of income withholding shall be provided to the obligor and to the payor of earnings, trust income, or other income pursuant to section 252D.17.

~~3- A person entitled by court order to receive support payments or a person responsible for enforcing such a court order may petition the clerk of the district court for an assignment of income. If the petition is verified and establishes that support payments are delinquent in an amount equal to the payment for one month and if the clerk of the district court determines, after providing an opportunity for a hearing, that notice of the mandatory assignment of income as provided in section 252D.3 has been given, the clerk of the district court shall order an assignment of income under subsection 2.~~

Sec. 57. Section 252D.3, Code 1997, is amended to read as follows:

252D.3 NOTICE OF ASSIGNMENT INCOME WITHHOLDING.

All orders for support entered on or after July 1, 1984 shall notify the person ordered to pay support of the mandatory assignment withholding of income required under section 252D.1. However, for orders for support entered before July 1, 1984, the clerk of the district court, the child support recovery unit, or the person entitled by the order to receive the support payments, shall notify each person ordered to pay support under such orders of the mandatory assignment withholding of income required under section 252D.1. The notice shall be sent by certified mail to the person's last known address or the person shall be personally served with the notice in the manner provided for service of an original notice at least fifteen days prior to ~~the filing of a petition under section 252D.1, subsection 3 or the ordering of an assignment of income withholding under section 252D.1, subsection 2 or 3.~~ A person ordered to pay support may waive the right to receive the notice at any time.

Sec. 58. Section 252D.9, Code 1997, 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~~ withholding order or notice of order for income withholding shall not exceed the amount specified in 15 U.S.C. § 1673(b).

Sec. 59. Section 252D.10, Code 1997, is amended to read as follows:

252D.10 NOTICE OF ~~ASSIGNMENT~~ IMMEDIATE INCOME WITHHOLDING.

The notice requirements of section 252D.3 do not apply to this subchapter. An order for support entered after November 1, 1990, shall contain the notice of immediate income withholding. However, this subchapter is sufficient notice for implementation of immediate income withholding without any further notice.

Sec. 60. NEW SECTION. 252D.16A DEFINITIONS.

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

1. "Income" means all of the following:

a. Any periodic form of payment due an individual, regardless of source, including but not limited to wages, salaries, commissions, bonuses, worker's compensation, disability payments, payments pursuant to a pension or retirement program, and interest.

b. A sole payment or lump sum as provided in section 252D.18C.

c. Irregular income as defined in section 252D.18B.

2. "Payor of income" or "payor" means and includes, but is not limited to, an obligor's employer, trustee, the state of Iowa and all governmental subdivisions and agencies and any other person from whom an obligor receives income.

3. "Support" or "support payments" means any amount which the court or administrative agency may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree entered under chapter 232, 234, 252A, 252C, 252F, 252H, 598, 600B, or any other comparable chapter, and may include child support, maintenance, medical support as defined in chapter 252E, spousal support, and any other term used to describe these obligations. These obligations 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. The obligations may include support for a child eighteen or more years of age with respect to whom a child support order has been issued pursuant to the laws of a foreign jurisdiction. These obligations shall not include amounts for a postsecondary education subsidy as defined in section 598.1.

Sec. 61. Section 252D.17, Code 1997, is amended to read as follows:

252D.17 NOTICE TO ~~EMPLOYER OR INCOME PAYOR~~ OF INCOME — DUTIES AND LIABILITY — CRIMINAL PENALTY.

The district court shall provide notice by sending a copy of the order for income withholding ~~or a notice of the order for income withholding~~ to the ~~obligor and the obligor's employer, trustee, or other~~ payor of income by regular mail, with proof of service completed according to rule of civil procedure 82. The child support recovery unit shall provide notice of the income withholding order by sending a notice of the order to the obligor's ~~employer, trustee, or other~~ payor of income by regular mail or by electronic means. Proof of service may be completed according to rule of civil procedure 82. ~~The order or the child support recovery unit's notice of the order may be sent to the employer, trustee, or other payor of income on the same date that the order is sent to the clerk of court for filing.~~ In all other instances, the income withholding order shall be filed with the clerk of court prior to sending the notice of the order to the payor of income. In addition to the amount to be withheld for payment of support, the order or the ~~child support recovery unit's~~ notice of the order shall be in a standard format as prescribed by the unit and shall include all of the following information regarding the duties of the payor in implementing the withholding order:

1. The withholding order or notice of the order for income withholding for child support or child support and spousal support has priority over a garnishment or an assignment for a any other purpose ~~other than the support of the dependents in the court order being enforced.~~

2. As reimbursement for the payor's processing costs, the payor may deduct a fee of no more than two dollars for each payment in addition to the amount withheld for support. The payor of income is not required to vary the payroll cycle to comply with the frequency of payment of a support order.

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

4. The income withholding order is binding on an existing or future ~~employer, trustee, or other~~ payor of income ten days after receipt of the copy of the order or the ~~child support recovery unit's~~ notice of the order, and is binding whether or not the copy of the order received is file-stamped.

5. The payor shall send the amounts withheld to the collection services center or the clerk of the district court ~~within ten working~~ seven business days of the date the obligor is paid. "Business day" means a day on which state offices are open for regular business.

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

7. ~~The payor shall deliver or send a copy of the order or the child support recovery unit's notice of the order to the obligor within one business day after receipt of the order or the child support recovery unit's notice of the order.~~

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

9. ~~8.~~ If the payor knowingly fails to withhold income or to pay the amounts withheld to the collection services center or the clerk of court in accordance with the provisions of the order or the ~~child support recovery unit's~~ notice of the order, the payor commits a simple misdemeanor and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor.

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

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

12. a. Beginning July 1, 1997, if a payor of income does business in another state through a registered agent and receives a notice of income withholding issued by another state the payor shall, and beginning January 1, 1998, any payor of income shall withhold funds as directed in a notice issued by another state, except that a payor of income shall follow the laws of the obligor's principal place of employment when determining all of the following:

(1) The payor's fee for processing an income withholding payment.

(2) The maximum amount permitted to be withheld from the obligor's income.

(3) The time periods for implementing the income withholding order and forwarding the support payments.

(4) The priorities for withholding and allocating income withheld for multiple child support obligees.

(5) Any withholding terms or conditions not specified in the order.

b. A payor of income who complies with an income withholding notice that is regular on its face shall not be subject to any civil liability to any individual or agency for conduct in compliance with the notice.

Sec. 62. NEW SECTION. 252D.17A NOTICE TO OBLIGOR OF IMPLEMENTATION OF INCOME WITHHOLDING ORDER.

The child support recovery unit or the district court shall send a notice of the income withholding order to the obligor at the time the notice is sent to the payor of income.

Sec. 63. Section 252D.18A, unnumbered paragraph 1, Code 1997, is amended to read as follows:

When the obligor is responsible for paying more than one support obligation and the ~~employer or the income~~ payor of income has received more than one income withholding order or ~~the child support recovery unit's~~ notice of an order for the obligor, the payor shall withhold amounts in accordance with all of the following:

Sec. 64. Section 252D.18A, subsection 3, paragraph a, Code 1997, is amended to read as follows:

a. To arrive at the amount to be withheld for each obligee, the payor shall total the amounts due for current support under the income withholding orders and the ~~child support recovery unit's~~ notices of orders and determine the proportionate share for each obligee. The proportionate share shall be determined by dividing the amount due for current support for each order or ~~child support recovery unit's~~ notice of order by the total due for current support for all orders and ~~child support recovery unit's~~ notices of orders. The results are the percentages of the obligor's net income which shall be withheld for each obligee.

Sec. 65. NEW SECTION. 252D.19A DISPARITY BETWEEN ORDER AND PAY DATES — NOT DELINQUENT.

1. An obligor whose support payments are automatically withheld from the obligor's paycheck shall not be delinquent or in arrears if all of the following conditions are met:

a. Any delinquency or arrearage is caused solely by a disparity between the schedules of the obligor's regular pay dates and the scheduled date the support is due.

b. The amount calculated to be withheld is such that the total amount of current support to be withheld from the paychecks of the obligor and the amount ordered to be paid in the support order are the same on an annual basis.

c. The automatic deductions for support are continuous and occurring.

2. If the unit takes an enforcement action during a calendar year against an obligor and the obligor is not delinquent or in arrears solely due to the applicability of this section to the obligor, upon discovering the circumstances, the unit shall promptly discontinue the enforcement action.

Sec. 66. Section 252D.21, Code 1997, is amended to read as follows:

252D.21 PENALTY FOR MISREPRESENTATION.

A person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact in order to secure an ~~assignment of income withholding order or notice of income withholding~~ against another person and to receive support payments or additional support payments pursuant to this chapter, is guilty, upon conviction, of a serious misdemeanor.

Sec. 67. Section 252D.23, Code 1997, is amended to read as follows:

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. For the purposes of demonstrating compliance by the ~~employer, trustee, or other~~ payor of income, the copy of the withholding order or the ~~child support recovery unit's~~ notice of the order received, whether or not the copy of the order is file-stamped, 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~~ a payor of income for noncompliance. However,

any information contained in the income withholding order or the ~~child support recovery unit's~~ notice of the order related to the amount of the accruing or accrued support obligation which does not reflect the correct amount of support due does not modify the underlying support judgment.

Sec. 68. NEW SECTION. 252D.31 MOTION TO QUASH.

An obligor under this chapter may move to quash an income withholding order or a notice of income withholding by filing a motion to quash with the clerk of court.

1. Grounds for contesting a withholding order under this chapter include all of the following:

a. A mistake of fact, which for purposes of this chapter means an error in the amount withheld or the amount of the withholding or the identity of the obligor.

b. For immediate withholding only, the conditions for exception to immediate income withholding as defined under section 252D.8 existed at the time of implementation of the withholding.

2. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing.

3. The payor shall withhold and transmit the amount specified in the order or notice of the order of income withholding to the clerk of the district court or the collection services center, as appropriate, until the notice that a motion to quash has been granted is received.

Sec. 69. Sections 252D.2 and 252D.11, Code 1997, are repealed.

PART B

Sec. 70. Section 252D.17, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 12. The payor of income shall comply with chapter 252K when receiving a notice of income withholding from another state.

Sec. 71. Section 252D.24, subsection 3, Code 1997, is amended to read as follows:

3. Income withholding for a support order issued by a foreign jurisdiction is ~~subject to the law and procedures for income withholding of the jurisdiction where the income withholding order is implemented. With respect to when the obligor becomes subject to withholding, however, the law and procedures of the jurisdiction where the support order was entered apply governed by chapter 252K, articles 5 or 6, and this chapter, as appropriate.~~

Sec. 72. Part B, sections 70 and 71 of this Act, are effective January 1, 1998.

DIVISION V

Sec. 73. Section 252E.2, subsection 2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

An insurer who is subject to the federal ~~Omnibus Budget Reconciliation Act of 1993, section 4301~~ Employee Retirement Income Security Act, as codified in 42 U.S.C. § 1036g-1 29 U.S.C. § 1169, shall provide benefits in accordance with that section which meet the requirements of a qualified medical child support order. For the purposes of this subsection "qualified medical child support order" means a child support order which creates or recognizes the existence of a child's right to, or assigns to a child the right to, receive benefits for which a participant or child is eligible under a group health plan and which specifies the following:

Sec. 74. Section 252E.4, subsection 1, Code 1997, is amended to read as follows:

1. When a support order requires an obligor to provide coverage under a health benefit plan, the district court or the department may enter an ex parte order directing an employer

to take all actions necessary to enroll an obligor's dependent for coverage under a health benefit plan or may include the provisions in an ex parte income withholding order or notice of income withholding pursuant to chapter 252D. The department may amend the information in the ex parte order regarding health insurance provisions if necessary to comply with health insurance requirements including but not limited to the provisions of section 252E.2, subsection 2.

Sec. 75. NEW SECTION. 252E.6A MOTION TO QUASH.

1. An obligor may move to quash the order to the employer under section 252E.4 by following the same procedures and alleging a mistake of a fact as provided in section 252D.31. If the unit is enforcing an income withholding order and a medical support order simultaneously, any challenge to the income withholding order and medical support enforcement shall be filed and heard simultaneously.

2. The employer shall comply with the requirements of this chapter until the employer receives notice that a motion to quash has been granted.

Sec. 76. Section 252E.13, subsection 2, Code 1997, is amended to read as follows:

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

DIVISION VI

Sec. 77. Section 252F.3, subsection 1, paragraph f, subparagraph (2), subparagraph subpart (c), Code 1997, is amended to read as follows:

(c) If paternity was contested and paternity testing was conducted, and the putative father does not deny paternity after the testing or challenge the paternity test results, ~~ten~~ twenty days from the date paternity test results are issued or mailed by the unit to the putative father.

Sec. 78. Section 252F.3, subsection 1, paragraph f, subparagraph (4), subparagraph subpart (c), Code 1997, is amended to read as follows:

(c) If paternity was contested and paternity testing conducted, and the putative father does not deny paternity after the testing or challenge the paternity test results, ~~ten~~ twenty days from the date the paternity test results are issued or mailed to the putative father by the unit.

Sec. 79. Section 252F.3, subsection 1, paragraph g, Code 1997, is amended to read as follows:

g. A statement that if a conference is not requested, and the putative father does not deny paternity or challenge the results of any paternity testing conducted but objects to the finding of financial responsibility or the amount of child support or medical support, or both, the putative father shall send a written request for a court hearing on the issue of support to the unit within twenty days of the date of service of the original notice, or, if paternity was contested and paternity testing conducted, and the putative father does not deny paternity after the testing or challenge the paternity test results, within ~~ten~~ twenty days from the date the paternity test results are issued or mailed to the putative father by the unit, whichever is later.

Sec. 80. Section 252F.3, subsection 4, paragraphs b and c, Code 1997, are amended to read as follows:

b. If paternity establishment was contested and paternity tests conducted, a court hearing on the issue of paternity shall be ~~scheduled~~ held no earlier than ~~fifty~~ thirty days from the date paternity test results are issued to all parties by the unit, unless the parties mutually

agree to waive the time frame pursuant to section 252F.8.

c. ~~If a court hearing is scheduled regarding the issue of paternity establishment, any~~ Any objection to the results of paternity tests shall be filed no later than thirty twenty days before after the date the court hearing is originally scheduled paternity test results are issued or mailed to the putative father by the unit. Any objection to paternity test results filed by a party less more than thirty twenty days before after the date the court hearing is originally scheduled paternity tests are issued or mailed to the putative father by the unit shall not be accepted or considered by the court.

Sec. 81. Section 252F.3, subsection 6, paragraph d, Code 1997, is amended to read as follows:

d. If a paternity test is ordered under this section, the administrator shall direct that inherited characteristics be analyzed and interpreted, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results. The test shall be of a type generally acknowledged as reliable by accreditation entities designated by the secretary of the United States department of health and human services and shall be performed by a laboratory approved by an accreditation entity.

Sec. 82. Section 252F.3, subsection 6, paragraph i, subparagraph (1), Code 1997, is amended to read as follows:

(1) In order to challenge the presumption of paternity, a party shall file a written notice of the challenge with the district court within twenty days from the date the paternity test results are issued or mailed to all parties by the unit, ~~or if a court hearing is scheduled to resolve the issue of paternity, no later than thirty days before the scheduled date of the court hearing, whichever occurs later.~~ Any subsequent rescheduling or continuances of the originally scheduled hearing shall not extend the initial time frame. Any challenge to a presumption of paternity resulting from paternity tests, or to paternity test results filed after the initial lapse of the twenty-day time frame shall not be accepted or admissible by the unit or the court.

Sec. 83. Section 252F.3, subsection 6, paragraph k, Code 1997, is amended to read as follows:

k. If the results of the test or the verified expert's analysis are timely challenged as provided in this subsection, the administrator, upon the request of a party and advance payment by the contestant or upon the unit's own initiative, shall order that an additional test be performed by the same laboratory or an independent laboratory ~~or.~~ If the party requesting additional testing does not advance payment, the administrator shall certify the case to the district court in accordance with paragraph "i" and section 252F.5.

Sec. 84. Section 252F.3, subsection 6, paragraph n, Code 1997, is amended to read as follows:

n. Except as provided in paragraph "k", the unit shall advance the costs of genetic testing. If paternity is established and paternity testing was conducted, the unit shall enter an order or, if the action proceeded to a court hearing, request that the court enter a judgment for the costs of the paternity tests consistent with applicable federal law. In a proceeding under this chapter, a copy of a bill for genetic testing shall be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of the amount incurred for genetic testing.

Sec. 85. Section 252F.4, subsection 6, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Statements as required pursuant to section 598.22B.

Sec. 86. Section 252F.5, subsection 3, paragraph d, Code 1997, is amended by striking the paragraph.

DIVISION VII

Sec. 87. Section 252G.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. "Business day" means a day on which state offices are open for regular business.

NEW SUBSECTION. 8A. "Labor organization" means any organization of any kind, or any agency, or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Sec. 88. Section 252G.1, subsection 8, Code 1997, is amended to read as follows:

8. "Employer" means a person doing business in this state who engages an employee for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation. "Employer" includes any governmental entity and any labor organization.

Sec. 89. Section 252G.3, subsection 1, paragraph d, Code 1997, is amended to read as follows:

d. The address to which income withholding orders or the ~~child support recovery unit's~~ notices of orders and garnishments should be sent.

Sec. 90. Section 252G.3, subsection 3, Code 1997, is amended to read as follows:

~~3. Until such time as the Iowa employee's withholding allowance certificate is amended to provide for inclusion of all of the information required under subsection 1, submission of the certificate constitutes compliance with this section. An employer with employees in two or more states that transmits reports magnetically or electronically may comply with subsection 1 by transmitting the report described in subsection 1 to each state, or by designating as the recipient state one state, in which the employer has employees, and transmitting the report to that state. An employer that transmits reports pursuant to this subsection shall notify the United States secretary of health and human services, in writing, of the state designated by the employer for the purpose of transmitting reports.~~

Sec. 91. **NEW SECTION. 252G.7 DATA ENTRY AND TRANSMITTING CENTRALIZED EMPLOYEE REGISTRY RECORDS TO THE NATIONAL NEW HIRE REGISTRY.**

The unit shall enter new hire data into the centralized employee directory database within five business days of receipt from employers and shall transmit the records of the centralized employee registry to the national directory of new hires within three business days after the date information regarding a newly hired employee is entered into the centralized employee registry.

Sec. 92. **NEW SECTION. 252G.8 INCOME WITHHOLDING REQUIREMENTS.**

Within two business days after the date information regarding a newly hired employee is entered into the centralized employee registry and matched with obligors in cases being enforced by the unit, the unit shall transmit a notice to the employer or payor of income of the employee directing the employer or payor of income to withhold from the income of the employee in accordance with chapter 252D.

DIVISION VIII

Sec. 93. Section 252H.1, Code 1997, is amended to read as follows:

252H.1 PURPOSE AND INTENT.

This chapter is intended to provide a means for state compliance with ~~the Title IV-D of the federal Family Support Social Security Act of 1988, as amended~~, requiring states to provide procedures for the review and adjustment of support orders being enforced under Title IV-D

of the federal Social Security Act, and also to provide an expedited modification process when review and adjustment procedures are not required, appropriate, or applicable. Actions under this chapter shall be initiated only by the child support recovery unit.

Sec. 94. Section 252H.2, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Cost-of-living alteration" means a change in an existing child support order which equals an amount which is the amount of the support obligation following application of the percentage change of the consumer price index for all urban consumers, United States city average, as published in the federal register by the federal department of labor, bureau of labor statistics.

Sec. 95. Section 252H.2, subsection 6, paragraph a, Code 1997, is amended to read as follows:

a. ~~An alteration;~~ A change, correction, or termination of an existing support order.

Sec. 96. Section 252H.2, subsection 8, Code 1997, is amended to read as follows:

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

Sec. 97. Section 252H.3, subsection 1, Code 1997, is amended to read as follows:

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

Sec. 98. Section 252H.4, subsections 1 and 4, Code 1997, are amended to read as follows:

1. The unit may administratively adjust or modify or may provide for an administrative cost-of-living alteration of a support order entered under chapter 234, 252A, 252C, 598, or 600B, or any other support chapter if the unit is providing enforcement services pursuant to chapter 252B. The unit is not required to intervene to administratively adjust or modify or provide for an administrative cost-of-living alteration of a support order under this chapter.

4. The unit shall adopt rules pursuant to chapter 17A to establish the process for the review of requests for adjustment, the criteria and procedures for conducting a review and determining when an adjustment is appropriate, the procedure and criteria for a cost-of-living alteration, the criteria and procedure for a request for review pursuant to section 252H.18A, and other rules necessary to implement this chapter.

Sec. 99. Section 252H.6, Code 1997, is amended to read as follows:

252H.6 COLLECTION OF INFORMATION.

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

Sec. 100. Section 252H.8, subsection 4, paragraph f, Code 1997, is amended to read as follows:

f. Copies of any financial statements and supporting documentation provided by the parents including proof of a substantial change in circumstances for a request filed pursuant to section 252H.18A.

Sec. 101. Section 252H.9, subsections 2 and 7, Code 1997, are amended to read as follows:

2. The ~~For orders to which subchapter II or III is applicable,~~ the unit shall determine the appropriate amount of the child support obligation using the current child support guide-

lines established pursuant to section 598.21, subsection 4, and the criteria established pursuant to section 252B.7A and shall determine the provisions for medical support pursuant to chapter 252E.

7. A copy of the order shall be sent by regular mail within fourteen days after filing to each parent's last known address, or if applicable, to the last known address of the parent's attorney.

Sec. 102. Section 252H.11, subsection 2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If the modification action filed by the parent is subsequently dismissed before being heard by the court, the unit shall continue the action previously initiated under ~~this chapter~~ subchapter II or III, or initiate a new action as follows:

Sec. 103. Section 252H.13, Code 1997, is amended to read as follows:

252H.13 RIGHT TO REQUEST REVIEW.

A parent shall have the right to request the review of a support order for which the unit is currently providing enforcement services of an ongoing child support obligation pursuant to chapter 252B including by objecting to a cost-of-living alteration pursuant to section 252H.24, subsections 1 and 2.

Sec. 104. Section 252H.14, Code 1997, is amended to read as follows:

252H.14 REVIEWS INITIATED BY THE CHILD SUPPORT RECOVERY UNIT.

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

a. The right to any ongoing child support obligation is currently assigned to the state due to the receipt of public assistance.

b. The right to any ongoing medical support obligation is currently assigned to the state due to the receipt of public assistance unless:

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

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

c. The review is otherwise necessary to comply with this* Act.

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

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

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

Sec. 105. NEW SECTION. 252H.18A REQUEST FOR REVIEW OUTSIDE APPLICABLE TIME FRAMES.

1. If a support order is not eligible for review and adjustment because the support order is outside of the minimum time frames specified by rule of the department, a parent may request a review and administrative modification by submitting all of the following to the unit:

a. A request for review of the support order which is outside of the applicable time frames.

b. Verified documentation of a substantial change in circumstances as specified by rule of the department.

2. Upon receipt of the request and all documentation required in subsection 1, the unit shall review the request and documentation and if appropriate shall issue a notice of intent to modify as provided in section 252H.19.

3. Notwithstanding section 598.21, subsections 8 and 9, for purposes of this section, a

* The word "the" probably intended

substantial change in circumstances means there has been a change of fifty percent or more in the income of a parent, and the change is due to financial circumstances which have existed for a minimum period of three months and can reasonably be expected to exist for an additional three months.

SUBCHAPTER IV COST-OF-LIVING ALTERATION

Sec. 106. NEW SECTION. 252H.21 PURPOSE — INTENT — EFFECT ON REQUIREMENTS FOR GUIDELINES.

1. This subchapter is intended to provide a procedure to accommodate a request of both parents to expeditiously change a support order due to changes in the cost of living.

2. All of the following shall apply to a cost of living alteration under this subchapter:

a. To the extent permitted under 42 U.S.C. § 666(a)(10)(A)(i)(II), the cost-of-living alteration shall be an exception to any requirement under law for the application of the child support guidelines established pursuant to section 598.21, subsection 4, including but not limited to, any requirement in this chapter or chapter 234, 252A, 252B, 252C, 252F, 598, or 600B.

b. The cost-of-living alteration shall not prevent any subsequent modification or adjustment to the support order as otherwise provided in law based on application of the child support guidelines.

c. The calculation of a cost-of-living alteration to a child support order shall be compounded as follows:

(1) Increase or decrease the child support order by the percentage change of the appropriate consumer price index for the month and year after the month and year the child support order was last issued, modified, adjusted, or altered.

(2) Increase or decrease the amount of the child support order calculated in subparagraph (1) for each subsequent year by applying the appropriate consumer price index for each subsequent year to the result of the calculation for the previous year. The final year in the calculation shall be the year immediately preceding the year the unit received the completed request for the cost-of-living alteration.

d. The amount of the cost-of-living alteration in the notice in section 252H.24, subsection 1, shall be the result of the calculation in paragraph “c”.

Sec. 107. NEW SECTION. 252H.22 SUPPORT ORDERS SUBJECT TO COST-OF-LIVING ALTERATION.

A support order meeting all of the following conditions is eligible for a cost-of-living alteration under this subchapter.

1. The support order is subject to the jurisdiction of this state for the purposes of a cost-of-living alteration.

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

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

4. A parent requests a cost-of-living alteration as provided in section 252H.23.

5. The support order addresses medical support for the child.

Sec. 108. NEW SECTION. 252H.23 RIGHT TO REQUEST COST-OF-LIVING ALTERATION.

A parent may request a cost-of-living alteration by submitting all of the following to the unit:

1. A written request for a cost-of-living alteration to the support order signed by the parent making the request.

2. A statement signed by the nonrequesting parent agreeing to the cost-of-living alteration to the support order.
3. A statement signed by each parent waiving that parent's right to personal service and accepting service by regular mail.
4. Other documentation specified by rule of the department.

Sec. 109. NEW SECTION. 252H.24 ROLE OF THE CHILD SUPPORT RECOVERY UNIT — FILING AND DOCKETING OF COST-OF-LIVING ALTERATION ORDER — ORDER EFFECTIVE AS DISTRICT COURT ORDER.

1. Upon receipt of a request and required documentation for a cost-of-living alteration, the unit shall issue a notice of the amount of cost-of-living alteration by regular mail to the last known address of each parent, or, if applicable, each parent's attorney. The notice shall include all of the following:

a. A statement that either parent may contest the cost-of-living alteration within thirty days of the date of the notice by making a request for a review of a support order as provided in section 252H.13, and if either parent does not make a request for a review within thirty days, the unit shall prepare an administrative order as provided in subsection 4.

b. A statement that the parent may waive the thirty-day notice waiting period provided for in this section.

2. Upon timely receipt of a request and required documentation for a review of a support order as provided in subsection 1 from either parent, the unit shall terminate the cost-of-living alteration process and apply the provisions of subchapters I and II of this chapter relating to review and adjustment.

3. Upon receipt of signed requests from both parents subject to the support order, waiving the notice waiting period, the unit may prepare an administrative order pursuant to subsection 4 altering the support obligation.

4. If timely request for a review pursuant to section 252H.13 is not made, and if the thirty-day notice waiting period has expired, or if both parents have waived the notice waiting period, the unit shall prepare and present an administrative order for a cost-of-living alteration, ex parte, to the district court where the order to be altered is filed.

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

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

7. If the parents jointly waive the thirty-day notice waiting period, the signed statements of both parents waiving the notice period shall be filed in the court record with the administrative order altering the support obligation.

8. The unit shall send a copy of the order by regular mail to each parent's last known address, or, if applicable, to the last known address of the parent's attorney.

9. An administrative order approved by the district court is final, and action by the unit to enforce and collect upon the order may be taken from the date of the entry of the order by the district court.

DIVISION IX

Sec. 110. Section 252I.1, subsections 1, 3, 5, and 8, Code 1997, are amended to read as follows:

1. "Account" means "account" as defined in section 524.103, "share account or shares" as defined in section 534.102, the savings or deposits of a member received or being held by a credit union, or certificates of deposit. "Account" also includes deposits held by an agent, a broker-dealer, or an issuer as defined in section 502.102 and money-market mutual fund accounts. However, "account" does not include amounts held by a financial institution as collateral for loans extended by the financial institution.

3. "Court order" means "support order"* as defined in section ~~252C.1~~ 252J.1.

5. "Financial institution" ~~includes a bank, credit union, or savings and loan association~~ means "financial institution" as defined in 42 U.S.C. § 669A(d)(1). "Financial institution" also includes an institution which holds deposits for an agent, broker-dealer, or an issuer as defined in section 502.102.

8. "Support" or "support payments" means "support" or "support payments" as defined in section ~~252D.1~~ 252D.16A.

Sec. 111. Section 252I.4, Code 1997, is amended to read as follows:

252I.4 VERIFICATION OF ACCOUNTS AND IMMUNITY FROM LIABILITY.

1. The unit may contact a financial institution to obtain verification of the account number, the names and social security numbers listed for the account, and the account balance of any account held by an obligor. Contact with a financial institution may be by telephone or by written communication. The financial institution may require positive voice recognition and may require the telephone number of the authorized person from the unit before releasing an obligor's account information by telephone.

2. The unit and financial institutions doing business in Iowa shall enter into agreements to develop and operate a data match system, using automated data exchanges to the maximum extent feasible. The data match system shall allow a means by which each financial institution shall provide to the unit for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each obligor who maintains an account at the institution and who owes past-due support, as identified by the unit by name and social security number or other taxpayer identification number. The unit shall work with representatives of financial institutions to develop a system to assist nonautomated financial institutions in complying with the provisions of this section.

3. The unit may pay a reasonable fee to a financial institution for conducting the data match required in subsection 2, not to exceed the actual costs incurred by the financial institution.

~~2. 4.~~ The financial institution is immune from any liability, civil or criminal, which might otherwise be incurred or imposed for any of the following:

a. Any information released by the financial institution to the unit pursuant to this chapter section.

b. Any encumbrance or surrender of any assets held by the financial institution in response to a notice of lien or levy issued by the unit.

c. Any other action taken in good faith to comply with section 252I.4 or 252I.7.

~~3. 5.~~ The financial institution or the unit is not liable for the cost of any early withdrawal penalty of an obligor's certificate of deposit.

DIVISION X

Sec. 112. Section 252J.1, subsections 1, 2, 3, 4, 6, and 9, Code 1997, are amended to read as follows:

1. "Certificate of noncompliance" means a document provided by the child support recovery unit certifying that the named ~~obligor~~ individual is not in compliance with a any of the following:

a. A support order, or with a

b. A written agreement for payment of support entered into by the unit and the obligor.

c. A subpoena or warrant relating to a paternity or support proceeding.

2. "License" means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to an ~~obligor~~ individual by a licensing authority which evidences the admission to, or granting of authority to engage in, a profession, occupation, business, ~~or industry, or recreation~~ or to operate or register a motor vehicle. "License" ~~does not mean or include~~ includes licenses for hunting, fishing, boating, or other recreational activity.

* "court support order" probably intended

3. "Licensee" means an ~~obligor~~ individual to whom a license has been issued, or who is seeking the issuance of a license.

4. "Licensing authority" means a county treasurer, county recorder or designated depository, the supreme court, or an instrumentality, agency, board, commission, department, officer, organization, or any other entity of the state, which has authority within this state to suspend or revoke a license or to deny the renewal or issuance of a license authorizing an ~~obligor~~ individual to register or operate a motor vehicle or to engage in a business, occupation, profession, recreation, or industry.

6. "Support" means support or support payments as defined in section ~~252D.1~~ 252D.16A, whether established through court or administrative order.

9. "Withdrawal of a certificate of noncompliance" means a document provided by the unit certifying that the certificate of noncompliance is withdrawn and that the licensing authority may proceed with issuance, reinstatement, or renewal of an ~~obligor's~~ individual's license.

Sec. 113. Section 252J.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Individual" means a parent, an obligor, or a putative father in a paternity or support proceeding.

NEW SUBSECTION. 5A. "Subpoena or warrant" means a subpoena or warrant relating to a paternity or support proceeding initiated or obtained by the unit or a child support agency as defined in section 252H.2.

Sec. 114. Section 252J.2, subsections 1, 2, and 4, Code 1997, are amended to read as follows:

1. Notwithstanding other statutory provisions to the contrary, and if an ~~obligor~~ individual has not been cited for contempt and enjoined from engaging in the activity governed by a license pursuant to section 598.23A, the unit may utilize the process established in this chapter to collect support.

2. For cases in which services are provided by the unit all of the following apply:

a. An obligor is subject to the provisions of this chapter if the obligor's support obligation is being enforced by the unit, if the support payments required by a support order to be paid to the clerk of the district court or the collection services center pursuant to section 598.22 are not paid and become delinquent in an amount equal to the support payment for ~~ninety days~~ three months, and if the obligor's situation meets other criteria specified under rules adopted by the department pursuant to chapter 17A. The criteria specified by rule shall include consideration of the length of time since the obligor's last support payment and the total amount of support owed by the obligor.

b. An individual is subject to the provisions of this chapter if the individual has failed, after receiving appropriate notice, to comply with a subpoena or warrant.

4. ~~Notwithstanding the confidentiality provisions of chapter 252B or 422, or any other statutory provision pertaining to the confidentiality of records, a licensing authority shall exchange information with the unit through manual or automated means. 22 all of the following apply:~~

~~a. Information exchanged obtained by the unit under this chapter shall be used solely for the purposes of this chapter or chapter 598 shall be used solely for the purpose of identifying licensees subject to enforcement pursuant to this chapter or chapter 598 252B.~~

b. Information obtained by a licensing authority shall be used solely for the purposes of this chapter.

Sec. 115. Section 252J.3, Code 1997, is amended to read as follows:

252J.3 NOTICE TO ~~OBLIGOR~~ INDIVIDUAL OF POTENTIAL SANCTION OF LICENSE.

The unit shall proceed in accordance with this chapter only if notice is served on the ~~obligor~~ individual in accordance with R.C.P. 56.1 or notice is sent by certified mail addressed to the ~~obligor's~~ individual's last known address and served upon any person who

may accept service under R.C.P. 56.1. Return acknowledgment is required to prove service by certified mail. The notice shall include all of the following:

1. The address and telephone number of the unit and the unit case number.
2. A statement that the obligor is not in compliance with a support order or the individual has not complied with a subpoena or warrant.
3. A statement that the ~~obligor~~ individual may request a conference with the unit to contest the action.
4. A statement that if, within twenty days of service of notice on the ~~obligor~~ individual, the ~~obligor~~ individual fails to contact the unit to schedule a conference, the unit shall issue a certificate of noncompliance, bearing the ~~obligor's~~ individual's name, social security number, ~~and~~ unit case number, ~~and the docket number of a support order requiring the obligor to pay support,~~ to any appropriate licensing authority, certifying that the obligor is not in compliance with a support order or an individual has not complied with a subpoena or warrant.
5. A statement that in order to stay the issuance of a certificate of noncompliance the request for a conference shall be in writing and shall be received by the unit within twenty days of service of notice on the ~~obligor~~ individual.
6. The names of the licensing authorities to which the unit intends to issue a certificate of noncompliance.
7. A statement that if the unit issues a certificate of noncompliance to an appropriate licensing authority, the licensing authority shall initiate proceedings to refuse to issue or renew, or to suspend or revoke the ~~obligor's~~ individual's license, unless the unit provides the licensing authority with a withdrawal of a certificate of noncompliance.

Sec. 116. Section 252J.4, Code 1997, is amended to read as follows:
252J.4 CONFERENCE.

1. The ~~obligor~~ individual may schedule a conference with the unit following service of notice pursuant to section 252J.3, or at any time after service of notice of suspension, revocation, denial of issuance, or nonrenewal of a license from a licensing authority, to challenge the unit's actions under this chapter.
2. The request for a conference shall be made to the unit, in writing, and, if requested after service of a notice pursuant to section 252J.3, shall be received by the unit within twenty days following service of notice.
3. The unit shall notify the ~~obligor~~ individual of the date, time, and location of the conference by regular mail, with the date of the conference to be no earlier than ten days following issuance of notice of the conference by the unit. If the ~~obligor~~ individual fails to appear at the conference, the unit shall issue a certificate of noncompliance.
4. Following the conference, the unit shall issue a certificate of noncompliance unless any of the following applies:
 - a. The unit finds a mistake in the identity of the ~~obligor~~ individual.
 - b. The unit finds a mistake in determining that the amount of delinquent support is equal to or greater than ~~ninety days~~ three months.
 - c. The obligor enters a written agreement with the unit to comply with a support order, the obligor complies with an existing written agreement to comply with a support order, or the obligor pays the total amount of delinquent support due.
 - d. Issuance of a certificate of noncompliance is not appropriate under other criteria established in accordance with rules adopted by the department pursuant to chapter 17A.
 - e. The unit finds a mistake in determining the compliance of the individual with a subpoena or warrant.
 - f. The individual complies with a subpoena or warrant.
5. The unit shall grant the ~~obligor~~ individual a stay of the issuance of a certificate of noncompliance upon receiving a timely written request for a conference, and if a certificate of noncompliance has previously been issued, shall issue a withdrawal of a certificate of noncompliance if the obligor enters into a written agreement with the unit to comply with a

support order or if the individual complies with a subpoena or warrant.

6. If the ~~obligor individual~~ does not timely request a conference or does not comply with a subpoena or warrant or if the obligor does not pay the total amount of delinquent support owed within twenty days of service of the notice pursuant to section 252J.3, the unit shall issue a certificate of noncompliance.

Sec. 117. Section 252J.5, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If an obligor is subject to this chapter as established in section 252J.2, subsection 2, paragraph "a", the obligor and the unit may enter into a written agreement for payment of support and compliance which takes into consideration the obligor's ability to pay and other criteria established by rule of the department. The written agreement shall include all of the following:

Sec. 118. Section 252J.6, Code 1997, is amended to read as follows:

252J.6 DECISION OF THE UNIT.

1. If an obligor is not in compliance with a support order or the individual is not in compliance with a subpoena or warrant pursuant to section 252J.2, the unit notifies the ~~obligor individual~~ pursuant to section 252J.3, and the ~~obligor individual~~ requests a conference pursuant to section 252J.4, the unit shall issue a written decision if any of the following conditions exists:

a. The ~~obligor individual~~ fails to appear at a scheduled conference under section 252J.4.

b. A conference is held under section 252J.4.

c. The obligor fails to comply with a written agreement entered into by the obligor and the unit under section 252J.5.

2. The unit shall send a copy of the written decision to the ~~obligor individual~~ by regular mail at the ~~obligor's individual's~~ most recent address of record. If the decision is made to issue a certificate of noncompliance or to withdraw the certificate of noncompliance, a copy of the certificate of noncompliance or of the withdrawal of the certificate of noncompliance shall be attached to the written decision. The written decision shall state all of the following:

a. That a copy of the certificate of noncompliance or withdrawal of the certificate of noncompliance has been provided to the licensing authorities named in the notice provided pursuant to section 252J.3.

b. That upon receipt of a certificate of noncompliance, the licensing authority shall initiate proceedings to suspend, revoke, deny issuance, or deny renewal of a license, unless the licensing authority is provided with a withdrawal of a certificate of noncompliance from the unit.

c. That in order to obtain a withdrawal of a certificate of noncompliance from the unit, the obligor shall enter into a written agreement with the unit, comply with an existing written agreement with the unit, or pay the total amount of delinquent support owed or the individual shall comply with a subpoena or warrant.

d. That if the unit issues a written decision, which includes a certificate of noncompliance, that all of the following apply:

(1) The ~~obligor individual~~ may request a hearing as provided in section 252J.9, before the district court as follows:

(a) If the action is a result of section 252J.2, subsection 2, paragraph "a", in the county in which the underlying support order is filed, by filing a written application to the court challenging the issuance of the certificate of noncompliance by the unit and sending a copy of the application to the unit within the time period specified in section 252J.9.

(b) If the action is a result of section 252J.2, subsection 2, paragraph "b" and the individual is not an obligor, in the county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in

the county in which the individual resides if the action is the result of a request from a child support agency in a foreign jurisdiction.

(2) The ~~obligor~~ individual may retain an attorney at the ~~obligor's~~ individual's own expense to represent the ~~obligor~~ individual at the hearing.

(3) The scope of review of the district court shall be limited to demonstration of a mistake of fact related to the delinquency of the obligor or the compliance of the individual with a subpoena or warrant.

3. If the unit issues a certificate of noncompliance, the unit shall only issue a withdrawal of the certificate of noncompliance if any of the following applies:

a. The unit or the court finds a mistake in the identity of the ~~obligor~~ individual.

b. The unit finds a mistake in determining compliance with a subpoena or warrant.

~~b. c.~~ The unit or the court finds a mistake in determining that the amount of delinquent support due is equal to or greater than ~~ninety days~~ three months.

~~c. d.~~ The obligor enters a written agreement with the unit to comply with a support order, the obligor complies with an existing written agreement to comply with a support order, or the obligor pays the total amount of delinquent support owed.

e. The individual complies with the subpoena or warrant.

~~d. f.~~ Issuance of a withdrawal of the certificate of noncompliance is appropriate under other criteria in accordance with rules adopted by the department pursuant to chapter 17A.

Sec. 119. Section 252J.7, Code 1997, is amended to read as follows:

252J.7 CERTIFICATE OF NONCOMPLIANCE — CERTIFICATION TO LICENSING AUTHORITY.

1. If the ~~obligor~~ individual fails to respond to the notice of potential license sanction provided pursuant to section 252J.3 or the unit issues a written decision under section 252J.6 which states that the ~~obligor~~ individual is not in compliance, the unit shall certify, in writing, to any appropriate licensing authority that the support obligor is not in compliance with a support order or the individual is not in compliance with a subpoena or warrant and shall include a copy of the certificate of noncompliance.

2. The certificate of noncompliance shall contain the ~~obligor's~~ individual's name, and social security number, ~~and the docket number of the applicable support order.~~

3. The certificate of noncompliance shall require all of the following:

a. That the licensing authority initiate procedures for the revocation or suspension of the ~~obligor's~~ individual's license, or for the denial of the issuance or renewal of a license using the licensing authority's procedures.

b. That the licensing authority provide notice to the ~~obligor~~ individual, as provided in section 252J.8, of the intent to suspend, revoke, deny issuance, or deny renewal of a license including the effective date of the action. The suspension, revocation, or denial shall be effective no sooner than thirty days following provision of notice to the ~~obligor~~ individual.

Sec. 120. Section 252J.8, subsections 3, 4, and 5, Code 1997, are amended to read as follows:

3. The supreme court shall prescribe rules for admission of persons to practice as attorneys and counselors pursuant to chapter 602, article 10, which include provisions, as specified in this chapter, for the denial, suspension, or revocation of the admission for failure to comply with a child support order or a subpoena or warrant.

4. A licensing authority that is issued a certificate of noncompliance shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an ~~obligor~~ individual. The licensing authority shall utilize existing rules and procedures for suspension, revocation, or denial of the issuance or renewal of a license.

In addition, the licensing authority shall provide notice to the ~~obligor~~ individual of the licensing authority's intent to suspend, revoke, or deny issuance or renewal of a license under this chapter. The suspension, revocation, or denial shall be effective no sooner than

thirty days following provision of notice to the ~~obligor~~ individual. The notice shall state all of the following:

a. The licensing authority intends to suspend, revoke, or deny issuance or renewal of an ~~obligor's individual's~~ license due to the receipt of a certificate of noncompliance from the unit.

b. The ~~obligor~~ individual must contact the unit to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

c. Unless the unit furnishes a withdrawal of a certificate of noncompliance to the licensing authority within thirty days of the issuance of the notice under this section, the ~~obligor's individual's~~ license will be revoked, suspended, or denied.

d. If the licensing authority's rules and procedures conflict with the additional requirements of this section, the requirements of this section shall apply. Notwithstanding section 17A.18, the ~~obligor individual~~ does not have a right to a hearing before the licensing authority to contest the authority's actions under this chapter but may request a court hearing pursuant to section 252J.9 within thirty days of the provision of notice under this section.

5. If the licensing authority receives a withdrawal of a certificate of noncompliance from the unit, the licensing authority shall immediately reinstate, renew, or issue a license if the ~~obligor individual~~ is otherwise in compliance with licensing requirements established by the licensing authority.

Sec. 121. Section 252J.9, subsections 1, 2, and 3, Code 1997, are amended to read as follows:

1. Following the issuance of a written decision by the unit under section 252J.6 which includes the issuance of a certificate of noncompliance, or following provision of notice to the ~~obligor individual~~ by a licensing authority pursuant to section 252J.8, an ~~obligor individual~~ may seek review of the decision and request a hearing before the district court as follows:

a. If the action is a result of section 252J.2, subsection 2, paragraph "a", in the county in which the underlying support order is filed, by filing an application with the district court, and sending a copy of the application to the unit by regular mail.

b. If the action is a result of section 252J.2, subsection 2, paragraph "b" and the individual is not an obligor, in a county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in a foreign jurisdiction.

PARAGRAPH DIVIDED. An application shall be filed to seek review of the decision by the unit or following issuance of notice by the licensing authority no later than within thirty days after the issuance of the notice pursuant to section 252J.8. The clerk of the district court shall schedule a hearing and mail a copy of the order scheduling the hearing to the ~~obligor individual~~ and the unit and shall also mail a copy of the order to the licensing authority, if applicable. The unit shall certify a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the licensing authority shall certify a copy of a notice issued pursuant to section 252J.8, to the court prior to the hearing.

2. The filing of an application pursuant to this section shall automatically stay the actions of a licensing authority pursuant to section 252J.8. The hearing on the application shall be scheduled and held within thirty days of the filing of the application. However, if the ~~obligor individual~~ fails to appear at the scheduled hearing, the stay shall be lifted and the licensing authority shall continue procedures pursuant to section 252J.8.

3. The scope of review by the district court shall be limited to demonstration of a mistake of fact relating to the delinquency of the obligor or the noncompliance of the individual with a subpoena or warrant. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this chapter.

DIVISION XI
UNIFORM INTERSTATE FAMILY SUPPORT ACT
(1996)
ARTICLE 1
GENERAL PROVISIONS

Sec. 122. NEW SECTION. 252K.101 DEFINITIONS.

In this chapter:

1. "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

2. "Child-support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

3. "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

4. "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

5. "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

6. "Income-withholding order" means an order or other legal process directed to an obligor's employer or other payor of income, as defined by the income-withholding law of this state, to withhold support from the income of the obligor.

7. "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

8. "Initiating tribunal" means the authorized tribunal in an initiating state.

9. "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

10. "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

11. "Law" includes decisional and statutory law and rules and regulations having the force of law.

12. "Obligee" means any of the following:

a. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered.

b. A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee.

c. An individual seeking a judgment determining parentage of the individual's child.

13. "Obligor" means an individual, or the estate of a decedent, to which any of the following applies:

a. Who owes or is alleged to owe a duty of support.

b. Who is alleged but has not been adjudicated to be a parent of a child.

c. Who is liable under a support order.

14. "Register" means to file a support order or judgment determining parentage in the appropriate location for the filing of foreign judgments.

15. "Registering tribunal" means a tribunal in which a support order is registered.

16. "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or

the Revised Uniform Reciprocal Enforcement of Support Act.

17. "Responding tribunal" means the authorized tribunal in a responding state.

18. "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

19. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

a. An Indian tribe.

b. A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

20. "Support enforcement agency" means a public official or agency authorized to seek any of the following:

a. Enforcement of support orders or laws relating to the duty of support.

b. Establishment or modification of child support.

c. Determination of parentage.

d. Location of obligors or their assets.

21. "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

22. "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

Sec. 123. NEW SECTION. 252K.102 TRIBUNALS OF THIS STATE.

The child support recovery unit when the unit establishes or modifies an order, upon ratification by the court, and the court, are the tribunals of this state.

Sec. 124. NEW SECTION. 252K.103 REMEDIES CUMULATIVE.

Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

ARTICLE 2 JURISDICTION PART 1

EXTENDED PERSONAL JURISDICTION

Sec. 125. NEW SECTION. 252K.201 BASES FOR JURISDICTION OVER NONRESIDENT.

In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if any of the following applies:

1. The individual is personally served with notice within this state.

2. The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

3. The individual resided with the child in this state.

4. The individual resided in this state and provided prenatal expenses or support for the child.

5. The child resides in this state as a result of the acts or directives of the individual.

6. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.

7. The individual asserted parentage in the declaration of paternity registry maintained

in this state by the Iowa department of public health pursuant to section 144.12A or established paternity by affidavit under section 252A.3A.

8. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

Sec. 126. NEW SECTION. 252K.202 PROCEDURE WHEN EXERCISING JURISDICTION OVER NONRESIDENT.

A tribunal of this state exercising personal jurisdiction over a nonresident under section 252K.201 may apply section 252K.316 to receive evidence from another state, and section 252K.318 to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.

PART 2 PROCEEDINGS INVOLVING TWO OR MORE STATES

Sec. 127. NEW SECTION. 252K.203 INITIATING AND RESPONDING TRIBUNAL OF THIS STATE.

Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

Sec. 128. NEW SECTION. 252K.204 SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE.

1. A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state only if all of the following apply:

a. The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state.

b. The contesting party timely challenges the exercise of jurisdiction in the other state.

c. If relevant, this state is the home state of the child.

2. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if all of the following apply:

a. The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

b. The contesting party timely challenges the exercise of jurisdiction in this state.

c. If relevant, the other state is the home state of the child.

Sec. 129. NEW SECTION. 252K.205 CONTINUING, EXCLUSIVE JURISDICTION.

1. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child-support order if any of the following applies:

a. As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

b. Until all of the parties who are individuals have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

2. A tribunal of this state issuing a child-support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter.

3. If a child support order of this state is modified by a tribunal of another state pursuant

to this chapter or a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:

- a. Enforce the order that was modified as to amounts accruing before the modification.
 - b. Enforce nonmodifiable aspects of that order.
 - c. Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.
4. A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this chapter or a law substantially similar to this chapter.
5. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.
6. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

Sec. 130. NEW SECTION. 252K.206 ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER BY TRIBUNAL HAVING CONTINUING JURISDICTION.

1. A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.
2. A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 252K.316 to receive evidence from another state and section 252K.318 to obtain discovery through a tribunal of another state.
3. A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal-support order may not serve as a responding tribunal to modify a spousal-support order of another state.

PART 3
RECONCILIATION OF MULTIPLE ORDERS

Sec. 131. NEW SECTION. 252K.207 RECOGNITION OF CONTROLLING CHILD-SUPPORT ORDER.

1. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.
2. If a proceeding is brought under this chapter, and two or more child-support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:
 - a. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized.
 - b. If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.
 - c. If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child-support order, which controls and must be so recognized.
3. If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and must be so recognized under subsection 2.

The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

4. The tribunal that issued the controlling order under subsection 1, 2, or 3 is the tribunal that has continuing, exclusive jurisdiction under section 252K.205.

5. A tribunal of this state which determines by order the identity of the controlling order under subsection 2, paragraph "a" or "b", or which issues a new controlling order under subsection 2, paragraph "c", shall state in that order the basis upon which the tribunal made its determination.

6. Within thirty days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

Sec. 132. NEW SECTION. 252K.208 MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEES.

In responding to multiple registrations or requests for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

Sec. 133. NEW SECTION. 252K.209 CREDIT FOR PAYMENTS.

Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state.

ARTICLE 3 CIVIL PROVISIONS OF GENERAL APPLICATION

Sec. 134. NEW SECTION. 252K.301 PROCEEDINGS UNDER THIS CHAPTER.

1. Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

2. This chapter provides for the following proceedings:

- a. Establishment of an order for spousal support or child support pursuant to Article 4.
- b. Enforcement of a support order and income withholding order of another state without registration pursuant to Article 5.
- c. Registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6.
- d. Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to Article 2, part 2.
- e. Registration of an order for child support of another state for modification pursuant to Article 6.

f. Determination of parentage pursuant to Article 7.

g. Assertion of jurisdiction over nonresidents pursuant to Article 2, part 1.

3. An individual movant or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent or nonmoving party.

Sec. 135. NEW SECTION. 252K.302 ACTION BY MINOR PARENT.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Sec. 136. NEW SECTION. 252K.303 APPLICATION OF LAW OF THIS STATE.

Except as otherwise provided by this chapter, a responding tribunal of this state shall do all of the following:

1. Apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state, and may exercise all powers and provide all remedies available in those proceedings.
2. Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 137. NEW SECTION. 252K.304 DUTIES OF INITIATING TRIBUNAL.

1. Upon the filing of a petition or comparable pleading authorized by this chapter, an initiating tribunal of this state shall forward three copies of the petition or comparable pleading and its accompanying documents:

- a. To the responding tribunal or appropriate support enforcement agency in the responding state.
- b. If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

2. If a responding state has not enacted this law or a law or procedure substantially similar to this chapter, a tribunal of this state may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

Sec. 138. NEW SECTION. 252K.305 DUTIES AND POWERS OF RESPONDING TRIBUNAL.

1. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 252K.301, subsection 3, it shall cause the petition or pleading to be filed and notify the movant where and when it was filed.

2. A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

- a. Issue or enforce a support order, modify a child-support order, or render a judgment to determine parentage.
- b. Order an obligor to comply with a support order, specifying the amount and the manner of compliance.
- c. Order income withholding.
- d. Determine the amount of any arrearages, and specify a method of payment.
- e. Enforce orders by civil or criminal contempt, or both.
- f. Set aside property for satisfaction of the support order.
- g. Place liens and order execution on the obligor's property.
- h. Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment.
- i. Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants.
- j. Order the obligor to seek appropriate employment by specified methods.
- k. Award reasonable attorney's fees and other fees and costs.
- l. Grant any other available remedy.

3. A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

4. A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

5. If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the movant and the respondent and to the initiating tribunal, if any.

Sec. 139. NEW SECTION. 252K.306 INAPPROPRIATE TRIBUNAL.

If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the movant where and when the pleading was sent.

Sec. 140. NEW SECTION. 252K.307 DUTIES OF SUPPORT ENFORCEMENT AGENCY.

1. A support enforcement agency of this state, upon request, shall provide services to a movant in a proceeding under this chapter.

2. A support enforcement agency that is providing services to the movant as appropriate shall:

a. Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent.

b. Request an appropriate tribunal to set a date, time, and place for a hearing.

c. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties.

d. Within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the movant.

e. Within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the movant.

f. Notify the movant if jurisdiction over the respondent cannot be obtained.

3. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 141. NEW SECTION. 252K.308 DUTY OF ATTORNEY GENERAL.

If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

Sec. 142. NEW SECTION. 252K.309 PRIVATE COUNSEL.

An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

Sec. 143. NEW SECTION. 252K.310 DUTIES OF STATE INFORMATION AGENCY.

1. The child support recovery unit is the state information agency under this chapter.

2. The state information agency shall:

a. Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state.

b. Maintain a register of tribunals and support enforcement agencies received from other states.

c. Forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state.

d. Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's

address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Sec. 144. NEW SECTION. 252K.311 PLEADINGS AND ACCOMPANYING DOCUMENTS.

1. A movant seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter must verify the petition. Unless otherwise ordered under section 252K.312, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

2. The petition must specify the relief sought. The petition and accompanying documents shall conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Sec. 145. NEW SECTION. 252K.312 NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

Sec. 146. NEW SECTION. 252K.313 COSTS AND FEES.

1. The movant shall not be required to pay a filing fee or other costs.

2. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

3. The tribunal shall order the payment of costs and reasonable attorney's fees if the tribunal determines that a hearing was requested primarily for delay. In a proceeding under Article 6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 147. NEW SECTION. 252K.314 LIMITED IMMUNITY OF MOVANT.

1. Participation by a movant in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the movant in another proceeding.

2. A movant is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

3. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in this state to participate in the proceeding.

Sec. 148. NEW SECTION. 252K.315 NONPARENTAGE AS DEFENSE.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

Sec. 149. NEW SECTION. 252K.316 SPECIAL RULES OF EVIDENCE AND PROCEDURE.

1. The physical presence of the movant in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

2. A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

5. Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

7. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

Sec. 150. NEW SECTION. 252K.317 COMMUNICATIONS BETWEEN TRIBUNALS.

A tribunal of this state may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this state may furnish similar information by similar means to a tribunal of another state.

Sec. 151. NEW SECTION. 252K.318 ASSISTANCE WITH DISCOVERY.

A tribunal of this state may:

1. Request a tribunal of another state to assist in obtaining discovery.

2. Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

Sec. 152. NEW SECTION. 252K.319 RECEIPT AND DISBURSEMENT OF PAYMENTS.

A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or a tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

ARTICLE 4
ESTABLISHMENT OF SUPPORT ORDER

Sec. 153. NEW SECTION. 252K.401 PETITION TO ESTABLISH SUPPORT ORDER.

1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state may issue a support order if any of the following applies:
 - a. The individual seeking the order resides in another state.
 - b. The support enforcement agency seeking the order is located in another state.
2. The tribunal may issue a temporary child-support order if any of the following applies:
 - a. The respondent has signed a verified statement acknowledging parentage.
 - b. The respondent has been determined by or pursuant to law to be the parent.
 - c. There is other clear and convincing evidence that the respondent is the child's parent.
3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 252K.305.

ARTICLE 5
ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

Sec. 154. NEW SECTION. 252K.501 EMPLOYER'S RECEIPT OF INCOME-WITHOLDING ORDER OF ANOTHER STATE.

An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under the income-withholding law of this state without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

Sec. 155. NEW SECTION. 252K.502 EMPLOYER'S COMPLIANCE WITH INCOME-WITHOLDING ORDER OF ANOTHER STATE.

1. Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.
2. The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.
3. Except as otherwise provided in subsection 4 and section 252K.503 the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:
 - a. The duration and amount of periodic payments of current child support, stated as a sum certain.
 - b. The person or agency designated to receive payments and the address to which the payments are to be forwarded.
 - c. Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment.
 - d. The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain.
 - e. The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.
4. An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:
 - a. The employer's fee for processing an income-withholding order.
 - b. The maximum amount permitted to be withheld from the obligor's income.
 - c. The times within which the employer must implement the withholding order and forward the child support payment.

Sec. 156. NEW SECTION. 252K.503 COMPLIANCE WITH MULTIPLE INCOME-WITHOLDING ORDERS.

If an obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

Sec. 157. NEW SECTION. 252K.504 IMMUNITY FROM CIVIL LIABILITY.

An employer who complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

Sec. 158. NEW SECTION. 252K.505 PENALTIES FOR NONCOMPLIANCE.

An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Sec. 159. NEW SECTION. 252K.506 CONTEST BY OBLIGOR.

1. An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued by a tribunal of this state. Section 252K.604 applies to the contest.

2. The obligor shall give notice of the contest to:

- a. A support enforcement agency providing services to the obligee.
- b. Each employer that has directly received an income-withholding order.
- c. The person or agency designated to receive payments in the income-withholding order, or if no person or agency is designated, to the obligee.

Sec. 160. NEW SECTION. 252K.507 ADMINISTRATIVE ENFORCEMENT OF ORDERS.

1. A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this state.

2. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

ARTICLE 6
ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER
AFTER REGISTRATION
PART 1
REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

Sec. 161. NEW SECTION. 252K.601 REGISTRATION OF ORDER FOR ENFORCEMENT.

A support order or an income-withholding order issued by a tribunal of another state may be registered in this state for enforcement.

Sec. 162. NEW SECTION. 252K.602 PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT.

1. A support order or income-withholding order of another state may be registered in this state by sending the following documents and information to the appropriate tribunal in this state:

- a. A letter of transmittal to the tribunal requesting registration and enforcement.
 - b. Two copies, including one certified copy, of all orders to be registered, including any modification of an order.
 - c. A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage.
 - d. The name of the obligor and, if known:
 - (1) The obligor's address and social security number.
 - (2) The name and address of the obligor's employer and any other source of income of the obligor.
 - (3) A description and the location of property of the obligor in this state not exempt from execution.
 - e. The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.
2. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.
 3. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

Sec. 163. NEW SECTION. 252K.603 EFFECT OF REGISTRATION FOR ENFORCEMENT.

1. A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this state.
2. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.
3. Except as otherwise provided in this article, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

Sec. 164. NEW SECTION. 252K.604 CHOICE OF LAW.

1. The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.
2. In a proceeding for arrearages, the statute of limitation under the laws of this state or of the issuing state, whichever is longer, applies.

PART 2 CONTEST OF VALIDITY OR ENFORCEMENT

Sec. 165. NEW SECTION. 252K.605 NOTICE OF REGISTRATION OF ORDER.

1. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.
2. The notice must inform the nonregistering party:
 - a. That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.
 - b. That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice.
 - c. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted.
 - d. Of the amount of any alleged arrearages.
3. Upon registration of an income-withholding order for enforcement, the registering

tribunal shall notify the obligor's employer pursuant to the income-withholding law of this state.

Sec. 166. NEW SECTION. 252K.606 PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED ORDER.

1. A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within twenty days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 252K.607.

2. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

3. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

Sec. 167. NEW SECTION. 252K.607 CONTEST OF REGISTRATION OR ENFORCEMENT.

1. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- a. The issuing tribunal lacked personal jurisdiction over the contesting party.
- b. The order was obtained by fraud.
- c. The order has been vacated, suspended, or modified by a later order.
- d. The issuing tribunal has stayed the order pending appeal.
- e. There is a defense under the law of this state to the remedy sought.
- f. Full or partial payment has been made.
- g. The statute of limitation under section 252K.604 precludes enforcement of some or all of the arrearages.

2. If a party presents evidence establishing a full or partial defense under subsection 1, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

3. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

Sec. 168. NEW SECTION. 252K.608 CONFIRMED ORDER.

Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

PART 3

REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER

Sec. 169. NEW SECTION. 252K.609 PROCEDURE TO REGISTER CHILD-SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued in another state shall register that order in this state in the same manner provided in Part 1 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Sec. 170. NEW SECTION. 252K.610 EFFECT OF REGISTRATION FOR MODIFICATION.

A tribunal of this state may enforce a child-support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of section 252K.611 have been met.

Sec. 171. NEW SECTION. 252K.611 MODIFICATION OF CHILD-SUPPORT ORDER OF ANOTHER STATE.

1. After a child-support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if section 252K.613 does not apply and after notice and hearing it finds that paragraph "a" or "b" applies:

a. The following requirements are met:

- (1) The child, the individual obligee, and the obligor do not reside in the issuing state.
- (2) A movant who is a nonresident of this state seeks modification.
- (3) The respondent is subject to the personal jurisdiction of the tribunal of this state.

b. The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are individuals have filed written consents in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child-support order.

2. Modification of a registered child-support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

3. A tribunal of this state may not modify any aspect of a child-support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child-support orders for the same obligor and child, the order that controls and must be so recognized under section 252K.207 establishes the aspects of the support order which are nonmodifiable.

4. On issuance of an order modifying a child-support order issued in another state, a tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

Sec. 172. NEW SECTION. 252K.612 RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE.

A tribunal of this state shall recognize a modification of its earlier child-support order by a tribunal of another state which assumed jurisdiction pursuant to this chapter or a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall:

1. Enforce the order that was modified only as to amounts accruing before the modification.

2. Enforce only nonmodifiable aspects of that order.

3. Provide other appropriate relief only for violations of the order which occurred before the effective date of the modification.

4. Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Sec. 173. NEW SECTION. 252K.613 JURISDICTION TO MODIFY CHILD-SUPPORT ORDER OF ANOTHER STATE WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE.

1. If all of the parties who are individuals reside in this state and the child does not reside

in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child-support order in a proceeding to register that order.

2. A tribunal of this state exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2, this article, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 do not apply.

Sec. 174. NEW SECTION. 252K.614 NOTICE TO ISSUING TRIBUNAL OF MODIFICATION.

Within thirty days after issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

ARTICLE 7 DETERMINATION OF PARENTAGE

Sec. 175. NEW SECTION. 252K.701 PROCEEDING TO DETERMINE PARENTAGE.

1. A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

2. In a proceeding to determine parentage, a responding tribunal of this state shall apply the procedural and substantive laws pursuant to chapters 252A and 252F, and the rules of this state on choice of law.

ARTICLE 8 INTERSTATE RENDITION

Sec. 176. NEW SECTION. 252K.801 GROUNDS FOR RENDITION.

1. For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

2. The governor of this state may:

a. Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee.

b. On the demand by the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

3. A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Sec. 177. NEW SECTION. 252K.802 CONDITIONS OF RENDITION.

1. Before making demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

2. If, under this chapter, or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this state

surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

3. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the movant prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9 MISCELLANEOUS PROVISIONS

Sec. 178. NEW SECTION. 252K.901 UNIFORMITY OF APPLICATION AND CONSTRUCTION.

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Sec. 179. NEW SECTION. 252K.902 SHORT TITLE.

This chapter may be cited as the Uniform Interstate Family Support Act.

Sec. 180. NEW SECTION. 252K.903 SEVERABILITY CLAUSE.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 181. NEW SECTION. 252K.904 EFFECTIVE DATE — PENDING MATTERS.

1. This chapter takes effect January 1, 1998.

2. A tribunal of this state shall apply this chapter beginning January 1, 1998, with the following conditions:

a. Matters pending on January 1, 1998, shall be governed by this chapter.

b. Pleadings and accompanying documents on pending matters are sufficient if the documents substantially comply with the requirements of chapter 252A in effect on December 31, 1997.

DIVISION XII

Sec. 182. Section 598.1, subsections 3 and 5, Code 1997, are amended to read as follows:

3. "Joint custody" or "joint legal custody" means an award of legal custody of a minor child to both parents jointly under which both parents have legal custodial rights and responsibilities toward the child and under which neither parent has legal custodial rights superior to those of the other parent. ~~The court may award physical care to one parent only.~~ Rights and responsibilities of joint legal custody include, but are not limited to, equal participation in decisions affecting the child's legal status, medical care, education, extracurricular activities, and religious instruction.

5. "Physical care" means the right and responsibility to maintain ~~the principal~~ a home of for the minor child and provide for the routine care of the child.

Sec. 183. Section 598.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. "Joint physical care" means an award of physical care of a minor child to both joint legal custodial parents under which both parents have rights and responsibilities toward the child including, but not limited to, shared parenting time with

the child, maintaining homes for the child, providing routine care for the child and under which neither parent has physical care rights superior to those of the other parent.

NEW SUBSECTION. 3B. "Legal custody" or "custody" means an award of the rights of legal custody of a minor child to a parent under which a parent has legal custodial rights and responsibilities toward the child. Rights and responsibilities of legal custody include, but are not limited to, decision making affecting the child's legal status, medical care, education, extracurricular activities, and religious instruction.

Sec. 184. Section 598.1, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Postsecondary education subsidy" means an amount which either of the parties may be required to pay under a temporary order or final judgment or decree for educational expenses of a child who is between the ages of eighteen and twenty-two years if the child is 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 community college; or has been accepted for admission to a college, university, or community college and the next regular term has not yet begun.

Sec. 185. Section 598.1, subsection 6, Code 1997, is amended to read as follows:

6. "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~~ shall include support for a child who is between the ages of eighteen and ~~twenty two~~ nineteen 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 community college; or has been accepted for admission to a college, university, or community college and the next regular term has not yet begun; or engaged full-time in completing high school graduation or equivalency requirements in a manner which is reasonably expected to result in completion of the requirements prior to the person reaching nineteen years of age; 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. 186. Section 598.5, subsection 5, Code 1997, is amended to read as follows:

5. State whether or not a separate action for dissolution of marriage or child support has been commenced ~~by the respondent~~ and whether such action is pending in any court in this state or elsewhere. State whether the entry of an order would violate 28 U.S.C. § 1738B. If there is an existing child support order, the party shall disclose identifying information regarding the order.

Sec. 187. **NEW SECTION.** 598.14A RETROACTIVE MODIFICATION OF TEMPORARY SUPPORT ORDER.

An order for temporary support may be retroactively modified only from three months after notice of hearing for temporary support pursuant to section 598.11 or from three months after notice of hearing for modification of a temporary order for support pursuant to section 598.14. The three-month limitation applies to modification actions pending on or after July 1, 1997.

Sec. 188. Section 598.21, subsection 4, paragraph a, Code 1997, is amended to read as follows:

a. ~~Upon~~ Unless prohibited pursuant to 28 U.S.C. § 1738B, upon every judgment of annul-

ment, dissolution, or separate maintenance, the court may order either parent or both parents to pay an amount reasonable and necessary for supporting a child. In establishing the amount of support, consideration shall be given to the responsibility of both parents to support and provide for the welfare of the minor child and of a child's need, whenever practicable, for a close relationship with both parents. There shall be a rebuttable presumption that the amount of child support which would result from the application of the guidelines prescribed by the supreme court is the correct amount of child support to be awarded. A variation from the guidelines shall not be considered by a court without a record or written finding, based on stated reasons, that the guidelines would be unjust or inappropriate as determined under the criteria prescribed by the supreme court.

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. 189. Section 598.21, subsection 4A, paragraph c,* Code 1997, is amended to read as follows:

c. Notwithstanding paragraph "a", in a pending dissolution action under this chapter, a prior determination of paternity by operation of law through the marriage of the established father and mother of the child may be overcome under this chapter if the following conditions are met:

(1) The established father and mother of the child file a written statement with the court that both parties agree that the established father is not the biological father of the child.

(2) The court finds that it is in the best interest of the child to overcome the established paternity. In determining the best interest of the child, the court shall consider the criteria provided in section 600B.41A, subsection 3, paragraph "g".

Sec. 190. Section 598.21, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. The court may order a postsecondary education subsidy if good cause is shown.

a. In determining whether good cause exists for ordering a postsecondary education subsidy, the court shall consider the age of the child, the ability of the child relative to postsecondary education, the child's financial resources, whether the child is self-sustaining, and the financial condition of each parent. If the court determines that good cause is shown for ordering a postsecondary education subsidy, the court shall determine the amount of subsidy as follows:

(1) The court shall determine the cost of postsecondary education based upon the cost of attending an in-state public institution for a course of instruction leading to an undergraduate degree and shall include the reasonable costs for only necessary postsecondary education expenses.

(2) The court shall then determine the amount, if any, which the child may reasonably be expected to contribute, considering the child's financial resources, including but not limited to the availability of financial aid whether in the form of scholarships, grants, or student loans, and the ability of the child to earn income while attending school.

(3) The child's expected contribution shall be deducted from the cost of postsecondary education and the court shall apportion responsibility for the remaining cost of postsecondary education to each parent. The amount paid by each parent shall not exceed thirty-three and one-third percent of the total cost of postsecondary education.

b. A postsecondary education subsidy shall be payable to the child, to the educational institution, or to both, but shall not be payable to the custodial parent.

* Paragraph c, unnumbered paragraph 1 and subparagraphs (1) and (2), probably intended

c. A postsecondary education subsidy shall not be awarded if the child has repudiated the parent by publicly disowning the parent, refusing to acknowledge the parent, or by acting in a similar manner.

d. The child shall forward, to each parent, reports of grades awarded at the completion of each academic session, within ten days of receipt of the reports. Unless otherwise specified by the parties, a postsecondary education subsidy awarded by the court shall be terminated upon the child's completion of the first calendar year of course instruction if the child fails to maintain a cumulative grade point average in the median range or above during that first calendar year.

NEW SUBSECTION. 8A. If a parent awarded joint legal custody and physical care or sole legal custody is relocating the residence of the minor child to a location which is one hundred fifty miles or more from the residence of the minor child at the time that custody was awarded, the court may consider the relocation a substantial change in circumstances. If the court determines that the relocation is a substantial change in circumstances, the court shall modify the custody order to, at a minimum, preserve, as nearly as possible, the existing relationship between the minor child and the nonrelocating parent. If modified, the order may include a provision for extended visitation during summer vacations and school breaks and scheduled telephone contact between the nonrelocating parent and the minor child. The modification may include a provision assigning the responsibility for transportation of the minor child for visitation purposes to either or both parents. If the court makes a finding of past interference by the parent awarded joint legal custody and physical care or sole legal custody with the minor child's access to the other parent, the court may order the posting of a cash bond to assure future compliance with the visitation provisions of the decree. The supreme court shall prescribe guidelines for the forfeiting of the bond and restoration of the bond following forfeiting of the bond.

Sec. 191. Section 598.21, subsection 8, unnumbered paragraphs 2 and 3, Code 1997, are amended to read as follows:

A Unless otherwise provided pursuant to 28 U.S.C. § 1738B, a modification of a support order entered under chapter 234, 252A, 252C, 600B, this chapter, or any other support chapter or proceeding between parties to the order is void unless the modification is approved by the court, after proper notice and opportunity to be heard is given to all parties to the order, and entered as an order of the court. If support payments have been assigned to the department of human services pursuant to section 234.39, 239.3, or 252E.11, or if services are being provided pursuant to chapter 252B, the department shall be considered is 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, 252F, 600B, or any other chapter of the Code which are subject to a modification proceeding may be retroactively modified only from three months after the date the notice of the pending petition for modification is served on the opposing party. The three-month limitation applies to a modification action pending on or after July 1, 1997. The prohibition of retroactive modification does not bar the child support recovery unit from obtaining orders for accrued support for previous time periods. Any retroactive modification which increases the amount of child support or any order for accrued support under this paragraph shall include a periodic payment plan. A retroactive modification shall not be regarded as a delinquency unless there are subsequent failures to make payments in accordance with the periodic payment plan.

Sec. 192. Section 598.21, subsection 9, unnumbered paragraph 2, Code 1997, is amended to read as follows:

This basis for modification is applicable to petitions filed on or after July 1, 1992, notwith-

standing whether the guidelines prescribed by subsection 4 were used in establishing the current amount of support. Upon application for a modification of an order for child support for which services are being received pursuant to chapter 252B, the court shall set the amount of child support based upon the most current child support guidelines established pursuant to subsection 4, including provisions for medical support pursuant to chapter 252E. The child support recovery unit shall, in submitting an application for modification, ~~or adjustment, or alteration~~ of an order for support, employ additional criteria and procedures as provided in chapter 252H and as established by rule.

Sec. 193. Section 598.21, subsection 10, Code 1997, is amended to read as follows:

10. Notwithstanding any other provision of law to the contrary, when an application for modification or adjustment of support is submitted by the child support recovery unit, the sole issues which may be considered by the court in that action are the application of the guidelines in establishing the amount of support pursuant to subsection 4, and provision for medical support under chapter 252E. When an application for a cost-of-living alteration of support is submitted by the child support recovery unit pursuant to section 252H.24, the sole issue which may be considered by the court in the action is the application of the cost-of-living alteration in establishing the amount of child support. Issues related to custody, visitation, or other provisions unrelated to support shall be considered only under a separate application for modification.

Sec. 194. Section 598.22, Code 1997, is amended to read as follows:

598.22 SUPPORT PAYMENTS — CLERK OF COURT — COLLECTION SERVICES CENTER — DEFAULTS — SECURITY.

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, 252F, 600B, or any other chapter of the Code. All orders or judgments entered under chapter 234, 252A, 252C, 252F, or 600B, 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 order for income withholding or notice of the order for income withholding shall require the payment of such sums to the alternate payee in accordance with the federal Act.

~~Upon a finding of previous failure to pay child support, the court may order the person obligated for permanent child support to make an assignment of periodic earnings or trust income to the clerk of court or the collection services center established pursuant to section 252B.13A for the use of the person for whom the assignment is ordered. The assignment of earnings ordered by the court shall not exceed the amounts set forth in 15 U.S.C. § 1673(b)(1982). The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon that person of notice that the assignment has been made. The payor shall withhold from the earnings or trust income payable to the person obligated the amount specified in the assignment and shall transmit the payments to the clerk or the collection services center, as appropriate. An income withholding order or notice of the order for income withholding shall be entered under the terms and conditions of chapter 252D. However, for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the payor shall transmit the payments to the alternate payee in accordance with the federal Act. The payor may deduct from each payment a sum not exceeding two dollars as a~~

~~reimbursement for costs. An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.~~

~~An assignment of periodic income may also be entered under the terms and conditions of chapter 252D.~~

An order or judgment entered by the court for temporary or permanent support or for an assignment income withholding shall be filed with the clerk. The orders have the same force and effect as judgments when entered in the judgment docket and lien index and are records open to the public. The clerk or the collection services center, as appropriate, shall disburse the payments received pursuant to the orders or judgments within two working days of the receipt of the payments. All moneys received or disbursed under this section shall be entered in records kept by the clerk, or the collection services center, as appropriate, which shall be available to the public. The clerk or the collection services center shall not enter any moneys paid in the record book if not paid directly to the clerk or the center, as appropriate, except as provided for trusts and federal social security disability payments in this section, and for tax refunds or rebates in section 602.8102, subsection 47.

If the sums ordered to be paid in a support payment order are not paid to the clerk or the collection services center, as appropriate, at the time provided in the order or judgment, the clerk or the collection services center, as appropriate, shall certify a default to the court which may, on its own motion, proceed as provided in section 598.23.

Prompt payment of sums required to be paid under sections 598.11 and 598.21 is the essence of such orders or judgments and the court may act pursuant to section 598.23 regardless of whether the amounts in default are paid prior to the contempt hearing.

Upon entry of an order for support or upon the failure of a person to make payments pursuant to an order for support, the court may require the person to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support. Upon the person's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

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.

The clerk of the district court in the county in which the order for support is filed and to whom support payments are made pursuant to the order may require the person obligated to pay support to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

Sec. 195. NEW SECTION. 598.22B INFORMATION REQUIRED IN ORDER OR JUDGMENT.

This section applies to all initial or modified orders for paternity or support entered under this chapter, chapter 234, 252A, 252C, 252F, 252H, 252K, 600B, or under any other chapter, and any subsequent order to enforce such support orders.

1. All such orders or judgments shall direct each party to file with the clerk of court or the child support recovery unit, as appropriate, upon entry of the order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of the party's employer. The order shall also include a provision that the information filed will be disclosed and used pursuant to this section. The party shall file the information with the clerk of court, or, if support payments are to be directed to the collection services center as provided in sections 252B.14 and 252B.16, with the child support recovery unit.

2. All such orders or judgments shall include a statement that in any subsequent child support action initiated by the child support recovery unit or between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the unit or the court may deem due process requirements for notice and service of

process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the clerk of court or unit pursuant to subsection 1.

3. a. Information filed pursuant to subsection 1 shall not be a public record.

b. Information filed with the clerk of court pursuant to subsection 1 shall be available to the child support recovery unit, upon request.

c. Information filed with the clerk of court shall be available, upon request, to a party unless the party filing the information also files an affidavit alleging the party has reason to believe that release of the information may result in physical or emotional harm to the affiant or child.

d. If the child support recovery unit is providing services pursuant to chapter 252B, information filed with the unit shall only be disclosed as provided in section 252B.9.

Sec. 196. Section 598.23, subsection 2, paragraph a, Code 1997, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Withholds income under the terms and conditions of chapter 252D.

Sec. 197. Section 598.23, subsection 2, Code 1997, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. Directs the parties to provide contact with the child through a neutral party or neutral site or center.

NEW PARAGRAPH. d. Imposes sanctions or specific requirements or orders the parties to participate in mediation to enforce the joint custody provisions of the decree.

Sec. 198. Section 598.34, Code 1997, is amended to read as follows:

598.34 RECIPIENTS OF PUBLIC ASSISTANCE — ASSIGNMENT OF SUPPORT PAYMENTS.

A person entitled to periodic support payments pursuant to an order or judgment entered in an action for dissolution of marriage, who is also a recipient of public assistance, is deemed to have assigned the person's rights to the support payments, to the extent of public assistance received by the person, to the department of human services. If public assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or for the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker. The department shall immediately notify the clerk of court by mail when a person entitled to support payments such a child or caretaker has been determined to be eligible for public assistance. Upon notification by the department that a person entitled to periodic support payments pursuant to this chapter is receiving public assistance, the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. For public assistance approved and provided on or after July 1, 1997, if the applicant for public assistance is a person other than a parent of the child, the department shall send a notice by regular mail to the last known addresses of the obligee and obligor. The clerk of court shall forward support payments received pursuant to section 598.22, to which the department is entitled, to the department, which may secure support payments in default through other proceedings provided for in chapter 252A or section 598.24.

The clerk shall furnish the department with copies of all orders or decrees awarding and temporary or domestic abuse orders addressing support to parties having custody of minor children when the parties are receiving public assistance or services are otherwise provided by the child support recovery unit pursuant to chapter 252B. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 199. Section 598.41, subsections 5 and 6, Code 1997, are amended to read as follows:

5. Joint physical care may be in the best interest of the child, but joint legal custody does not require joint physical care. When the court determines such action would be in the best interest of the child and would preserve the relationship between each parent and the child, joint physical care may be given awarded to both joint custodial parents or physical care may be awarded to one joint custodial parent and not to the other. If one joint custodial parent is awarded physical care, ~~the court shall hold that~~ parent responsible for providing ~~for the best interest of~~ physical care shall support the other parent's relationship with the child. ~~However, physical~~ Physical care given awarded to one parent does not affect the other parent's rights and responsibilities as a joint legal custodian of the child. Rights and responsibilities as joint legal custodian of the child include, but are not limited to, equal participation in decisions affecting the child's legal status, medical care, education, extra-curricular activities, and religious instruction.

6. When ~~the a~~ parent awarded legal custody or physical care of ~~the a~~ child cannot act as custodian or caretaker because the parent has died or has been judicially adjudged incompetent, the court shall award legal custody including physical care of the child to the surviving parent unless the court finds that such an award is not in the child's best interest.

Sec. 200. EFFECTIVE DATE. Sections 182, 183, 189, and 199 of this Division XII, being deemed of immediate importance, are effective upon enactment.

DIVISION XIII

Sec. 201. NEW SECTION. 252B.22 STATEWIDE SUPPORT LIEN INDEX.

1. The child support recovery unit created in chapter 252B shall establish a task force to assist in the development of a plan for a statewide support lien index. The unit, in consultation with the task force, may recommend additional statutory changes to the general assembly by January 1, 1999, to facilitate implementation of a statewide index.

2. The plan shall provide for an index pertaining to any person against whom a support judgment is entered, registered, or otherwise filed with a court in this state, against whom the unit is enforcing a support judgment, or against whom an interstate lien form promulgated by the United States secretary of health and human services is filed. The plan shall also provide for implementation and administration of an automated statewide support lien index, access to at least one location in every county, and the development of procedures to periodically update the lien information.

3. Members of the task force may include, but shall not be limited to, representatives, appointed by the respective entity, of the Iowa land title association, the Iowa realtors' association, the Iowa state bar association, the Iowa county recorders' association, the Iowa clerks of court association, the Iowa county treasurers' association, the Iowa automobile dealers' association, department of revenue and finance, state department of transportation, the office of the secretary of state, the office of the state court administrator, and other constituency groups and agencies which have an interest in a statewide support lien index to the record liens. Appointments are not subject to sections 69.16 and 69.16A. Vacancies shall be filled by the original appointment authority and in the manner of the original appointments.

Sec. 202. Section 624.23, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In addition to other provisions relating to the attachment of liens, full faith and credit shall be afforded to liens arising for overdue support due on support judgments entered by a court or administrative agency of another state on real estate in this state owned by the obligor, for the period of ten years from the date of the judgment. Notwithstanding any other provisions of law, including but not limited to, the formatting of

forms or requirement of signatures, the lien attaches on the date that a notice of interstate lien promulgated by the United States secretary of health and human services is filed with the clerk of district court in the county where the real estate is located.

The lien shall apply only prospectively as of the date of attachment to all real estate the obligor may subsequently acquire and does not retroactively apply to the chain of title for any real estate that the obligor had disposed of prior to the date of attachment.

Sec. 203. NEW SECTION. 624.24A LIENS OF SUPPORT JUDGMENTS.

1. In addition to other provisions relating to the attachment of liens, support judgments in the appellate or district courts of this state, are liens upon the personal property titled in this state and owned by the obligor at the time of such rendition or subsequently acquired by the obligor.

2. The lien shall attach from the date of the notation on the title.

3. In addition to other provisions relating to the attachment of liens, full faith and credit shall be afforded to a lien arising for overdue support due on support judgments entered by a court or administrative agency of another state on personal property titled in this state and owned by the obligor. In this state a lien attaches on the date that a notice of interstate lien promulgated by the United States secretary of health and human services is filed with the clerk of district court in the county where the personal property is titled and the lien is noted on the title.

The lien shall apply only prospectively as of the date of attachment, shall attach to any titled personal property the obligor may subsequently acquire, and does not retroactively apply to the chain of title for any personal property that the obligor had disposed of prior to the date of attachment.

DIVISION XIV
PART A

Sec. 204. Section 600B.9, Code 1997, is amended to read as follows:

600B.9 TIME OF INSTITUTING PROCEEDINGS.

The proceedings may be instituted during the pregnancy of the mother or after the birth of the child, but, except with the consent of all parties, the trial shall not be held until after the birth of the child and shall be held no earlier than twenty days from the date the alleged father is served with notice of the action or, if blood or genetic tests are conducted, no earlier than ~~fifty~~ thirty days from the date the test results are filed with the clerk of the district court as provided under section 600B.41.

Sec. 205. Section 600B.18, Code 1997, is amended to read as follows:

600B.18 METHOD OF TRIAL.

The trial shall be by ~~jury, if either party demands a jury, otherwise by~~ the court, and shall be conducted as in other civil cases.

Sec. 206. Section 600B.23, Code 1997, is amended to read as follows:

600B.23 COSTS PAYABLE BY COUNTY.

If the ~~verdict of the jury at the trial or the~~ finding of the court be in favor of the defendant the costs of the action shall be paid by the county.

Sec. 207. Section 600B.24, subsection 2, Code 1997, is amended to read as follows:

2. Upon a finding ~~or verdict~~ of paternity against the defendant, the court shall enter a judgment against the defendant declaring paternity and ordering support of the child.

Sec. 208. Section 600B.25, Code 1997, is amended to read as follows:

600B.25 FORM OF JUDGMENT — CONTENTS OF SUPPORT ORDER — EVIDENCE — COSTS.

1. Upon a finding ~~or verdict~~ of paternity pursuant to section 600B.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.

2. A copy of a bill for the costs of prenatal care or the birth of the child shall be admitted as evidence, without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred.

Sec. 209. Section 600B.38, Code 1997, is amended to read as follows:

600B.38 RECIPIENTS OF PUBLIC ASSISTANCE — ASSIGNMENT OF SUPPORT PAYMENTS.

~~A person entitled to periodic support payments pursuant to an order or judgment entered in a paternity action under this chapter, who is also a recipient of public assistance, is deemed to have assigned the person's rights to the support payments, to the extent of public assistance received by the person, to the department of human services. If public assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker, not to exceed the amount of public assistance paid for or on behalf of the child or caretaker.~~ The department shall immediately notify the clerk of court by mail when ~~a person entitled to support payments such a child or caretaker~~ has been determined to be eligible for public assistance. Upon notification by the department ~~that a person entitled to periodic support payments pursuant to this chapter is receiving public assistance,~~ the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. For public assistance approved and provided on or after July 1, 1997, if the applicant for public assistance is a person other than a parent of the child, the department shall send notice by regular mail to the last known addresses of the obligee and obligor. The clerk of court shall forward support payments received pursuant to section 600B.25, to which the department is entitled, to the department, which may secure support payments in default through other proceedings prescribed in chapter 252A or section 600B.37. The clerk shall furnish the department with copies of all orders or decrees awarding and temporary or domestic abuse orders addressing support to parties having custody of minor children when the parties are receiving public assistance or services are otherwise provided by the child support recovery unit. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 210. Section 600B.41, subsections 2 and 4, Code 1997, are amended to read as follows:

2. If a blood or genetic test is required, the court shall direct that inherited characteristics 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. Appropriate testing procedures shall include any genetic test generally acknowledged as reliable by accreditation bodies designated by the secretary of the United States department of health and human services and which are performed by a laboratory approved by such an accreditation body.

4. A verified expert's report shall be admitted at trial. A copy of a bill for blood or genetic testing shall be admitted as evidence, without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for blood or genetic testing.

Sec. 211. Section 600B.41, subsection 5, paragraph a, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Test results which show a statistical probability of paternity are admissible. To challenge the test results, a party shall file a notice of the challenge, with the court, within no later than twenty days of after the filing of the expert's report with the clerk of the district court, or, if a court hearing is scheduled to resolve the issue of paternity, no later than thirty days before the original court hearing date.

Sec. 212. Section 600B.41A, subsection 3, paragraph e, subparagraph (1), Code 1997, is amended to read as follows:

(1) Unless otherwise specified pursuant to subsection 2 or 8, blood or genetic testing shall be conducted ~~in all cases prior to the determination by the court of the best interest of the child~~ in an action to overcome the establishment of paternity.

Sec. 213. Section 600B.41A, subsection 3, paragraph f, Code 1997, is amended to read as follows:

f. The court finds ~~that~~ all of the following:

(1) That the conclusion of the expert as disclosed by the evidence based upon blood or genetic testing demonstrates that the established father is not the biological father of the child.

(2) If paternity was established pursuant to section 252A.3A, the signed affidavit was based on fraud, duress, or material mistake of fact, as shown by the petitioner.

Sec. 214. Section 600B.41A, subsection 3, paragraph g, Code 1997, is amended by striking the paragraph.

Sec. 215. Section 600B.41A, subsections 4 and 6, Code 1997, are amended by striking the subsections and inserting in lieu thereof the following:

4. If the court finds that the establishment of paternity is overcome, in accordance with all of the conditions prescribed, the court shall enter an order which provides all of the following:

a. That the established father is relieved of any and all future support obligations owed on behalf of the child from the date that the order determining that the established father is not the biological father is filed.

b. That any unpaid support due prior to the date the order determining that the established father is not the biological father is filed, is satisfied.

6. a. If the court determines that test results conducted in accordance with section 600B.41 or chapter 252F exclude the established father as the biological father, the court may dismiss the action to overcome paternity and preserve the paternity determination only if all of the following apply:

(1) The established father requests that paternity be preserved and that the parent-child relationship, as defined in section 600A.2, be continued.

(2) The court finds that it is in the best interest of the child to preserve paternity. In determining the best interest of the child, the court shall consider all of the following:

(a) The age of the child.

(b) The length of time since the establishment of paternity.

(c) The previous relationship between the child and the established father, including but not limited to the duration and frequency of any time periods during which the child and established father resided in the same household or engaged in a parent-child relationship as defined in section 600A.2.

(d) The possibility that the child could benefit by establishing the child's actual paternity.

(e) Additional factors which the court determines are relevant to the individual situation.

(3) The biological father is a party to the action and does not object to termination of the

biological father's parental rights, or the established father petitions the court for termination of the biological father's parental rights and the court grants the petition pursuant to chapter 600A.

b. If the court dismisses the action to overcome paternity and preserves the paternity determination under this subsection, the court shall enter an order establishing that the parent-child relationship exists between the established father and the child, and including establishment of a support obligation pursuant to section 598.21 and provision of custody and visitation pursuant to section 598.41.

Sec. 216. Section 600B.41A, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. a. For any order entered under this section on or before the effective date of this subsection in which the court's determination excludes the established father as the biological father but dismisses the action to overcome paternity and preserves paternity, the established father may petition the court to issue an order which provides all of the following:

(1) That the parental rights of the established father are terminated.

(2) That the established father is relieved of any and all future support obligations owed on behalf of the child from the date the order under this subsection is filed.

b. The established father may proceed pro se under this subsection. The supreme court shall prescribe standard forms for use under this subsection and shall distribute the forms to the clerks of the district court.

c. If a petition is filed pursuant to this section and notice is served on any parent of the child not filing the petition and any assignee of the support obligation, the court shall grant the petition.

Sec. 217. Section 600B.30, Code 1997, is repealed.

Sec. 218. Sections 214, 215, and 216 of this Act, being deemed of immediate importance, take effect upon enactment.

PART B

Sec. 219. Section 600B.41A, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. A paternity determination made in or by a foreign jurisdiction ~~and, notwithstanding section 252A.20, or~~ a paternity determination which has been made in or by a foreign jurisdiction and registered in this state in accordance with section 252A.18 or chapter 252K.

Sec. 220. Section 600B.34, Code 1997, is repealed.

Sec. 221. **EFFECTIVE DATE.** Part B, sections 219 and 220 of this Act, are effective January 1, 1998.

DIVISION XV

Sec. 222. Section 96.3, subsection 9, paragraph c, Code 1997, is amended to read as follows:

c. However, if the department is notified of ~~an assignment of income~~ withholding by the child support recovery unit under chapter 252D or section 598.22 or 598.23 or if income is garnisheed by the child support recovery unit under chapter 642 and an individual's benefits are condemned to the satisfaction of the child support obligation being enforced by the child support recovery unit, the department shall deduct and withhold from the individual's benefits that amount required through legal process.

Notwithstanding section 642.2, subsections 2, 3, 6, and 7, which restrict garnishments under chapter 642 to wages of public employees, the department may be garnisheed under

chapter 642 by the child support recovery unit established in section 252B.2, pursuant to a judgment for child support against an individual eligible for benefits under this chapter.

Notwithstanding section 96.15, benefits under this chapter are not exempt from income ~~assignment withholding~~, garnishment, attachment, or execution if ~~assigned to withheld for~~ or garnisheed by the child support recovery unit, established in section 252B.2, or if an ~~assignment income withholding order or notice of the income withholding order~~ under section 598.22 or 598.23 is being enforced by the child support recovery unit to satisfy the child support obligation of an individual who is eligible for benefits under this chapter.

Sec. 223. Section 144.13, subsection 2, Code 1997, is amended to read as follows:

2. If the mother was married ~~either~~ at the time of conception, ~~or~~ birth, or at any time during the period between conception and birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered by the department.

Sec. 224. Section 144.13, subsection 3, Code 1997, is amended to read as follows:

3. If the mother was not married ~~either~~ at the time of conception, ~~or~~ birth, and at any time during the period between conception and birth, the name of the father shall not be entered on the certificate of birth ~~without the written consent of the mother and the person to be named as the father~~, unless a determination of paternity has been made pursuant to section 252A.3, in which case the name of the father as established shall be entered by the department. If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

Sec. 225. Section 144.13, subsection 4, paragraph c, Code 1997, is amended to read as follows:

c. A copy of the affidavit of paternity if filed pursuant to section 252A.3A and any subsequent rescision form which rescinds the affidavit.

Sec. 226. Section 144.26, Code 1997, is amended to read as follows:

144.26 DEATH CERTIFICATE.

1. A death certificate for each death which occurs in this state shall be filed ~~with the county as directed by the state registrar of the county in which the death occurs~~, within three days after the death and prior to final disposition, and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter. A death certificate shall include the social security number, if provided, of the deceased person. All information including the certifying physician's name shall be typewritten.

2. All information included on a death certificate may be provided as mutually agreed upon by the division and the child support recovery unit, including by automated exchange.

~~If the place of death is unknown, a death certificate shall be filed in the county in which a dead body is found within three days after the body is found.~~

3. The county in which a dead body is found is the county of death. If death occurs in a moving conveyance, ~~a death certificate shall be filed in the county in which the dead body is first removed from the conveyance~~ is the county of death.

~~If a person dies outside of the county of the person's residence, the state registrar shall send a copy of the death certificate to the county registrar of the county of the decedent's residence. The county registrar shall record the death certificate in the same records in which death certificates of persons who died within the county are recorded.~~

Sec. 227. Section 234.39, subsections 1, 2, and 3, Code 1997, are amended to read as follows:

1. For an individual to whom section 234.35, subsection 1, is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to chapter 252C, or any order establishing paternity and support for a

child in foster care, 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. The amount of the parent's or guardian's support obligation and the amount of support debt accrued and accruing shall be established 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 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. 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 record the disbursements. If payments are not made as ordered, the child support recovery unit 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, or under chapter 252H.

2. For an individual who is served by the department of human services under section 234.35, and is not subject to a dispositional order of the juvenile court requiring the provision of foster care, 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, or under chapter 252H.

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. Unless otherwise specified in the support order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 228. Section 236.5, subsection 2, paragraph e, Code 1997, is amended to read as follows:

e. That Unless prohibited pursuant to 28 U.S.C. § 1738B, that the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.

Sec. 229. Section 236.10, Code 1997, is amended to read as follows:
236.10 CONFIDENTIALITY OF RECORDS.

The file in a domestic abuse case shall be sealed by the clerk of court when it is complete and after the time for appeal has expired. However, the clerk shall open the file upon application to and order of the court for good cause shown or upon request of the child support recovery unit.

Sec. 230. Section 239.3, Code 1997, is amended to read as follows:

239.3 APPLICATION FOR ASSISTANCE — ASSIGNMENT OF SUPPORT RIGHTS.

1. An application for assistance shall be made to the department. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the administrator. The application shall be made by the specified relative with whom the dependent child resides or will reside, and shall contain the information required on the application form. One application may be made for several children of the same family if they reside or will reside with the same specified relative.

2. An assignment of support rights is created by any of the following:

a. An applicant for assistance under this chapter and other persons covered by an application are deemed to have assigned to the department of human services at the time of application all rights to periodic support payments to the extent of public assistance received by the applicant and other persons covered by the application.

b. A determination that a child or another person covered by an application is eligible for assistance under this chapter creates an assignment by operation of law to the department of all rights to periodic support payments not to exceed the amount of public assistance received by the child and other persons covered by the application.

3. An assignment takes effect upon determination that an applicant or another person covered by an application is eligible for assistance under this chapter, applies to both current and accrued support obligations, and terminates when an applicant or another person covered by an application ceases to receive assistance under this chapter, except with respect to the amount of unpaid support obligations accrued under the assignment. If an applicant or another person covered by an application ceases to receive assistance under this chapter and the applicant or other person covered by the application receives a periodic support payment subject to limitations of federal law, the department of human services is entitled only to that amount of the periodic support payment above the current periodic support obligation.

Sec. 231. Section 421.17, subsection 21, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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, or which the child support recovery unit is otherwise 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.

Sec. 232. Section 535.3, subsection 3, Code 1997, is amended to read as follows:

3. Interest on periodic payments for child, spousal, or medical support shall not accrue until thirty days after the payment becomes due and owing. Additionally, interest on these payments shall not accrue on amounts being paid through income withholding pursuant to chapter 252D for the time these payments are unpaid solely because the date on which the payor of income withholds income based upon the payor's regular pay cycle varies from the provisions of the support order.

Sec. 233. **NEW SECTION.** 595.3A APPLICATION FORM AND LICENSE, INCLUSION OF ABUSE PREVENTION LANGUAGE.

In addition to any other information contained in an application form for a marriage

license and a marriage license, the application form and license shall contain the following statement in bold print:

"The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage under the full protection of the laws of this state with regard to violence and abuse. Neither of you is the property of the other. Assault, sexual abuse, and willful injury of a spouse or other family member are violations of the laws of this state and are punishable by the state."

Sec. 234. Section 595.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Previous to the issuance of any license to marry, the parties desiring the license shall sign and file a verified application with the county registrar which application either may be mailed to the parties at their request or may be signed by them at the office of the county registrar in the county in which the license is to be issued. The application shall include the social security number of each applicant and shall set forth at least one affidavit of some competent and disinterested person stating the facts as to age and qualification of the parties. Upon the filing of the application for a license to marry, the county registrar shall file the application in a record kept for that purpose and shall take all necessary steps to ensure the confidentiality of the social security number of each applicant. All information included on an application may be provided as mutually agreed upon by the division of records and statistics and the child support recovery unit, including by automated exchange.

Sec. 235. Section 614.1, subsection 6, Code 1997, is amended to read as follows:

6. JUDGMENTS OF COURTS OF RECORD. Those founded on a judgment of a court of record, whether of this or of any other of the United States, or of the federal courts of the United States, within twenty years, except that a time period limitation shall not apply to an action to recover a judgment for child support, spousal support, or a judgment of distribution of marital assets.

Sec. 236. Section 626A.2, subsection 2, Code 1997, is amended to read as follows:

2. ~~In a A proceeding to enforce a child support order, the law of this state shall apply except as follows: is governed by 28 U.S.C. § 1738B.~~

a. ~~In interpreting a child support order, a court shall apply the law of the state of the court that issued the order.~~

b. ~~In an action to enforce a child support order, a court shall apply the statute of limitations of this state or the state of the court that issued the order, whichever statute provides the longer period of limitations.~~

Sec. 237. NEW SECTION. 627.6A EXEMPTIONS FOR SUPPORT — PENSIONS AND SIMILAR PAYMENTS.

1. Notwithstanding the provisions of section 627.6, a debtor shall not be permitted to claim exemptions with regard to payment or a portion of payment under a pension, annuity, individual retirement account, profit-sharing plan, universal life insurance policy, or similar plan or contract due to illness, disability, death, age, or length of service for child, spousal, or medical support.

2. In addition to subsection 1, if another provision of law otherwise provides that payments, income, or property are subject to attachment for child, spousal, or medical support, those provisions shall supersede section 627.6.

Sec. 238. Section 627.11, Code 1997, is amended to read as follows:

627.11 EXCEPTION UNDER DECREE FOR SPOUSAL SUPPORT.

If the party in whose favor the order, judgment, or decree for the support of a spouse was rendered has not remarried, the personal earnings of the debtor are not exempt from an order, judgment, or decree for temporary or permanent support, as defined in section 252D-1 252D.16A, of a spouse, nor from an installment of an order, judgment, or decree for the support of a spouse.

Sec. 239. Section 627.12, Code 1997, is amended to read as follows:

627.12 EXCEPTION UNDER DECREE FOR CHILD SUPPORT.

The personal earnings of the debtor are not exempt from an order, judgment, or decree for the support, as defined in section ~~252D.1~~ 252D.16A, of a child, nor from an installment of an order, judgment, or decree for the support of a child.

Sec. 240. Section 642.2, subsections 1 and 5, Code 1997, are amended to read as follows:

1. The state of Iowa, and all of its governmental subdivisions and agencies, may be ~~garnisheed~~ garnished, only as provided in this section and the consent of the state and of its governmental subdivisions and agencies to those garnishment proceedings is hereby given. However, notwithstanding the requirements of this chapter, income withholding notices shall be served on the state, and all of its governmental subdivisions and agencies, pursuant to the requirements of chapter 252D.

5. Service ~~Except as provided in subsection 1, service~~ upon the garnishee shall be made by serving an original notice with a copy of the judgment against the defendant, and with a copy of the questions specified in section 642.5, by certified mail or by personal service upon the attorney general, county attorney, city attorney, secretary of the school district, or legal counsel of the appropriate governmental unit. The garnishee shall be required to answer within thirty days following receipt of the notice.

Sec. 241. PUBLIC ASSISTANCE — ACCRUED SUPPORT AND ARREARAGES — REVIEW AND RECOMMENDATIONS. The child support recovery unit shall review and make recommendations to the general assembly on or before February 1, 1998, regarding the establishment of an accrued support debt which is based upon receipt of public assistance and the determination of the amount to be withheld as payment of arrearages under an income withholding order.

**DIVISION XVI
SURCHARGE**

Sec. 242. Section 252B.9, subsection 2, paragraph b, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Records relating to the administration, collection, and enforcement of surcharges pursuant to section 252B.22 which are recorded by the unit or a collection entity shall be confidential records except that information, as necessary for support collection and enforcement, may be provided to other governmental agencies, the obligor or the resident parent, or a collection entity under contract with the unit unless otherwise prohibited by the federal law. A collection entity under contract with the unit shall use information obtained for the sole purpose of fulfilling the duties required under the contract, and shall disclose any records obtained by the collection entity to the unit for use in support establishment and enforcement.

Sec. 243. Section 252B.13A, Code 1997, is amended to read as follows:

252B.13A COLLECTION SERVICES CENTER.

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 as required for orders by section 252B.14. For purposes of this section, support payments do not include attorney fees, court costs, or property settlements. The center may also receive and disburse surcharges as provided in section 252B.22.

Sec. 244. NEW SECTION. 252B.22 SURCHARGE.

1. A surcharge shall be due and payable by the obligor on a support arrearage identified as difficult to collect and referred by the unit on or after January 1, 1998, to a collection entity under contract with the unit or other state entity. The amount of the surcharge shall be a percent of the amount of the support arrearage referred to the collection entity and shall be

specified in the contract with the collection entity. For the purpose of this chapter, a "collection entity" includes but is not limited to a state agency, including the central collection unit of the department of revenue and finance, or a private collection agency. Use of a collection entity is in addition to any other legal means by which support payments may be collected. The unit shall continue to use other enforcement actions, as appropriate.

2. a. Notice that a surcharge may be assessed on a support arrearage referred to a collection entity pursuant to this section shall be provided to an obligor in accordance with one of the following as applicable:

(1) In the order establishing or modifying the support obligation. The unit or district court shall include notice in any new or modified support order issued on or after July 1, 1997.

(2) Through notice sent by the unit by regular mail to the last known address of the support obligor.

b. The notice shall also advise that any appropriate information may be provided to a collection entity for purposes of administering and enforcing the surcharge.

3. Arrearages submitted for referral and surcharge pursuant to this section shall meet all of the following criteria:

a. The arrearages owed shall be based on a court or administrative order which establishes the support obligation.

b. The arrearage is due for a case in which the unit is providing services pursuant to this chapter and one for which the arrearage has been identified as difficult to collect by the unit.

c. The obligor was provided notice pursuant to subsection 2 at least fifteen days prior to sending the notice of referral pursuant to subsection 4.

4. The unit shall send notice of referral to the obligor by regular mail to the obligor's last known address, with proof of service completed according to R.C.P. § 82, at least thirty days prior to the date the arrearage is referred to the collection entity. The notice shall inform the obligor of all of the following:

a. The arrearage will be referred to a collection entity.

b. Upon referral, a surcharge is due and payable by the obligor.

c. The amount of the surcharge.

d. That the obligor may avoid referral by paying the amount of the arrearage to the collection services center within twenty days of the date of notice of referral.

e. That the obligor may contest the referral by submitting a written request for review of the unit. The request shall be received by the unit within twenty days of the date of the notice of referral.

f. The right to contest the referral is limited to a mistake of fact, which includes a mistake in the identity of the obligor, a mistake as to fulfillment of the requirements for referral under this subsection, or a mistake in the amount of the arrearages.

g. The unit shall issue a written decision following a requested review.

h. Following the issuance of a written decision by the unit denying that a mistake of fact exists, the obligor may request a hearing to challenge the surcharge by sending a written request for a hearing to the office of the unit which issued the decision. The request shall be received by the office of the unit which issued the decision within ten days of the unit's written decision. The only grounds for a hearing shall be mistake of fact. Following receipt of the written request, the unit which receives the request shall certify the matter for hearing in the district court in the county in which the underlying support order is filed.

i. The address of the collection services center for payment of the arrearages.

5. If the obligor pays the amount of arrearage within twenty days of the date of the notice of referral, referral of the arrearage to a collection entity shall not be made.

6. If the obligor requests a review or court hearing pursuant to this section, referral of the arrearages shall be stayed pending the decision of the unit or the court.

7. Actions of the unit under this section shall not be subject to contested case proceedings or further review pursuant to chapter 17A and any resulting court hearing shall be an

original hearing before the district court. However, the department shall establish, by rule pursuant to chapter 17A, an internal process to provide an additional review by the administrator of the child support recovery unit or the administrator's designee.

8. If an obligor does not pay the amount of the arrearage, does not contest the referral, or if following the unit's review and any court hearing the unit or court does not find a mistake of fact, the arrearages shall be referred to a collection entity. Following the review or hearing, if the unit or court finds a mistake in the amount of the arrearage, the arrearages shall be referred to the collection entity in the appropriate arrearage amount. For arrearages referred to a collection entity, the obligor shall pay a surcharge equal to a percent of the amount of the support arrearage due as of the date of the referral. The surcharge is in addition to the arrearages and any other fees or charges owed, and shall be enforced by the collection entity as provided under section 252B.5. Upon referral to the collection entity, the surcharge is an automatic judgment against the obligor.

9. The director or the director's designee may file a notice of the surcharge with the clerk of the district court in the county in which the underlying support order is filed. Upon filing, the clerk shall enter the amount of the surcharge on the lien index and judgment docket.

10. Following referral of a support arrearage to a collection entity, the surcharge shall be due and owing and enforceable by a collection entity or the unit notwithstanding satisfaction of the support obligation or whether the collection entity is enforcing a support arrearage. However, the unit may waive payment of all or a portion of the surcharge if waiver will facilitate the collection of the support arrearage.

11. All surcharge payments shall be received and disbursed by the collection services center.

12. a. A payment received by the collection services center which meets all the following conditions shall be allocated as specified in paragraph "b":

(1) The payment is for a case in which arrearages have been referred to a collection entity.

(2) A surcharge is assessed on the arrearages.

(3) The payment is collected under the provisions of the contract with the collection entity.

b. A payment meeting all of the conditions in paragraph "a" shall be allocated between support and costs and fees, and the surcharge according to the following formula:

(1) The payment shall be divided by the sum of one hundred percent plus the percent specified in the contract.

(2) The quotient shall be the amount allocated to the support arrearage and other fees and costs.

(3) The difference between the dividend and the quotient shall be the amount allocated to the surcharge.

13. Any computer or software programs developed and any records used in relation to a contract with a collection entity remain the property of the department.

Approved May 21, 1997