

CHAPTER 106

TEMPORARY MODIFICATION OF CHILD SUPPORT ORDERS

H.F. 780

AN ACT relating to the issuance of temporary orders modifying an order of child support.

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

Section 1. Section 598.21C, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. TEMPORARY MODIFICATION OF CHILD SUPPORT ORDERS. While an application for modification of a child support or child custody order is pending, the court may, on its own motion or upon application by either party, enter a temporary order modifying an order of child support. The court may enter such temporary order only after service of the original notice, and an order shall not be entered until at least five days' notice of hearing and opportunity to be heard, is provided to all parties. In entering temporary orders under this subsection, the court shall consider all pertinent matters, which may be demonstrated by affidavits, as the court may direct. The hearing on application shall be limited to matters set forth in the application, the affidavits of the parties, and any required statements of income. The court shall not hear any other matter relating to the application for modification, respondent's answer, or any pleadings connected with the application for modification or the answer. This subsection shall also apply to an order, decree, or judgment entered or pending on or before July 1, 2007, and shall apply to an order entered under this chapter, chapter 252A, 252C, 252F, 252H, 252K, or 600B, or any other applicable chapter of the Code.

Approved April 23, 2007

CHAPTER 107SEIZED PROPERTY IN CRIMINAL PROCEEDINGS —
DISPOSITION

S.F. 175

AN ACT relating to the disposition of seized property in a criminal proceeding.

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

Section 1. Section 809.5, subsection 1, Code 2007, is amended to read as follows:

1. Seized property which is no longer required as evidence or for use in an investigation ~~may~~ shall be returned to the owner ~~without the requirement of a hearing~~, provided that the person's possession of the property is not prohibited by law and there is no forfeiture claim filed on behalf of the state. The seizing agency ~~or prosecuting attorney~~ shall send notice by ~~regular restricted certified mail, if the value of the property is less than fifty dollars, or certified mail, if the value of the property is equal to or greater than fifty dollars, return receipt requested~~, to the last known address of any person having an ownership or possessory right in the property stating that the property ~~is released and~~ must be claimed within thirty days from the date of receipt of the notice. ~~Refusal of restricted certified mail, return receipt requested, shall be construed as receipt of the notice.~~ Such notice shall state that if no written claim for the property