

CHAPTER 1033

CHILD SUPPORT INFORMATION — RELEASE

S.F. 2159

AN ACT relating to child support enforcement including protection of child support information.

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

Section 1. Section 252B.5, subsection 9, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~Notwithstanding section 252B.9, the~~ The unit may forward information to the department of administrative services as necessary to implement this subsection, including but not limited to both of the following:

Sec. 2. Section 252B.9, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

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 may be released, except when prohibited by federal law or regulation, only as follows:

Sec. 3. Section 252B.9, subsection 2, paragraph a, Code 2011, is amended to read 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 for the administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended, and as otherwise permitted under Tit. IV-D of the federal Social Security Act, as amended. Payment records of the clerk of the district court, to which the department has access to meet the requirements of a state disbursement unit, are also public records and may be released upon request. A payment record shall not include address or location information.~~

Sec. 4. Section 252B.9, subsection 2, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~Except as otherwise provided in subsection 1, the~~ The department shall not may release details related to payment records or provide alternative formats for release of the information, with the following additional exceptions: for the administration of a plan or program under Tit. IV-D of the federal Social Security Act, as amended, including as follows:

Sec. 5. Section 252B.9, subsection 2, paragraph b, subparagraph (1), Code 2011, is amended to read as follows:

(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 Tit. IV-D of the federal Social Security Act, as amended, or to the court.

Sec. 6. Section 252B.9, subsection 3, paragraph e, Code 2011, is amended to read as follows:

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

(1) ~~The administration of the a plan or program approved for the supplemental nutrition assistance program or under Tit. I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI, IV, XIX, or XX XXI, or the supplemental security income program established under Tit. 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) (3) Reporting to an appropriate agency or official of any such plan or program, 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.

Sec. 7. Section 252B.9, subsection 3, paragraph g, Code 2011, is amended to read as follows:

g. The child support recovery unit ~~shall~~ may 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 for the administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended, specified under subsection 2 or this subsection, to the extent the release of information does not interfere with the unit meeting its own obligations under Tit. IV-D of the federal Social Security Act, as amended, and subject to requirements prescribed by the federal office of child support enforcement of the United States department of health and human services.~~

Sec. 8. Section 252B.9A, subsection 1, Code 2011, is amended to read as follows:

1. A person, except a court or government agency, who is an authorized person to receive specified confidential information under 42 U.S.C. § 653, may submit a written request to the unit for disclosure of specified confidential information regarding a nonrequesting party. The written request shall comply with federal law and regulations, including any attestation and any payment to the federal office of child support enforcement of the United States department of health and human services required by federal law or regulation, and shall include a sworn statement attesting to the reason why the requester is an authorized person under 42 U.S.C. § 653, including that the requester would use the confidential information only for purposes permitted in that section.

Sec. 9. Section 252G.5, subsections 2 and 3, Code 2011, are amended to read as follows:

2. State agencies as specified under 42 U.S.C. § 653A which utilize income information for the determination of eligibility or calculation of payments for benefit or entitlement payments unless prohibited under federal law.

3. State agencies ~~which utilize income information for the recoupment of debts to the state operating employment security and workers' compensation programs for the purposes of administering such programs~~ unless prohibited under federal law.

Sec. 10. Section 598.22, subsection 3, Code 2011, is amended to read as follows:

3. An order or judgment entered by the court for temporary or permanent support or for 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. Unless otherwise provided by federal law, if it is possible to identify the support order to which a payment is to be applied, and if sufficient information identifying the obligee is provided, 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 and the records kept by the clerk 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.

Sec. 11. Section 598.26, subsection 1, Code 2011, is amended to read as follows:

1. Until a decree of dissolution has been entered, the record and evidence shall be closed to all but the court, its officers, and the child support recovery unit of the department of human services pursuant to section 252B.9. However, the payment records of a temporary support order, ~~whether~~ maintained by the clerk of the district court ~~or the department of human services~~, are public records and may be released upon request. Payment records shall not include address or location information. No other person shall permit a copy of any of the testimony, or pleading, or the substance ~~thereof~~ of any testimony or pleading, to be made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the rules of civil procedure.

Approved March 30, 2012