

CHAPTER 177**CHILD SUPPORT RECOVERY PROCEDURES***H.F. 558*

AN ACT relating to child support by affecting informational requirements of the child support recovery unit and the receipt and disbursement of child support payments.

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

Section 1. Section 252B.9, Code 1991, is amended to read as follows:

252B.9 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, notwithstanding any provisions of law making such 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.

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.

2. Information Except as otherwise provided in subsection 1, paragraph "b", 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, 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 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.

Sec. 2. Section 252B.13A, subsection 1, Code 1991, is amended to read as follows:

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

Sec. 3. Section 252B.14, subsection 3, Code 1991, is amended to read as follows:

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

Sec. 4. Section 252B.15, subsection 4, Code 1991, is amended to read as follows:

4. If the unit's child support enforcement services relating to a support order are terminated but the support obligation remains accrued or accruing, the support payment receipt and disbursement responsibilities relating to the order shall be transferred from the collection services center to the appropriate clerk of the district court. The department shall send notice of the transfer to the last known addresses of the obligor and obligee. The issuance of notice to the obligor is the equivalent of a court order requiring the obligor to direct payment to the clerk of the district court for disbursement. The department shall adopt rules pursuant to chapter 17A relating to the transfer of the responsibilities and notice requirements.

Sec. 5. Section 252B.16, subsection 2, Code 1991, is amended to read as follows:

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

Sec. 6. Section 252D.18, subsection 1, Code 1991, is amended to read as follows:

1. The employer, trustee, or other payor who receives an order of assignment by certified mail pursuant to section 252D.1, subsection 3, or subchapter II, shall deliver, on the next working day, a copy of the order to the person named in the order. The payor may deduct not more than two dollars from each payment from the employee's wages as a reimbursement for the payor's costs relating to the assignment. The payor's compliance with the order of assignment satisfies the payor's obligation to the person for the amount of income withheld and transmitted to the clerk of the district court or collection services center.

Sec. 7. Section 598.22A, subsection 1, Code 1991, is amended to read as follows:

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

If a satisfaction recorded on the official support payment record by the clerk of the district court or collection services center prior to July 1, 1991, was not confirmed as valid by the court, and a party to the action submits a written affidavit objecting to the satisfaction, notice of the objection shall be mailed to all parties at their last known addresses. After all parties have had sufficient opportunity to respond to the objection, the court shall either require the satisfaction to be removed from the official support payment record or confirm its validity.

Sec. 8. Section 598.26, subsection 1, Code 1991, 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, ~~and its officers,~~ and the child support recovery unit of the department of human services pursuant to section 252B.9. ~~No officer or other person shall permit a copy of any of the testimony, or pleading, or the substance thereof, 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.

Sec. 9. ASSISTANCE OF THE CHILD SUPPORT ADVISORY COMMITTEE.

The child support enforcement program advisory committee established pursuant to section 252B.18 shall assist the department of human services in examining the impact and advisability of developing procedures providing for the suspension, revocation, or denial of a license to persons practicing professions licensed or certified under chapters 80A, 258A, 260, 321, and 602, or any other chapter, when such persons are delinquent in the payment of child support and of procedures to ensure the timely payment of child support by those persons who are financially able to make payments.