

**CHAPTER 77****FRIENDS OF CAPITOL HILL CORPORATION***S.F. 312*

**AN ACT** relating to the formation of the friends of capitol hill nonprofit corporation.

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

Section 1. NEW SECTION. 18A.11 FRIENDS OF CAPITOL HILL -- AUTHORIZED CORPORATION.

1. The friends of capitol hill corporation shall be incorporated under chapter 504A. The corporation shall be organized and operated for the preservation, restoration, and public use of the Iowa state capitol building, and for related charitable, cultural, and educational purposes.

The corporation shall not be regarded as a state agency and a state official or employee, acting in the official's or employee's official capacity, shall not be an incorporator of the corporation.

2. The membership of the board of directors of the corporation shall be determined in accordance with the articles of incorporation of the corporation and shall include at least one member from each of the legislative, executive, and judicial branches of government, in addition to public members. Members of the board shall not be entitled in the performance of their duties to either a per diem or expenses.

3. In addition to the powers conferred on the board under chapter 504A, the board may accept contributions, including but not limited to appropriations, gifts, grants, loans, services, or other aid or assistance from public or private entities.

Approved May 3, 1993

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**CHAPTER 78****CHILD SUPPORT -- INCOME WITHHOLDING, REVIEW AND ADJUSTMENT, AND OTHER MATTERS***S.F. 349*

**AN ACT** relating to child support and providing effective and retroactive applicability dates.

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

Section 1. Section 232.182, subsection 5A, Code 1993, is amended to read as follows:

5A. If the court orders placement of the child into foster care, the court or the department shall establish a support obligation for the costs of the placement pursuant to section 234.39.

Sec. 2. Section 252A.18, Code 1993, is amended by adding the following new subsection:  
NEW SUBSECTION. 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. 3. Section 252A.19, subsection 2, Code 1993, is amended by striking the subsection.

Sec. 4. Section 252A.19, subsection 3, Code 1993, is amended to read as follows:

3 2. At the a hearing to enforce the registered support order the respondent may present only matters that would be available to the respondent as defenses in an action to enforce a foreign money judgment. However, the court in its discretion may consider the income and resources of the respondent, the respondent's ability to pay, and any material changes of circumstances since the granting of registered support order, and may modify the amount of the support in the same manner as other support orders are modified. If the respondent states to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the respondent has furnished security for payment of the support as ordered by the court. If the respondent shows to the court any ground upon which enforcement of a support order of this state may be stayed the court shall stay enforcement of the order for an appropriate period if the respondent furnishes the same security for payment of the support ordered that is required for a support order of this state.

Sec. 5. NEW SECTION. 252A.20 MODIFICATION OR ADJUSTMENT OF A REGISTERED FOREIGN SUPPORT ORDER AND OF AN IOWA ORDER REGISTERED IN A FOREIGN JURISDICTION.

1. An order which has been registered in a court of this state pursuant to section 252A.18 may be modified or adjusted following registration, subject to all of the following:

a. The modification or adjustment of the order does not affect the underlying judgment in the foreign jurisdiction, unless provided pursuant to the statute of the foreign jurisdiction.  
b. The modification or adjustment of the underlying judgment by a foreign jurisdiction does not affect the registered order in this state unless confirmed by a court of this state.

2. A support order issued in a court of this state may be registered in a foreign jurisdiction and, following registration, may be modified or adjusted subject to the following:

a. The modification or adjustment of the registered order by a foreign jurisdiction does not affect the underlying judgment in this state unless confirmed by a court of this state.  
b. The modification or adjustment of the underlying judgment by a court of this state following registration in a foreign jurisdiction does not affect the registered order unless provided by the statute of the foreign jurisdiction.

Sec. 6. Section 252B.4, subsection 1, Code 1993, is amended to read as follows:

1. The director shall require an application fee of ~~twenty-five~~ five dollars.

Sec. 7. Section 252B.4, Code 1993, is amended by adding the following new subsections:  
NEW SUBSECTION. 2A. When the unit intercepts a federal tax refund of an obligor for payment of delinquent support and the funds are due to a recipient of services who is not otherwise eligible for public assistance, the unit shall deduct a twenty-five dollar fee from the funds before forwarding the balance to the recipient.

a. The unit shall inform the recipient of the fee under this subsection prior to assessment.  
b. The fee shall be assessed only to individuals who receive support from the federal tax refund offset program. If the tax refund due the recipient is less than fifty dollars, the fee shall not be assessed.

NEW SUBSECTION. 2B. The department may adopt rules to establish fees which provide for recovery of administrative costs of the program in addition to other fees identified.

Sec. 8. Section 252B.5, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The review and adjustment or modification 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.

Sec. 9. Section 252C.4, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Actions initiated by the administrator under this chapter are not subject to chapter 17A and resulting court hearings following certification shall be an original hearing before the district court.

Sec. 10. Section 252D.1, subsection 2, Code 1993, is amended to read as follows:

2. If support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 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, upon application of a person entitled to receive the support payments, the child support recovery unit or the district court may enter an ex parte order notifying the person whose income is to be assigned, of the delinquent amount, of the amount of income, or wages, compensation, or benefits to be withheld, and of the procedure to file a motion to quash the order of assignment, and shall order an assignment of income and notify an employer, trustee, or other payor by regular mail, with proof of service completed according to rule of civil procedure 82, of the order of the assignment of income requiring the withholding of specified sums to be deducted from the delinquent person's periodic earnings, trust income, compensation, benefits, or other income sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center. The assignment of income is binding on an existing or future employer, trustee, or other payor ten days after the receipt of the order. The amount of an assignment of income shall not exceed the amount specified in 15 U.S.C. § 1673(b). The assignment of income has priority over a garnishment or an assignment for a purpose other than the support of the dependents in the court order being enforced. The child support recovery unit or the district court, upon the application of any party, by ex parte order, may modify the assignment of income on the full payment of the delinquency or in an instance where the amount being withheld exceeds the amount specified in 15 U.S.C. § 1673(b), or may revoke the assignment of income upon the termination of parental rights, emancipation, death or majority of the child, or upon a change of custody. Notification of income withholding shall be provided to the payor of earnings, trust income, or other income pursuant to section 252D.17A.

Sec. 11. Section 252D.8, Code 1993, is amended to read as follows:

252D.8 PERSONS SUBJECT TO IMMEDIATE INCOME WITHHOLDING.

1. In a support order issued or modified on or after November 1, 1990, for which services are being provided by the child support recovery unit, and in any support orders issued or modified after January 1, 1994, for which services are not provided by the child support recovery unit, the income of a support obligor is subject to withholding, on the effective date of the order, regardless of whether support payments by the obligor are in arrears. The If services are being provided pursuant to chapter 252B, the child support recovery unit may enter an ex parte order for an immediate withholding of income or may directly implement immediate withholding of income if authorizing language is contained in the court order. The district court may enter an ex parte order for immediate income withholding for cases in which the child support recovery unit is not providing services. The income of the obligor is subject to such automatic immediate withholding unless one of the following occurs:

a. One of the parties demonstrates and the court or child support recovery unit finds there is good cause not to require immediate withholding. A finding of good cause shall be based on, at a minimum, written findings and conclusions by the court or administrative authority as to why implementing immediate withholding would not be in the best interests of the child. In cases involving modifications, the findings shall also include proof of timely payment of previously ordered support.

b. A written agreement is reached between both parties which provides for an alternative arrangement. If

2. If the support payments have been assigned to the department of human services pursuant to chapter 234 or 239, or a comparable statute of another jurisdiction, the department shall be considered a party to the support order, and a written agreement pursuant to this section to waive immediate withholding is void unless approved by the child support recovery unit. Any existing agreement is void existing at the time an assignment of support to the state

is made pursuant to chapter 234 or 239 or pursuant to a comparable statute of another jurisdiction shall not prevent the child support recovery unit from implementing immediate withholding.

§. 2. For an order not requiring immediate withholding, income of an obligor is subject to immediate withholding, without regard to whether there is an arrearage, on the earliest of the following:

- a. The date the obligor requests that the withholding begin.
- b. The date the custodial parent or party to the proceeding requests that the withholding begin, if the request is approved by the district court or, in cases in which services are being provided pursuant to chapter 252B, if the child support recovery unit approves the request.

**Sec. 12. NEW SECTION. 252D.17A NOTICE TO EMPLOYER OR INCOME PAYOR — DUTIES AND LIABILITY — CRIMINAL PENALTY.**

The child support recovery unit or the district court shall provide notice of income withholding to the obligor's employer, trustee, or other payor of income. Notice shall be sent by regular mail, with proof of service completed according to rule of civil procedure 82 and, in addition to the amount to be withheld for payment of support, shall include all of the following information regarding the duties of the payor in implementing the withholding order:

1. The withholding order for child support has priority over a garnishment or an assignment for a 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.
3. The amount withheld for support, including the processing fee, shall not exceed the amounts specified in 15 U.S.C. § 1673(b).
4. Income withholding is binding on an existing or future employer, trustee, or other payor ten days after receipt of the notice.
5. The payor shall send the amounts withheld to the collection services center or the clerk of the district court within ten working days of the date the obligor is paid.
6. The payor may combine amounts withheld from the obligor's wages 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 to the person named in the order within one business day after receipt of notice.
8. The withholding is binding on the payor until further notice by the court or the child support recovery unit.
9. If the payor fails to withhold income in accordance with the provisions of the order, the payor 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. 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. 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 has the same force and effect as any other district court order, including, but not limited to, contempt of court proceedings for noncompliance.

**Sec. 13. Section 252D.18, Code 1993, is amended by striking the section and inserting in lieu thereof the following:**

**252D.18 MODIFICATION OR TERMINATION OF WITHHOLDING.**

1. The court or the child support recovery unit may, by ex parte order, modify a previously entered income withholding order if the court or the unit determines any of the following:

- a. There has been a change in the amount of the current support obligation.
  - b. The amount required to be withheld under the income withholding order is in error.
  - c. Any past due support debt has been paid in full. Should a delinquency later accrue, the withholding order may be modified to secure payment toward the delinquency.
2. The court or the child support recovery unit may, by ex parte order, terminate an income withholding order when the current support obligation has terminated and when the delinquent support obligation has been fully satisfied as applicable to all of the children covered by the income withholding order.
  3. In no case shall payment of overdue support be the sole basis for termination of withholding.

**Sec. 14. NEW SECTION. 252D.18A MULTIPLE INCOME WITHHOLDING ORDERS – AMOUNTS WITHHELD BY PAYOR.**

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

1. The total of all amounts withheld shall not exceed the amounts specified in 15 U.S.C. § 1673(b).
2. As reimbursement for the payor's processing costs, the payor may deduct a fee of no more than two dollars for each payment withheld in addition to the amount withheld for support.
3. Priority shall be given to the withholding of current support rather than delinquent support. The payor shall not allocate amounts withheld in a manner which results in the failure to withhold an amount for one or more of the current support obligations.
  - 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 determine the proportionate share for each obligee. The proportionate share shall be determined by dividing the amount due for current support for each order by the total due for current support for all orders. The results are the percentages of the obligor's net income which shall be withheld for each obligee.
  - b. If, after completing the calculation in paragraph "a", the withholding limit specified under 15 U.S.C. § 1673(b) has not been attained, the payor shall total the amounts due for arrearages and determine the proportionate share for each obligee. The proportionate share amounts shall be established utilizing the procedures established in paragraph "a" for current support obligations.
4. The payor shall identify and report payments by the obligor's name, account number, amount, and date withheld pursuant to section 252D.17A. If payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified.

**Sec. 15. NEW SECTION. 252D.18B IRREGULAR INCOME.**

When payment of income is irregular, and an order for immediate or mandatory income withholding has been entered by the child support recovery unit or the district court, the income payor shall withhold income equal to the total that would have been withheld had there been regular monthly income. The amounts withheld shall not exceed the amounts specified in 15 U.S.C. § 1673(b). For the purposes of this section, an income source is irregular when there are periods in excess of one month during which the income payor makes no payment to the obligor and the periods are not the result of termination or suspension of employment.

**Sec. 16. NEW SECTION. 252D.18C WITHHOLDING FROM LUMP SUM PAYMENTS.**

The child support recovery unit or the district court may enter an ex parte order for income withholding when the obligor is paid by a lump sum income source. When a sole payment is made or payment occurs at two month or greater intervals, the withholding order may include all current and delinquent support due through the current month, but shall not exceed the amounts specified in 15 U.S.C. § 1673(b).

**Sec. 17. NEW SECTION. 252D.24 APPLICABILITY TO SUPPORT ORDERS OF FOREIGN JURISDICTIONS.**

1. An income withholding order may be entered to enforce a support order of a foreign jurisdiction. The foreign support order may be entered and filed with the clerk of the district court at the time the income withholding order is entered. Entry of the foreign support order under this subsection does not constitute registration of the order.

2. Notice of withholding requirements pursuant to section 252D.3 are met if comparable notice was issued in the foreign jurisdiction, was included in the support order, or was provided as a separate written notice.

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.

**Sec. 18. NEW SECTION. 252D.25 LIMITATIONS ON SCOPE OF PROCEEDINGS.**

1. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a motion to quash, revoke, suspend, or stay a withholding order.

2. Support orders shall not be modified under a motion to quash a withholding order.

**Sec. 19. NEW SECTION. 252D.30 EX PARTE ORDER – PROVISIONS FOR MEDICAL SUPPORT.**

An ex parte order entered under this chapter may also include provisions for enforcement of medical support when medical support provisions are included in the support order. The ex parte order may require income withholding of a dollar amount for medical support or implementation of provision for dependent coverage under a health benefit plan pursuant to chapter 252E.

**Sec. 20.** Section 252E.1, Code 1993, is amended by adding the following new subsection:  
**NEW SUBSECTION. 10.** "Order" means a support order entered pursuant to chapter 234, 252A, 252C, 252H, 598, 600B, or any other support chapter, or pursuant to a comparable statute of a foreign jurisdiction, or an ex parte order entered pursuant to section 252E.4.

**Sec. 21.** Section 252E.2, Code 1993, is amended to read as follows:

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

1. The entry of an An order, pursuant to chapter 234, 252A, 252C, 598, 600B or any other chapter of the Code or pursuant to a comparable statute of a foreign jurisdiction, requiring the provision of coverage under a health benefit plan is authorization for enrollment of the dependent if the dependent is otherwise eligible to be enrolled. The dependent's eligibility and enrollment for coverage under such a plan shall be governed by all applicable terms and conditions, including, but not limited to, eligibility and insurability standards. The dependent, if eligible, shall be provided the same coverage as the obligor.

2. The obligor shall take all actions necessary to enroll and maintain coverage under a health benefit plan for a dependent at the obligor's present and all future places of employment.

**Sec. 22.** Section 252E.4, Code 1993, is amended to read as follows:

**252E.4 COPY OF ORDER TO EMPLOYER.**

The obligor shall take all steps necessary to enroll and maintain coverage under a health benefit plan for a dependent at present and all future places of employment, and shall send a copy of the order requiring the coverage to the obligor's employer.

1. Within fifteen days of entry of the order, the obligor shall provide written proof to the obligee and the department that the required coverage has been obtained or that application for coverage has been made.

2. If the obligor fails to provide written proof as required in subsection 1, a copy of the order for medical support shall be forwarded to the obligor's employer by the obligee or the department.

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.

2. The obligee, district court, or department may forward either the support order containing the provision for coverage under a health benefit plan or the ex parte order provided for in subsection 1 to the obligor's employer.

3. ~~The~~ This chapter shall be constructive notice to the obligor of enforcement and further notice prior to enforcement is not required.

4. The order requiring coverage is binding on all future employers or insurers if the dependent is eligible to be enrolled in the health benefit plan under the applicable plan terms and conditions.

Sec. 23. Section 252E.11, Code 1993, is amended to read as follows:

252E.11 ASSIGNMENT.

If medical assistance ~~coverage~~ is provided by the department to a dependent pursuant to chapter 249A, rights to medical support payments are assigned to the department ~~pursuant to federal regulations~~.

SUBCHAPTER I  
GENERAL PROVISIONS

Sec. 24. NEW SECTION. 252H.1 PURPOSE AND INTENT.

This chapter is intended to provide a means for state compliance with the federal Family Support Act of 1988, 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. 25. NEW SECTION. 252H.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires "administrator", "caretaker", "court order", "department", "dependent child", "medical support", "public assistance", and "responsible person", mean the same as defined in section 252C.1.

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

1. "Act" means the federal Social Security Act.
2. "Adjustment" applies only to the child support provisions of a support order and means either of the following:
  - a. A change in the amount of child support based upon an application of the child support guidelines established pursuant to section 598.21, subsection 4.
  - b. An addition of or change to provisions for medical support as defined in section 252E.1.
3. "Child" means a child as defined in section 252B.1.
4. "Child support agency" means any state, county, or local office or entity of another state that has the responsibility for providing child support enforcement services under Title IV-D of the Act.
5. "Child support recovery unit" or "unit" means the child support recovery unit created pursuant to section 252B.2.
6. "Modification" means either of the following:
  - a. An alteration, change, correction, or termination of an existing support order.
  - b. The establishment of a child or medical support obligation in a previously established order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support proceeding, in which such support was not previously established, or in which support was previously established and subsequently terminated prior to the emancipation of the children affected.
7. "Parent" means, for the purposes of requesting a review of a support order and for being entitled to notice under this chapter:

- a. The individual ordered to pay support pursuant to the order.
  - b. An individual or entity entitled to receive current or future support payments pursuant to the order, or pursuant to a current assignment of support including but not limited to an agency of this or any other state that is currently providing public assistance benefits to the child for whom support is ordered and any child support agency. Service of notice of an action initiated under this chapter on an agency is not required, but the agency may be advised of the action by other means.
8. "Public assistance" means benefits received in this state or any other state, under Title IV-A (aid to dependent children), IV-E (foster care), or XIX (medicaid) of the Act.
9. "Review" means an objective evaluation conducted through a proceeding before a court, administrative body, or an agency, of information necessary for the application of a state's mandatory child support guidelines to determine:
- a. The appropriate monetary amount of support.
  - b. Provisions for medical support.
10. "State" means "state" as defined in section 252A.2.
11. "Support order" means a "court order" as defined in section 252C.1 or an order establishing support entered pursuant to an administrative or quasi-judicial process if authorized by law.

**Sec. 26. NEW SECTION. 252H.3 SCOPE OF THE ADMINISTRATIVE ADJUSTMENT OR MODIFICATION — ROLE OF DISTRICT COURT IN CONTESTED CASES.**

- 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 provisions of a support order.
- 2. Nonsupport issues shall not be considered by the unit or the court in any action resulting under this chapter.
- 3. Actions initiated by the unit under this chapter shall not be subject to contested case proceedings or further review pursuant to chapter 17A and resulting court hearings following certification shall be an original hearing before the district court.

**Sec. 27. NEW SECTION. 252H.4 ROLE OF THE CHILD SUPPORT RECOVERY UNIT.**

- 1. The unit may administratively adjust or modify 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 a support order under this chapter.
- 2. The unit is a party to an action initiated pursuant to this chapter.
- 3. The unit shall conduct a review to determine whether an adjustment is appropriate or, upon the request of a parent or upon the unit's own initiative, determine whether a modification is appropriate.
- 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, and other rules necessary to implement this chapter.
- 5. Legal representation of the unit shall be provided pursuant to section 252B.7, subsection 4.

**Sec. 28. NEW SECTION. 252H.5 FEES AND COST RECOVERY FOR REVIEW — ADJUSTMENT — MODIFICATION.**

The unit shall, consistent with applicable federal law, charge the following fees for providing the services described in this chapter:

- 1. A parent ordered to provide support, who requests a review of a support order under subchapter II, shall file an application for services and pay an application fee pursuant to section 252B.4.
- 2. A parent requesting a service shall pay the fee established for that service as established under this subsection. The fees established are not applicable to a parent who as a condition of eligibility for receiving public assistance benefits has assigned the rights to child or medical support for the order to be reviewed. The following fees shall be paid for the following services:



a. A fee for conducting the review, to be paid at the time the request for review is submitted to the unit. If the request for review is denied for any reason, the fee shall be refunded to the parent making the request. Any request submitted without full payment of the fee shall be denied.

b. A fee for a second review requested pursuant to section 252H.17, to be paid at the time the request for the second review is submitted to the unit. Any request submitted without full payment of the fee shall be denied.

c. A fee for activities performed by the unit in association with a court hearing requested pursuant to section 252H.8.

d. A fee for activities performed by the unit in entering an administrative order to adjust support when neither parent requests a court hearing pursuant to section 252H.8. The fee shall be paid during the post-review waiting period under section 252H.17. If the fee is not paid in full during the post-review notice period, further action shall not be taken by the unit to adjust the order unless the parent not requesting the adjustment pays the fee in full during the post-review waiting period, or unless the children affected by the order reviewed are currently receiving public assistance benefits and the proposed adjustment would result in either an increase in the amount of support or in provisions for medical support for the children.

e. A fee for conducting a conference requested pursuant to section 252H.20.

3. A parent who requests a review of a support order pursuant to section 252H.13, shall pay any service of process fees for service or attempted service of the notice required in section 252H.15. The unit shall not proceed to conduct a review pursuant to section 252H.16 until service of process fees have been paid in full. The service of process fee requirement of this subsection is not applicable to a parent who as a condition of eligibility for public assistance benefits has assigned the rights to child or medical support for the order to be reviewed. Service of process fees charged by a person other than the unit are distinct from any other fees and recovery of costs provided for in this section.

4. The unit shall, consistent with applicable federal law, recover administrative costs in excess of any fees collected pursuant to subsections 1, 2, and 3 for providing services under this chapter and shall adopt rules providing for collection of fees for administrative costs.

5. The unit shall adopt rules pursuant to chapter 17A to establish procedures and criteria to determine the amount of any fees specified in this section and the administrative costs in excess of these fees.

#### Sec. 29. NEW SECTION. 252H.6 COLLECTION OF INFORMATION.

The unit shall 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. 30. NEW SECTION. 252H.7 WAIVER OF NOTICE PERIODS AND TIME LIMITATIONS.

1. A parent may waive the thirty-day prereview waiting period provided for in section 252H.16.

a. Upon receipt of signed requests from both parents waiving the prereview waiting period, the unit may conduct a review of the support order prior to the expiration of the thirty-day period provided in section 252H.16.

b. If the parents jointly waive the prereview waiting period and the order under review is subsequently adjusted, the signed statements of both parents waiving the waiting period shall be filed in the court record with the order adjusting the support obligation.

2. A parent may waive the post-review waiting period provided for in section 252H.8, subsection 6, for a court hearing or in section 252H.17 for requesting of a second review.

a. Upon receipt of signed requests from both parents subject to the order reviewed, waiving the post-review waiting period, the unit may enter an administrative order adjusting the support order, if appropriate, prior to the expiration of the post-review waiting period.

b. If the parents jointly waive the post-review waiting period and an administrative order to adjust the support order is entered, the signed statements of both parents waiving the waiting period shall be filed in the court record with the administrative order adjusting the support obligation.

3. A parent may waive the time limitations established in section 252H.8, subsection 2, for requesting a court hearing, or in section 252H.20 for requesting a conference.

a. Upon receipt of signed requests from both parents who are subject to the order to be modified, waiving the time limitations, the unit may proceed to enter an administrative modification order.

b. If the parents jointly waive the time limitations and an administrative modification order is entered under this chapter, the signed statements of both parents waiving the time limitations shall be filed in the court record with the administrative modification order.

**Sec. 31. NEW SECTION. 252H.8 CERTIFICATION TO COURT — HEARING — DEFAULT.**

1. For actions initiated under subchapter II, either parent or the unit may request a court hearing within thirty days from the date of issuance of the notice of decision under section 252H.16, or within ten days of the date of issuance of the second notice of decision under section 252H.17, whichever is later.

a. A court hearing shall not be granted if the review resulted in a determination that the adjustment was not appropriate.

b. If a court hearing is not granted pursuant to paragraph "a", a party retains the right to file a modification action upon the party's own initiative.

2. For actions initiated under subchapter III, either parent or the unit may request a court hearing within the latest of any of the following time periods:

a. Twenty days from the date of successful service of the notice of intent to modify required under section 252H.19.

b. Ten days from the date scheduled for a conference to discuss the modification action.

c. Ten days from the date of issuance of a second notice of a proposed modification action.

3. The time limitations for requesting a court hearing under this section may be extended by the unit.

4. If a timely written request for a hearing is received by the unit and the granting of the request is not precluded pursuant to subsection 1, a hearing shall be held in district court, and the unit shall certify the matter to the district court in the county in which the order subject to adjustment or modification is filed. The certification shall include the following, as applicable:

a. Copies of the notice of intent to review or notice of intent to modify.

b. The return of service, acceptance of service, or signed statement by the parent requesting review and adjustment waiving service of the notice.

c. Copies of the notice of decision and any revised notice as provided in section 252H.16.

d. Copies of any written objections to and request for a second review or conference or hearing.

e. Copies of any second notice of decision issued pursuant to section 252H.17, or second notice of proposed modification action issued pursuant to section 252H.20.

f. Copies of any financial statements and supporting documentation provided by the parents.

g. Copies of any computation worksheet prepared by the unit to determine the amount of support calculated using the mandatory child support guidelines established under section 598.21, subsection 4.

5. The court shall set the matter for hearing and notify the parties of the time and place of the hearing.

6. For actions initiated under subchapter II, a hearing shall not be held for at least thirty-one days following the date of issuance of the notice of decision unless the parents have jointly waived, in writing, the thirty-day post-review period.

7. Pursuant to section 252H.3, the district court shall review the matter as an original hearing before the court.

8. Issues subject to review by the court in any hearing resulting from an action initiated under this chapter shall be limited to the issues identified in section 252H.3.

9. Notwithstanding any other law to the contrary, if more than one support order exists involving children with the same legally established parents, one hearing on all of the affected support orders shall be held in the district court in the county where the unit files the action. For the purposes of this subsection, the district court hearing the matter shall have jurisdiction over all other support orders entered by a court of this state and affected under this subsection.

10. The court shall establish the amount of child support pursuant to section 598.21, subsection 4, or medical support pursuant to chapter 252E, or both.

11. If a party fails to appear at the hearing, upon a showing of proper notice to the party, the court may find the party in default and enter an appropriate order.

**Sec. 32. NEW SECTION. 252H.9 FILING AND DOCKETING OF ADMINISTRATIVE ADJUSTMENT OR MODIFICATION ORDER — ORDER EFFECTIVE AS DISTRICT COURT ORDER.**

1. If timely request for a court hearing is not made pursuant to section 252H.8, the unit shall prepare and present an administrative order for adjustment or modification, as applicable, for review and approval, ex parte, to the district court where the order to be adjusted or modified is filed.

2. The unit shall determine the appropriate amount of the child support obligation using the current child support guidelines 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.

3. The administrative order prepared by the unit shall specify all of the following:

- a. The amount of support to be paid and the manner of payment.
- b. The name of the custodian of any child for whom support is to be paid.
- c. The name of the parent ordered to pay support.
- d. The name and birth date of any child for whom support is to be paid.
- e. That the property of the responsible person is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and other methods of execution.

f. Provisions for medical support.

4. Supporting documents as described in section 252H.8, subsection 4, may be presented to the court with the administrative order, as applicable.

5. Unless defects appear on the face of the 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. A copy of the order shall be sent by regular mail to each parent's last known address, or if applicable, to the last known address of the parent's attorney.

8. The order is final, and action by the unit to enforce and collect upon the order, including arrearages and medical support, or both, may be taken from the date of the entry of the order by the district court.

**Sec. 33. NEW SECTION. 252H.10 EFFECTIVE DATE OF ADJUSTMENT — MODIFICATION.**

Pursuant to section 598.21, subsection 8, any administrative or court order resulting from an action initiated under this chapter may be made retroactive only to the date that all parties were successfully served the notice required under section 252H.15 or section 252H.19, as applicable.

**Sec. 34. NEW SECTION. 252H.11 CONCURRENT ACTIONS.**

This chapter does not prohibit or affect the ability or right of a parent or the parent's attorney, to file a modification action at the parent's own initiative. If a modification action is filed by a parent concerning an order for which an action has been initiated but has not yet been completed by the unit under this chapter, the unit shall terminate any action initiated under this chapter, subject to the following:

1. The modification action filed by the parent must address the same issues as the action initiated under this chapter.

2. 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, or initiate a new action as follows:

a. If the unit previously initiated an action under subchapter II, and had not issued a notice of decision as required under section 252H.16, the unit shall proceed as follows:

(1) If notice of intent to review was served ninety days or less prior to the date the modification action filed by the parent is dismissed, the unit shall complete the review and issue the notice of decision.

(2) If the modification action filed by the parent is dismissed more than ninety days after the original notice of intent to review was served, the unit shall serve or issue a new notice of intent to review and conduct the review.

b. If the unit previously initiated an action under subchapter II and had issued the notice of decision as required under section 252H.16, the unit shall proceed as follows:

(1) If the notice of decision was issued ninety days or less prior to the date the modification action filed by the parent is dismissed, the unit shall request, obtain, and verify any new or different information concerning the financial circumstances of the parents and issue a revised notice of decision to each parent, or if applicable, to the parent's attorney.

(2) If the modification action filed by the parent is dismissed more than ninety days after the date of issuance of the notice of decision, the unit shall serve or issue a new notice of intent to review pursuant to section 252H.15 and conduct a review pursuant to section 252H.16.

c. If the unit previously initiated an action under subchapter III, the unit shall proceed as follows:

(1) If the modification action filed by the parent is dismissed more than ninety days after the original notice of intent to modify was served, the unit shall serve a new notice of intent to modify pursuant to section 252H.19.

(2) If the modification action filed by the parent is dismissed ninety days or less after the original notice of intent to modify was served, the unit shall complete the original modification action initiated by the unit under this subchapter.

(3) Each parent shall be allowed at least twenty days from the date the administrative modification action is reinstated to request a court hearing as provided for in section 252H.8.

3. If an action initiated under this chapter is terminated as the result of a concurrent modification action filed by one of the parents or the parent's attorney, the unit shall advise each parent, or if applicable the parent's attorney, in writing, that the action has been terminated and the provisions of subsection 2 of this section for continuing or initiating a new action under this chapter. The notice shall be issued by regular mail to the last known mailing address of each parent, or if applicable, each parent's attorney.

4. If an action initiated under this chapter by the unit is terminated as the result of a concurrent action filed by one of the parents and is subsequently reinstated because the modification action filed by the parent is dismissed, the unit shall advise each parent, or if applicable, each parent's attorney, in writing, that the unit is continuing the prior administrative adjustment or modification action. The notice shall be issued by regular mail to the last known mailing address of each parent, or if applicable, each parent's attorney.

SUBCHAPTER II  
REVIEW AND ADJUSTMENT

**Sec. 35. NEW SECTION. 252H.12 SUPPORT ORDERS SUBJECT TO REVIEW AND ADJUSTMENT.**

A support order meeting all of the following conditions is eligible for review and adjustment under this subchapter:

1. The support order is subject to the jurisdiction of this state for the purposes of adjustment.
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 ongoing support for at least one child described in subsection 2 continues, under the terms of the order, beyond October 13, 1993.
4. The unit is providing enforcement services for the ongoing support obligation pursuant to chapter 252B.

**Sec. 36. NEW SECTION. 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.

**Sec. 37. NEW SECTION. 252H.14 REVIEWS INITIATED BY THE CHILD SUPPORT RECOVERY UNIT.**

1. The unit shall 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.

2. The unit shall 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. 38. NEW SECTION. 252H.15 NOTICE OF INTENT TO REVIEW AND ADJUST.**

1. Prior to conducting a review of a support order, the unit shall issue a notice of intent to review and adjust to each parent, or if applicable, to each parent's attorney. However, notice to a child support agency or an agency entitled to receive child or medical support payments as the result of an assignment of support rights is not required.

2. Notice shall be served upon each parent in accordance with the rules of civil procedure, except that a parent requesting a review pursuant to section 252H.13 may waive the right to personal service of the notice in writing and accept service by regular mail. If the service by regular mail does not occur within ninety days of the written waiver of personal service, personal service of the notice is required unless a new waiver of personal service is obtained.

3. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

- a. The legal basis and purpose of the action.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. An explanation of the procedures for determining child support and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21, subsection 4.

d. An explanation of the legal rights and responsibilities of the affected parties, including the time frames in which the parties must act.

e. Criteria for determining appropriateness of an adjustment and a statement that the unit will use the child support guidelines established pursuant to section 598.21, subsection 4, and the provisions for medical support pursuant to chapter 252E to adjust the order.

f. Procedures for contesting the action.

g. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

h. Other information as appropriate.

**Sec. 39. NEW SECTION. 252H.16 CONDUCTING THE REVIEW — NOTICE OF DECISION.**

1. The unit shall conduct the review and determine whether an adjustment is appropriate.

2. Unless both parents have waived the prereview notice period as provided for in section 252H.7, the review shall not be conducted for at least thirty days from the date both parents were successfully served with the notice required in section 252H.15.

3. Upon completion of the review, the unit shall issue a notice of decision by regular mail to the last known address of each parent, or if applicable, each parent's attorney.

4. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. A statement indicating whether the unit finds that an adjustment is appropriate and the basis for the determination.

c. Other information, as appropriate.

5. A revised notice of decision shall be issued when the unit receives or becomes aware of new or different information affecting the results of the review after the notice of decision has been issued and before the entry of an administrative order adjusting the support order, when new or different information is not received in conjunction with a request for a second review, or subsequent to a request for a court hearing. If a revised notice of decision is issued, the time frames for requesting a second review or court hearing shall apply from the date of issuance of the revised notice.

**Sec. 40. NEW SECTION. 252H.17 CHALLENGING THE NOTICE OF DECISION — SECOND REVIEW — NOTICE.**

1. Each parent shall have the right to challenge the notice of decision issued under section 252H.16, by requesting a second review by the unit.

2. A challenge shall be submitted, in writing, to the local child support office that issued the notice of decision, within the following time frames:

a. If the notice of decision indicates that an adjustment is not appropriate, a challenge shall be submitted within thirty days of the date of issuance of the notice.

b. If the notice of decision indicates that an adjustment is appropriate, a challenge shall be submitted within ten days of the issuance of the notice.

3. A parent challenging the notice of decision shall submit any new or different information, not previously considered by the unit in conducting the review, with the challenge and request for second review.

4. A parent challenging the notice of decision shall submit any required fees with the challenge. Any request submitted without full payment of the required fee shall be denied.

5. If a timely challenge along with any necessary fee is received, the unit shall issue by regular mail to the last known address of each parent, or if applicable, to each parent's attorney, a notice that a second review will be conducted. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

- a. A statement of purpose of the second review.
- b. Information sufficient to identify the affected parties and the support order or orders affected.
- c. A statement of the information that is eligible for consideration at the second review.
- d. The procedures and time frames in conducting and completing a second review, including a statement that only one second review shall be conducted as the result of a challenge received from either or both parents.
- e. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.
- f. Other information, as appropriate.

6. The unit shall conduct a second review, utilizing any new or additional information provided or available since issuance of the notice of decision under section 252H.16, to determine whether an adjustment is appropriate.

7. Upon completion of the review, the unit shall issue a second notice of decision by regular mail to the last known address of each parent, or if applicable, to each parent's attorney. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

- a. Information sufficient to identify the affected parties and the support order or orders affected.
- b. The unit's finding resulting from the second review indicating whether the unit finds that an adjustment is appropriate, the basis for the determination, and the impact on the first review.
- c. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.
- d. Other information, as appropriate.

8. If the determination resulting from the first review is revised or reversed by the second review, the following shall be issued to each parent along with the second notice of decision and the amount of any proposed adjustment:

- a. Any updated or revised financial statements provided by either parent.
- b. A computation prepared by the local child support office issuing the notice, demonstrating how the amount of support due under the child support guidelines was calculated, and a comparison of the newly computed amount with the current support obligation amount.

### SUBCHAPTER III ADMINISTRATIVE MODIFICATION

#### Sec. 41. NEW SECTION. 252H.18 ORDERS SUBJECT TO ADMINISTRATIVE MODIFICATION.

An order meeting all of the following conditions is eligible for administrative modification under this subchapter.

1. The order is subject to the jurisdiction of this state for the purposes of modification.
2. The unit is providing services pursuant to chapter 252B.
3. The child was conceived or born during a marriage or paternity has been legally established.
4. Review and adjustment services pursuant to subchapter II are not required or are not applicable.

#### Sec. 42. NEW SECTION. 252H.19 NOTICE OF INTENT TO MODIFY.

1. The unit shall issue a notice of intent to modify to each parent. Notice to a child support agency or an agency entitled to receive child or medical support payments as the result of an assignment of support rights is not required.

2. The notice shall be served upon each parent in accordance with the rules of civil procedure. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

- a. The legal basis and purpose of the action.
- b. Information sufficient to identify the affected parties and the support order or orders affected.
- c. An explanation of the procedures for determining child support and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21, subsection 4.
- d. An explanation of the legal rights and responsibilities of the affected parties, including the time frames in which the parties must act.
- e. Procedures for contesting the action through a conference or a court hearing.
- f. Other information, as appropriate.

**Sec. 43. NEW SECTION. 252H.20 CONFERENCE – SECOND NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY.**

1. Each parent shall have the right to request a conference with the office of the unit that issued the notice of intent to modify. The request may be made in person, in writing, or by telephone, and shall be made within ten days of the date of successful service of the notice of intent to modify.

2. A parent requesting a conference shall submit any required fee no later than the date of the scheduled conference. A conference shall not be held unless the required fee is paid in full.

3. Upon a request and full payment of any required fee, the office of the unit that issued the notice of intent to modify shall schedule a conference with the parent and advise the parent of the date, time, place, and procedural aspects of the conference. The unit shall adopt rules pursuant to chapter 17A to specify the manner in which a conference is conducted and the purpose of the conference.

4. Following the conference, the office of the unit that conducted the review shall issue a second notice of proposed modification and finding of financial responsibility to the parent requesting the conference. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

- a. Information sufficient to identify the affected parties and the support order or orders affected.
- b. If the unit will continue or terminate the action.
- c. Procedures for contesting the action and the applicable time frames for actions by the parents.
- d. Other information, as appropriate.

**Sec. 44. Section 598.21, subsection 8, unnumbered paragraph 2, Code 1993, is amended to read as follows:**

A modification of a support order entered under chapter 234, 252A, ~~chapter 252C~~, 600B, or 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, the department shall be considered 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.

**Sec. 45. Section 598.21, subsection 9, Code 1993, is amended to read as follows:**

9. Notwithstanding subsection 8, a substantial change of circumstances exists when the court order for child support deviates varies by ten percent or more from the amount which would



be due pursuant to the most current child support guidelines established pursuant to subsection 4 or the obligor has access to a health benefit plan, the current order for support does not contain provisions for medical support, and the dependents are not covered by a health benefit plan provided by the obligee, excluding coverage pursuant to chapter 249A or a comparable statute of a foreign jurisdiction.

This basis for modification is applicable to petitions filed on or after July 1, 1992, notwithstanding 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 where 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 of an order for support, employ additional criteria and procedures ~~for the review and adjustment of support awards,~~ as provided in chapter 252H and as established by rule.

Sec. 46. Section 598.21, Code 1993, is amended by adding the following new subsection:  
**NEW SUBSECTION. 9A.** 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 section 598.21, subsection 4, and provision for medical support under chapter 252E. Issues related to custody, visitation, or other provisions unrelated to support shall be considered only under a separate application for modification.

Sec. 47. Sections 252D.12, 252D.13, and 252D.14, Code 1993, are repealed.

Sec. 48. **ADOPTION OF EMERGENCY RULES.** The department of human services may adopt rules under section 17A.4, subsection 2, to implement chapter 252H. The rules shall become effective immediately upon filing pursuant to section 17A.5, subsection 2, unless a later effective date is specified in the rules. Rules adopted in accordance with this paragraph shall also be published as a notice of intended action as provided in section 17A.4. If the department determines that rules are necessary to clarify section 252B.4, subsection 2A, the department may proceed to adopt rules in the manner provided for in this section.

Sec. 49. **IMPLEMENTATION.** In implementing section 252B.4, subsection 2B, the department of human services shall consider recovery of costs from both the custodial and noncustodial parents. Identification of costs to be recovered and the adoption of rules may be completed in stages. The department shall give notice of intended action for initial rules by June 30, 1995.

Sec. 50. **EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.**

1. Sections 7, 48, 49, and this section of this Act, being deemed of immediate importance, take effect upon enactment.

2. Section 45 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1992.

Approved May 3, 1993