

14071 (f)). If the department of public safety receives, as a result of the request, an opinion that the failure to include those offenses as criminal offenses against a minor will cause a state to not be in compliance with the federal Megan's Law amendment, the department shall seek an exception to the requirement for inclusion of those offenses and shall report the information regarding the contents of the United States department of justice opinion and any results of the exception request at the commencement of the session of the general assembly which convenes in January of 1999.

Approved May 6, 1998

CHAPTER 1170

CHILD SUPPORT, SPOUSAL SUPPORT, AND RELATED MATTERS

S.F. 2313

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

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

DIVISION I STATE DISBURSEMENT UNIT

Section 1. Section 236.10, Code Supplement 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. Support payment records, whether maintained by the clerk of the district court or the department of human services, are public records and may be released upon request. However, a payment record shall not include address or location information.

Sec. 2. Section 252B.9, subsection 2, paragraph a, Code Supplement 1997, 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. 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. 3. Section 252B.13A, Code Supplement 1997, is amended to read as follows:
252B.13A COLLECTION SERVICES CENTER.

1. The department shall establish within the unit a collection services center for the receipt and disbursement of support payments as defined in section 252D.16 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. The center may also receive and disburse surcharges as provided in section 252B.23.

2. a. The collection services center shall meet the requirements for a state disbursement unit pursuant to 42 U.S.C. § 654B, section 252B.14, and this section by October 1, 1999.

b. Prior to October 1, 1999, the department and the judicial department shall enter into a cooperative agreement for implementation of the state disbursement unit requirement. The agreement shall include, but is not limited to, provisions for all of the following:

- (1) Coordination with the state case registry created in section 252B.24.
- (2) The receipt and disbursement of income withholding payments for orders not receiving services from the unit pursuant to section 252B.14, subsection 4.
- (3) The transmission of information, orders, and documents, and access to information.
- (4) Furnishing, upon request, timely information on the current status of support payments as provided in 42 U.S.C. § 654B(b)(4), in a manner consistent with state law.
- (5) The notification of payors of income to direct income withholding payments to the collection services center as provided in section 252B.14, subsection 4.

Sec. 4. Section 252B.14, Code Supplement 1997, is amended to read as follows:

252B.14 SUPPORT PAYMENTS — COLLECTION SERVICES CENTER — CLERK OF THE DISTRICT COURT.

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.16 or 598.1.

2. For support orders being enforced by the child support recovery unit, support payments made pursuant to the order shall be directed to and disbursed by the collection services center.

3. ~~For a~~ With the exception of support order as payments to which subsection 2 does not apply or 4 applies, support payments made pursuant to ~~the an~~ 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.

4. By October 1, 1999, for a support order to which subsection 2 does not apply, regardless of the terms of the support order directing or redirecting the place of payment, support payments made through income withholding by a payor of income as provided in chapter 252D shall be directed to and disbursed by the collection services center. The judicial department and the department shall develop and implement a plan to notify payors of income of this requirement and the effective date of the requirement applicable to the respective payor of income.

5. If the collection services center is receiving and disbursing payments pursuant to a support order, but the unit is not providing other services under Title IV-D of the federal Social Security Act, or if the order is not being enforced by the unit, the parties to that order are not considered to be receiving services under this chapter.

4. ~~6.~~ 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 in sections 598.22 and 598.22A.

Sec. 5. Section 252B.15, Code 1997, is amended to read as follows:

252B.15 PROCESSING AND DISBURSEMENT OF SUPPORT PAYMENTS.

1. The collection services center shall notify the clerk of the district court of any order for which the child support recovery unit is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. Unless the agreement developed pursuant to section 252B.13A otherwise provides, by October 1, 1999, the clerk of the district court shall forward any support payment made and any support payment information provided through income withholding pursuant to chapter 252D, to the collection services center. The collection services center shall process and disburse the payment in accordance with federal requirements.

2. ~~If~~ Unless otherwise provided under federal law, if it is possible to identify the support order to which a payment is to be applied and if sufficient information is provided to identify the obligee, a payment received by the collection services center or the clerk of the district court shall be disbursed to the appropriate individual or office within two working days in accordance with section 598.22.

Sec. 6. Section 252B.16, subsection 3, Code 1997, is amended to read as follows:

3. Once the responsibility for receiving and disbursing support payments has been transferred from a clerk of the district court to the collection services center, the responsibility shall remain with the collection services center even if the child support recovery unit is no longer providing enforcement services, unless redirected by court order. However, the responsibility for receiving and disbursing income withholding payments shall not be redirected to a clerk of the district court.

Sec. 7. Section 252D.1, Code Supplement 1997, is amended to read as follows:

252D.1 DELINQUENT SUPPORT PAYMENTS.

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 district court may enter an ex parte order, notifying the person whose income is to be withheld, of the delinquent amount, of the amount of income to be withheld, and of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of specified sums to be deducted from the delinquent person's income as defined in section 252D.16 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. Beginning October 1, 1999, all income withholding payments shall be paid to the collection services center. Notification of income withholding shall be provided to the obligor and to the payor of income pursuant to section 252D.17.

Sec. 8. Section 252D.17, subsections 5, 6, and 8, Code Supplement 1997, are amended to read as follows:

5. The payor shall send the amounts withheld to the collection services center or the clerk of the district court pursuant to section 252B.14 within 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 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, until October 1, 1999, the date withheld. If payments for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

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 notice of the order, or the notification of payors of income provisions established in section 252B.13A, 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.

Sec. 9. Section 252D.18A, subsection 4, Code Supplement 1997, is amended to read as follows:

4. The payor shall identify and report payments by the obligor's name, account number, amount, and date withheld pursuant to section 252D.17. If Until October 1, 1999, if payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified. Beginning October 1, 1999, if payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified only if the payor is directed to do so by the child support recovery unit.

Sec. 10. Section 252D.20, Code 1997, is amended to read as follows:

252D.20 ADMINISTRATION OF INCOME WITHHOLDING PROCEDURES.

The child support recovery unit is designated as the entity of the state to administer income withholding in accordance with the procedures specified for keeping adequate records to document, track, and monitor support payments on cases subject to Title IV-D of the federal Social Security Act. The Until October 1, 1999, the clerks of the district court are designated as the entities for administering income withholding on cases which are not subject to Title IV-D. Beginning October 1, 1999, the collection services center is designated as the entity for administering income withholding for cases which are not subject to Title IV-D. The collection services center's responsibilities for administering income withholding in cases not subject to Title IV-D are limited to the receipt, recording, and disbursement of income withholding payments and to responding to requests for information on the current status of support payments pursuant to section 252B.13A. Notwithstanding section 622.53, in cases where the court or the child support recovery unit is enforcing a foreign judgment through income withholding, a certified copy of the underlying judgment is sufficient proof of authenticity.

Sec. 11. Section 598.22, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

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. Beginning October 1, 1999, all income withholding payments shall be directed to the collection services center. 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 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.

Sec. 12. Section 598.22, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

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. The 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 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. 13. Section 598.26, subsection 1, Code 1997, 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, 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. 14. Section 602.8102, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 47C. Perform duties relating to implementation and operation of requirements for the collection services center pursuant to section 252B.13A, subsection 2.

DIVISION II STATE CASE REGISTRY

Sec. 15. NEW SECTION. 252B.24 STATE CASE REGISTRY.

1. Beginning October 1, 1998, the unit shall operate a state case registry to the extent determined by applicable time frames and other provisions of 42 U.S.C. § 654A(e) and this section. The unit and the judicial department shall enter into a cooperative agreement for the establishment and operation of the registry by the unit. The state case registry shall include records with respect to all of the following:

a. Unless prohibited by federal law, each case for which services are provided under this chapter.

b. Each order for support, as defined in section 252D.16 or 598.1, which meets at least one of the following criteria:

(1) The support order is established or modified in this state on or after October 1, 1998.

(2) The income of the obligor is subject to income withholding under chapter 252D, including any support order for which the district court enters an ex parte order under chapter 252D on or after October 1, 1998.

2. The clerk of the district court shall provide the unit with any information, orders, or documents requested by the unit to establish or operate the state case registry, which are specified in the agreement described in subsection 1, within the time frames specified in that agreement. The agreement shall include but is not limited to provisions to provide for all of the following:

a. Provision to the unit of information, orders, and documents necessary for the unit to meet requirements described in 42 U.S.C. § 654A(e) and this section.

b. Provision to the unit of information filed with the clerk of the district court by a party under section 598.22B, and the social security number of a child filed with the clerk of the district court under section 602.6111.

c. Use of automation, as appropriate, to meet the requirements described in 42 U.S.C. § 654A(e) and this section.

3. The records of the state case registry are confidential records pursuant to chapter 22 and may only be disclosed or used as provided in section 252B.9.

Sec. 16. Section 598.22B, Code Supplement 1997, is amended to read as follows:

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, or 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 all support payments are to be directed to the collection services center as provided in ~~sections~~ section 252B.14, subsection 2, and section 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~~ shall 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. Beginning October 1, 1998, information filed with the clerk of court pursuant to subsection 1 shall be provided by the clerk of court to the child support recovery unit pursuant to section 252B.24.

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. However, even if an affidavit has been filed, any information provided by the clerk of court to the child support recovery unit shall be disclosed by the unit as provided in section 252B.9.

d. ~~If the child support recovery unit is providing services pursuant to chapter 252B, information filed with~~ Information provided to the unit shall only be disclosed as provided in section 252B.9.

Sec. 17. Section 602.6111, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Beginning October 1, 1998, a party, except the child support recovery unit, filing a petition, complaint, answer, appearance, first motion, or any document with the clerk of district court to establish or modify an order for child support under chapter 236, 252A, 252K, 598, or 600B shall provide the clerk of the district court with the social security number of the child. The clerk of the district court shall keep the social security number of the child confidential, except the clerk shall provide the number to the child support recovery unit to be included in the records of the state case registry created under section 252B.24.

Sec. 18. Section 602.8102, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 47B. Perform the duties relating to establishment and operation of a state case registry pursuant to section 252B.24.

DIVISION III NEW HIRE REPORTING

Sec. 19. Section 84A.5, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The department shall provide access to information and documents necessary for employers and payors of income, as defined in sections 252D.16 and 252G.1, to comply with child support reporting and payment requirements. Access to the information and documents shall be provided at the central location of the department of workforce development and at each workforce development center.

Sec. 20. Section 252B.9, subsection 3, paragraph c, Code Supplement 1997, is amended to read as follows:

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

Sec. 21. Section 252G.3, subsections 1 and 2, Code Supplement 1997, are amended to read as follows:

1. Beginning January 1, 1994, an employer who hires or rehires an employee on or after January 1, 1994, shall report the hiring or rehiring of the employee to the centralized employee registry within fifteen in accordance with one of the following time frames:

a. Within fifteen days of the hiring or rehiring of the employee. ~~Employers shall report employees who, on the date of hire or rehire, are eighteen years of age or older, and may report employees who, on the date of hire or rehire, are under eighteen years of age. Only employees who are reasonably expected to earn at least one dollar in compensation for any day on which the employee works shall be reported.~~

b. If the employer is transmitting hire and rehire reports magnetically or electronically, the employer may report through transmissions which are not less than twelve nor more than sixteen days apart.

1A. The report submitted shall contain all of the following:

a. The employer's name, address, and federal identification number.

b. The employee's name, address, and social security number, ~~and date of birth.~~

c. Information regarding whether the employer has employee dependent health care coverage available and the appropriate date on which the employee may qualify for the coverage.

d. The address to which income withholding orders or the notices of orders and garnishments should be sent.

e. The employee's date of birth.

2. Employers required to report may report the information required under subsection 1A by any of the following means:

a. By mailing a copy of the employee's Iowa employee's withholding allowance certificate to the registry.

b. By submitting electronic media in a format approved by the unit in advance.

c. By submitting a fax transmission of the employee's Iowa employee's withholding allowance certificate to the registry.

d. By any other means authorized by the unit in advance if the means will result in timely reporting.

e. By submitting both of the following:

(1) For the information in subsection 1A, paragraphs "a" and "b", by transmitting by first class mail, magnetically or electronically, a federal W-4 form, or, at the option of the employer, an equivalent form.

(2) By reporting the other information required in subsection 1A by any of the means provided in paragraph "a", "b", "c", or "d" of this subsection.

Sec. 22. Section 252G.5, Code 1997, is amended to read as follows:

252G.5 ACCESS TO CENTRALIZED EMPLOYEE REGISTRY.

The records of the centralized employee registry are confidential records pursuant to ~~section~~ sections 22.7 and 252B.9, and may be accessed only by state agencies as provided in this section and section 252B.9. When a state agency accesses information in the registry, the agency may use the information to update the agency's own records. Access to and use of the information contained in the registry shall be limited to the following:

1. The unit for administration of the child support enforcement program, including but not limited to activities related to establishment and enforcement of child and medical support obligations through administrative or judicial processes, and other services authorized pursuant to chapter 252B.

2. State agencies 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 unless prohibited under federal law.

DIVISION IV CONFIDENTIALITY AND DISCLOSURE

Sec. 23. Section 252B.9, subsection 1, paragraph h, Code Supplement 1997, is amended to read as follows:

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. The unit shall also have access to the protective order file maintained by the department of public safety.

Sec. 24. Section 252B.9, subsection 3, paragraph d, Code Supplement 1997, is amended by striking the paragraph and inserting in lieu thereof the following:

d. The unit may release information under section 252B.9A to meet the requirements of Title IV-D of the federal Social Security Act for parent locator services.

Sec. 25. Section 252B.9, subsection 3, paragraph f, Code Supplement 1997, is amended to read as follows:

f. Information may be released to courts having jurisdiction in support ~~or abandonment~~ proceedings. If a court issues an order, which is not entered under section 252B.9A, directing the unit to disclose confidential information, the unit may file a motion to quash pursuant to this chapter, Title IV-D of the federal Social Security Act, or other applicable law.

Sec. 26. Section 252B.9, subsection 3, Code Supplement 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. If the unit receives notification under this paragraph, the unit shall notify the federal parent locator service as required by federal law that there is reasonable evidence of domestic violence or child abuse against a party or a child and that the disclosure of information could be harmful to the party or the child. The notification to the federal parent locator service shall be known as notification of a disclosure risk indicator. For purposes of this paragraph, the unit shall notify the federal parent locator service of a disclosure risk indicator only if at least one of the following applies:

(1) The unit receives notification that the department, or comparable agency of another state, has made a finding of good cause or other exception as provided in section 252B.3, or comparable law of another state.

(2) The unit receives and, through automation, matches notification from the department of public safety or the unit receives notification from a court of this or another state, that a court has issued a protective order or no contact order against a party with respect to another party or child.

(3) The unit receives notification that a court has dismissed a petition for specified confidential information pursuant to section 252B.9A.

(4) The unit receives notification that a tribunal has issued an order under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, that the address or other identifying information of a party or child not be disclosed.

(5) The unit receives and, through automation, matches notification from the division of child and family services of the department, or the unit receives notification from a comparable agency of another state, of a founded allegation of child abuse, or a comparable finding under the law of the other state.

(6) The unit receives notification that an individual has an exemption from cooperation with child support enforcement under a family investment program safety plan which addresses family or domestic violence.

(7) The unit receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, safety plan, or founded allegation referred to in subparagraphs (1) through (6) of this paragraph.

Sec. 27. NEW SECTION. 252B.9A DISCLOSURE OF CONFIDENTIAL INFORMATION — AUTHORIZED PERSON — COURT.

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 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.

2. Upon receipt of a request from an authorized person which meets all of the requirements under subsection 1, the unit shall search available records as permitted by law or shall request the information from the federal parent locator service as provided in 42 U.S.C. § 653.

a. If the unit locates the specified confidential information, the unit shall disclose the information to the extent permitted under federal law, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. § 653(b)(2).

(2) The unit has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph “i”, and has not removed that notification.

(3) The unit receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph “i”, within twenty days of sending a notice of the request to the subject of the request by regular mail.

b. If the unit locates the specified confidential information, but the unit is prohibited from disclosing confidential information under paragraph “a”, the unit shall deny the request and notify the requester of the denial in writing. Upon receipt of a written notice from the unit denying the request, the requester may file a petition in district court for an order directing the unit to release the requested information to the court as provided in subsection 3.

3. A person may file a petition in district court for disclosure of specified confidential information. The petition shall request that the court direct the unit to release specified confidential information to the court, that the court make a determination of harm if appropriate, and that the court release specified confidential information to the petitioner.

a. The petition shall include a sworn statement attesting to the intended use of the information by the petitioner as allowed by federal law. Such statement may specify any of the following intended uses:

(1) To establish parentage, or to establish, set the amount of, modify, or enforce a child support obligation.

(2) To make or enforce a child custody or visitation determination or order.

(3) To carry out the duty or authority of the petitioner to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

b. Upon the filing of a petition, the court shall enter an order directing the unit to release to the court within thirty days specified confidential information which the unit would be

permitted to release under 42 U.S.C. § 653 and 42 U.S.C. § 663, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. § 653(b)(2).

(2) The unit has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph "i", and has not removed that notification.

(3) The unit receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph "i", within twenty days of sending notice of the order to the subject of the request by regular mail. The unit shall include in the notice to the subject of the request a copy of the court order issued under this paragraph.

c. Upon receipt of the order, the unit shall comply as follows:

(1) If the unit has the specified confidential information, and none of the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph "b" applies, the unit shall file the confidential information with the court along with a statement that the unit has not received any notice that the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph "b" apply. The unit shall be granted at least thirty days to respond to the order. The court may extend the time for the unit to comply. Upon receipt by the court of the confidential information under this subparagraph, the court may order the release of the information to the petitioner.

(2) If the unit has the specified confidential information, and the domestic violence, child abuse, or disclosure risk indicator provision of paragraph "b" applies, the unit shall file with the court a statement that the domestic violence, child abuse, or disclosure risk indicator provision of paragraph "b" applies, along with any information the unit has received related to the domestic violence, child abuse, or disclosure risk indicator. The unit shall be granted at least thirty days to respond to the order. The court may extend the time for the unit to comply. Upon receipt by the court of information from the unit under this subparagraph, the court shall make a finding whether disclosure of confidential information to any other person could be harmful to the nonrequesting party or child. In making the finding, the court shall consider any relevant information provided by the parent or child, any information provided by the unit or by a child support agency, any information provided by the petitioner, and any other relevant evidence. The unit or unit's attorney does not represent any individual person in this proceeding.

(a) If the court finds that disclosure of confidential information to any other person could be harmful to the nonrequesting party or child, the court shall dismiss the petition for disclosure and notify the unit to notify the federal parent locator service of a disclosure risk indicator.

(b) If the court does not find that disclosure of specified confidential information to any other person could be harmful to the nonrequesting party or child, the court shall notify the unit to file the specified confidential information with the court. Upon receipt by the court of the specified confidential information, the court may release the information to the petitioner and inform the unit to remove the disclosure risk indicator.

(3) If the unit does not have the specified confidential information and cannot obtain the information from the federal parent locator service, the unit shall comply with the order by notifying the court of the lack of information.

4. The confidential information which may be released by the unit to a party under subsection 2, or by the unit to the court under subsection 3, shall be limited by the federal Social Security Act and other applicable federal law, and the unit may use the sworn statement filed pursuant to subsections 1 or 3 in applying federal law. Any information filed with the court by the unit, when certified over the signature of a designated employee, shall be considered to be satisfactorily identified and shall be admitted as evidence, without requiring third-party foundation testimony. Additional proof of the official character of the person certifying the document or the authenticity of the person's signature shall not be required.

5. When making a request for confidential information under this section, a party or petitioner shall indicate the specific information requested.

6. For purposes of this section, "party" means party as defined in section 252B.9, subsection 3.

7. The unit may adopt rules pursuant to chapter 17A to prescribe provisions in addition to or in lieu of the provisions of this section to comply with federal requirements for parent locator services or the safeguarding of information.

DIVISION V VOLUNTARY PATERNITY AFFIDAVITS AND RECISION

Sec. 28. Section 252A.3A, subsection 3, paragraph a, Code Supplement 1997, is amended to read as follows:

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. Video or audio equipment may be used to provide oral information.

Sec. 29. Section 252A.3A, subsection 9, paragraph a, subparagraph (1), Code Supplement 1997, is amended to read as follows:

(1) Written and oral information about establishment of paternity pursuant to subsection 3. Video or audio equipment may be used to provide oral information.

Sec. 30. Section 252A.3A, subsection 11, paragraph a, Code Supplement 1997, is amended to read as follows:

a. Written and oral information about the establishment of paternity pursuant to subsection 3. Video or audio equipment may be used to provide oral information.

Sec. 31. Section 252A.3A, subsection 12, paragraph a, subparagraph (2), Code Supplement 1997, is amended to read as follows:

(2) ~~Twenty days after the service of the notice or petition initiating~~ Entry of a court order pursuant to 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 this chapter, chapter 252C, 252F, 598, or 600B or other law of this state.

DIVISION VI ENFORCEMENT OF ORDERS FOR HEALTH CARE COVERAGE

Sec. 32. Section 252E.2, subsection 2, Code Supplement 1997, is amended to read as follows:

2. An insurer who is subject to the federal Employee Retirement Income Security Act, as codified in 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 and includes a medical child support order as defined in 29 U.S.C. § 1169, or 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 or a notice of such an order issued by the child support recovery unit, and which specifies the following:

a. The name and the last known mailing address of the participant and the name and mailing address of each child covered by the order except that, to the extent provided in the order, the name and mailing address of an official of the department may be substituted for the mailing address of the child.

b. A reasonable description of the type of coverage to be provided ~~by the plan~~ to each child, or the manner in which the type of coverage is to be determined.

c. The period during which the coverage applies.

~~d. Each plan to which the order applies.~~

DIVISION VII
DEFINITION OF "ACCOUNT"

Sec. 33. Section 252I.1, subsection 1, Code Supplement 1997, is 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 and "account" as defined in 42 U.S.C. § 666(a)(17). However, "account" does not include amounts held by a financial institution as collateral for loans extended by the financial institution.

DIVISION VIII
PASSPORT SANCTION

Sec. 34. Section 252B.5, subsection 11, Code Supplement 1997, is amended to read as follows:

11. a. ~~Effective October 1, 1997, Comply with federal procedures to~~ 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 certification 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 certification 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~~ The obligor shall send be sent a notice by regular mail to the last known address of the obligor in accordance with federal law and regulations and the notice shall remain in effect until support delinquencies have been paid in full. The notice shall include all of the following:

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

(b) ~~A statement providing information that upon certification by the unit to the secretary, the secretary will transmit the certification to if the delinquency is in excess of five thousand dollars, the United States secretary of state for denial, revocation, restriction, or limitation of may apply a passport sanction by revoking, restricting, limiting, or refusing to issue a passport as provided in 42 U.S.C. § 652(k).~~

(c) Information regarding the procedures for challenging the ~~determination certification~~ by the unit;

(2) (a) A challenge shall be 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 certification, the obligor shall submit the challenge in writing to notify the unit, to be received by the unit within twenty days of the date of the time period specified in the notice to the obligor. The obligor shall include any relevant information in with the written challenge.~~

(b) Upon timely receipt of the written challenge, the unit shall review the determination certification for a mistake of fact, or refer the challenge for review to the child support agency in the state chosen by the obligor as provided by federal law.

(c) Following the unit's review of the determination certification, 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~~ send notification in accordance with federal procedures withdrawing the certification for passport sanction.

(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~~ obligor may contest the determination within ten days following the issuance of the decision, ~~unless, within ten days of the issuance of the decision, the obligor requests by submitting a written request for 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 pursuant to chapter 17A. 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 department shall certify transmit~~ a copy of its ~~written decision indicating the date of issuance to the court prior to the hearing record to the district court pursuant to chapter 17A. 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 and notice~~ as the secretary requires to withdraw the certification for passport sanction.

DIVISION IX DETERMINATION OF CONTROLLING ORDER

Sec. 35. Section 252H.2, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "Determination of controlling order" means the process of identifying a child support order which must be recognized pursuant to section 252K.207 and 28 U.S.C. § 1738B, when more than one state has issued a support order for the same child and the same obligor. Registration of a foreign order is not necessary for a court or the unit to make a determination of controlling order.

Sec. 36. Section 252H.3, subsection 1, Code Supplement 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. A determination of a controlling order is within the scope of this chapter.

Sec. 37. Section 252H.8, subsection 4, Code Supplement 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. A certified copy of each order, issued by another state, considered in determining the controlling order.

Sec. 38. Section 252H.9, subsection 3, Code Supplement 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. If applicable, the order determined to be the controlling order.

Sec. 39. Section 252H.16, subsection 1, Code 1997, is amended to read as follows:

1. The unit shall conduct the review and determine whether an adjustment is appropriate. As necessary, the unit shall make a determination of the controlling order.

DIVISION X INTENT — RESPONSIBLE PARENTHOOD

Sec. 40. INTENT OF THE GENERAL ASSEMBLY — RESPONSIBLE PARENTHOOD. It is the intent of the general assembly that the core principle upon which programs for children and families, including the child support program, shall be based, is the importance of the relationship between both parents and a child. It is also the intent of the general assembly to encourage family formation, optimally in the context of marriage.

Neither parent's commitment to this relationship ends with providing financial support, but includes the sharing of time and self. The parent-child relationship includes rights and responsibilities, and, if entered into with the fullest commitment, includes limitless rewards and constitutes the most effective means of providing a child with a model of what a mother, a father, and a family should be.

It is the intent of the general assembly that the department of human services cooperate with other state, local, and community-based agencies and organizations to develop individualized local approaches, while maximizing coordination of existing programs and services, to assist both parents in fragile families to make and maintain connections with their children.

It is also the intent of the general assembly to enhance employment opportunities for families, including those for noncustodial parents, to improve the ability of both parents to support their children. In doing so, the department of human services and the department of workforce development shall cooperate to assist both parents in obtaining and maintaining employment including through the mechanisms provided under the family investment program, the job opportunities and basic skills (JOBS) program, the welfare-to-work program, and the child support recovery program.

DIVISION XI SATISFACTION OF ACCRUED SUPPORT DEBT

Sec. 41. Section 252B.3, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5. On or after July 1, 1999, the department shall implement a program for the satisfaction of accrued support debts, based upon timely payment by the obligor of both current support due and any payments due for accrued support debt under a periodic payment plan. The unit shall adopt rules pursuant to chapter 17A to establish the criteria and procedures for obtaining satisfaction under the program. The rules adopted under this subsection shall specify the cases and amounts to which the program is applicable, and may provide for the establishment of the program as a pilot program.

Sec. 42. Section 598.22A, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Payment of accrued support debt due the department of human services shall be credited pursuant to section 252B.3, subsection 5.

DIVISION XII
ALTERNATIVES TO MEDIAN INCOME

Sec. 43. Section 252B.7A, subsection 1, paragraph d, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

By July 1, 1999, the department shall adopt rules for imputing income, whenever possible, based on the earning capacity of a parent who does not provide income information or for whom income information is not available. 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.

DIVISION XIII
INCOME WITHHOLDING ARREARAGE RATES

Sec. 44. Section 252D.18, subsection 1, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. There has been a change in the rules adopted by the department pursuant to chapter 17A regarding the amount of income to be withheld to pay a delinquency.

Sec. 45. INCOME WITHHOLDING RATES.

1. Beginning July 1, 1998, the amount of income withheld for the payment of delinquent support, as determined by the child support recovery unit under chapter 252D, shall be decreased on a prospective basis from the current level of fifty percent of the current child support obligation.

2. The department of human services may adopt rules pursuant to section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement this section and the rules shall become effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later effective date is specified in the rules. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with the provision of this section shall also be published as notice of intended action as provided in section 17A.4.

3. The department of human services may modify the rules adopted under this section regarding the rate of withholding established for payment of delinquent support, based upon the results of implementation of this section including but not limited to the resulting impact on collections.

DIVISION XIV
SATISFACTION OF SUPPORT OWED TO PARENT

Sec. 46. Section 252B.20, subsection 2, paragraph b, Code Supplement 1997, is amended to read as follows:

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation and, if requested by the obligee, and if not prohibited by chapter 252K, satisfying the obligation of support due the obligee.

Sec. 47. Section 252B.20, subsections 3, 10, and 11, Code Supplement 1997, are amended to read as follows:

3. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order. The satisfaction of an obligation of support due the obligee shall be final upon the filing of the suspension order. A support obligation which is satisfied is not subject to the reinstatement provisions of this section.

10. This section does not provide for the suspension, ~~waiver, satisfaction,~~ or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section. However, if in the application for suspension, an obligee elects to satisfy an obligation of accrued support due the obligee, the suspension order may satisfy the obligation of accrued support due the obligee.

11. Nothing in this section shall prohibit or limit the unit or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

DIVISION XV PASS THROUGH OF CHILD SUPPORT

Sec. 48. FEDERAL PERMISSION — PASS THROUGH OF CHILD SUPPORT.

1. The department of human services shall seek permission from the United States department of health and human services for a statewide initiative to pass the full amount of child support collected, on behalf of family investment program participants, through to those families without being required to reimburse the federal government for the federal share of the child support collected. If the department of human services receives unconditional approval from the United States department of health and human services, the department shall submit an implementation proposal to the general assembly that provides for a net offset in family investment program benefits which is equivalent to the amount of child support passed through to the family.

2. The goals of the initiative shall include all of the following:

a. Encouraging payment of child support by providing a direct connection between the act of paying child support and the receipt of child support by the child.

b. Reinforcing the value of employment for family investment program participants by more clearly identifying the actual level of income necessary to become independent from the receipt of benefits under the family investment program when child support is also being received.

Approved May 6, 1998

CHAPTER 1171

CONFINEMENT AND TREATMENT OF SEX OFFENDERS

S.F. 2398

AN ACT relating to the confinement and treatment of sex offenders.

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

Section 1. NEW SECTION. 229A.1 LEGISLATIVE FINDINGS.

The general assembly finds that a small but extremely dangerous group of sexually violent predators exists which is made up of persons who do not have a mental disease or defect that renders them appropriate for involuntary treatment pursuant to the treatment provisions for mentally ill persons under chapter 229, since that chapter is intended to provide