

CHAPTER 12
CHILD SUPPORT

501—12.1(252J) Issuance of academy council certification. The council shall deny the issuance of a law enforcement officer's certification upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in chapter 252J, this rule shall apply.

12.1(1) The notice required by Iowa Code section 252J.8 shall be served upon the law enforcement officer or applicant to be a law enforcement officer by restricted certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the law enforcement officer or applicant to be a law enforcement officer may accept service personally or through authorized counsel.

12.1(2) The effective date of the denial of the issuance of a law enforcement officer's certification, as specified in the notice required by section 252J.8, shall be 60 days following service of the notice upon the law enforcement officer or applicant to be a law enforcement officer.

12.1(3) The academy director is authorized to prepare and serve the notice required by section 252J.8 upon the law enforcement officer or applicant to be a law enforcement officer.

12.1(4) Law enforcement officers and applicants to be a law enforcement officer shall keep the council informed of all court actions and all child support recovery unit actions taken under or in connection with chapter 252J and shall provide the council copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

12.1(5) All council fees for applications, certification or reinstatement must be paid by law enforcement officers or applicants to be a law enforcement officer before a law enforcement officer's certification will be issued or reinstated after the council has denied the issuance or reinstatement of a certification pursuant to chapter 252J.

12.1(6) In the event a law enforcement officer or applicant to be a law enforcement officer timely files a district court action following service of a council notice pursuant to sections 252J.8 and 252J.9, the council shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the council to proceed. For purposes of determining the effective date of the denial of the issuance of a certification of registration, the council shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

12.1(7) The council shall notify the law enforcement officer or applicant to be a law enforcement officer in writing through regular first-class mail, or such other means as the council deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance of a law enforcement officer's certification, and shall similarly notify the law enforcement officer or applicant to be a law enforcement officer when the certification is issued following the council's receipt of a withdrawal of the certificate of noncompliance.

501—12.2(252J) Suspension or revocation of academy council certification. The council shall suspend or revoke a law enforcement officer's certification upon the receipt of a certification of noncompliance from the child support recovery unit of the department of human services according to the procedures in chapter 252J. In addition to the procedures set forth in chapter 252J, this rule shall apply.

12.2(1) The notice required by section 252J.8 shall be served upon the law enforcement officer by restricted certified mail, return receipt requested, or personal service in accordance with R.C.P. 56.1. Alternatively, the law enforcement officer may accept service personally or through authorized counsel.

12.2(2) The effective date of revocation or suspension of a law enforcement officer's certification, as specified in the notice required by section 252J.8, shall be 60 days following service of the notice upon the law enforcement officer.

12.2(3) The academy director is authorized to prepare and serve the notice required by section 252J.8 and is directed to notify the law enforcement officer that the officer's certification will be suspended, unless the registration is already suspended on other grounds. In the event a law enforcement officer's certification is on suspension, the academy director shall notify the law enforcement officer of the council's intention to revoke the officer's certification.

12.2(4) Law enforcement officers shall keep the council informed of all court actions and all child support recovery unit actions taken under or in connection with chapter 252J and shall provide the council copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

12.2(5) All council fees for certification or reinstatement must be paid by the law enforcement officer before an officer's certification will be reinstated after the council has suspended or revoked a certification pursuant to chapter 252J.

12.2(6) In the event a law enforcement officer timely files a district court action following service of a council notice pursuant to sections 252J.8 and 252J.9, the council shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the council to proceed. For purposes of determining the effective date of revocation or suspension, the council shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

12.2(7) The council shall notify the law enforcement officer in writing through regular first-class mail, or such other means as the council deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of the law enforcement officer's certification and shall similarly notify the law enforcement officer when the certification is reinstated following the council's receipt of a withdrawal of the certificate of noncompliance.

501—12.3(17A,22,252J) Confidentiality. Notwithstanding any statutory confidentiality provision, the council may share information with the child support recovery unit of the department of human services through manual or automated means for the sole purpose of identifying law enforcement officers or applicants to be a law enforcement officer who are subject to enforcement under chapter 252J or 598.

These rules are intended to implement Iowa Code chapter 252J.

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