

CHAPTER 100
CHILD SUPPORT PARENTAL OBLIGATION PILOT PROJECTS

PREAMBLE

This chapter describes the parental obligation pilot projects participated in or developed by the department of human services child support recovery unit (CSRU). The purpose of these pilot projects is to develop new ways to assist parents in overcoming the barriers which interfere with their fulfilling their obligations to their children. For the purpose of these rules, parental obligations include emotional and personal involvement of the parents, beyond simply meeting their financial obligations. In order to encourage participation by parents, CSRU may offer various incentives for participation. These incentives may be offered through projects whose plans have been approved by the bureau chief or through projects in which CSRU participates and for which the bureau chief approves of CSRU's offering any or all of the incentives.

441—100.1(17A,80GA,HF667) Definitions.

“Assigned support arrearages” means support arrearages for which all rights have been and shall remain assigned to the state of Iowa.

“Bureau chief” means the chief of the bureau of collections of the department of human services or the bureau chief's designee.

“Child support recovery unit (CSRU)” means any person, unit, or other agency which is charged with responsibility for providing or assisting in the provision of child support enforcement services pursuant to Title IV-D of the Social Security Act.

“Director” means the director of the department of human services or designee.

“Funded pilot project” means any of the pilot projects funded in whole or in part by CSRU and approved by the bureau chief to assist parents in overcoming the barriers which interfere with their fulfilling obligations to their children. Each funded pilot project shall have a project plan approved by the bureau chief.

“Guidelines” means the mandatory child support guidelines established by the Iowa Supreme Court pursuant to Iowa Code section 598.21(4).

“Incentives” means, but is not limited to, establishment or modification of support obligations that deviate from guidelines and other encouragements to participate in pilot projects.

“Obligor” means a noncustodial parent or other natural person legally responsible for the support of a dependent.

“Participant” means a person who receives services or incentives through a pilot project.

“Periodic support payment” means the total support payment due in each time period in accordance with the established support obligation. If no current support is due, the periodic support payment is equivalent to the last current support amount as would be ordered under 441—Chapter 98, Division II.

“Project plan” means the written policies, procedures, eligibility criteria and other components, as described at subrule 100.3(2).

“Services” means, but is not limited to, mediation services, job skills training, neutral drop-off and pick-up sites, except as “services” is used in subparagraph 100.2(1)“a”(3), and does not include incentives.

“Unfunded pilot project” means any project in which CSRU participates which is funded totally by an entity or entities other than CSRU. The bureau chief may approve CSRU's participation in an unfunded pilot project in order to use the incentives offered through this chapter. Unfunded pilot projects are not required to submit a project plan, as described in subrule 100.3(2), for approval of the bureau chief.

441—100.2(17A,80GA,HF667) Incentives. CSRU may offer incentives to participants in funded and unfunded pilot projects to encourage their involvement in the projects. No obligation established or

modified under this rule may be less than the minimum amount allowed under guidelines. The available incentives include, but are not limited to, the following:

100.2(1) Deviation from guidelines.

a. CSRU may establish or modify a child support order which deviates from the guidelines amount when all of the following conditions exist:

- (1) Both parents consent to the deviation.
- (2) The child resides with either parent.
- (3) Either parent is a participant receiving services from CSRU under Iowa Code chapter 252B and Title IV-D of the Social Security Act.
- (4) The percentage of the deviation from the guideline amount of support does not change from any percentage of deviation that is currently ordered.
- (5) Neither parent has previously withdrawn consent to a deviated order entered under this subrule.

b. The child support order may not deviate from the guidelines amount by more than 25 percent. This order is not effective until approved by and filed with the court.

100.2(2) Modification of support obligations. CSRU may modify a support obligation of a participant through the procedures described in 441—Chapter 99, Division IV, without regard to the two-year criteria as specified in 441—subrule 99.62(2).

a. Initial modifications. CSRU shall perform an initial, informal calculation of the support obligation for each participant. If the initial, informal calculation indicates that the present child support obligation is at least 10 percent higher than the Iowa Supreme Court mandatory child support guidelines, CSRU may proceed to modify the support order, upon application of the participant, through proceedings established by 441—Chapter 99, Division IV, or through any other procedure allowed by law, notwithstanding the provisions of 441—subrule 99.62(3). If beginning new employment, the obligor may waive the application of the rule requiring that the obligor's income has lasted for three months and will be expected to last an additional three months.

b. Subsequent modifications.

(1) Subsequent modifications may be initiated only by CSRU without regard to the requirement that the variance from the guidelines amount be more than 20 percent when any of the following occurs:

1. Both parents give consent to deviate from the guidelines as provided in subrule 100.2(1).
2. Either parent withdraws consent to deviate from guidelines in setting an obligation.
3. Participant involvement in the pilot project terminates.

(2) Subsequent modifications may also be initiated by CSRU when the participant's income changes.

c. This subrule does not limit the ability or right of a parent or caretaker or CSRU to file or request a modification under any other statute or available proceeding.

100.2(3) Income withholding orders. CSRU may direct an employer or other income provider to withhold no more than 25 percent of the nonexempt disposable income of the participant for a period of time not to exceed 12 consecutive months from the date of the direction to the first employer under this subrule.

100.2(4) Satisfaction of the assigned support.

a. A participant shall be granted a partial satisfaction of the support arrearages which are and which will remain owed by that participant to the state when that participant pays the entire amount of all that participant's periodic support payments. Satisfaction granted under this subrule shall apply only to those cases for which the entire periodic support payment is credited.

b. Each satisfaction shall be an amount equal to a percentage of that participant's support arrearages, which are and which will remain owed to the state, according to the following schedule:

- (1) A one-time satisfaction of 15 percent of the amount when a participant pays the entire periodic support payment due in each of 6 consecutive calendar months.
- (2) A one-time satisfaction of 35 percent of the amount when a participant pays the entire periodic support payment due in each of 12 consecutive calendar months.
- (3) A one-time satisfaction of 80 percent of the amount when a participant pays the entire periodic support payment due in each of 24 consecutive calendar months.

c. A participant subject to an income withholding order shall be eligible for the satisfaction in this subrule if the sole reason for ineligibility is a disparity between the schedules of the participant's pay date and the scheduled date the payment is due.

d. A participant shall be eligible for a satisfaction under this subrule if the participant is no longer a participant, but has continued to pay the entire amount of that participant's periodic support payment without interruption.

441—100.3(17A,80GA,HF667) Application to be a funded pilot project. CSRU shall publish a request for project plans when it decides to initiate a pilot project and requests for grants exceed available funding. All applicants must be empowerment or decategorization groups.

100.3(1) Contents of request for project plans. The request for project plans shall contain the requirements for contents of the project plan, the stated goals of the project, the number of projects for which funding exists and any other parameter for the specific pilot project being advertised. The request shall also contain a deadline by which project plans must be submitted to the bureau chief.

100.3(2) Contents of project plans. Each funded pilot project shall have and maintain a project plan. At a minimum, the project plan shall contain or address the following:

a. Applicant's experience and success at establishing collaborations that include partners essential to the project.

b. The geographic area to be served and community need for projected services.

c. The population targeted to participate and the criteria to be used for the selection and termination of participants.

d. The means by which potential participants will be notified about project information including, but not limited to, the project services and incentives.

e. The types of services or incentives to be provided and the strategies directed to securing the emotional and financial support of children.

f. A clear statement of outcomes expected for project participants, benchmarks to indicate these outcomes are being attained and performance measures and reporting requirements.

g. The cost of the proposal, the significant level of community resources directed to the pilot, plans for continued funding after the end of the grant period and costs, if any, for project participants.

h. Strategies to increase public awareness of fatherhood issues.

i. Project duration, not to extend beyond October 1, 2006.

100.3(3) Amendments to project plan. Projects may submit proposed amendments to their project plan in writing to the bureau chief. The bureau chief shall have the option, after review, of approving or disapproving all proposed amendments to the project plan.

441—100.4(17A,80GA,HF667) Selection of projects.

100.4(1) Funded pilot projects. The bureau chief shall have sole authority to select funded pilot projects. The bureau chief shall also have sole authority to grant exceptions to allow participation by individuals outside the geographical area specified in the contents of project plan.

When funds are not available for all interested parties, the bureau chief shall select which of the project plans received on or before the deadline date shall be granted the status of funded pilot project. This selection of pilot projects shall be based upon the following criteria:

a. Demonstrated experience with establishing effective collaborations.

b. Geographic area selected and community need for the project.

c. Population to be targeted and criteria to be used to select and terminate participants.

d. Types of services and incentives to be offered and participant requirements to receive them.

e. Statement of project goals, outcomes for participants, benchmarks and performance measures.

f. Project monitoring and evaluation plan.

g. Public awareness campaign directed to community and potential participants.

h. Project budget and community financial participation.

100.4(2) Unfunded pilot projects. The bureau chief shall have sole authority to determine the extent of CSRU involvement in unfunded pilot projects based upon current needs and resources of CSRU.

Unfunded pilot projects shall submit periodic reports for the purpose of monitoring and evaluating the project.

441—100.5(17A,80GA,HF667) Termination of pilot projects. The bureau chief may immediately terminate CSRU's participation in a funded pilot project or an unfunded pilot project if:

1. The funded pilot project is not fulfilling the terms of its project plan or the unfunded pilot project is not fulfilling the terms for CSRU's participation in the pilot project; or
2. Funding is reduced, exhausted, eliminated or otherwise made unavailable.

441—100.6(17A,80GA,HF667) Reports and records.

100.6(1) Reports.

a. Funded pilot projects established under these rules shall report to CSRU at least quarterly, unless otherwise required by the project plan. The first report shall be due in the office of CSRU 30 days after the end of the first complete calendar quarter after the plan is approved. These reports shall include, but not be limited to, the following:

- (1) Number of participants served.
- (2) Services provided.
- (3) Funds expended.
- (4) Progress toward meeting individual participant outcomes.
- (5) Progress toward meeting project outcomes.
- (6) Progress toward meeting funding goals.
- (7) Other information as specified in the project plan.

b. Unfunded pilot projects may vary from the requirements in paragraph "a" in their reporting and shall report as agreed upon by the project managers and the bureau chief.

100.6(2) Records retention. Funded and unfunded pilot projects established under these rules shall retain all records as necessary to meet the audit requirements of the sources of the project's funding.

441—100.7(17A,80GA,HF667) Appeals. Applicants dissatisfied with the grant selection decision of the bureau chief may file an appeal with the director. The letter of appeal must be received within ten working days of the date of the notice of decision and must include a request for the director to review the decision and the reasons for dissatisfaction. Within ten working days of the receipt of the appeal, the director shall review the appeal request and issue a final decision.

No disbursements shall be made to any applicant for a period of ten calendar days following the notice of decision. If an appeal is filed within the ten days, all disbursements shall be held pending a final decision on the appeal. All applicants involved shall be notified if an appeal is filed.

441—100.8(17A,80GA,HF667) Continued application of rules and sunset provisions. Except as provided in subrule 100.8(2), these rules shall terminate the earlier of October 1, 2006, or when legislative authority is discontinued.

100.8(1) CSRU's participation in pilot projects. If CSRU's participation has not terminated earlier, CSRU's participation in funded and unfunded pilot projects terminates at the same time as the termination of these rules.

100.8(2) Receipt of incentives. Participants receiving incentives under these rules may continue to receive the incentives after the termination of these rules or after they are no longer participants only as follows:

a. For subrule 100.2(1), deviation from guidelines. If service of process has been accomplished upon all parties before the earlier of termination of these rules or termination of participation, but an order disposing of the establishment or modification action has not been entered before that date, then the process may continue until entry of an order or other disposition.

b. For subrule 100.2(2), modification of support obligations. If service of process has been accomplished upon all parties before the earlier of termination of these rules or termination of

participation, but an order disposing of the modification action has not been entered before that date, then the process may continue until entry of an order or other disposition.

c. For subrule 100.2(2)“b”(1)“2,” either parent withdraws consent to deviate from the guidelines. If a parent withdraws consent to deviate from the guidelines in setting an obligation, CSRU may initiate a subsequent modification as provided in 100.2(2)“b”(1)“2.”

d. For subrule 100.2(2)“b”(1)“3,” modification of support obligations. Any obligations set at an amount which deviates from the guidelines under this chapter shall continue only until the obligation is modified or reviewed under existing rules, at which time consent of the parents is not a sufficient basis for continuing the deviation.

e. For subrule 100.2(3), income withholding orders. This subrule shall apply to a participant or former participant for the full time period allowed in the subrule.

f. For subrule 100.2(4), satisfaction of the assigned support. This subrule shall apply to a participant or former participant for the full time period allowed in the subrule.

These rules are intended to implement 2003 Iowa Acts, House File 667, section 8, subsection 4b(3).

[Filed 7/13/00, Notice 5/17/00—published 8/9/00, effective 10/1/00]

[Filed Emergency 9/22/03 after Notice 7/9/03—published 10/15/03, effective 10/1/03]