

**441—98.25(252D) Amendment of amount of withholding due to hardship.**

**98.25(1) Request for amendment.** If subrule 98.24(2) or 98.24(3) applies, the obligor may request at any time an amendment of the amount withheld as payment toward the delinquency or reimbursement on the grounds of hardship. The obligor must submit the request in writing to the child support recovery unit.

**98.25(2) Hardship criterion.** Hardship exists if the obligor's income is equal to or less than 200 percent of the poverty level for one person according to the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

*a.* If hardship is claimed by the obligor, the child support recovery unit may verify income from:

- (1) The employer or other income provider of the obligor.
- (2) The obligor.
- (3) The state employment security agency.
- (4) Other records available in accordance with Iowa Code section 252B.9.

*b.* If the hardship criterion is met, the amount withheld as payment toward the delinquency may be amended as follows:

(1) The obligor's gross yearly income shall be divided by 200 percent of the established yearly gross poverty level income for one person. That amount shall be multiplied by .5. The resulting figure shall be multiplied by the most recent prior current support obligation or the amount determined pursuant to subrule 98.24(3), as applicable, to determine the amended amount. Notwithstanding this calculation, the amended amount shall not be less than \$15 per month.

(2) If criteria for withholding 20 percent toward liquidation of any delinquency are also met, the lesser of 20 percent or the amended amount determined in subparagraph 98.25(2) "b"(1) is to be withheld.

**98.25(3) Hardship period.** If the hardship criterion in subrule 98.25(2) is met, the child support recovery unit will grant the amended amount of withholding for a period of two years, subject to the provisions of subrule 98.25(6). However, if the obligor is receiving social security disability benefits, social security retirement benefits, or supplemental security income disability benefits, the obligor is deemed to continue to meet the hardship criterion for the duration of those benefits.

**98.25(4) Denying requests.** A hardship request may be denied if:

- a.* The criterion in subrule 98.25(2) is not met.
- b.* The obligor has been granted an amended amount of withholding based on this rule within the last two years and that hardship period will not expire in less than 30 days.
- c.* The obligor's previous hardship period expired within the last six months and, within 30 days prior to the expiration date of the previous hardship period, the obligor did not submit the following to the child support recovery unit:

(1) A written request for hardship; or

(2) Verification of the obligor's income, and the child support recovery unit was not able to verify the obligor's income as described in paragraph 98.25(2) "a."

**98.25(5) Notice requirements.** The child support recovery unit will provide written notification to the obligor of the result of the hardship request.

*a.* When a hardship request is granted, the written notification will include the amended amount of withholding and the date the hardship period will expire.

*b.* When a hardship request is denied, the written notification will include the reason for denial.

**98.25(6) Termination of hardship prior to expiration date.** The hardship period will automatically end, regardless of expiration date, if any of the following occurs:

*a.* A current support obligation is added to the support order.

*b.* The current support obligation was previously suspended and is reinstated.

*c.* The delinquency has been paid in full.

*d.* The obligor was receiving social security disability benefits, social security retirement benefits, or supplemental security income disability benefits at the time the hardship request was granted, and the child support recovery unit has verified that the obligor is no longer receiving social security disability benefits, social security retirement benefits, or supplemental security income disability benefits.