

House Amendment 1368

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1 1 Amend Senate File 350, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, by inserting after line 30 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 252B.25 CONTEMPT ==
1 6 COMBINING ACTIONS.
1 7 Notwithstanding any provision of law to the
1 8 contrary, if an obligor has been ordered to provide
1 9 support in more than one order, the unit may bring a
1 10 single action for contempt to enforce the multiple
1 11 orders. The unit shall file the action in the
1 12 district court of a county where at least one of the
1 13 support orders was entered or registered. For the
1 14 purposes of this section, the district court where the
1 15 unit files the action shall have jurisdiction and
1 16 authority over all other support orders for the
1 17 obligor entered or registered by a court of this state
1 18 and affected under this section. In such case, the
1 19 unit shall also file a document with the clerk of
1 20 court in each county affected specifying the county
1 21 where the action under this section was filed and the
1 22 disposition of the action.
1 23 Sec. _____. NEW SECTION. 252B.26 SERVICE OF
1 24 PROCESS.
1 25 Notwithstanding any provision of law to the
1 26 contrary, the unit may serve a petition, notice, or
1 27 rule to show cause under chapter 252A, 252C, 252F,
1 28 252H, 252K, 598, or 665 as specified in each chapter,
1 29 or by certified mail. Return acknowledgement is
1 30 required to prove service by certified mail, rules of
1 31 civil procedure 1.303(5) and 1.308(5) shall not apply,
1 32 and the return acknowledgment shall be filed with the
1 33 clerk of court.
1 34 Sec. _____. Section 252D.3, Code 2005, is amended to
1 35 read as follows:
1 36 252D.3 NOTICE OF INCOME WITHHOLDING.
1 37 All orders for support entered on or after July 1,
1 38 1984, shall notify the person ordered to pay support
1 39 of the mandatory withholding of income required under
1 40 section 252D.1. ~~However, for orders for support~~
~~1 41 entered before July 1, 1984, the clerk of the district~~
~~1 42 court, the child support recovery unit, or the person~~
~~1 43 entitled by the order to receive the support payments,~~
~~1 44 shall notify each person ordered to pay support under~~
~~1 45 such orders of the mandatory withholding of income~~
~~1 46 required under section 252D.1. The notice shall be~~
~~1 47 sent by certified mail to the person's last known~~
~~1 48 address or the person shall be personally served with~~
~~1 49 the notice in the manner provided for service of an~~
~~1 50 original notice at least fifteen days prior to the~~
~~2 1 ordering of income withholding under section 252D.1.~~
~~2 2 A person ordered to pay support may waive the right to~~
~~2 3 receive the notice at any time. However, this~~
~~2 4 subchapter is sufficient notice of implementation of~~
~~2 5 mandatory withholding of income under section 252D.1~~
~~2 6 without any further notice.~~
2 7 Sec. _____. Section 252D.10, Code 2005, is amended
2 8 to read as follows:
2 9 252D.10 NOTICE OF IMMEDIATE INCOME WITHHOLDING.
2 10 ~~The notice requirements of section 252D.3 do not~~
~~2 11 apply to this subchapter.~~ An order for support
2 12 entered after November 1, 1990, shall contain the
2 13 notice of immediate income withholding. However, this
2 14 subchapter is sufficient notice for implementation of
2 15 immediate income withholding without any further
2 16 notice.
2 17 Sec. _____. Section 252D.16, subsection 1, paragraph
2 18 b, Code 2005, is amended to read as follows:
2 19 b. A sole payment or lump sum as provided in
2 20 section 252D.18C, including but not limited to payment
2 21 from an estate including inheritance, or payment for
2 22 personal injury or property damage.
2 23 Sec. _____. Section 252D.24, subsection 2, Code
2 24 2005, is amended by striking the subsection.

2 25 Sec. ____ Section 252I.3, Code 2005, is amended to
2 26 read as follows:

2 27 252I.3 INITIAL NOTICE TO OBLIGOR.

2 28 ~~The unit may proceed under this chapter only if~~
2 29 ~~notice has been provided to the obligor in one of the~~
2 30 ~~following manners:~~

2 31 1. ~~The obligor is provided notice of the~~
2 32 ~~provisions of this chapter in the court order~~
2 33 ~~establishing the support obligation. The unit or~~
2 34 ~~district court may include language in any new or~~
2 35 ~~modified support order issued on or after July 1,~~
2 36 ~~1994, notifying the obligor that the obligor is~~
2 37 ~~subject to the provisions of this chapter. However,~~
2 38 ~~this chapter is sufficient notice for implementation~~
2 39 ~~of administrative levy provisions without further~~
2 40 ~~notice of the provisions of this chapter.~~

2 41 2. ~~The unit may send a notice by regular mail to~~
2 42 ~~the last known address of the obligor, notifying the~~
2 43 ~~obligor that the obligor is subject to the provisions~~
2 44 ~~of this chapter, with proof of service completed~~
2 45 ~~according to rule of civil procedure 1.442.~~

2 46 Sec. ____ Section 252I.5, subsection 1, Code 2005,
2 47 is amended to read as follows:

2 48 1. If an obligor is subject to this chapter under
2 49 section 252I.2, the unit may initiate an
2 50 administrative action to levy against the accounts of
3 1 the obligor. ~~If notice has previously been provided~~
3 2 ~~pursuant to section 252I.3, further notice is not~~
3 3 ~~required.~~

3 4 Sec. ____ Section 252J.3, unnumbered paragraph 1,
3 5 Code 2005, is amended to read as follows:

3 6 The unit shall proceed in accordance with this
3 7 chapter only if ~~the unit sends a notice is served on~~
3 8 ~~to the individual in accordance with rule of civil~~
3 9 ~~procedure 1.305 or notice is sent by certified mail~~
3 10 ~~addressed to the individual's last known address and~~
3 11 ~~served upon any person who may accept service under~~
3 12 ~~rule of civil procedure 1.305. Return acknowledgment~~
3 13 ~~is required to prove service by certified by regular~~
3 14 ~~mail to the last known address of the individual. The~~
3 15 notice shall include all of the following:

3 16 Sec. ____ Section 252J.3, subsections 4 and 5,
3 17 Code 2005, are amended to read as follows:

3 18 4. A statement that if, within twenty days of
3 19 ~~service mailing of the notice on to~~ the individual,
3 20 the individual fails to contact the unit to schedule a
3 21 conference, the unit shall issue a certificate of
3 22 noncompliance, bearing the individual's name, social
3 23 security number and unit case number, to any
3 24 appropriate licensing authority, certifying that the
3 25 obligor is not in compliance with a support order or
3 26 an individual has not complied with a subpoena or
3 27 warrant.

3 28 5. A statement that in order to stay the issuance
3 29 of a certificate of noncompliance the request for a
3 30 conference shall be in writing and shall be received
3 31 by the unit within twenty days of ~~service mailing of~~
3 32 ~~the notice on to~~ the individual.

3 33 Sec. ____ Section 252J.4, subsections 1, 2, and 6,
3 34 Code 2005, are amended to read as follows:

3 35 1. The individual may schedule a conference with
3 36 the unit following ~~service mailing of the notice~~
3 37 pursuant to section 252J.3, or at any time after
3 38 service of notice of suspension, revocation, denial of
3 39 issuance, or nonrenewal of a license from a licensing
3 40 authority, to challenge the unit's actions under this
3 41 chapter.

3 42 2. The request for a conference shall be made to
3 43 the unit, in writing, and, if requested after ~~service~~
3 44 ~~mailing of a the notice pursuant to section 252J.3,~~
3 45 shall be received by the unit within twenty days
3 46 following ~~service mailing of the notice.~~

3 47 6. If the individual does not timely request a
3 48 conference or does not comply with a subpoena or
3 49 warrant or if the obligor does not pay the total
3 50 amount of delinquent support owed within twenty days
4 1 of ~~service mailing of the notice pursuant to section~~
4 2 ~~252J.3, the unit shall issue a certificate of~~
4 3 noncompliance.

4 4 Sec. ____ Section 252J.6, subsection 1, unnumbered
4 5 paragraph 1, Code 2005, is amended to read as follows:

4 6 If an obligor is not in compliance with a support
4 7 order or the individual is not in compliance with a
4 8 subpoena or warrant pursuant to section 252J.2, the
4 9 unit ~~notifies mails a notice to~~ the individual
4 10 pursuant to section 252J.3, and the individual
4 11 requests a conference pursuant to section 252J.4, the
4 12 unit shall issue a written decision if any of the
4 13 following conditions exists:

4 14 Sec. _____. Section 600.16A, subsection 5, Code
4 15 2005, is amended to read as follows:

4 16 5. Notwithstanding subsection 2, a termination of
4 17 parental rights order issued pursuant to this chapter,
4 18 section 600A.9 ~~may, or any other chapter shall be~~
4 19 disclosed to the child support recovery unit, upon
4 20 request, without court order.

4 21 Sec. _____. NULLIFICATION OF RULES. The following
4 22 rules are nullified:

- 4 23 1. 441 IAC 98.22.
- 4 24 2. 441 IAC 98.23.
- 4 25 3. 441 IAC 98.33.
- 4 26 4. 441 IAC 98.92.>

4 27 #2. Title page, by inserting after the word <to>
4 28 the following: <child support, including>.

4 29 #3. Title page, line 1, by inserting after the
4 30 word <obligation> the following: <and nullifying
4 31 related administrative rules>.

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4 35 HEATON of Henry

4 36 SF 350.703 81

4 37 pf/gg/2048