

Senate File 330 - Enrolled

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SENATE FILE 330

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1 3 AN ACT
1 4 RELATING TO FAMILY LAW PROVISIONS INCLUDING DISSOLUTION OF
1 5 MARRIAGE AND DOMESTIC RELATIONS AND TERMINATION OF PARENTAL
1 6 RIGHTS PROVISIONS.

1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 9
1 10 Section 1. Section 234.39, subsections 1 and 2, Code 2005,
1 11 are amended to read as follows:

1 12 1. For an individual to whom section 234.35, subsection 1,
1 13 is applicable, a dispositional order of the juvenile court
1 14 requiring the provision of foster care, or an administrative
1 15 order entered pursuant to chapter 252C, or any order
1 16 establishing paternity and support for a child in foster care,
1 17 shall establish, after notice and a reasonable opportunity to
1 18 be heard is provided to a parent or guardian, the amount of
1 19 the parent's or guardian's support obligation for the cost of
1 20 foster care provided by the department. The amount of the
1 21 parent's or guardian's support obligation and the amount of
1 22 support debt accrued and accruing shall be established in
1 23 accordance with the child support guidelines prescribed under
1 24 section ~~598.21, subsection 4~~ 598.21B. However, the court, or
1 25 the department of human services in establishing support by
1 26 administrative order, may deviate from the prescribed
1 27 obligation after considering a recommendation by the
1 28 department for expenses related to goals and objectives of a
1 29 case permanency plan as defined under section 237.15, and upon
1 30 written findings of fact which specify the reason for
1 31 deviation and the prescribed guidelines amount. Any order for
1 32 support shall direct the payment of the support obligation to
1 33 the collection services center for the use of the department's
1 34 foster care recovery unit. The order shall be filed with the
1 35 clerk of the district court in which the responsible parent or
2 1 guardian resides and has the same force and effect as a
2 2 judgment when entered in the judgment docket and lien index.
2 3 The collection services center shall disburse the payments
2 4 pursuant to the order and record the disbursements. If
2 5 payments are not made as ordered, the child support recovery
2 6 unit may certify a default to the court and the court may, on
2 7 its own motion, proceed under section 598.22 or 598.23 or the
2 8 child support recovery unit may enforce the judgment as
2 9 allowed by law. An order entered under this subsection may be
2 10 modified only in accordance with the guidelines prescribed
2 11 under section ~~598.21, subsection 8~~ 598.21C, or under chapter
2 12 252H.

2 13 2. For an individual who is served by the department of
2 14 human services under section 234.35, and is not subject to a
2 15 dispositional order of the juvenile court requiring the
2 16 provision of foster care, the department shall determine the
2 17 obligation of the individual's parent or guardian pursuant to
2 18 chapter 252C and in accordance with the child support
2 19 guidelines prescribed under section ~~598.21, subsection 4~~
2 20 598.21B. However, the department may adjust the prescribed
2 21 obligation for expenses related to goals and objectives of a
2 22 case permanency plan as defined under section 237.15. An
2 23 obligation determined under this subsection may be modified
2 24 only in accordance with conditions under section ~~598.21,~~
2 25 ~~subsection 8~~ 598.21C, or under chapter 252H.

2 26 Sec. 2. Section 252A.3, subsections 1 and 2, Code 2005,
2 27 are amended to read as follows:

2 28 1. A spouse is liable for the support of the other spouse
2 29 and any child or children under eighteen years of age and any
2 30 other dependent. The court shall establish the respondent's
2 31 monthly support payment and the amount of the support debt
2 32 accrued and accruing pursuant to section ~~598.21~~ 598.21A or
2 33 598.21B, as applicable.

2 34 2. A parent is liable for the support of the parent's
2 35 child or children under eighteen years of age, whenever the
3 1 other parent of such child or children is dead, or cannot be
3 2 found, or is incapable of supporting the child or children,
3 3 and, if the liable parent is possessed of sufficient means or
3 4 able to earn the means. The court having jurisdiction of the
3 5 respondent in a proceeding instituted under this chapter shall

3 6 establish the respondent's monthly support payment and the
3 7 amount of the support debt accrued and accruing pursuant to
3 8 section ~~598.21, subsection 4~~ 598.21B. The support obligation
3 9 shall include support of a parent's child between the ages of
3 10 eighteen and nineteen years if the child is engaged full-time
3 11 in completing high school graduation or equivalency
3 12 requirements in a manner which is reasonably expected to
3 13 result in completion of the requirements prior to the person
3 14 reaching nineteen years of age.

3 15 Sec. 3. Section 252A.3, Code 2005, is amended by adding
3 16 the following new subsection:

3 17 NEW SUBSECTION. 8A. If paternity of a child born out of
3 18 wedlock is established as provided in subsection 8, the court
3 19 shall establish the respondent's monthly support payment and
3 20 the amount of the support debt accrued and accruing pursuant
3 21 to section 598.21B. The support obligation shall include
3 22 support of the child between the ages of eighteen and nineteen
3 23 years if the child is engaged full-time in completing high
3 24 school graduation or equivalency requirements in a manner
3 25 which is reasonably expected to result in completion of the
3 26 requirements prior to the person reaching nineteen years of
3 27 age.

3 28 Sec. 4. Section 252A.6, subsection 4, Code 2005, is
3 29 amended to read as follows:

3 30 4. If the respondent appears at the hearing and fails to
3 31 answer the petition or admits the allegations of the petition,
3 32 or if, after a hearing, the court has found and determined
3 33 that the prayer of the petitioner, or any part of the prayer,
3 34 is supported by the evidence adduced in the proceeding, and
3 35 that the dependent is in need of and entitled to support from
4 1 a party, the court shall make and enter an order directing a
4 2 party to furnish support for the dependent and to pay a sum as
4 3 the court determines pursuant to section ~~598.21~~ 598.21A or
4 4 598.21B, as applicable. Upon entry of an order for support or
4 5 upon failure of a person to make payments pursuant to an order
4 6 for support, the court may require a party to provide
4 7 security, a bond, or other guarantee which the court
4 8 determines is satisfactory to secure the payment of the
4 9 support. Upon the party's failure to pay the support under
4 10 the order, the court may declare the security, bond, or other
4 11 guarantee forfeited.

4 12 Sec. 5. Section 252A.6A, subsection 1, paragraph b, Code
4 13 2005, is amended to read as follows:

4 14 b. If the respondent, after being served with notice as
4 15 required under section 252A.6, fails to timely respond to the
4 16 notice, or to appear for blood or genetic tests pursuant to a
4 17 court or administrative order, or to appear at a scheduled
4 18 hearing after being provided notice of the hearing, the court
4 19 shall find the respondent in default, and shall enter an order
4 20 establishing paternity and establishing the monthly child
4 21 support payment and the amount of the support debt accrued and
4 22 accruing pursuant to section ~~598.21, subsection 4~~ 598.21B, or
4 23 medical support pursuant to chapter 252E, or both.

4 24 Sec. 6. Section 252A.6A, subsection 2, paragraph a,
4 25 subparagraph (2), Code 2005, is amended to read as follows:

4 26 (2) If the court determines that the prior determination
4 27 of paternity should not be overcome, pursuant to section
4 28 600B.41A, and that the party has a duty to provide support,
4 29 the court shall enter an order establishing the monthly child
4 30 support payment and the amount of the support debt accrued and
4 31 accruing pursuant to section ~~598.21, subsection 4~~ 598.21B, or
4 32 medical support pursuant to chapter 252E, or both.

4 33 Sec. 7. Section 252A.6A, subsection 3, Code 2005, is
4 34 amended to read as follows:

4 35 3. If the expert analyzing the blood or genetic test
5 1 concludes that the test results demonstrate that the putative
5 2 father is not excluded and that the probability of the
5 3 putative father's paternity is ninety-nine percent or higher
5 4 and if the test results have not been challenged, the court,
5 5 upon motion by a party, shall enter a temporary order for
5 6 child support to be paid pursuant to section ~~598.21,~~
5 7 ~~subsection 4~~ 598.21B. The court shall require temporary
5 8 support to be paid to the clerk of court or to the collection
5 9 services center. If the court subsequently determines the
5 10 putative father is not the father, the court shall terminate
5 11 the temporary support order. All support obligations which
5 12 came due prior to the order terminating temporary support are
5 13 unaffected by this action and remain a judgment subject to
5 14 enforcement.

5 15 Sec. 8. Section 252B.5, subsection 4, Code 2005, is
5 16 amended to read as follows:

5 17 4. Assistance to set off against a debtor's income tax
5 18 refund or rebate any support debt, which is assigned to the
5 19 department of human services or which the child support
5 20 recovery unit is attempting to collect on behalf of any
5 21 individual not eligible as a public assistance recipient,
5 22 which has accrued through written contract, subrogation, or
5 23 court judgment, and which is in the form of a liquidated sum
5 24 due and owing for the care, support, or maintenance of a
5 25 child. Unless the periodic payment plan provisions for a
5 26 retroactive modification pursuant to section ~~598.21,~~
~~5 27 subsection 8, 598.21C~~ apply, the entire amount of a judgment
5 28 for accrued support, notwithstanding compliance with a
5 29 periodic payment plan or regardless of the date of entry of
5 30 the judgment, is due and owing as of the date of entry of the
5 31 judgment and is delinquent for the purposes of setoff,
5 32 including for setoff against a debtor's federal income tax
5 33 refund or other federal nontax payment. The department of
5 34 human services shall adopt rules pursuant to chapter 17A
5 35 necessary to assist the department of administrative services
6 1 in the implementation of the child support setoff as
6 2 established under section 8A.504.

6 3 Sec. 9. Section 252B.5, subsection 7, unnumbered paragraph
6 4 1, Code 2005, is amended to read as follows:

6 5 At the request of either parent who is subject to the order
6 6 of support or upon its own initiation, review the amount of
6 7 the support award in accordance with the guidelines
6 8 established pursuant to section ~~598.21, subsection 4 598.21B,~~
6 9 and Title IV=D of the federal Social Security Act, as amended,
6 10 and take action to initiate modification proceedings if the
6 11 criteria established pursuant to this section are met.
6 12 However, a review of a support award is not required if the
6 13 child support recovery unit determines that such a review
6 14 would not be in the best interest of the child and neither
6 15 parent has requested such review.

6 16 Sec. 10. Section 252B.6, subsection 3, Code 2005, is
6 17 amended to read as follows:

6 18 3. Appear on behalf of the state for the purpose of
6 19 facilitating the modification of support awards consistent
6 20 with guidelines established pursuant to section ~~598.21,~~
~~6 21 subsection 4 598.21B,~~ and Title IV=D of the federal Social
6 22 Security Act. The unit shall not otherwise participate in the
6 23 proceeding.

6 24 Sec. 11. Section 252B.9, subsection 1, paragraph b, Code
6 25 2005, is amended to read as follows:

6 26 b. Parents of a child on whose behalf support enforcement
6 27 services are provided shall provide information regarding
6 28 income, resources, financial circumstances, and property
6 29 holdings to the department for the purpose of establishment,
6 30 modification, or enforcement of a support obligation. The
6 31 department may provide the information to parents of a child
6 32 as needed to implement the requirements of section ~~598.21,~~
~~6 33 subsection 4 598.21B,~~ notwithstanding any provisions of law
6 34 making this information confidential.

6 35 Sec. 12. Section 252C.2, subsection 2, unnumbered
7 1 paragraph 1, Code 2005, is amended to read as follows:

7 2 The payment of public assistance to or for the benefit of a
7 3 dependent child or a dependent child's caretaker creates a
7 4 support debt due and owing to the department by the
7 5 responsible person in an amount equal to the public assistance
7 6 payment, except that the support debt is limited to the amount
7 7 of a support obligation established by court order or by the
7 8 administrator. The administrator may establish a support debt
7 9 as to amounts accrued and accruing pursuant to section ~~598.21,~~

~~7 10 subsection 4 598.21B.~~ However, when establishing a support
7 11 obligation against a responsible person, no debt shall be
7 12 created for the period during which the responsible person is
7 13 a recipient on the person's own behalf of public assistance
7 14 for the benefit of the dependent child or the dependent
7 15 child's caretaker, if any of the following conditions exist:

7 16 Sec. 13. Section 252C.2, subsection 3, Code 2005, is
7 17 amended to read as follows:

7 18 3. The provision of child support collection or paternity
7 19 determination services under chapter 252B to an individual,
7 20 even though the individual is ineligible for public
7 21 assistance, creates a support debt due and owing to the
7 22 individual or the individual's child or ward by the
7 23 responsible person in the amount of a support obligation
7 24 established by court order or by the administrator. The
7 25 administrator may establish a support debt in favor of the
7 26 individual or the individual's child or ward and against the
7 27 responsible person, both as to amounts accrued and accruing,

7 28 pursuant to section ~~598.21, subsection 4~~ 598.21B.
7 29 Sec. 14. Section 252C.3, subsection 1, paragraph a, Code
7 30 2005, is amended to read as follows:
7 31 a. A statement that the support obligation will be set
7 32 pursuant to the child support guidelines established pursuant
7 33 to section ~~598.21, subsection 4~~ 598.21B, and the criteria
7 34 established pursuant to section 252B.7A, and that the
7 35 responsible person is required to provide medical support in
8 1 accordance with chapter 252E.
8 2 Sec. 15. Section 252C.4, subsection 4, Code 2005, is
8 3 amended to read as follows:
8 4 4. The court shall establish the monthly child support
8 5 payment and the amount of the support debt accrued and
8 6 accruing pursuant to section ~~598.21, subsection 4~~ 598.21B, or
8 7 medical support pursuant to chapter 252E, or both.
8 8 Sec. 16. Section 252C.4, subsection 7, paragraph a,
8 9 subparagraph (2), Code 2005, is amended to read as follows:
8 10 (2) If the court determines that the prior determination
8 11 of paternity should not be overcome pursuant to section
8 12 600B.41A, and that the responsible person has a duty to
8 13 provide support, the court shall enter an order establishing
8 14 the monthly child support payment and the amount of the
8 15 support debt accrued and accruing pursuant to section ~~598.21,~~
8 16 ~~subsection 4~~ 598.21B, or medical support pursuant to chapter
8 17 252E, or both.
8 18 Sec. 17. Section 252F.3, subsection 1, paragraphs c and e,
8 19 Code 2005, are amended to read as follows:
8 20 c. A statement that if paternity is established, the
8 21 amount of the putative father's monthly support obligation and
8 22 the amount of the support debt accrued and accruing will be
8 23 established in accordance with the guidelines established in
8 24 section ~~598.21, subsection 4~~ 598.21B, and the criteria
8 25 established pursuant to section 252B.7A.
8 26 e. A written explanation of the procedures for determining
8 27 the child support obligation and a request for financial or
8 28 income information as necessary for application of the child
8 29 support guidelines established pursuant to section ~~598.21,~~
8 30 ~~subsection 4~~ 598.21B.
8 31 Sec. 18. Section 252F.4, subsections 1 through 4, Code
8 32 2005, are amended to read as follows:
8 33 1. If the putative father fails to respond to the initial
8 34 notice within twenty days after the date of service of the
8 35 notice or fails to appear at a conference pursuant to section
9 1 252F.3 on the scheduled date of the conference, and paternity
9 2 has not been contested and the putative father fails to timely
9 3 request a court hearing on the issue of support, the
9 4 administrator shall enter an order against the putative
9 5 father, declaring the putative father to be the legal father
9 6 of the child or children involved and assessing any accrued
9 7 and accruing child support obligation pursuant to the
9 8 guidelines established under section ~~598.21, subsection 4~~
9 9 598.21B, and medical support pursuant to chapter 252E, against
9 10 the father.
9 11 2. If paternity is contested pursuant to section 252F.3,
9 12 subsection 6, and the party contesting paternity fails to
9 13 appear for a paternity test and fails to request a
9 14 rescheduling pursuant to section 252F.3, or fails to appear
9 15 for both the initial and the rescheduled paternity tests and
9 16 the putative father fails to timely request a court hearing on
9 17 the issue of support, the administrator shall enter an order
9 18 against the putative father declaring the putative father to
9 19 be the legal father of the child or children involved and
9 20 assessing any accrued and accruing child support obligation
9 21 pursuant to the guidelines established under section ~~598.21,~~
9 22 ~~subsection 4~~ 598.21B, and medical support pursuant to chapter
9 23 252E, against the father.
9 24 3. If the putative father appears at a conference pursuant
9 25 to section 252F.3, and paternity is not contested, and the
9 26 putative father fails to timely request a court hearing on the
9 27 issue of support, the administrator shall enter an order
9 28 against the putative father after the second notice has been
9 29 sent declaring the putative father to be the legal father of
9 30 the child or children involved and assessing any accrued and
9 31 accruing child support obligation pursuant to the guidelines
9 32 established under section ~~598.21, subsection 4~~ 598.21B, and
9 33 medical support pursuant to chapter 252E against the father.
9 34 4. If paternity was contested and paternity testing was
9 35 performed and the putative father was not excluded, if the
10 1 test results indicate that the probability of the putative
10 2 father's paternity is ninety-five percent or greater, if the
10 3 test results are not timely challenged, and if the putative

10 4 father fails to timely request a court hearing on the issue of
10 5 support, the administrator shall enter an order against the
10 6 putative father declaring the putative father to be the legal
10 7 father of the child or children involved and assessing any
10 8 accrued and accruing child support obligation pursuant to the
10 9 guidelines established under section ~~598.21, subsection 4~~
10 10 ~~598.21B~~, and medical support pursuant to chapter 252E, against
10 11 the father.

10 12 Sec. 19. Section 252F.5, subsection 6, Code 2005, is
10 13 amended to read as follows:

10 14 6. If the court determines that the putative father is the
10 15 legal father, the court shall establish the amount of the
10 16 accrued and accruing child support pursuant to the guidelines
10 17 established under section ~~598.21, subsection 4~~ ~~598.21B~~, and
10 18 shall establish medical support pursuant to chapter 252E.

10 19 Sec. 20. Section 252H.2, subsection 2, paragraph a, Code
10 20 2005, is amended to read as follows:

10 21 a. A change in the amount of child support based upon an
10 22 application of the child support guidelines established
10 23 pursuant to section ~~598.21, subsection 4~~ ~~598.21B~~.

10 24 Sec. 21. Section 252H.6, Code 2005, is amended to read as
10 25 follows:

10 26 252H.6 COLLECTION OF INFORMATION.

10 27 The unit may request, obtain, and validate information
10 28 concerning the financial circumstances of the parents of a
10 29 child as necessary to determine the appropriate amount of
10 30 support pursuant to the guidelines established in section
10 31 ~~598.21, subsection 4~~ ~~598.21B~~, including but not limited to
10 32 those sources and procedures described in sections 252B.7A and
10 33 252B.9. The collection of information does not constitute a
10 34 review conducted pursuant to section 252H.16.

10 35 Sec. 22. Section 252H.8, subsection 4, paragraph g, Code
11 1 2005, is amended to read as follows:

11 2 g. Copies of any computation worksheet prepared by the
11 3 unit to determine the amount of support calculated using the
11 4 mandatory child support guidelines established under section
11 5 ~~598.21, subsection 4~~ ~~598.21B~~, and, if appropriate and the
11 6 social security disability provisions of sections 598.22 and
11 7 598.22C apply, a determination of the amount of delinquent
11 8 support due.

11 9 Sec. 23. Section 252H.8, subsection 10, Code 2005, is
11 10 amended to read as follows:

11 11 10. The court shall establish the amount of child support
11 12 pursuant to section ~~598.21, subsection 4~~ ~~598.21B~~, or medical
11 13 support pursuant to chapter 252E, or both.

11 14 Sec. 24. Section 252H.9, subsection 2, Code 2005, is
11 15 amended to read as follows:

11 16 2. For orders to which subchapter II or III is applicable,
11 17 the unit shall determine the appropriate amount of the child
11 18 support obligation using the current child support guidelines
11 19 established pursuant to section ~~598.21, subsection 4~~ ~~598.21B~~,
11 20 and the criteria established pursuant to section 252B.7A and
11 21 shall determine the provisions for medical support pursuant to
11 22 chapter 252E.

11 23 Sec. 25. Section 252H.10, unnumbered paragraph 1, Code
11 24 2005, is amended to read as follows:

11 25 Pursuant to section ~~598.21, subsection 8~~ ~~598.21C~~, any
11 26 administrative or court order resulting from an action
11 27 initiated under this chapter may be made retroactive only to
11 28 the date that all parties were successfully served the notice
11 29 required under section 252H.15 or section 252H.19, as
11 30 applicable.

11 31 Sec. 26. Section 252H.15, subsection 3, paragraphs c and
11 32 e, Code 2005, are amended to read as follows:

11 33 c. An explanation of the procedures for determining child
11 34 support and a request for financial or income information as
11 35 necessary for application of the child support guidelines
12 1 established pursuant to section ~~598.21, subsection 4~~ ~~598.21B~~.

12 2 e. Criteria for determining appropriateness of an
12 3 adjustment and a statement that the unit will use the child
12 4 support guidelines established pursuant to section ~~598.21,~~
12 5 ~~subsection 4~~ ~~598.21B~~, and the provisions for medical support
12 6 pursuant to chapter 252E to adjust the order.

12 7 Sec. 27. Section 252H.18A, subsection 3, Code 2005, is
12 8 amended to read as follows:

12 9 3. Notwithstanding section ~~598.21, subsections 8 and 9~~
12 10 ~~598.21C~~, for purposes of this section, a substantial change in
12 11 circumstances means there has been a change of fifty percent
12 12 or more in the income of a parent, and the change is due to
12 13 financial circumstances which have existed for a minimum
12 14 period of three months and can reasonably be expected to exist

12 15 for an additional three months.

12 16 Sec. 28. Section 252H.19, subsection 2, paragraph c, Code
12 17 2005, is amended to read as follows:

12 18 c. An explanation of the procedures for determining child
12 19 support and a request for financial or income information as
12 20 necessary for application of the child support guidelines
12 21 established pursuant to section ~~598.21, subsection 4~~ 598.21B.

12 22 Sec. 29. Section 252H.21, subsection 2, paragraph a, Code
12 23 2005, is amended to read as follows:

12 24 a. To the extent permitted under 42 U.S.C. }
12 25 666(a)(10)(A)(i)(II), the cost-of-living alteration shall be
12 26 an exception to any requirement under law for the application
12 27 of the child support guidelines established pursuant to
12 28 section ~~598.21, subsection 4~~ 598.21B, including but not
12 29 limited to any requirement in this chapter or chapter 234,
12 30 252A, 252B, 252C, 252F, 598, or 600B.

12 31 Sec. 30. Section 598.5, Code 2005, is amended to read as
12 32 follows:

12 33 598.5 CONTENTS OF PETITION == VERIFICATION == EVIDENCE.

12 34 1. The petition for dissolution of marriage shall:

12 35 ~~1-~~ a. State the name, birth date, address and county of
13 1 residence of the petitioner and the name and address of the
13 2 petitioner's attorney.

13 3 ~~2-~~ b. State the place and date of marriage of the
13 4 parties.

13 5 ~~3-~~ c. State the name, birth date, address and county of
13 6 residence, if known, of the respondent.

13 7 ~~4-~~ d. State the name and age of each minor child by date
13 8 of birth whose welfare may be affected by the controversy.

13 9 ~~5-~~ e. State whether or not a separate action for
13 10 dissolution of marriage or child support has been commenced
13 11 and whether such action is pending in any court in this state
13 12 or elsewhere. State whether the entry of an order would
13 13 violate 28 U.S.C. } 1738B. If there is an existing child
13 14 support order, the party shall disclose identifying
13 15 information regarding the order.

13 16 ~~6-~~ f. Allege that the petition has been filed in good
13 17 faith and for the purposes set forth therein.

13 18 ~~7-~~ g. Allege that there has been a breakdown of the
13 19 marriage relationship to the extent that the legitimate
13 20 objects of matrimony have been destroyed and there remains no
13 21 reasonable likelihood that the marriage can be preserved.

13 22 ~~8-~~ h. Set forth any application for temporary support of
13 23 the petitioner and any children without enumerating the
13 24 amounts thereof.

13 25 ~~9-~~ i. Set forth any application for permanent alimony or
13 26 support, child custody, or disposition of property, as well as
13 27 attorneys' fees and suit money, without enumerating the
13 28 amounts thereof.

13 29 ~~10-~~ j. State whether the appointment of a conciliator
13 30 pursuant to section 598.16 may preserve the marriage.

13 31 k. Except where the respondent is a resident of this state
13 32 and is served by personal service, state that the petitioner
13 33 has been for the last year a resident of the state, specifying
13 34 the county in which the petitioner has resided and the length
13 35 of such residence in the state after deducting all absences
14 1 from the state, and that the maintenance of the residence has
14 2 been in good faith and not for the purpose of obtaining a
14 3 dissolution of marriage only.

14 4 2. The petition shall be verified by the petitioner.

14 5 3. The allegations of the petition shall be established by
14 6 competent evidence.

14 7 Sec. 31. Section 598.7, Code 2005, is amended by striking
14 8 the section and inserting in lieu thereof the following:

14 9 598.7 MEDIATION.

14 10 1. The district court may, on its own motion or on the
14 11 motion of any party, order the parties to participate in
14 12 mediation in any dissolution of marriage action or other
14 13 domestic relations action. Mediation performed under this
14 14 section shall comply with the provisions of chapter 679C. The
14 15 provisions of this section shall not apply if the action
14 16 involves a child support or medical support obligation
14 17 enforced by the child support recovery unit. The provisions
14 18 of this section shall not apply to actions which involve
14 19 domestic abuse pursuant to chapter 236. The provisions of
14 20 this section shall not affect a judicial district's or court's
14 21 authority to order settlement conferences pursuant to rules of
14 22 civil procedure. The court shall, on application of a party,
14 23 grant a waiver from any court-ordered mediation under this
14 24 section if the party demonstrates that a history of domestic
14 25 abuse exists as specified in section 598.41, subsection 3,

14 26 paragraph "j".

14 27 2. The supreme court shall establish a dispute resolution
14 28 program in family law cases that includes the opportunities
14 29 for mediation and settlement conferences. Any judicial
14 30 district may implement such a dispute resolution program,
14 31 subject to the rules prescribed by the supreme court.

14 32 3. The supreme court shall prescribe rules for the
14 33 mediation program, including the circumstances under which the
14 34 district court may order participation in mediation.

14 35 4. Any dispute resolution program shall comply with all of
15 1 the following standards:

15 2 a. Participation in mediation shall include attendance at
15 3 a mediation session with the mediator and the parties to the
15 4 action, listening to the mediator's explanation of the
15 5 mediation process, presentation of one party's view of the
15 6 case, and listening to the response of the other party.
15 7 Participation in mediation does not require that the parties
15 8 reach an agreement.

15 9 b. The parties may choose the mediator, or the court shall
15 10 appoint a mediator. A court-appointed mediator shall meet the
15 11 qualifications established by the supreme court.

15 12 c. Parties to the mediation have the right to advice and
15 13 presence of counsel at all times.

15 14 d. The parties to the mediation shall present any
15 15 agreement reached through the mediation to their attorneys, if
15 16 any. A mediation agreement reached by the parties shall not
15 17 be enforceable until approved by the court.

15 18 e. The costs of mediation shall be borne by the parties,
15 19 as agreed to by the parties, or as ordered by the court, and
15 20 may be taxed as court costs. Mediation shall be provided on a
15 21 sliding fee scale for parties who are determined to be
15 22 indigent pursuant to section 815.9.

15 23 5. The supreme court shall prescribe qualifications for
15 24 mediators under this section. The qualifications shall
15 25 include but are not limited to the ethical standards to be
15 26 observed by mediators. The qualifications shall not include a
15 27 requirement that the mediator be licensed to practice any
15 28 particular profession.

15 29 Sec. 32. NEW SECTION. 598.10 TEMPORARY ORDERS.

15 30 1. a. The court may order either party to pay the clerk a
15 31 sum of money for the separate support and maintenance of the
15 32 other party and the children and to enable such party to
15 33 prosecute or defend the action. The court may on its own
15 34 motion and shall upon application of either party or an
15 35 attorney or guardian ad litem appointed under section 598.12
16 1 determine the temporary custody of any minor child whose
16 2 welfare may be affected by the filing of the petition for
16 3 dissolution.

16 4 b. In order to encourage compliance with a visitation
16 5 order, a temporary order for custody shall provide for a
16 6 minimum visitation schedule with the noncustodial parent,
16 7 unless the court determines that such visitation is not in the
16 8 best interest of the child.

16 9 2. The court may make such an order when a claim for
16 10 temporary support is made by the petitioner in the petition,
16 11 or upon application of either party, after service of the
16 12 original notice and when no application is made in the
16 13 petition; however, no such order shall be entered until at
16 14 least five days' notice of hearing, and opportunity to be
16 15 heard, is given the other party. Appearance by an attorney or
16 16 the respondent for such hearing shall be deemed a special
16 17 appearance for the purpose of such hearing only and not a
16 18 general appearance. An order entered pursuant to this section
16 19 shall contain the names, birth dates, addresses, and counties
16 20 of residence of the petitioner and respondent.

16 21 Sec. 33. Section 598.11, Code 2005, is amended by striking
16 22 the section and inserting in lieu thereof the following:

16 23 598.11 HOW TEMPORARY ORDER MADE == CHANGES == RETROACTIVE
16 24 MODIFICATION.

16 25 1. In making temporary orders, the court shall take into
16 26 consideration the age of the applicant, the physical and
16 27 pecuniary condition of the parties, and other matters as are
16 28 pertinent, which may be shown by affidavits, as the court may
16 29 direct. The hearing on the application shall be limited to
16 30 matters set forth in the application, the affidavits of the
16 31 parties, and the required statements of income. The court
16 32 shall not hear any other matter relating to the petition,
16 33 respondent's answer, or any pleadings connected with the
16 34 petition or answer.

16 35 2. Subject to 28 U.S.C. } 1738B, after notice and hearing
17 1 subsequent changes in temporary orders may be made by the

17 2 court on application of either party demonstrating a
17 3 substantial change in the circumstances occurring subsequent
17 4 to the issuance of such order. If the order is not so
17 5 modified it shall continue in force and effect until the
17 6 action is dismissed or a decree is entered dissolving the
17 7 marriage.

17 8 3. An order for temporary support may be retroactively
17 9 modified only from three months after notice of hearing for
17 10 temporary support pursuant to section 598.10 or from three
17 11 months after notice of hearing for modification of a temporary
17 12 order for support pursuant to this section. The three-month
17 13 limitation applies to modification actions pending on or after
17 14 July 1, 1997.

17 15 Sec. 34. Section 598.12, Code 2005, is amended to read as
17 16 follows:

17 17 598.12 ATTORNEY OR GUARDIAN AD LITEM FOR MINOR CHILD ==
17 18 INVESTIGATIONS.

17 19 1. The court may appoint an attorney to represent the
17 20 legal interests of the minor child or children of the parties.
17 21 The attorney shall be empowered to make independent
17 22 investigations and to cause witnesses to appear and testify
17 23 before the court on matters pertinent to the legal interests
17 24 of the children.

17 25 2. The court may appoint a guardian ad litem to represent
17 26 the best interests of the minor child or children of the
17 27 parties.

17 28 a. Unless otherwise enlarged or circumscribed by a court
17 29 or juvenile court having jurisdiction over the child or by
17 30 operation of law, the duties of a guardian ad litem with
17 31 respect to a child shall include all of the following:

17 32 (1) Conducting general in-person interviews with the
17 33 child, if the child's age is appropriate for the interview,
17 34 and interviewing each parent, guardian, or other person having
17 35 custody of the child, if authorized by the person's legal
18 1 counsel.

18 2 (2) Conducting interviews with the child, if the child's
18 3 age is appropriate for the interview, prior to any court-
18 4 ordered hearing.

18 5 (3) Visiting the home, residence, or both home and
18 6 residence of the child and any prospective home or residence
18 7 of the child, including visiting the home or residence or
18 8 prospective home or residence each time placement is changed.

18 9 (4) Interviewing any person providing medical, mental
18 10 health, social, educational, or other services to the child,
18 11 prior to any court-ordered hearing.

18 12 (5) Obtaining firsthand knowledge, if possible, of facts,
18 13 circumstances, and parties involved in the matter in which the
18 14 person is appointed guardian ad litem.

18 15 (6) Attending any hearings in the matter in which the
18 16 person is appointed guardian ad litem.

18 17 b. The order appointing the guardian ad litem shall grant
18 18 authorization to the guardian ad litem to interview any
18 19 relevant person and inspect and copy any records relevant to
18 20 the proceedings, if not prohibited by federal law. The order
18 21 shall specify that the guardian ad litem may interview any
18 22 person providing medical, mental health, social, educational,
18 23 or other services to the child; may attend any meeting with
18 24 the medical or mental health providers, service providers,
18 25 organizations, or educational institutions regarding the
18 26 child, if deemed necessary by the guardian ad litem; and may
18 27 inspect and copy any records relevant to the proceedings.

18 28 3. The same person may serve both as the child's legal
18 29 counsel and as guardian ad litem. However, the court may
18 30 appoint a separate guardian ad litem, if the same person
18 31 cannot properly represent the legal interests of the child as
18 32 legal counsel and also represent the best interests of the
18 33 child as guardian ad litem, or a separate guardian ad litem is
18 34 required to fulfill the requirements of subsection 2.

18 35 2- 4. The court may require that an appropriate agency
19 1 make an investigation of both parties regarding the home
19 2 conditions, parenting capabilities, and other matters
19 3 pertinent to the best interests of the child or children in a
19 4 dispute concerning custody of the child or children. The
19 5 investigation report completed by the appropriate agency shall
19 6 be submitted to the court and available to both parties. The
19 7 investigation report completed by the appropriate agency shall
19 8 be a part of the record unless otherwise ordered by the court.

19 9 3- 5. The court shall enter an order in favor of the
19 10 attorney, the guardian ad litem, or an appropriate agency for
19 11 fees and disbursements, and the amount shall be charged
19 12 against the party responsible for court costs unless the court

19 13 determines that the party responsible for costs is indigent,
19 14 in which event the fees shall be borne by the county.

19 15 Sec. 35. Section 598.14, Code 2005, is amended by striking
19 16 the section and inserting in lieu thereof the following:

19 17 598.14 ATTACHMENT.

19 18 The petition may be presented to the court for the
19 19 allowance of an order of attachment, which, by endorsement
19 20 thereon, may direct such attachment and fix the amount for
19 21 which it may issue, and the amount of the bond, if any, that
19 22 shall be given. Any property taken by virtue thereof shall be
19 23 held to satisfy the judgment or decree of the court, but may
19 24 be discharged or released as in other cases.

19 25 Sec. 36. Section 598.15, Code 2005, is amended by striking
19 26 the section and inserting in lieu thereof the following:

19 27 598.15 MANDATORY COURSE == PARTIES TO CERTAIN PROCEEDINGS.

19 28 1. The court shall order the parties to any action which
19 29 involves the issues of child custody or visitation to
19 30 participate in a court-approved course to educate and
19 31 sensitize the parties to the needs of any child or party
19 32 during and subsequent to the proceeding within forty-five days
19 33 of the service of notice and petition for the action or within
19 34 forty-five days of the service of notice and application for
19 35 modification of an order. Participation in the course may be
20 1 waived or delayed by the court for good cause including, but
20 2 not limited to, a default by any of the parties or a showing
20 3 that the parties have previously participated in a court=
20 4 approved course or its equivalent. Participation in the
20 5 course is not required if the proceeding involves termination
20 6 of parental rights of any of the parties. A final decree
20 7 shall not be granted or a final order shall not be entered
20 8 until the parties have complied with this section, unless
20 9 participation in the course is waived or delayed for good
20 10 cause or is otherwise not required under this subsection.

20 11 2. Each party shall be responsible for arranging for
20 12 participation in the course and for payment of the costs of
20 13 participation in the course.

20 14 3. Each party shall submit certification of completion of
20 15 the course to the court prior to the granting of a final
20 16 decree or the entry of an order, unless participation in the
20 17 course is waived or delayed for good cause or is otherwise not
20 18 required under subsection 1.

20 19 4. If participation in the court-approved course is waived
20 20 or delayed for good cause or is otherwise not required under
20 21 this section, the court may order that the parties receive the
20 22 information described in subsection 5 through an alternative
20 23 format.

20 24 5. Each judicial district shall certify approved courses
20 25 for parties required to participate in a course under this
20 26 section. Approved courses may include those provided by a
20 27 public or private entity. At a minimum and as appropriate, an
20 28 approved course shall include information relating to the
20 29 parents regarding divorce and its impact on the children and
20 30 family relationship, parenting skills for divorcing parents,
20 31 children's needs and coping techniques, and the financial
20 32 responsibilities of parents following divorce.

20 33 6. In addition to the provisions of this section relating
20 34 to the required participation in a court-approved course by
20 35 the parties to an action as described in subsection 1, the
21 1 court may require age-appropriate counseling for children who
21 2 are involved in a dissolution of marriage action. The
21 3 counseling may be provided by a public or private entity
21 4 approved by the court. The costs of the counseling shall be
21 5 taxed as court costs.

21 6 7. The supreme court may prescribe rules to implement this
21 7 section.

21 8 Sec. 37. Section 598.20, Code 2005, is amended to read as
21 9 follows:

21 10 598.20 FORFEITURE OF MARITAL RIGHTS.

21 11 When a dissolution of marriage is decreed the parties shall
21 12 forfeit all rights acquired by marriage which are not
21 13 specifically preserved in the decree. This provision shall
21 14 not obviate any of the provisions of section ~~598.21~~ 598.21,
21 15 ~~598.21A, 598.21B, 598.21C, 598.21D, 598.21E, or 598.21F.~~

21 16 Sec. 38. Section 598.21, Code 2005, is amended by striking
21 17 the section and inserting in lieu thereof the following:

21 18 598.21 ORDERS FOR DISPOSITION OF PROPERTY.

21 19 1. GENERAL PRINCIPLES. Upon every judgment of annulment,
21 20 dissolution, or separate maintenance, the court shall divide
21 21 the property of the parties and transfer the title of the
21 22 property accordingly, including ordering the parties to
21 23 execute a quitclaim deed or ordering a change of title for tax

21 24 purposes and delivery of the deed or change of title to the
21 25 county recorder of the county in which each parcel of real
21 26 estate is located.

21 27 2. DUTIES OF COUNTY RECORDER. The county recorder shall
21 28 record each quitclaim deed or change of title and shall
21 29 collect the fee specified in section 331.507, subsection 2,
21 30 paragraph "a", and the fee specified in section 331.604,
21 31 subsection 1.

21 32 3. DUTIES OF CLERK OF COURT. If the court orders a
21 33 transfer of title to real property, the clerk of court shall
21 34 issue a certificate under chapter 558 relative to each parcel
21 35 of real estate affected by the order and immediately deliver
22 1 the certificate for recording to the county recorder of the
22 2 county in which the real estate is located. Any fees assessed
22 3 shall be included as part of the court costs. The county
22 4 recorder shall deliver the certificates to the county auditor
22 5 as provided in section 558.58, subsection 1.

22 6 4. PROPERTY FOR CHILDREN. The court may protect and
22 7 promote the best interests of children of the parties by
22 8 setting aside a portion of the property of the parties in a
22 9 separate fund or conservatorship for the support, maintenance,
22 10 education, and general welfare of the minor children.

22 11 5. DIVISION OF PROPERTY. The court shall divide all
22 12 property, except inherited property or gifts received by one
22 13 party, equitably between the parties after considering all of
22 14 the following:

22 15 a. The length of the marriage.

22 16 b. The property brought to the marriage by each party.

22 17 c. The contribution of each party to the marriage, giving
22 18 appropriate economic value to each party's contribution in
22 19 homemaking and child care services.

22 20 d. The age and physical and emotional health of the
22 21 parties.

22 22 e. The contribution by one party to the education,
22 23 training, or increased earning power of the other.

22 24 f. The earning capacity of each party, including
22 25 educational background, training, employment skills, work
22 26 experience, length of absence from the job market, custodial
22 27 responsibilities for children, and the time and expense
22 28 necessary to acquire sufficient education or training to
22 29 enable the party to become self-supporting at a standard of
22 30 living reasonably comparable to that enjoyed during the
22 31 marriage.

22 32 g. The desirability of awarding the family home or the
22 33 right to live in the family home for a reasonable period to
22 34 the party having custody of the children, or if the parties
22 35 have joint legal custody, to the party having physical care of
23 1 the children.

23 2 h. The amount and duration of an order granting support
23 3 payments to either party pursuant to section 598.21A and
23 4 whether the property division should be in lieu of such
23 5 payments.

23 6 i. Other economic circumstances of each party, including
23 7 pension benefits, vested or unvested, and future interests.

23 8 j. The tax consequences to each party.

23 9 k. Any written agreement made by the parties concerning
23 10 property distribution.

23 11 l. The provisions of an antenuptial agreement.

23 12 m. Other factors the court may determine to be relevant in
23 13 an individual case.

23 14 6. INHERITED AND GIFTED PROPERTY. Property inherited by
23 15 either party or gifts received by either party prior to or
23 16 during the course of the marriage is the property of that
23 17 party and is not subject to a property division under this
23 18 section except upon a finding that refusal to divide the
23 19 property is inequitable to the other party or to the children
23 20 of the marriage.

23 21 7. NOT SUBJECT TO MODIFICATION. Property divisions made
23 22 under this chapter are not subject to modification.

23 23 8. NECESSARY CONTENT OF ORDER. Orders made pursuant to
23 24 this section need mention only those factors relevant to the
23 25 particular case for which the orders are made but shall
23 26 contain the names, birth dates, addresses, and counties of
23 27 residence of the petitioner and respondent.

23 28 Sec. 39. Section 598.21A, Code 2005, is amended by
23 29 striking the section and inserting in lieu thereof the
23 30 following:

23 31 598.21A ORDERS FOR SPOUSAL SUPPORT.

23 32 1. CRITERIA FOR DETERMINING SUPPORT. Upon every judgment
23 33 of annulment, dissolution, or separate maintenance, the court
23 34 may grant an order requiring support payments to either party

23 35 for a limited or indefinite length of time after considering
24 1 all of the following:
24 2 a. The length of the marriage.
24 3 b. The age and physical and emotional health of the
24 4 parties.
24 5 c. The distribution of property made pursuant to section
24 6 598.21.
24 7 d. The educational level of each party at the time of
24 8 marriage and at the time the action is commenced.
24 9 e. The earning capacity of the party seeking maintenance,
24 10 including educational background, training, employment skills,
24 11 work experience, length of absence from the job market,
24 12 responsibilities for children under either an award of custody
24 13 or physical care, and the time and expense necessary to
24 14 acquire sufficient education or training to enable the party
24 15 to find appropriate employment.
24 16 f. The feasibility of the party seeking maintenance
24 17 becoming self-supporting at a standard of living reasonably
24 18 comparable to that enjoyed during the marriage, and the length
24 19 of time necessary to achieve this goal.
24 20 g. The tax consequences to each party.
24 21 h. Any mutual agreement made by the parties concerning
24 22 financial or service contributions by one party with the
24 23 expectation of future reciprocation or compensation by the
24 24 other party.
24 25 i. The provisions of an antenuptial agreement.
24 26 j. Other factors the court may determine to be relevant in
24 27 an individual case.

24 28 2. NECESSARY CONTENT OF ORDER. Orders made pursuant to
24 29 this section need mention only those factors relevant to the
24 30 particular case for which the orders are made but shall
24 31 contain the names, birth dates, addresses, and counties of
24 32 residence of the petitioner and respondent.

24 33 Sec. 40. NEW SECTION. 598.21B ORDERS FOR CHILD SUPPORT
24 34 AND MEDICAL SUPPORT.

24 35 1. CHILD SUPPORT GUIDELINES.

25 1 a. The supreme court shall maintain uniform child support
25 2 guidelines and criteria and review the guidelines and criteria
25 3 at least once every four years, pursuant to the federal Family
25 4 Support Act of 1988, Pub. L. No. 100-485. The initial review
25 5 shall be performed within four years of October 12, 1989, and
25 6 subsequently within the four-year period of the most recent
25 7 review.

25 8 b. The guidelines prescribed by the supreme court shall
25 9 incorporate provisions for medical support as defined in
25 10 chapter 252E to be effective on or before January 1, 1991.

25 11 c. It is the intent of the general assembly that, to the
25 12 extent possible within the requirements of federal law, the
25 13 court and the child support recovery unit consider the
25 14 individual facts of each judgment or case in the application
25 15 of the guidelines and determine the support obligation
25 16 accordingly. It is also the intent of the general assembly
25 17 that in the supreme court's review of the guidelines, the
25 18 supreme court shall do both of the following:

25 19 (1) Emphasize the ability of a court to apply the
25 20 guidelines in a just and appropriate manner based upon the
25 21 individual facts of a judgment or case.

25 22 (2) In determining monthly child support payments,
25 23 consider other children for whom either parent is legally
25 24 responsible for support and other child support obligations
25 25 actually paid by either party pursuant to a court or
25 26 administrative order.

25 27 d. The guidelines prescribed by the supreme court shall be
25 28 used by the department of human services in determining child
25 29 support payments under sections 252C.2 and 252C.4. A
25 30 variation from the guidelines shall not be considered by the
25 31 department without a record or written finding, based on
25 32 stated reasons, that the guidelines would be unjust or
25 33 inappropriate as determined under criteria prescribed by the
25 34 supreme court.

25 35 2. CHILD SUPPORT ORDERS.

26 1 a. COURT'S AUTHORITY. Unless prohibited pursuant to 28
26 2 U.S.C. } 1738B, upon every judgment of annulment, dissolution,
26 3 or separate maintenance, the court may order either parent or
26 4 both parents to pay an amount reasonable and necessary for
26 5 supporting a child.

26 6 b. CALCULATING AMOUNT OF SUPPORT.

26 7 (1) In establishing the amount of support, consideration
26 8 shall be given to the responsibility of both parents to
26 9 support and provide for the welfare of the minor child and of
26 10 a child's need, whenever practicable, for a close relationship

26 11 with both parents.

26 12 (2) For purposes of calculating a support obligation under
26 13 this section, the income of the parent from whom support is
26 14 sought shall be used as the noncustodial parent income for
26 15 purposes of application of the guidelines, regardless of the
26 16 legal custody of the child.

26 17 (3) For the purposes of including a child's dependent
26 18 benefit in calculating a support obligation under this section
26 19 for a child whose parent has been awarded disability benefits
26 20 under the federal Social Security Act, the provisions of
26 21 section 598.22C shall apply.

26 22 c. REBUTTABLE PRESUMPTION IN FAVOR OF GUIDELINES. There
26 23 shall be a rebuttable presumption that the amount of child
26 24 support which would result from the application of the
26 25 guidelines prescribed by the supreme court is the correct
26 26 amount of child support to be awarded.

26 27 d. VARIATION FROM GUIDELINES. A variation from the
26 28 guidelines shall not be considered by a court without a record
26 29 or written finding, based on stated reasons, that the
26 30 guidelines would be unjust or inappropriate as determined
26 31 under the criteria prescribed by the supreme court.

26 32 e. SPECIAL CIRCUMSTANCES JUSTIFYING VARIATION FROM
26 33 GUIDELINES. Unless the special circumstances of the case
26 34 justify a deviation, the court or the child support recovery
26 35 unit shall establish a monthly child support payment of

27 1 twenty-five dollars for a parent who is nineteen years of age
27 2 or younger, who has not received a high school or high school
27 3 equivalency diploma, and to whom each of the following apply:

27 4 (1) The parent is attending a school or program described
27 5 as follows or has been identified as one of the following:

27 6 (a) The parent is in full-time attendance at an accredited
27 7 school and is pursuing a course of study leading to a high
27 8 school diploma.

27 9 (b) The parent is attending an instructional program
27 10 leading to a high school equivalency diploma.

27 11 (c) The parent is attending a vocational education program
27 12 approved pursuant to chapter 258.

27 13 (d) The parent has been identified by the director of
27 14 special education of the area education agency as a child
27 15 requiring special education as defined in section 256B.2.

27 16 (2) The parent provides proof of compliance with the
27 17 requirements of subparagraph (1) to the child support recovery
27 18 unit, if the unit is providing services under chapter 252B, or
27 19 if the unit is not providing services pursuant to chapter
27 20 252B, to the court as the court may direct. Failure to
27 21 provide proof of compliance under this subparagraph or proof
27 22 of compliance under section 598.21G is grounds for
27 23 modification of the support order using the uniform child
27 24 support guidelines and imputing an income to the parent equal
27 25 to a forty-hour work week at the state minimum wage, unless
27 26 the parent's education, experience, or actual earnings justify
27 27 a higher income.

27 28 3. MEDICAL SUPPORT. The court shall order as child
27 29 medical support a health benefit plan as defined in chapter
27 30 252E if available to either parent at a reasonable cost. A
27 31 health benefit plan is considered reasonable in cost if it is
27 32 employment-related or other group health insurance, regardless
27 33 of the service delivery mechanism. The premium cost of the
27 34 health benefit plan may be considered by the court as a reason
27 35 for varying from the child support guidelines. If a health
28 1 benefit plan is not available at a reasonable cost, the court
28 2 may order any other provisions for medical support as defined
28 3 in chapter 252E.

28 4 4. NECESSARY CONTENT OF ORDER. Orders made pursuant to
28 5 this section need mention only those factors relevant to the
28 6 particular case for which the orders are made but shall
28 7 contain the names, birth dates, addresses, and counties of
28 8 residence of the petitioner and respondent.

28 9 Sec. 41. NEW SECTION. 598.21C MODIFICATION OF CHILD,
28 10 SPOUSAL, OR MEDICAL SUPPORT ORDERS.

28 11 1. CRITERIA FOR MODIFICATION. Subject to 28 U.S.C. }
28 12 1738B, the court may subsequently modify child, spousal, or
28 13 medical support orders when there is a substantial change in
28 14 circumstances. In determining whether there is a substantial
28 15 change in circumstances, the court shall consider the
28 16 following:

28 17 a. Changes in the employment, earning capacity, income, or
28 18 resources of a party.

28 19 b. Receipt by a party of an inheritance, pension, or other
28 20 gift.

28 21 c. Changes in the medical expenses of a party.

28 22 d. Changes in the number or needs of dependents of a
28 23 party.
28 24 e. Changes in the physical, mental, or emotional health of
28 25 a party.
28 26 f. Changes in the residence of a party.
28 27 g. Remarriage of a party.
28 28 h. Possible support of a party by another person.
28 29 i. Changes in the physical, emotional, or educational
28 30 needs of a child whose support is governed by the order.
28 31 j. Contempt by a party of existing orders of court.
28 32 k. Entry of a dispositional order in juvenile court
28 33 pursuant to chapter 232 placing custody or physical care of a
28 34 child with a party who is obligated to pay support for a
28 35 child.

29 1 l. Other factors the court determines to be relevant in an
29 2 individual case.

29 3 2. ADDITIONAL CRITERIA FOR MODIFICATION OF CHILD SUPPORT
29 4 ORDERS.

29 5 a. Subject to 28 U.S.C. } 1738B, but notwithstanding
29 6 subsection 1, a substantial change of circumstances exists
29 7 when the court order for child support varies by ten percent
29 8 or more from the amount which would be due pursuant to the
29 9 most current child support guidelines established pursuant to
29 10 section 598.21B or the obligor has access to a health benefit
29 11 plan, the current order for support does not contain
29 12 provisions for medical support, and the dependents are not
29 13 covered by a health benefit plan provided by the obligee,
29 14 excluding coverage pursuant to chapter 249A or a comparable
29 15 statute of a foreign jurisdiction.

29 16 b. This basis for modification is applicable to petitions
29 17 filed on or after July 1, 1992, notwithstanding whether the
29 18 guidelines prescribed by section 598.21B were used in
29 19 establishing the current amount of support. Upon application
29 20 for a modification of an order for child support for which
29 21 services are being received pursuant to chapter 252B, the
29 22 court shall set the amount of child support based upon the
29 23 most current child support guidelines established pursuant to
29 24 section 598.21B, including provisions for medical support
29 25 pursuant to chapter 252E. The child support recovery unit
29 26 shall, in submitting an application for modification,
29 27 adjustment, or alteration of an order for support, employ
29 28 additional criteria and procedures as provided in chapter 252H
29 29 and as established by rule.

29 30 3. APPLICABLE LAW. Unless otherwise provided pursuant to
29 31 28 U.S.C. } 1738B, a modification of a support order entered
29 32 under chapter 234, 252A, 252C, 600B, this chapter, or any
29 33 other support chapter or proceeding between parties to the
29 34 order is void unless the modification is approved by the
29 35 court, after proper notice and opportunity to be heard is
30 1 given to all parties to the order, and entered as an order of
30 2 the court. If support payments have been assigned to the
30 3 department of human services pursuant to section 234.39,
30 4 239B.6, or 252E.11, or if services are being provided pursuant
30 5 to chapter 252B, the department is a party to the support
30 6 order. Modifications of orders pertaining to child custody
30 7 shall be made pursuant to chapter 598B. If the petition for a
30 8 modification of an order pertaining to child custody asks
30 9 either for joint custody or that joint custody be modified to
30 10 an award of sole custody, the modification, if any, shall be
30 11 made pursuant to section 598.41.

30 12 4. RETROACTIVITY OF MODIFICATION. Judgments for child
30 13 support or child support awards entered pursuant to this
30 14 chapter, chapter 234, 252A, 252C, 252F, 600B, or any other
30 15 chapter of the Code which are subject to a modification
30 16 proceeding may be retroactively modified only from three
30 17 months after the date the notice of the pending petition for
30 18 modification is served on the opposing party. The three-month
30 19 limitation applies to a modification action pending on or
30 20 after July 1, 1997. The prohibition of retroactive
30 21 modification does not bar the child support recovery unit from
30 22 obtaining orders for accrued support for previous time
30 23 periods. Any retroactive modification which increases the
30 24 amount of child support or any order for accrued support under
30 25 this paragraph shall include a periodic payment plan. A
30 26 retroactive modification shall not be regarded as a
30 27 delinquency unless there are subsequent failures to make
30 28 payments in accordance with the periodic payment plan.

30 29 5. MODIFICATION OF PERIODIC DUE DATE. The periodic due
30 30 date established under a prior order for payment of child
30 31 support shall not be changed in any modified order under this
30 32 section, unless the court determines that good cause exists to

30 33 change the periodic due date. If the court determines that
30 34 good cause exists, the court shall include the rationale for
30 35 the change in the modified order and shall address the issue
31 1 of reconciliation of any payments due or made under a prior
31 2 order which would result in payment of the child support
31 3 obligation under both the prior and the modified orders.
31 4 6. MODIFICATION BY CHILD SUPPORT RECOVERY UNIT.
31 5 Notwithstanding any other provision of law to the contrary,
31 6 when an application for modification or adjustment of support
31 7 is submitted by the child support recovery unit, the sole
31 8 issues which may be considered by the court in that action are
31 9 the application of the guidelines in establishing the amount
31 10 of support pursuant to section 598.21B, and provision for
31 11 medical support under chapter 252E. When an application for a
31 12 cost-of-living alteration of support is submitted by the child
31 13 support recovery unit pursuant to section 252H.24, the sole
31 14 issue which may be considered by the court in the action is
31 15 the application of the cost-of-living alteration in
31 16 establishing the amount of child support. Issues related to
31 17 custody, visitation, or other provisions unrelated to support
31 18 shall be considered only under a separate application for
31 19 modification.

31 20 7. NECESSARY CONTENT OF ORDER. Orders made pursuant to
31 21 this section need mention only those factors relevant to the
31 22 particular case for which the orders are made but shall
31 23 contain the names, birth dates, addresses, and counties of
31 24 residence of the petitioner and respondent.

31 25 8. DUTY OF CLERK OF COURT. If the court modifies an
31 26 order, and the original decree was entered in another county
31 27 in Iowa, the clerk of court shall send a copy of the
31 28 modification by regular mail, electronic transmission, or
31 29 facsimile to the clerk of court for the county where the
31 30 original decree was entered.

31 31 Sec. 42. NEW SECTION. 598.21D RELOCATION OF PARENT AS
31 32 GROUNDS TO MODIFY ORDER OF CHILD CUSTODY.

31 33 If a parent awarded joint legal custody and physical care
31 34 or sole legal custody is relocating the residence of the minor
31 35 child to a location which is one hundred fifty miles or more
32 1 from the residence of the minor child at the time that custody
32 2 was awarded, the court may consider the relocation a
32 3 substantial change in circumstances. If the court determines
32 4 that the relocation is a substantial change in circumstances,
32 5 the court shall modify the custody order to, at a minimum,
32 6 preserve, as nearly as possible, the existing relationship
32 7 between the minor child and the nonrelocating parent. If
32 8 modified, the order may include a provision for extended
32 9 visitation during summer vacations and school breaks and
32 10 scheduled telephone contact between the nonrelocating parent
32 11 and the minor child. The modification may include a provision
32 12 assigning the responsibility for transportation of the minor
32 13 child for visitation purposes to either or both parents. If
32 14 the court makes a finding of past interference by the parent
32 15 awarded joint legal custody and physical care or sole legal
32 16 custody with the minor child's access to the other parent, the
32 17 court may order the posting of a cash bond to assure future
32 18 compliance with the visitation provisions of the decree. The
32 19 supreme court shall prescribe guidelines for the forfeiting of
32 20 the bond and restoration of the bond following forfeiting of
32 21 the bond.

32 22 Sec. 43. NEW SECTION. 598.21E CONTESTING PATERNITY TO
32 23 CHALLENGE CHILD SUPPORT ORDER.

32 24 1. If, during an action initiated under this chapter or
32 25 any other chapter in which a child or medical support
32 26 obligation may be established based upon a prior determination
32 27 of paternity, a party wishes to contest the paternity of the
32 28 child or children involved, all of the following apply:

32 29 a. (1) If the prior determination of paternity is based
32 30 on an affidavit of paternity filed pursuant to section
32 31 252A.3A, or a court or administrative order entered in this
32 32 state, or by operation of law when the mother and established
32 33 father are or were married to each other, the provisions of
32 34 section 600B.41A apply.

32 35 (2) If following the proceedings under section 600B.41A
33 1 the court determines that the prior determination of paternity
33 2 should not be overcome, and that the established father has a
33 3 duty to provide support, the court shall enter an order
33 4 establishing the monthly child support payment and the amount
33 5 of the support debt accrued and accruing pursuant to section
33 6 598.21B, or the medical support obligation pursuant to chapter
33 7 252E, or both.

33 8 b. If a determination of paternity is based on an

33 9 administrative or court order or other means pursuant to the
33 10 laws of a foreign jurisdiction, any action to overcome the
33 11 prior determination of paternity shall be filed in that
33 12 jurisdiction. Unless a stay of the action initiated in this
33 13 state to establish child or medical support is requested and
33 14 granted by the court, pending a resolution of the contested
33 15 paternity issue by the foreign jurisdiction, the action shall
33 16 proceed.

33 17 c. Notwithstanding paragraph "a", in a pending dissolution
33 18 action under this chapter, a prior determination of paternity
33 19 by operation of law through the marriage of the established
33 20 father and mother of the child may be overcome under this
33 21 chapter if the established father and mother of the child file
33 22 a written statement with the court that both parties agree
33 23 that the established father is not the biological father of
33 24 the child.

33 25 2. If the court overcomes a prior determination of
33 26 paternity, the previously established father shall be relieved
33 27 of support obligations as specified in section 600B.41A,
33 28 subsection 4. In any action to overcome paternity other than
33 29 through a pending dissolution action, the provisions of
33 30 section 600B.41A apply. Overcoming paternity under this
33 31 paragraph does not bar subsequent actions to establish
33 32 paternity. A subsequent action to establish paternity against
33 33 the previously established father is not barred if it is
33 34 subsequently determined that the written statement attesting
33 35 that the established father is not the biological father of
34 1 the child may have been submitted erroneously, and that the
34 2 person previously determined not to be the child's father
34 3 during the dissolution action may actually be the child's
34 4 biological father.

34 5 3. If an action to overcome paternity is brought pursuant
34 6 to subsection 1, paragraph "c", the court shall appoint a
34 7 guardian ad litem for the child for the pendency of the
34 8 proceedings.

34 9 Sec. 44. NEW SECTION. 598.21F POSTSECONDARY EDUCATION
34 10 SUBSIDY.

34 11 1. ORDER OF SUBSIDY. The court may order a postsecondary
34 12 education subsidy if good cause is shown.

34 13 2. CRITERIA FOR GOOD CAUSE. In determining whether good
34 14 cause exists for ordering a postsecondary education subsidy,
34 15 the court shall consider the age of the child, the ability of
34 16 the child relative to postsecondary education, the child's
34 17 financial resources, whether the child is self-sustaining, and
34 18 the financial condition of each parent. If the court
34 19 determines that good cause is shown for ordering a
34 20 postsecondary education subsidy, the court shall determine the
34 21 amount of subsidy as follows:

34 22 a. The court shall determine the cost of postsecondary
34 23 education based upon the cost of attending an in-state public
34 24 institution for a course of instruction leading to an
34 25 undergraduate degree and shall include the reasonable costs
34 26 for only necessary postsecondary education expenses.

34 27 b. The court shall then determine the amount, if any,
34 28 which the child may reasonably be expected to contribute,
34 29 considering the child's financial resources, including but not
34 30 limited to the availability of financial aid whether in the
34 31 form of scholarships, grants, or student loans, and the
34 32 ability of the child to earn income while attending school.

34 33 c. The child's expected contribution shall be deducted
34 34 from the cost of postsecondary education and the court shall
34 35 apportion responsibility for the remaining cost of
35 1 postsecondary education to each parent. The amount paid by
35 2 each parent shall not exceed thirty-three and one-third
35 3 percent of the total cost of postsecondary education.

35 4 3. SUBSIDY PAYABLE. A postsecondary education subsidy
35 5 shall be payable to the child, to the educational institution,
35 6 or to both, but shall not be payable to the custodial parent.

35 7 4. REPUDIATION BY CHILD. A postsecondary education
35 8 subsidy shall not be awarded if the child has repudiated the
35 9 parent by publicly disowning the parent, refusing to
35 10 acknowledge the parent, or by acting in a similar manner.

35 11 5. OBLIGATIONS OF CHILD. The child shall forward, to each
35 12 parent, reports of grades awarded at the completion of each
35 13 academic session within ten days of receipt of the reports.
35 14 Unless otherwise specified by the parties, a postsecondary
35 15 education subsidy awarded by the court shall be terminated
35 16 upon the child's completion of the first calendar year of
35 17 course instruction if the child fails to maintain a cumulative
35 18 grade point average in the median range or above during that
35 19 first calendar year.

35 20 6. APPLICATION. A support order, decree, or judgment
35 21 entered or pending before July 1, 1997, that provides for
35 22 support of a child for college, university, or community
35 23 college expenses may be modified in accordance with this
35 24 subsection.

35 25 7. NECESSARY CONTENT OF ORDER. Orders made pursuant to
35 26 this section need mention only those factors relevant to the
35 27 particular case for which the orders are made but shall
35 28 contain the names, birth dates, addresses, and counties of
35 29 residence of the petitioner and respondent.

35 30 Sec. 45. NEW SECTION. 598.21G MINOR PARENT == PARENTING
35 31 CLASSES.

35 32 In any order or judgment entered under chapter 234, 252A,
35 33 252C, 252F, 598, or 600B, or under any other chapter which
35 34 provides for temporary or permanent support payments, if the
35 35 parent ordered to pay support is less than eighteen years of
36 1 age, one of the following shall apply:

36 2 1. If the child support recovery unit is providing
36 3 services pursuant to chapter 252B, the court, or the
36 4 administrator as defined in section 252C.1, shall order the
36 5 parent ordered to pay support to attend parenting classes
36 6 which are approved by the department of human services.

36 7 2. If the child support recovery unit is not providing
36 8 services pursuant to chapter 252B, the court may order the
36 9 parent ordered to pay support to attend parenting classes
36 10 which are approved by the court.

36 11 Sec. 46. Section 598.22, Code 2005, is amended to read as
36 12 follows:

36 13 598.22 SUPPORT PAYMENTS == CLERK OF COURT == COLLECTION
36 14 SERVICES CENTER == DEFAULTS == SECURITY.

36 15 1. Except as otherwise provided in section 598.22A, this
36 16 section applies to all initial or modified orders for support
36 17 entered under this chapter, chapter 234, 252A, 252C, 252F,
36 18 600B, or any other chapter of the Code. All orders or
36 19 judgments entered under chapter 234, 252A, 252C, 252F, or
36 20 600B, or under this chapter or any other chapter which provide
36 21 for temporary or permanent support payments shall direct the
36 22 payment of those sums to the clerk of the district court or
36 23 the collection services center in accordance with section
36 24 252B.14 for the use of the person for whom the payments have
36 25 been awarded. Beginning October 1, 1999, all income
36 26 withholding payments shall be directed to the collection
36 27 services center. Payments to persons other than the clerk of
36 28 the district court and the collection services center do not
36 29 satisfy the support obligations created by the orders or
36 30 judgments, except as provided for trusts governed by the
36 31 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
36 32 tax refunds or rebates in section 602.8102, subsection 47, or
36 33 for dependent benefits paid to the child support obligee as
36 34 the result of disability benefits awarded to the child support
36 35 obligor under the federal Social Security Act. For trusts

37 1 governed by the federal Retirement Equity Act of 1984, Pub. L.
37 2 No. 98-397, the order for income withholding or notice of the
37 3 order for income withholding shall require the payment of such
37 4 sums to the alternate payee in accordance with the federal
37 5 Act. For dependent benefits paid to the child support obligee
37 6 as a result of disability benefits awarded to the child
37 7 support obligor under the federal Social Security Act, the
37 8 provisions of section 598.22C shall apply.

37 9 2. An income withholding order or notice of the order for
37 10 income withholding shall be entered under the terms and
37 11 conditions of chapter 252D. However, for trusts governed by
37 12 the federal Retirement Equity Act of 1984, Pub. L. No. 98-
37 13 397, the payor shall transmit the payments to the alternate
37 14 payee in accordance with the federal Act.

37 15 3. An order or judgment entered by the court for temporary
37 16 or permanent support or for income withholding shall be filed
37 17 with the clerk. The orders have the same force and effect as
37 18 judgments when entered in the judgment docket and lien index
37 19 and are records open to the public. Unless otherwise provided
37 20 by federal law, if it is possible to identify the support
37 21 order to which a payment is to be applied, and if sufficient
37 22 information identifying the obligee is provided, the clerk or
37 23 the collection services center, as appropriate, shall disburse
37 24 the payments received pursuant to the orders or judgments
37 25 within two working days of the receipt of the payments. All
37 26 moneys received or disbursed under this section shall be
37 27 entered in records kept by the clerk, or the collection
37 28 services center, as appropriate, which shall be available to
37 29 the public. The clerk or the collection services center shall
37 30 not enter any moneys paid in the record book if not paid

37 31 directly to the clerk or the center, as appropriate, except as
37 32 provided for trusts and federal social security disability
37 33 payments in this section, and for tax refunds or rebates in
37 34 section 602.8102, subsection 47.

37 35 4. If the sums ordered to be paid in a support payment
38 1 order are not paid to the clerk or the collection services
38 2 center, as appropriate, at the time provided in the order or
38 3 judgment, the clerk or the collection services center, as
38 4 appropriate, shall certify a default to the court which may,
38 5 on its own motion, proceed as provided in section 598.23.

38 6 5. Prompt payment of sums required to be paid under
38 7 sections ~~598.11 and 598.21~~ 598.10, 598.21A, 598.21B, 598.21C,
38 8 598.21E, and 598.21F is the essence of such orders or
38 9 judgments and the court may act pursuant to section 598.23
38 10 regardless of whether the amounts in default are paid prior to
38 11 the contempt hearing.

38 12 6. Upon entry of an order for support or upon the failure
38 13 of a person to make payments pursuant to an order for support,
38 14 the court may require the person to provide security, a bond,
38 15 or other guarantee which the court determines is satisfactory
38 16 to secure the payment of the support. Upon the person's
38 17 failure to pay the support under the order, the court may
38 18 declare the security, bond, or other guarantee forfeited.

38 19 7. For the purpose of enforcement, medical support is
38 20 additional support which, upon being reduced to a dollar
38 21 amount, may be collected through the same remedies available
38 22 for the collection and enforcement of child support.

38 23 8. The clerk of the district court in the county in which
38 24 the order for support is filed and to whom support payments
38 25 are made pursuant to the order may require the person
38 26 obligated to pay support to submit payments by bank draft or
38 27 money order if the obligor submits an insufficient funds
38 28 support payment to the clerk of the district court.

38 29 Sec. 47. Section 598.22C, subsection 2, Code 2005, is
38 30 amended to read as follows:

38 31 2. For the purposes of calculating a support obligation
38 32 under section ~~598.21, subsection 4~~ 598.21B, the dependent
38 33 benefits paid for any child shall be included as income to the
38 34 disabled parent.

38 35 Sec. 48. Section 598.22C, subsection 3, paragraph a,
39 1 subparagraph (1), Code 2005, is amended to read as follows:

39 2 (1) The dollar amount of the child support obligation as
39 3 calculated by application of the guidelines under section
39 4 ~~598.21, subsection 4~~ 598.21B, and a statement that the social
39 5 security dependent benefits are included as income to the
39 6 obligor in that calculation.

39 7 Sec. 49. Section 598.22C, subsection 3, paragraph b, Code
39 8 2005, is amended to read as follows:

39 9 b. The amount of the child support obligation stated in
39 10 the order, and the amount the obligor shall pay after
39 11 application of the social security disability dependent
39 12 benefit credit or satisfaction stated in the order, shall
39 13 continue until modified, as provided in section ~~598.21~~
39 14 598.21C.

39 15 Sec. 50. NEW SECTION. 598.22D SEPARATE FUND OR
39 16 CONSERVATORSHIP FOR SUPPORT.

39 17 The court may protect and promote the best interests of a
39 18 minor child by setting aside a portion of the child support
39 19 which either party is ordered to pay in a separate fund or
39 20 conservatorship for the support, education, and welfare of the
39 21 child.

39 22 Sec. 51. Section 598.41, subsection 1, paragraph a, Code
39 23 2005, is amended to read as follows:

39 24 a. The court may provide for joint custody of the child by
39 25 the parties. The court, insofar as is reasonable and in the
39 26 best interest of the child, shall order the custody award,
39 27 including liberal visitation rights where appropriate, which
39 28 will assure the child the opportunity for the maximum
39 29 continuing physical and emotional contact with both parents
39 30 after the parents have separated or dissolved the marriage,
39 31 and which will encourage parents to share the rights and
39 32 responsibilities of raising the child unless direct physical
39 33 harm or significant emotional harm to the child, other
39 34 children, or a parent is likely to result from such contact
39 35 with one parent.

40 1 Sec. 52. Section 598.41, subsection 5, paragraph a, Code
40 2 2005, is amended to read as follows:

40 3 a. If joint legal custody is awarded to both parents, the
40 4 court may award joint physical care to both joint custodial
40 5 parents upon the request of either parent. Prior to ruling on
40 6 the request for the award of joint physical care, the court

40 7 may require the parents to submit, either individually or
40 8 jointly, a proposed joint physical care parenting plan. A
40 9 proposed joint physical care parenting plan shall address how
40 10 the parents will make decisions affecting the child, how the
40 11 parents will provide a home for the child, how the child's
40 12 time will be divided between the parents and how each parent
40 13 will facilitate the child's time with the other parent,
40 14 arrangements in addition to court-ordered child support for
40 15 the child's expenses, how the parents will resolve major
40 16 changes or disagreements affecting the child including changes
40 17 that arise due to the child's age and developmental needs, and
40 18 any other issues the court may require. If the court denies
40 19 the request for joint physical care, the determination shall
40 20 be accompanied by specific findings of fact and conclusions of
40 21 law that the awarding of joint physical care is not in the
40 22 best interest of the child.

40 23 Sec. 53. Section 598.41, Code 2005, is amended by adding
40 24 the following new subsection:

40 25 NEW SUBSECTION. 9. All orders relating to custody of a
40 26 child are subject to chapter 598B.

40 27 Sec. 54. Section 600.11, subsection 2, paragraph f, Code
40 28 2005, is amended to read as follows:

40 29 f. A person who is ordered to pay support or a
40 30 postsecondary education subsidy pursuant to section ~~598.21,~~
~~40 31 subsection 5A 598.21F,~~ or chapter 234, 252A, 252C, 252F, 598,
40 32 600B, or any other chapter of the Code, for a person eighteen
40 33 years of age or older who is being adopted by a stepparent,
40 34 and the support order or order requires payment of support or
40 35 postsecondary education subsidy for any period of time after
41 1 the child reaches eighteen years of age.

41 2 Sec. 55. Section 600A.8, Code 2005, is amended by adding
41 3 the following new subsection:

41 4 NEW SUBSECTION. 9. The parent has been imprisoned for a
41 5 crime against the child, the child's sibling, or another child
41 6 in the household, or the parent has been imprisoned and it is
41 7 unlikely that the parent will be released from prison for a
41 8 period of five or more years.

41 9 Sec. 56. Section 600B.25, subsection 1, Code 2005, is
41 10 amended to read as follows:

41 11 1. Upon a finding of paternity pursuant to section
41 12 600B.24, the court shall establish the father's monthly
41 13 support payment and the amount of the support debt accrued or
41 14 accruing pursuant to section ~~598.21, subsection 4, until the~~
~~41 15 child reaches majority or until the child finishes high~~
~~41 16 school, if after majority 598.21B. The support obligation~~
41 17 shall include support of the child between the ages of
41 18 eighteen and nineteen years if the child is engaged full-time
41 19 in completing high school graduation or equivalency
41 20 requirements in a manner which is reasonably expected to
41 21 result in completion of the requirements prior to the person
41 22 reaching nineteen years of age. The court may order the

41 23 father to pay amounts the court deems appropriate for the past
41 24 support and maintenance of the child and for the reasonable
41 25 and necessary expenses incurred by or for the mother in
41 26 connection with prenatal care, the birth of the child, and
41 27 postnatal care of the child and the mother, and other medical
41 28 support as defined in section 252E.1. The court may award the
41 29 prevailing party the reasonable costs of suit, including but
41 30 not limited to reasonable attorney fees.

41 31 Sec. 57. Section 600B.41A, subsection 6, paragraph b, Code
41 32 2005, is amended to read as follows:

41 33 b. If the court dismisses the action to overcome paternity
41 34 and preserves the paternity determination under this
41 35 subsection, the court shall enter an order establishing that
42 1 the parent-child relationship exists between the established
42 2 father and the child, and including establishment of a support
42 3 obligation pursuant to section ~~598.21~~ 598.21B and provision of
42 4 custody and visitation pursuant to section 598.41.

42 5 Sec. 58. Sections 598.6, 598.7A, 598.14A, 598.14B, and
42 6 598.19A, Code 2005, are repealed.

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42 10 _____
42 11 JOHN P. KIBBIE
42 12 President of the Senate

42 13 _____
42 14 CHRISTOPHER C. RANTS
42 15 Speaker of the House
42 16
42 17

42 18 I hereby certify that this bill originated in the Senate and
42 19 is known as Senate File 330, Eighty-first General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2005

THOMAS J. VILSACK
Governor