



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 5, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

Senate File 78, an Act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

Senate File 350, an Act relating to child support recovery including access to information for the purposes of recovery, provisions relating to failure to withhold income or to pay the amounts withheld, and to the suspension of a child support obligation, the satisfaction of support payments, nullifying related administrative rules and providing penalties.

Senate File 404, an Act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

The above Senate Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate





SENATE FILE 350

AN ACT

RELATING TO CHILD SUPPORT RECOVERY INCLUDING ACCESS TO INFORMATION FOR THE PURPOSES OF RECOVERY, PROVISIONS RELATING TO FAILURE TO WITHHOLD INCOME OR TO PAY THE AMOUNTS WITHHELD, AND TO THE SUSPENSION OF A CHILD SUPPORT OBLIGATION, THE SATISFACTION OF SUPPORT PAYMENTS, NULLIFYING RELATED ADMINISTRATIVE RULES AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 252B.9, subsection 1, paragraph d, subparagraph (2), Code 2005, is amended to read as follows:

(2) Certain records held by public utilities and, cable, or other television companies, cellular telephone companies, and internet service providers with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records. If the records are maintained in automated databases, the unit shall be provided with automated access.

Sec. 2. Section 252B.20, subsection 1, paragraphs a, c, and d, Code 2005, are amended to read as follows:

a. The parents have reconciled and are cohabiting, and the child for whom support is ordered is living in the same

residence as the parents, or the child is currently residing with the parent who is ordered to pay support. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

c. The parents have signed a notarized affidavit attesting to the conditions under paragraphs "a" and "b", have consented to suspension of the support order or obligation, and have submitted the affidavit to the unit.

d. No prior request for suspension has been filed with the unit during the two-year period preceding the request, unless the request was filed during the two-year period preceding July 1, 2005, the unit denied the request because the suspension did not apply to all children for whom support is ordered, and the parents jointly file a request on or after July 1, 2005.

Sec. 3. Section 252B.20, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation and, if requested by the obligee, and if not prohibited by chapter 252K, satisfying the obligation of support due the obligee. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, the unit shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

Sec. 4. Section 252B.20, subsection 5, unnumbered paragraph 1, Code 2005, is amended to read as follows:

During the six-month period the unit may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

Sec. 5. Section 252B.20, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. If a condition under subsection 5 exists, the unit may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, the unit shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a step change, the unit shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

NEW SUBSECTION. 12. For the purposes of chapter 252H regarding the criteria for a review under subchapter II of that chapter or for a cost-of-living alteration under subchapter IV of that chapter, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

NEW SUBSECTION. 13. As used in this section, unless the context otherwise requires, "step change" means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

Sec. 6. NEW SECTION. 252B.25 CONTEMPT -- COMBINING ACTIONS.

Notwithstanding any provision of law to the contrary, if an obligor has been ordered to provide support in more than one order, the unit may bring a single action for contempt to enforce the multiple orders. However, if the obligor objects to the consolidation of the actions regarding multiple orders into a single action for contempt, and the court determines that severance of the single action into multiple actions is in the interest of justice, the unit shall bring multiple actions for contempt to enforce the multiple orders. If the single action is brought and the obligor does not object, the unit shall file the action in the district court of a county where the obligor resides, or if the obligor does not reside in the state, in the district court of the county where at least one of the support orders was entered or registered.

For the purposes of this section, the district court where the unit files the action shall have jurisdiction and authority over all other support orders for the obligor entered or registered by a court of this state and affected under this section. In such case, the unit shall also file a document with the clerk of court in each county affected specifying the county where the action under this section was filed and the disposition of the action.

Sec. 7. NEW SECTION. 252B.26 SERVICE OF PROCESS.

Notwithstanding any provision of law to the contrary, the unit may serve a petition, notice, or rule to show cause under chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified in each chapter, or by certified mail. Return acknowledgement is required to prove service by certified mail, rules of civil procedure 1.303(5) and 1.308(5) shall not apply, and the return acknowledgment shall be filed with the clerk of court.

Sec. 8. Section 252D.3, Code 2005, is amended to read as follows:

252D.3 NOTICE OF INCOME WITHHOLDING.

All orders for support entered on or after July 1, 1984, shall notify the person ordered to pay support of the mandatory withholding of income required under section 252D.1. ~~However, for orders for support entered before July 1, 1984, the clerk of the district court, the child support recovery unit, or the person entitled by the order to receive the support payments, shall notify each person ordered to pay support under such orders of the mandatory withholding of income required under section 252D.1. The notice shall be sent by certified mail to the person's last known address or the person shall be personally served with the notice in the manner provided for service of an original notice at least fifteen days prior to the ordering of income withholding under section 252D.1. A person ordered to pay support may waive the right to receive the notice at any time.~~ However, this subchapter is sufficient notice of implementation of mandatory withholding of income under section 252D.1 without any further notice.

Sec. 9. Section 252D.10, Code 2005, is amended to read as follows:

252D.10 NOTICE OF IMMEDIATE INCOME WITHHOLDING.

~~The notice requirements of section 252D.3 do not apply to this subchapter.~~ An order for support entered after November 1, 1990, shall contain the notice of immediate income withholding. However, this subchapter is sufficient notice for implementation of immediate income withholding without any further notice.

Sec. 10. Section 252D.16, subsection 1, paragraph b, Code 2005, is amended to read as follows:

b. A sole payment or lump sum as provided in section 252D.18C, including but not limited to payment from an estate including inheritance, or payment for personal injury or property damage.

Sec. 11. Section 252D.24, subsection 2, Code 2005, is amended by striking the subsection.

Sec. 12. Section 252I.3, Code 2005, is amended to read as follows:

252I.3 INITIAL NOTICE TO OBLIGOR.

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

~~1.--The obligor is provided notice of the provisions of this chapter in the court order establishing the support obligation.~~ The unit or district court may include language in any new or modified support order issued on or after July 1, 1994, notifying the obligor that the obligor is subject to the provisions of this chapter. However, this chapter is sufficient notice for implementation of administrative levy provisions without further notice of the provisions of this chapter.

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

Sec. 13. Section 252I.5, subsection 1, Code 2005, is amended to read as follows:

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

Sec. 14. Section 252J.3, unnumbered paragraph 1, Code 2005, is amended to read as follows:

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

Sec. 15. Section 252J.3, subsections 4 and 5, Code 2005, are amended to read as follows:

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

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

Sec. 16. Section 252J.4, subsections 1, 2, and 6, Code 2005, are amended to read as follows:

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

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

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

Sec. 17. Section 252J.6, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

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

Sec. 18. Section 598.22A, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

For payment made pursuant to an order, the clerk of the district court or collection services center shall record a satisfaction as a credit on the official support payment record if its validity is confirmed by the court upon submission of an affidavit by the person entitled to receive the payment or upon submission of documentation of the financial instrument used in the payment of the support by the person ordered to pay support, after notice is given to all parties.

Sec. 19. Section 600.16A, subsection 5, Code 2005, is amended to read as follows:

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

Sec. 20. NULLIFICATION OF RULES. The following rules are nullified:

1. 441 IAC 98.22.
2. 441 IAC 98.23.
3. 441 IAC 98.33.
4. 441 IAC 98.92.



JOHN P. KIBBIE

President of the Senate



CHRISTOPHER C. RANTS

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 350, Eighty-first General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved May 5, 2005



THOMAS J. VILSACK

Governor