



CHESTER J. CULVER  
GOVERNOR

**OFFICE OF THE GOVERNOR**

PATTY JUDGE  
LT. GOVERNOR

March 25, 2008

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit:

**House File 2309**, an Act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", written over a horizontal line.

Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





HOUSE FILE 2309

AN ACT

RELATING TO CHILD SUPPORT RECOVERY INCLUDING ASSIGNMENT OF SUPPORT TO THE STATE RELATIVE TO RECEIPT OF FAMILY INVESTMENT PROGRAM BENEFITS, THE REPORTING OF DELINQUENT CHILD SUPPORT OBLIGORS TO CONSUMER REPORTING AGENCIES, ACCESS TO CELLULAR TELEPHONE NUMBERS FOR THE PURPOSE OF THE COMPUTER MATCH PROGRAM BY THE CHILD SUPPORT RECOVERY UNIT, THE INFORMATION INCLUDED IN A NOTICE REGARDING THE ADMINISTRATIVE LEVY OF AN ACCOUNT, AND MEDICAL SUPPORT OF A CHILD, AND PROVIDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

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

DIVISION I

ASSIGNMENT OF CHILD SUPPORT -- FAMILY INVESTMENT PROGRAM RECIPIENTS

Section 1. Section 239B.6, subsections 1 and 2, Code 2007, are amended to read as follows:

1. An assignment of support rights to the department is created by either of the following:

a. An applicant and other persons covered by an application are deemed to have assigned to the department at the time of application all rights to periodic support payments that accrue during the period the family receives assistance to the extent of the amount of assistance received by the applicant and by other persons covered by the application.

b. A determination that a child or another person covered by an application is eligible for assistance under this chapter creates an assignment by operation of law to the department of all rights to periodic support payments that accrue during the period the family receives assistance not to

exceed the amount of assistance received by the child and other persons covered by the application.

2. An assignment takes effect upon determination that an applicant or another person covered by an application is eligible for assistance under this chapter, applies to both current and ~~accrued~~ accruing support obligations, and terminates when an applicant or another person covered by an application ceases to receive assistance under this chapter, except with respect to the amount of unpaid support obligations accrued ~~under~~ during the assignment. If an applicant or another person covered by an application ceases to receive assistance under this chapter and the applicant or other person covered by the application receives a periodic support payment, subject to limitations under federal law and subject to subsection 2A, the department is entitled only to that amount of the periodic support payment above the current periodic support obligation.

Sec. 2. Section 239B.6, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Any rights to support payments assigned to the department on or before September 30, 2009, shall remain assigned to the department.

Sec. 3. Section 252A.13, Code 2007, is amended to read as follows:

252A.13 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF SUPPORT PAYMENTS.

1. If public assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

a. For family investment program assistance, section 239B.6 shall apply.

b. For foster care services, section 234.39 shall apply.

c. For medical assistance, section 252E.11 shall apply.

2. The department shall immediately notify the clerk of court by mail when such child or caretaker has been determined to be eligible for public assistance. Upon notification by

the department, the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. If the applicant for public assistance, for whom public assistance is approved and provided on or after July 1, 1997, is a person other than a parent of the child, the department shall send notice of the assignment by regular mail to the last known addresses of the obligee and obligor. The clerk of court shall forward support payments received pursuant to section 252A.6, to which the department is entitled, to the department, unless the court has ordered the payments made directly to the department under that section. The department may secure support payments in default through other proceedings.

3. The clerk shall furnish the department with copies of all orders or decrees awarding and temporary domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by the child support recovery unit. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child, subject to the order or judgment, for purposes of an assignment under this section.

Sec. 4. Section 252C.2, subsection 1, Code 2007, is amended to read as follows:

1. If public assistance is provided by the department to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all right in, title to, and interest in any support obligation, payment, and arrearages owed to or for the child or caretaker up to the amount of public assistance paid for or on behalf of the child or caretaker. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section. For family investment program assistance, section 239B.6 shall apply.

Sec. 5. Section 598.34, Code 2007, is amended to read as follows:

598.34 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF SUPPORT PAYMENTS.

1. If public assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or for the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

a. For family investment program assistance, section 239B.6 shall apply.

b. For foster care services, section 234.39 shall apply.

c. For medical assistance, section 252E.11 shall apply.

2. The department shall immediately notify the clerk of court by mail when such a child or caretaker has been determined to be eligible for public assistance. Upon notification by the department, the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. For public assistance approved and provided on or after July 1, 1997, if the applicant for public assistance is a person other than a parent of the child, the department shall send a notice by regular mail to the last known addresses of the obligee and obligor. The clerk of court shall forward support payments received pursuant to section 598.22, to which the department is entitled, to the department, which may secure support payments in default through other proceedings.

3. The clerk shall furnish the department with copies of all orders or decrees and temporary or domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by the child support recovery unit pursuant to chapter 252B. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 6. Section 600B.38, Code 2007, is amended to read as follows:

600B.38 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF SUPPORT PAYMENTS.

1. If public assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker, not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

a. For family investment program assistance, section 239B.6 shall apply.

b. For foster care services, section 234.39 shall apply.

c. For medical assistance, section 252E.11 shall apply.

2. The department shall immediately notify the clerk of court by mail when such a child or caretaker has been determined to be eligible for public assistance. Upon notification by the department, the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. For public assistance approved and provided on or after July 1, 1997, if the applicant for public assistance is a person other than a parent of the child, the department shall send notice by regular mail to the last known addresses of the obligee and obligor. The clerk of court shall forward support payments received pursuant to section 600B.25, to which the department is entitled, to the department, which may secure support payments in default through other proceedings.

3. The clerk shall furnish the department with copies of all orders or decrees and temporary or domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by the child support recovery unit. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 7. EFFECTIVE DATE. This division of this Act takes effect October 1, 2009.

DIVISION II

CONSUMER REPORTING AGENCIES -- REQUIREMENTS FOR  
RECEIPT AND USE OF DELINQUENT SUPPORT INFORMATION

Sec. 8. Section 252B.9, subsection 3, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. The unit may provide information regarding delinquent obligors as provided in 42 U.S.C. § 666(a)(7) to a consumer reporting agency if all the following apply:

(1) The agency provides the unit with satisfactory evidence that it is a consumer reporting agency as defined in 15 U.S.C. § 1681a(f) and meets all the following requirements:

(a) Compiles and maintains files on consumers on a nationwide basis as provided in 15 U.S.C. § 1681a(p).

(b) Participates jointly with other nationwide consumer reporting agencies in providing annual free credit reports to consumers upon request through a centralized source as required by the federal trade commission in 16 C.F.R. § 610.2.

(2) The agency has entered into an agreement with the unit regarding receipt and use of the information.

DIVISION III

CELLULAR TELEPHONE NUMBERS -- AVAILABLE  
TO CHILD SUPPORT RECOVERY UNIT

Sec. 9. Section 252B.9, subsection 1, paragraph d, subparagraph (2), Code 2007, is amended to read as follows:

(2) Certain records held by public utilities, 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, and including the cellular telephone numbers of such individuals appearing in the customer records of cellular telephone companies. If the records are maintained in automated databases, the unit shall be provided with automated access.

DIVISION IV

OBLIGOR SOCIAL SECURITY NUMBER -- NOTICE FORM

Sec. 10. Section 252I.6, subsection 2, paragraph a, Code 2007, is amended to read as follows:

a. The name ~~and-social-security-number~~ of the obligor.

DIVISION V

MEDICAL SUPPORT

Sec. 11. Section 252E.1A, subsection 2, paragraph a, subparagraphs (1) and (2), as enacted by 2007 Iowa Acts, chapter 218, section 164, are amended to read as follows:

(1) The premium cost for a child to the parent ordered to provide the plan does not exceed five percent of that parent's gross income or the child support guidelines established pursuant to section 598.21B specifically provide an alternative income-based numeric standard for determining the reasonable cost of the premium, in which case the reasonable cost of the premium as determined by the standard specified by the child support guidelines shall apply.

(2) The premium cost for a child exceeds ~~five-percent-of the-gross-income-of-the-parent-ordered-to-provide-the-plan~~ the amount specified in subparagraph (1) and that parent consents or does not object to entry of that order.

Sec. 12. Section 252E.1A, subsection 3, as enacted by 2007 Iowa Acts, chapter 218, section 164, is amended to read as follows:

3. If a health benefit plan is not available at the time of the entry of the order, the court shall order a reasonable monetary amount in lieu of a health benefit plan, which amount shall be stated in the order. For purposes of this subsection, a reasonable amount means five percent of the gross income of the parent ordered to provide the monetary amount for medical support or if the child support guidelines established pursuant to section 598.21B specifically provide an alternative income-based numeric standard for determining the reasonable amount, a reasonable amount means the amount as determined by the standard specified by the child support guidelines. This subsection shall not apply in any of the following circumstances:

a. If the parent's monthly support obligation established pursuant to the child support guidelines prescribed by the supreme court pursuant to section 598.21B is the minimum obligation amount. If this paragraph applies, the court shall order the parent to provide a health benefit plan when a plan becomes available for which there is no premium cost for a child to the parent.

b. If subsection 7, paragraph "d", "e", or "f" applies.

Sec. 13. Section 252E.1A, subsection 6, as enacted by 2007 Iowa Acts, chapter 218, section 164, is amended to read as follows:



6. An order, decree, or judgment entered before ~~March 17, 2008~~ July 1, 2009, that provides for the support of a child may be modified in accordance with this section.

Sec. 14. Section 252E.1A, subsection 7, as enacted by 2007 Iowa Acts, chapter 218, section 164, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. If a health benefit plan is not available, and the noncustodial parent is receiving assistance or is residing with any child receiving assistance as provided in section 252E.2A, subsection 1, paragraph "c", subparagraph (3) or (4), the unit shall seek an order that the noncustodial parent shall provide a health benefit plan when a plan becomes available for which there is no premium cost for a child to the parent.

Sec. 15. Section 252E.2A, subsection 1, paragraph b, as enacted by 2007 Iowa Acts, chapter 218, section 165, is amended to read as follows:

b. The unit is notified that the conditions of paragraph "c" are met and ~~there-is-a-pending-action-to-establish-or modify-support-initiated-by-the-unit,~~ or the parent ordered to provide medical support submits a written statement to the unit that the requirements of paragraph "c" are met.

Sec. 16. Section 252E.2A, subsection 1, paragraph c, unnumbered paragraph 1, as enacted by 2007 Iowa Acts, chapter 218, section 165, is amended to read as follows:

The parent ordered to provide medical support ~~or-the-parent from-whom-the-unit-is-seeking-to-establish-or-modify-medical support~~ meets at least one of the following conditions:

Sec. 17. Section 252E.2A, subsection 5, as enacted by 2007 Iowa Acts, chapter 218, section 165, is amended to read as follows:

5. An order, decree, or judgment entered or pending on or before ~~March 17, 2008~~ July 1, 2009, that provides for the support of a child may be satisfied as provided in this section.

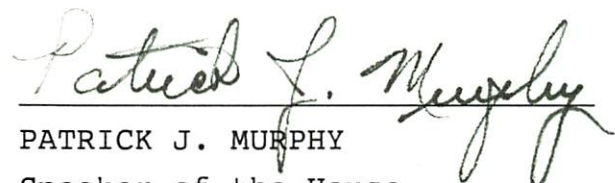
Sec. 18. 2007 Iowa Acts, chapter 218, section 187, is amended to read as follows:

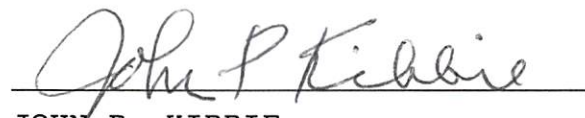
SEC. 187. EFFECTIVE DATE. This division of this Act takes effect ~~March 17, 2008~~ July 1, 2009.

Sec. 19. CHILD SUPPORT RECOVERY -- MEDICAL SUPPORT. Notwithstanding chapter 252C, 252F, or 252H, or any other


applicable chapter, either parent may be ordered to provide medical support in accordance with the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171.

Sec. 20. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to March 1, 2008.

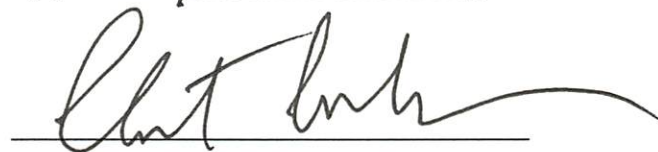
  
PATRICK J. MURPHY  
Speaker of the House

  
JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2309, Eighty-second General Assembly.

  
MARK BRANDSGARD  
Chief Clerk of the House

Approved March 25<sup>th</sup>, 2008

  
CHESTER J. CULVER  
Governor