

Reprinted 5/20

MAR 7 1980

Place On Calendar

HOUSE FILE 2516

By COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(Formerly House File 2191)

Passed House, Date 3-18-80 (p. 979) Passed Senate, Date _____

Vote: Ayes 87 Nays 3 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the determination of the parent and child
2 relationship and the obligations of parents to their
3 children.

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

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2516

1 Section I. Section six hundred seventy-five point twenty-
2 five (675.25), Code 1979, is amended to read as follows:

3 675.25 FORM OF JUDGMENT. The judgment shall be for annual
4 amounts, equal or varying, having regard to the obligation
5 of the father under section 675.1, as the court directs, until
6 the child reaches the age of sixteen eighteen years or the
7 age directed in the court decree. The payments may be required
8 to be made at such periods or intervals as the court directs.

9 Sec. 2. Chapter six hundred seventy-five (675), Code 1979,
10 is amended by adding sections three (3) through five (5) of
11 this Act.

12 Sec. 3. NEW SECTION. CUSTODY AND VISITATION. The mother
13 of a child born out of wedlock and not legitimized or adopted
14 has sole custody of the child unless the court orders
15 otherwise. If a judgment of paternity is entered, the father
16 may petition for rights of visitation or custody in an equity
17 proceeding separate from any action to establish paternity.

18 Sec. 4. NEW SECTION. BLOOD TESTS. In any proceeding
19 to establish paternity in law or in equity the court may on
20 its own motion, and upon request of a party shall, require
21 the child, mother, and alleged father to submit to blood
22 tests. If a blood test is required, the court shall direct
23 that inherited characteristics, including but not limited
24 to blood types, be determined by appropriate testing
25 procedures, and shall appoint an expert qualified as an
26 examiner of genetic markers to analyze and interpret the
27 results and to report to the court. Blood test results which
28 show a statistical probability of paternity are admissible
29 and shall be weighed along with other evidence of the alleged
30 father's paternity. If the results of blood tests or the
31 expert's analysis of inherited characteristics is disputed,
32 the court, upon reasonable request of a party, shall order
33 that an additional test be made by the same laboratory or
34 an independent laboratory at the expense of the party
35 requesting additional testing. Constructive evidence of the

1 chain of custody of the blood specimens is sufficient and
2 any challenge to the testing procedures or the results of
3 blood analysis shall be made before trial or the expert's
4 report shall be admissible without objection. All costs shall
5 be paid by the parties in proportions and at times determined
6 by the court.

7 Sec. 5. This Act takes effect January first following
8 its enactment.

9 EXPLANATION

10 This bill raises from sixteen to eighteen the age to which
11 persons adjudged fathers of a child pursuant to a paternity
12 action must pay support to the child. It also provides that
13 the mother of a child born out of wedlock and not legitimized
14 or adopted has sole custody of the child unless the court
15 orders otherwise, however if a judgment of paternity is
16 entered, the father may petition for visitation rights. The
17 bill provides that the court in a paternity action may on
18 its own motion, or upon the request of a party shall, require
19 the child, mother and alleged father to submit to blood tests.
20 Blood test results showing a statistical probability of
21 paternity are admissible as evidence in the case.

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FISCAL NOTE
House File 2516
Requested by Representative Shimanek
February 15, 1980

In compliance with a written request there is hereby submitted a Fiscal Note for H. F. 2516 pursuant to Joint Rule 16.

H.F. 2516, An Act relating to the determination of the parent and child relationship and the obligations of parents to their children.

This bill raises from 16 to 18 the age to which persons adjudged fathers of a child pursuant to a paternity action must pay support to a child. Also, the bill provides that the court in a paternity action may, or upon the request of a party shall, require the child, mother and alleged father to submit to blood tests. Blood test results showing a statistical probability of paternity are admissible as evidence in the case.

The bill would effect child support recovery payments in two ways, (1) by extending the obligation from age 16 to 18; (2) by requiring the child, mother and alleged father to submit to blood tests which would be admissible as evidence.

The fiscal effect would be as follows:

	<u>FY '81</u>	<u>FY '82</u>	<u>FY '83</u>	<u>FY '84</u>	<u>FY '85</u>
Federal	\$ 125,000	311,000	311,000	52,000	52,000
State	130,000	326,000	326,000	54,000	54,000
County	<u>45,000</u>	<u>113,000</u>	<u>113,000</u>	<u>19,000</u>	<u>19,000</u>
Total	\$ <u>300,000</u>	<u>750,000</u>	<u>750,000</u>	<u>125,000</u>	<u>125,000</u>

It should be noted that the Act takes effect January 1 following its enactment.

Source: Department of Social Services

FILED MARCH 18, 1980

BY GERRY D. RANKIN
Legislative Fiscal Bureau

HOUSE FILE 2516

H-5509

1 Amend House File 2516 as follows:

2 1. Page 2, by striking lines 7 and 8 and inserting
3 in lieu thereof the following:

4 "Sec. 5. Section two hundred fifty-two B point
5 five (252B.5), Code 1979, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. Assistance to set off against
8 a debtor's income tax refund any debt assigned to
9 the department of social services which has accrued
10 through written contract, subrogation, or court
11 judgment, and which is in the form of a liquidated
12 sum due and owing for the care, support or maintenance
13 of a child. The department of social services shall
14 promulgate rules pursuant to chapter seventeen A (17A)
15 of the Code necessary to assist the department of
16 revenue in the implementation of the child-support
17 setoff as established under section two (2) of this
18 Act.

19 Sec. 6. Section four hundred twenty-one point
20 seventeen (421.17), Code 1979, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. To establish and maintain a
23 procedure to set off against a debtor's income tax
24 refund any debt assigned to the department of social
25 services which has accrued through written contract,
26 subrogation, or court judgment and which is in the
27 form of a liquidated sum due and owing for the care,
28 support or maintenance of a child. The procedure
29 shall meet the following conditions:

30 a. Before setoff all outstanding tax liabilities
31 collectible by the department of revenue shall be
32 satisfied except that no portion of a refund shall
33 be credited against any tax liabilities which are
34 not yet due.

35 b. Before setoff the child support recovery unit
36 established pursuant to section two hundred fifty-
37 two B point two (252B.2) of the Code shall obtain
38 and forward to the department of revenue the full
39 name and social security number of the debtor. The
40 department of revenue shall cooperate in the exchange
41 of relevant information with the child support recovery
42 unit as provided in section two hundred fifty-two
43 B point nine (252B.9) of the Code.

44 c. The child support recovery unit shall, at least
45 annually, submit to the department of revenue for
46 setoff the above-mentioned debts, which are at least
47 fifty dollars, on a date or dates to be specified
48 by the department of social services by rule.

49 d. Upon submission of a claim the department of
50 revenue shall notify the child support recovery unit

1 whether the debtor is entitled to a refund of at least
2 fifty dollars and if so entitled shall notify the
3 unit of the amount of the refund and of the debtor's
4 address on the income tax return.

5 e. Upon notice of entitlement to a refund the
6 child support recovery unit shall send written
7 notification to the debtor, and a copy of the notice
8 to the department of revenue, of the unit's assertion
9 of rights to all or a portion of the debtor's refund
10 and the entitlement to recover the debt through the
11 setoff procedure, the basis of the assertion, the
12 opportunity to request that a joint income tax refund
13 be divided between spouses, the debtor's opportunity
14 to give written notice of intent to contest the claim,
15 and the fact that failure to contest the claim by
16 written application for a hearing will result in a
17 waiver of the opportunity to contest the claim, causing
18 final setoff by default. The child support recovery
19 unit shall upon application grant a hearing pursuant
20 to chapter seventeen A (17A) of the Code. Any appeal
21 taken from the decision of a hearing officer and any
22 subsequent appeals shall be taken pursuant to chapter
23 seventeen A (17A) of the Code.

24 f. Upon the timely request of a debtor or a
25 debtor's spouse to the child support recovery unit
26 and upon receipt of the full name and social security
27 number of the debtor's spouse, the unit shall notify
28 the department of revenue of the request to divide
29 a joint income tax refund. The department of revenue
30 shall upon receipt of the notice divide a joint income
31 tax refund between the debtor and the debtor's spouse
32 in proportion to each spouse's net income as determined
33 under section four hundred twenty-two point seven
34 (422.7) of the Code.

35 g. The department of revenue shall, after notice
36 has been sent to the debtor by the child support
37 recovery unit, set off the above mentioned debt against
38 the debtor's income tax refund if both the debt and
39 the refund are at least fifty dollars. The department
40 shall refund any balance of the income tax refund
41 to the debtor. The department of revenue shall
42 periodically transfer the amount set off to the child
43 support recovery unit. If the debtor gives written
44 notice of intent to contest the claim the department
45 of social services shall hold the refund until final
46 disposition of the contested claim pursuant to chapter
47 seventeen A (17A) of the Code or by court judgment.
48 The child support recovery unit shall notify the
49 debtor in writing upon completion of setoff.

50 h. Notwithstanding section four hundred twenty-

MARCH 14, 1980

PAGE FIVE

5509

Page Three

1 two point sixteen (422.16), subsection nine (9) of
2 the Code, the payment of interest is not required
3 if the department of revenue or the department of
4 social services holds an individual or a joint refund
5 for the purpose of setoff under this section beyond
6 the allowed period of time.
7 Sec. 7. Sections one (1) through four (4) of this
8 Act take effect January first following their
9 enactment. Sections five (5) and six (6) of this
10 Act take effect July first following their enactment."

H-5509 FILED

BY TYRRELL of Iowa

MARCH 13, 1980

W.D. 3/13/80 (p. 977)

HOUSE FILE 2516

H-5510

1 Amend House File 2516 as follows:
2 1. Page 2, by inserting after line 6 the following:
3 "Sec. ____ . Section two hundred thirty-nine point
4 two (239.2), Code 1979, is amended by adding the
5 following new subsection:
6 NEW SUBSECTION. Under no circumstances shall
7 assistance be granted under this chapter to a pregnant
8 woman by reason of her unborn child, or to any other
9 person on behalf of an unborn child. This subsection
10 shall not affect a grant of assistance made on behalf
11 of a needy child or children to a woman who is the
12 mother of or who has custody of those children, but
13 the grant shall not be increased by reason of the
14 pregnancy of that woman at any time before the child
15 is born."
16 2. Title, line 3, by inserting after the word
17 "children" the words ", and prohibiting aid to
18 dependent children payments by reason of or on behalf
19 of an unborn child".

H-5510 FILED

BY TYRRELL of Iowa

MARCH 13, 1980

DANKER of Pottawattamie

Build not german 3/13/80 (p. 977)

HOUSE FILE 2516

H-5496

1 Amend House File 2516 as follows:
2 1. By striking Page 1, line 35 through Page 2,
3 line 4 and inserting in lieu thereof the following:
4 "requesting additional testing. Verified documen-
5 tation of the chain of custody of the blood
6 specimens is competent evidence to establish the
7 chain of custody. A verified expert's report shall
8 be admitted at trial unless a challenge to the
9 testing procedures or the results of blood
10 analysis has been made before trial. All costs
11 shall".

H-5496 FILED

BY CONLON of Muscatine

MARCH 12, 1980

Adopted 3/12 (p. 915)

*Repealing 3/21
Amend you 5630.
Do Pass 4/1 (7 12657)*

HOUSE FILE 2516

By COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(As Amended and Passed by the House)

Re Passed House, Date 4/25/80 (p. 2101) Passed Senate, Date 4/11/80 (p. 1296)

Vote: Ayes 89 Nays 2 Vote: Ayes 41 Nays 4

Approved May 17, 1980

A BILL FOR

1 An Act relating to the determination of the parent and child
2 relationship and the obligations of parents to their
3 children.

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

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House Amendments _____

66901 Section 1. Section six hundred seventy-five point twenty-
2 five (675.25), Code 1979, is amended to read as follows:

3 675.25 FORM OF JUDGMENT. The judgment shall be for annual
4 amounts, equal or varying, having regard to the obligation
5 of the father under section 675.1, as the court directs, until
6 the child reaches the age of sixteen eighteen years or the
7 age directed in the court decree. The payments may be required
8 to be made at such periods or intervals as the court directs.

9 Sec. 2. Chapter six hundred seventy-five (675), Code 1979,
10 is amended by adding sections three (3) through five (5) of
11 this Act.

66902 Sec. 3. NEW SECTION. CUSTODY AND VISITATION. The mother
13 of a child born out of wedlock and not legitimized or adopted
14 has sole custody of the child unless the court orders
15 otherwise. If a judgment of paternity is entered, the father
16 may petition for rights of visitation or custody in an equity
17 proceeding separate from any action to establish paternity.

18 Sec. 4. NEW SECTION. BLOOD TESTS. In any proceeding
19 to establish paternity in law or in equity the court may on
20 its own motion, and upon request of a party shall, require
21 the child, mother, and alleged father to submit to blood
22 tests. If a blood test is required, the court shall direct
23 that inherited characteristics, including but not limited
24 to blood types, be determined by appropriate testing
25 procedures, and shall appoint an expert qualified as an
26 examiner of genetic markers to analyze and interpret the
27 results and to report to the court. Blood test results which
66903 28 show a statistical probability of paternity are admissible
29 and shall be weighed along with other evidence of the alleged
30 father's paternity. If the results of blood tests or the
31 expert's analysis of inherited characteristics is disputed,
32 the court, upon reasonable request of a party, shall order
33 that an additional test be made by the same laboratory or
34 an independent laboratory at the expense of the party
35 requesting additional testing. Verified documentation of

1 the chain of custody of the blood specimens is competent
2 evidence to establish the chain of custody. A verified
3 expert's report shall be admitted at trial unless a challenge
4 to the testing procedures or the results of blood analysis
5 has been made before trial. All costs shall be paid by the
6 parties in proportions and at times determined by the court.

7 Sec. 5. This Act takes effect January first following
8 its enactment.

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HOUSE FILE 2516

S-5630

- 1 Amend House File 2516 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 8.
4 2. Page 1, line 13, by striking the words "and
5 not legitimized or" and inserting in lieu thereof
6 the words "whose paternity has not been acknowledged
7 and who has not been".
8 3. Page 1, line 28, by striking the word
9 "probabililty" and inserting in lieu thereof the word
10 "probability".
11 4. By correcting section numbers and internal
12 references as made necessary by this amendment.

S-5630 FILED

APRIL 2, 1980

Adopted 4/10 (p. 594)

BY COMMITTEE ON JUDICIARY

LUCAS J. DeKOSTER, CHAIRPERSON

SENATE AMENDMENT TO
HOUSE FILE 2516

H-6078

- 1 Amend House File 2516 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through-8.
4 2. Page 1, line 13, by striking the words "and
5 not legitimized or" and inserting in lieu thereof
6 the words "whose paternity has not been acknowledged
7 and who has not been".
8 3. Page 1, line 28, by striking the word
9 "probabililty" and inserting in lieu thereof the word
10 "probability".
11 4. By correcting section numbers and internal
12 references as made necessary by this amendment.

H-6078 FILED APRIL 15, 1980

RECEIVED FROM THE SENATE

House recommended 4/25 (p. 210...)

HOUSE FILE 2516

AN ACT
RELATING TO THE DETERMINATION OF THE PARENT AND CHILD
RELATIONSHIP AND THE OBLIGATIONS OF PARENTS TO THEIR
CHILDREN.

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

Section 1. Chapter six hundred seventy-five (675), Code 1979, is amended by adding sections two (2) and three (3) of this Act.

Sec. 2. NEW SECTION. CUSTODY AND VISITATION. The mother of a child born out of wedlock whose paternity has not been acknowledged and who has not been adopted has sole custody of the child unless the court orders otherwise. If a judgment of paternity is entered, the father may petition for rights of visitation or custody in an equity proceeding separate from any action to establish paternity.

Sec. 3. NEW SECTION. BLOOD TESTS. In any proceeding to establish paternity in law or in equity the court may on its own motion, and upon request of a party shall, require the child, mother, and alleged father to submit to blood tests. If a blood test is required, the court shall direct that inherited characteristics, including but not limited to blood types, be determined by appropriate testing procedures, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results and to report to the court. Blood test results which show a statistical probability of paternity are admissible and shall be weighed along with other evidence of the alleged father's paternity. If the results of blood tests or the expert's analysis of inherited characteristics is disputed, the court, upon reasonable request of a party, shall order that an additional test be made by the same laboratory or an independent laboratory at the expense of the party requesting additional testing. Verified documentation of

the chain of custody of the blood specimens is competent evidence to establish the chain of custody. A verified expert's report shall be admitted at trial unless a challenge to the testing procedures or the results of blood analysis has been made before trial. All costs shall be paid by the parties in proportions and at times determined by the court.

Sec. 4. This Act takes effect January first following its enactment.

WILLIAM H. HARBOR
Speaker of the House

TERRY R. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2516, Sixty-eighth General Assembly.

BRUCE GRAHAM
Assistant Chief Clerk of the House

Approved May 17 1980

ROBERT D. RAY
Governor

H.F. 2516