

Reprinted 3/11/86

House File 2060

Judiciary and Law Enforcement: Clark, Chair, Chapman and Shoning.

JAN 10 1986  
Amend (5184) & To Pass 2/27 (g. 487)  
Judiciary & Law Enforcement

HOUSE FILE 2060  
BY RUNNING

Passed House, Date 3-6-86 (g. 577) Passed Senate, Date 4-7-86 (p. 1086)  
Vote: Ayes 96 Nays 0 Vote: Ayes 47 Nays 0  
Approved May 15, 1986

**A BILL FOR**

1 An Act relating to assignments of income in delinquent support  
2 cases and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2060

H-5056

1 Amend House File 2060 as follows:  
2 1. Page 1, line 11, by inserting after the word  
3 "notice" the following: "of the delinquent amount, of  
4 the amount of income or wages to be withheld, and".

H-5056 FILED FEBRUARY 3, 1986 BY RUNNING of Linn  
*Passed o/c 3/6 (g. 577)*

HOUSE FILE 2060

H-5184

1 Amend House File 2060 as follows:  
2 1. Page 1, line 11, by inserting after the word  
3 "notice" the following: "of the delinquent amount, of  
4 the amount of income or wages to be withheld, and".

H-5184 FILED FEBRUARY 27, 1986 BY COMMITTEE ON JUDICIARY AND  
AND LAW ENFORCEMENT  
*Adopted 3/6 (g. 577)*

- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section 252D.1, subsection 3, Code Supplement  
2 1985, is amended to read as follows:

3 3. If support payments ordered under section 252A.6,  
4 subsection 12, section 598.21, or section 675.25, or under a  
5 comparable statute of a foreign jurisdiction, as certified to  
6 the child support recovery unit established in section 252B.2,  
7 are not paid to the clerk of the district court pursuant to  
8 section 598.22 and become delinquent in an amount equal to the  
9 payment for one month, the clerk of the district court or the  
10 child support recovery unit, after providing to the person  
11 whose income is to be assigned a notice of the procedure to  
12 file a motion to quash the order of assignment, shall order an  
13 assignment of income and notify an employer, trustee, or other  
14 payor by certified mail of the order of the assignment of  
15 income requiring the withholding of specified sums to be  
16 deducted from the delinquent person's periodic earnings, trust  
17 income, or other income sufficient to pay the support  
18 obligation and, except for trusts governed by the federal  
19 Retirement Equity Act of 1984, Pub. L. No. 98-397, requiring  
20 the payment of such sums to the clerk of the district court.  
21 For trusts governed by the federal Retirement Equity Act of  
22 1984, Pub. L. No. 98-397, the assignment of income shall  
23 require the payment of such sums to the alternate payee. The  
24 assignment of income is binding on an existing or future  
25 employer, trustee, or other payor ten days after the receipt  
26 of the order by certified mail. The amount of an assignment  
27 of income shall not exceed the amount specified in 15 U.S.C.  
28 §1673(b). The assignment of income has priority over a  
29 garnishment or an assignment for a purpose other than the  
30 support of the dependents in the court order being enforced.  
31 The clerk of the district court or the child support recovery  
32 unit may modify the assignment of income on the full payment  
33 of the delinquency or in an instance where the amount being  
34 withheld exceeds the amount specified in 15 U.S.C. §1673(b),  
35 or may revoke the assignment of income upon the termination of

1 parental rights, emancipation, death or majority of the child,  
2 or upon a change of custody.

3 Sec. 2. NEW SECTION. 252D.6 PENALTY FOR MISREPRESENTA-  
4 TION.

5 A person who knowingly makes a false statement or repre-  
6 sentation of a material fact or knowingly fails to disclose a  
7 material fact in order to secure an assignment of income  
8 against another person and to receive support payments or ad-  
9 ditional support payments pursuant to this chapter, is guilty,  
10 upon conviction, of a serious misdemeanor.

11 EXPLANATION

12 This bill requires the clerk of the district court or the  
13 child support recovery unit, before entering an order of  
14 assignment in a delinquent support case, to provide notice of  
15 the procedures to file a motion to quash the order. The bill  
16 also provides a criminal penalty for knowingly misrepresenting  
17 material facts in order to secure an assignment of income in a  
18 support case under chapter 252D.

HOUSE FILE 2060

FISCAL NOTE

REQUESTED BY REPRESENTATIVE RUNNING

In compliance with a written request received December 27, 1985, a fiscal note for HOUSE FILE 2060 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

---

House File 2060 requires that district court clerks and the child support recovery unit, prior to entering an order of assignment in a delinquent support case, provide notice of the procedures to file a motion to quash the order. The bill also provides a criminal penalty for knowingly misrepresenting material facts in order to secure an assignment of income in a support case under chapter 252D.

FISCAL EFFECT: The notice required in this bill would be included with the notice already required. There is estimated to be a minimal cost associated with revising this existing notice to include the motion to quash information.

Source: Judicial Department

FILED FEBRUARY 11, 1986

(LSB 7176H, JMN)  
BY DENNIS PROUTY, FISCAL DIRECTOR

Ind. 3/11 Do Pass 3/19 (p. 793)

House File 2060

JUDICIARY: Horn, Chair: Coleman and Hester

HOUSE FILE 2060

BY RUNNING

(As Amended and Passed by the House March 6, 1986)

Passed House, Date 4-18-86 (p. 1563) Passed Senate, Date 4-7-86 (p. 1080)

Vote: Ayes 95 Nays 0 Vote: Ayes 47 Nays 0

Approved May 15, 1986

*Motion to reconsider (p. 1094) prevailed 4/15  
Repassed Senate 4-15-86 (p. 1230)*

A BILL FOR

47-0

1 An Act relating to assignments of income in delinquent support  
2 cases and providing a penalty.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

House Amendments \_\_\_\_\_

1 Section 1. Section 252D.1, subsection 3, Code Supplement  
2 1985, is amended to read as follows:

3 3. If support payments ordered under section 252A.6,  
4 subsection 12, section 598.21, or section 675.25, or under a  
5 comparable statute of a foreign jurisdiction, as certified to  
6 the child support recovery unit established in section 252B.2,  
7 are not paid to the clerk of the district court pursuant to  
8 section 598.22 and become delinquent in an amount equal to the  
9 payment for one month, the clerk of the district court or the  
10 child support recovery unit, after providing to the person  
11 whose income is to be assigned a notice of the delinquent  
12 amount, of the amount of income or wages to be withheld, and  
13 of the procedure to file a motion to quash the order of  
14 assignment, shall order an assignment of income and notify an  
15 employer, trustee, or other payor by certified mail of the  
16 order of the assignment of income requiring the withholding of  
17 specified sums to be deducted from the delinquent person's  
18 periodic earnings, trust income, or other income sufficient to  
19 pay the support obligation and, except for trusts governed by  
20 the federal Retirement Equity Act of 1984, Pub. L. No. 98-397,  
21 requiring the payment of such sums to the clerk of the  
22 district court. For trusts governed by the federal Retirement  
23 Equity Act of 1984, Pub. L. No. 98-397, the assignment of  
24 income shall require the payment of such sums to the alternate  
25 payee. The assignment of income is binding on an existing or  
26 future employer, trustee, or other payor ten days after the  
27 receipt of the order by certified mail. The amount of an  
28 assignment of income shall not exceed the amount specified in  
29 15 U.S.C. §1673(b). The assignment of income has priority  
30 over a garnishment or an assignment for a purpose other than  
31 the support of the dependents in the court order being  
32 enforced. The clerk of the district court or the child  
33 support recovery unit may modify the assignment of income on  
34 the full payment of the delinquency or in an instance where  
35 the amount being withheld exceeds the amount specified in 15

1 U.S.C. §1673(b), or may revoke the assignment of income upon  
2 the termination of parental rights, emancipation, death or  
3 majority of the child, or upon a change of custody.

4 Sec. 2. NEW SECTION. 252D.6 PENALTY FOR MISREPRESENTA-  
5 TION.

6 A person who knowingly makes a false statement or repre-  
7 sentation of a material fact or knowingly fails to disclose a  
8 material fact in order to secure an assignment of income  
9 against another person and to receive support payments or ad-  
10 ditional support payments pursuant to this chapter, is guilty,  
11 upon conviction, of a serious misdemeanor.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SENATE AMENDMENT TO HOUSE FILE 2060

H-5847

1 Amend House File 2060, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 9 through 14 and  
4 inserting the following: "payment for one month, the  
5 ~~clerk-of upon application of a person entitled to~~  
6 receive the support payments, the child support  
7 recovery unit or the district court or-the-child  
8 support-recovery-unit may enter an ex parte order  
9 notifying the person, whose income is to be assigned,  
10 of the delinquent amount, of the amount of income or  
11 wages to be withheld, and of the procedure to file a  
12 motion to quash the order of assignment, and shall  
13 order an assignment of income and notify an".

14 2. Page 1, by striking lines 32 and 33 and  
15 inserting the following: "enforced. The ~~clerk-of-the~~  
16 child support recovery unit or the district court or  
17 the-child-support-recovery-unit, upon the application  
18 of any party, by ex parte order, may modify the  
19 assignment of income on".

20 3. Page 2, by inserting after line 3 the  
21 following:

22 "Sec. \_\_\_\_ . Section 252D.2, subsection 1, Code  
23 1985, is amended to read as follows:

24 1. A petitioner under section 252D.1, subsection 3  
25 may move to quash the order of assignment at any time  
26 by asserting that the delinquency did not occur or has  
27 been paid. A person whose income has been assigned  
28 under section 252D.1 may move to quash the order of  
29 assignment by filing the motion to quash and notice of  
30 the motion to quash with the court within ten days  
31 after the ~~employer, trustee, or other payor delivers a~~  
32 copy-of-the-order-of-assignment-to-the-person-under  
33 section-252D-47-subsection-1 entering of the court  
34 order of assignment under section 252D.1, subsection 3  
35 or at any time upon a showing of a mistake of fact  
36 relating to the delinquency. The clerk of the  
37 district court shall schedule a hearing on the motion  
38 to quash for a time not later than seven days after  
39 the filing of the motion to quash and the notice of  
40 the motion to quash. The clerk shall mail to the  
41 parties copies of the motion to quash, the notice of  
42 the motion to quash, and the order scheduling the  
43 hearing."

44 4. By renumbering as necessary.

H-5847 FILED APRIL 17, 1986 RECEIVED FROM THE SENATE

*House concurred 4/18 (p. 1563)*

HOUSE FILE 2060

S-5555

1 Amend House File 2060, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 9 through 14 and  
4 inserting the following: "payment for one month, the  
5 ~~clerk-of~~ and upon application of a person entitled to  
6 receive the support payments or upon application of  
7 the child support recovery unit, the district court or  
8 the-child-support-recovery-unit may enter an ex parte  
9 order notifying the person, whose income is to be  
10 assigned, of the delinquent amount, of the amount of  
11 income or wages to be withheld, and of the procedure  
12 to file a motion to quash the order of assignment, and  
13 shall order an assignment of income and notify an".

14 2. Page 1, by striking lines 32 and 33 and  
15 inserting the following: "enforced. The ~~clerk-of-the~~  
16 district court, upon the application of any party or  
17 the child support recovery unit, by ex parte order,  
18 may modify the assignment of income on".

19 3. Page 2, by inserting after line 3 the  
20 following:

21 "Sec. \_\_\_\_ . Section 252D.2, subsection 1, Code  
22 1985, is amended to read as follows:

23 1. A petitioner under section 252D.1, subsection 3  
24 may move to quash the order of assignment at any time  
25 by asserting that the delinquency did not occur or has  
26 been paid. A person whose income has been assigned  
27 under section 252D.1 may move to quash the order of  
28 assignment by filing the motion to quash and notice of  
29 the motion to quash with the court within ten thirty  
30 days after the employer, trustee, or other payor  
31 delivers a copy of the order of assignment to the  
32 person under section 252D.4, subsection 1 entering of  
33 the court order of assignment under section 252D.1,  
34 subsection 3 or at any time upon a showing of a  
35 substantial change in circumstances relating to the  
36 delinquency. The clerk of the district court shall  
37 schedule a hearing on the motion to quash for a time  
38 not later than seven ten days after the filing of the  
39 motion to quash and the notice of the motion to quash.  
40 The clerk shall mail to the parties copies of the  
41 motion to quash, the notice of the motion to quash,  
42 and the order scheduling the hearing."

43 4. By renumbering as necessary.

S-5555 Filed April 2, 1986

BY MANN

*Adopted 4/7 (p. 1080) Motion to reconsider (p. 1091) prevailed 4/15  
Adopted as amended (5665) 4/15/86 (p. 1220)*

HOUSE FILE 2060

S-5665

1 Amend the amendment, S-5555, to House File 2060, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 5 through 7 and  
5 inserting the following: "~~clerk-of~~ upon application  
6 of a person entitled to receive the support payments,  
7 the child support recovery unit or the district court  
8 or".

9 2. Page 1, by striking lines 16 and 17 and  
10 inserting the following: "child support recovery unit  
11 or the district court or-the-child-support-recovery  
12 unit, upon the application of any party, by ex parte  
13 order,".

14 3. Page 1, line 29, by striking the words "ten  
15 thirty" and inserting the following: "ten".

16 4. Page 1, by striking line 35 and inserting the  
17 following: "mistake of fact relating to the".

18 5. Page 1, line 38, by striking the words "seven  
19 ten" and inserting the following: "seven".

S-5665 Filed April 9, 1986  
BY MANN

HOUSE FILE 2060

AN ACT

RELATING TO ASSIGNMENTS OF INCOME IN DELINQUENT SUPPORT CASES  
AND PROVIDING A PENALTY.

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

Section 1. Section 252D.1, subsection 3, Code Supplement 1985, is amended to read as follows:

3. If support payments ordered under section 252A.6, subsection 12, section 598.21, or section 675.25, or under a comparable statute of a foreign jurisdiction, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, ~~the clerk of upop application of a person entitled to receive the support payments, the child support recovery unit or the district court or the child support-recovery-unit may enter an ex parte order notifying the person, whose income is to be assigned, of the delinquent amount, of the amount of income or wages to be withheld, and of the procedure to file a motion to quash the order of assignment, and shall order an assignment of income and notify an employer, trustee, or other payor by certified mail of the order of the assignment of income requiring the withholding of specified sums to be deducted from the delinquent person's periodic earnings, trust income, or other income sufficient to pay the support obligation and, except for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, requiring the payment of such sums to the clerk of the district court. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the assignment of income shall require the payment of such sums to the alternate payee. The assignment of income is binding on an existing or~~

future employer, trustee, or other payor ten days after the receipt of the order by certified mail. The amount of an assignment of income shall not exceed the amount specified in 15 U.S.C. §1673(b). The assignment of income has priority over a garnishment or an assignment for a purpose other than the support of the dependents in the court order being enforced. ~~The clerk of the child support recovery unit or the district court or the child support-recovery-unit, upon the application of any party, by ex parte order, may modify the assignment of income on the full payment of the delinquency or in an instance where the amount being withheld exceeds the amount specified in 15 U.S.C. §1673(b), or may revoke the assignment of income upon the termination of parental rights, emancipation, death or majority of the child, or upon a change of custody.~~

Sec. 2. Section 252D.2, subsection 1, Code 1985, is amended to read as follows:

1. A petitioner under section 252D.1, subsection 3 may move to quash the order of assignment at any time by asserting that the delinquency did not occur or has been paid. A person whose income has been assigned under section 252D.1 may move to quash the order of assignment by filing the motion to quash and notice of the motion to quash with the court within ten days after the ~~employer, trustee, or other payor delivers a copy of the order of assignment to the person under section 252B.47, subsection 1~~ entering of the court order of assignment under section 252D.1, subsection 3 or at any time upon a showing of a mistake of fact relating to the delinquency. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing.

Sec. 3. NEW SECTION. 252D.6 PENALTY FOR MISREPRESENTATION.

A person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact in order to secure an assignment of income against another person and to receive support payments or additional support payments pursuant to this chapter, is guilty, upon conviction, of a serious misdemeanor.

---

DONALD D. AVENSON  
Speaker of the House

---

ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2060, Seventy-first General Assembly.

---

JOSEPH O'HERN  
Chief Clerk of the House

Approved May 15, 1986

---

TERRY E. BRANSTAD  
Governor