

Reprinted 3/19/85

MAR 6 1985

Place On Calendar

HOUSE FILE 495

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly House Study Bill 182)

Passed House, Date 3-15-85 (p. 84) Passed Senate, Date 4-25-85 p. 657
Vote: Ayes 92 Nays 0 Vote: Ayes 45 Nays 2
Approved May 23, 1985

A BILL FOR

1 An Act for the collection of support obligations relating to
2 identifying information in petitions for dissolution of
3 marriage and support orders, the payment and distribution
4 of support payments to and by the clerk of the district
5 court, the modification of support orders, and the re-
6 cording of income tax refund or rebate payments by the
7 clerk.

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

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*providing exceptions
to parent's best interests*

HF 495

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1 Section 1. Section 598.5, subsections 1 and 3, Code 1985,
2 are amended to read as follows:

3 1. State the name, birth date, social security number, ad-
4 dress and county of residence of the petitioner and the name
5 and address of the petitioner's attorney.

6 3. State the name, birth date, social security number, ad-
7 dress and county of residence, if known, of the respondent.

8 Sec. 2. Section 598.11, unnumbered paragraph 2, Code 1985,
9 is amended to read as follows:

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

22 Sec. 3. Section 598.21, subsection 7, Code 1985, is
23 amended to read as follows:

24 7. Orders made pursuant to this section need mention only
25 those factors relevant to the particular case for which the
26 orders are made but shall contain the names, birth dates,
27 social security numbers, addresses, and counties of residence
28 of the petitioner and respondent.

29 Sec. 4. Section 598.21, subsection 8, unnumbered paragraph
30 1, Code 1985, is amended to read as follows:

31 The court may subsequently modify orders made under this
32 section when there is a substantial change in circumstances.
33 The court contemplating a change in child support because of
34 alleged change in circumstances shall consider each parent's
35 earning capacity, economic circumstances and cost of living.

1 A modification of a support order entered under chapter 252A,
2 chapter 675, or this chapter between parties to the order is
3 void unless the modification is approved by the court, after
4 proper notice and opportunity to be heard is given to all
5 parties to the order, and entered as an order of the court.
6 If support payments have been assigned to the department of
7 human services pursuant to section 239.3, the department shall
8 be considered a party to the support order. Modifications of
9 orders pertaining to child custody shall be made pursuant to
10 chapter 598A. If the petition for a modification of an order
11 pertaining to child custody asks either for joint custody or
12 that joint custody be modified to an award of sole custody,
13 the modification, if any, shall be made pursuant to section
14 598.41.

3334 15 Sec. 5. Section 598.22, unnumbered paragraphs 1 and 3,
16 Code 1985, are amended to read as follows:

17 All orders or judgments providing entered under chapter
18 252A, chapter 675, or this chapter which provide for temporary
19 or permanent support payments shall direct the payment of such
20 sums to the clerk of the district court for the use of the
21 person for whom the payments have been awarded. Payments to
22 persons other than the clerk of the district court do not
23 satisfy the support obligations created by such orders or
24 judgments.

3334 25 An order or judgment entered by the court for temporary or
26 permanent support or for an assignment shall be filed with the
27 court clerk. The orders ~~shall~~ have the same force and effect
28 as judgments when entered in the judgment docket and lien
29 index and ~~shall-be-a-record~~ are records open to the public.
30 The clerk shall disburse the payments received pursuant to the
31 orders or judgments within five working days of the receipt of
32 the payments. All moneys received or disbursed under this
33 section shall be entered in a record book kept by the clerk,
34 which shall be open to the public. The clerk shall not enter
35 any moneys paid in the record book if not paid directly to the

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1 clerk, except as provided in section 602.8102, subsection 47.

2 Sec. 6. Section 602.8102, subsection 47, Code 1985, is
3 amended to read as follows:

4 47. Forward Record support payments made pursuant to an
5 order entered under chapter 252A, 598, or 675, or under a
6 comparable statute of a foreign jurisdiction and through
7 setoff of a state or federal income tax refund or rebate, as
8 if the payments were received and disbursed by the clerk;
9 forward support payments received under section 252A.6 to the
10 department of human services and furnish copies of orders and
11 decrees awarding support to parties receiving welfare
12 assistance as provided in section 252A.13.

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13 EXPLANATION

14 Sections 1 through 3 of this bill require the birth dates
15 and social security numbers of both the petitioner and
16 respondent to be included in petitions for dissolution of
17 marriage and in temporary and permanent support orders.

18 Sections 4 and 5 require all support orders to direct
19 payments to the clerk of the district court and provide that
20 payments to persons other than the clerk do not satisfy the
21 support orders. The clerk is required to disburse support
22 payments within five working days of their receipt. Modifi-
23 cations of support orders are not recognized unless approved
24 by the court and entered as an order of the court.

25 Section 6 requires the clerk of the district court to
26 maintain a current record of all support payments made by
27 obligors by including income tax refunds or rebates set off
28 for the payment of support.

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HOUSE FILE 495

H-3334

1 Amend House File 495 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Sec. ____ Chapter 252D.1, Code 1985, is amended
5 by adding the following new unnumbered paragraph
6 before subsection 1:

3342 7 NEW UNNUMBERED PARAGRAPH. As used in this chapter,
8 unless the context otherwise requires, "support" or
9 "support payments" means any amount which the court
10 may require a person to pay for the benefit of a
11 spouse who has not remarried or a child under a
12 temporary order or a final judgment or decree, and may
13 include alimony, child support, maintenance, and any
14 other term used to describe these obligations. These
15 obligations may include support for a child who is
16 between the ages of eighteen and twenty-two years and
17 who is regularly attending an approved school in
18 pursuance of a course of study leading to a high
19 school diploma or its equivalent, or regularly
20 attending a course of vocational technical training
21 either as a part of a regular school program or under
22 special arrangements adapted to the individual
23 person's needs, or is, in good faith, a full-time
24 student in a college, university, or area school, or
25 has been accepted for admission to a college,
26 university, or area school and the next regular term
27 has not yet begun; and may include support for a child
28 of any age who is dependent on the parties to the
29 dissolution proceedings because of physical or mental
30 disability."

31 2. Page 2, line 15, by inserting after the figure
32 "1" the following ", 2,".

33 3. Page 2, by inserting after line 24 the
34 following:

35 "Upon a finding of previous failure to pay child
36 support, the court may order the person obligated for
37 permanent child support to make an assignment of
38 periodic earnings, or trust income to the clerk of
39 court for the use of the person for whom the
40 assignment is ordered. The assignment of earnings
41 ordered by the court shall not exceed the amounts set
42 forth in 15 U.S.C. ~~§~~ sec. 1673b ~~(Supp. 1979)~~. The
43 assignment is binding on the employer, trustee, or
44 other payor of the funds two weeks after service upon
45 that person of notice that the assignment has been
46 made. The payor shall withhold from the earnings, or
47 trust income payable to the person obligated the
48 amount specified in the assignment and shall transmit
49 the payments to the clerk. The payor may deduct from
50 each payment a sum not exceeding one dollar as a

H-3334

Page Two

1 reimbursement for costs. An employer who dismisses an
2 employee due to the entry of an assignment order
3 commits a simple misdemeanor."

4 4. Page 3, by inserting after line 1, the
5 following:

6 "Sec. ____ . Section 598.23, subsection 2, paragraph
7 a, Code 1985, is amended to read as follows:

8 a. Directs the defaulting party to assign, trust
9 income or a sufficient amount in salary or wages due,
10 or to become due in the future, from an employer or
11 successor employers, to the clerk of the court where
12 the order or judgment was granted for the purpose of
13 paying the sums in default as well as those the
14 payments to be made in the future. Where If the
15 assignment is of salary or wages due, the amount
16 assigned shall not exceed the amount set forth in 15
17 U.S.C. ~~§~~ sec. 1673b (~~Supp--1979~~) and the assignment
18 order shall be binding upon the employer only for
19 those amounts that represent ~~child~~ support and only
20 upon receipt by the employer of a copy of the order,
21 signed by the employee. For each payment deducted in
22 compliance with ~~such request~~ the direction, the payor
23 may deduct a sum not exceeding one dollar as a
24 reimbursement for costs. Compliance by a payor with
25 the court's order shall operate as a discharge of the
26 employer's liability to the payee as to the affected
27 portion of the payee's wages, or trust income. Any An
28 employer who dismisses an employee due to the entry of
29 an assignment order commits a simple misdemeanor."

30 5. Page 3, by inserting after line 12, the
31 following:

32 "Sec. ____ . Section 627.11, Code 1985, is amended
33 to read as follows:

34 627.11 EXCEPTION UNDER DIVORCE DECREE FOR SPOUSAL
35 SUPPORT.

36 Where If the party in whose favor the order,
37 judgment, or decree, or judgment for the support of a
38 spouse was rendered has not remarried, the personal
39 earnings of the debtor ~~shall~~ are not be exempt from
40 any an order, judgment, or decree for temporary or
41 permanent alimony-hereafter-rendered-in-this-state
42 support, as defined in section 252D.1, of a spouse,
43 nor from any an installment of any-such an order,
44 judgment, or decree heretofore-rendered-within-this
45 state-which, by the provisions thereof, may hereafter
46 become-due for the support of a spouse.

47 Sec. ____ . Section 627.12, Code 1985, is amended to
48 read as follows:

49 627.12 EXCEPTION UNDER DECREE FOR CHILD SUPPORT OF
50 MINORS.

1 The personal earnings of the debtor shall are not
 2 be exempt from any an order, judgment, or decree for
 3 the support, as defined in section 252D.1, of a minor
 4 child, ~~or children hereafter rendered in this state~~
 5 nor any from an installment of any such an order,
 6 judgment, or decree heretofore rendered in this state
 7 which, ~~by the provisions thereof, may hereafter become~~
 8 due for the support of a child.

9 Sec. ____ . Section 642.21, subsection 1, Code 1985,
 10 is amended to read as follows:

11 1. The disposable earnings of an individual are
 12 exempt from garnishment to the extent provided by the
 13 federal Consumer Credit Protection Act, Title III, 15
 14 U.S.C. secs. 1671-1677. The maximum amount of an
 15 employee's earnings which may be garnished during any
 16 one calendar year is two hundred fifty dollars for
 17 each judgment creditor, except as provided in section
 18 chapter 252D and sections 598.22, 598.23, 627.11 and
 19 627.12, or when those earnings are reasonably expected
 20 to be in excess of twelve thousand dollars for that
 21 calendar year as determined from the answers taken by
 22 the sheriff or by the court pursuant to section 642.5,
 23 subsection 4. When the employee's earnings are
 24 reasonably expected to be more than twelve thousand
 25 dollars the maximum amount of those earnings which may
 26 be garnished during a calendar year for each creditor
 27 is as follows:

28 Sec. ____ . Section 252D.6, Code 1985, is repealed."

29 6. Title page, line 5, by inserting after the
 30 word "orders," the following: "providing exceptions
 31 to garnishment limitations,".

BY MULLINS of Kossuth
 BRAMMER of Linn
 CLARK of Cerro Gordo
 HAMMOND of Story

H-3334 FILED MARCH 12, 1985

Adopted as amended by 33/2 3/5 (846)

HOUSE FILE 495

H-3333

1 Amend House File 495 as follows:

2 1. Page 3, by inserting after line 12 the
 3 following:

4 "Sec. ____ . NEW SECTION. 642.23 SUPPORT
 5 DISBURSEMENTS BY THE CLERK.

6 Notwithstanding the seventy-day period in section
 7 626.16 for the return of an execution in garnishment
 8 for the payment of a support obligation, the sheriff
 9 shall promptly deposit any amounts collected with the
 10 clerk of the district court, and the clerk shall
 11 disburse the amounts, after subtracting applicable
 12 fees, within five working days of deposit to the
 13 person entitled to the support payments."

14 2. By numbering as necessary.

H-3333 FILED MARCH 12, 1985 BY DODERER of Johnson

Adopted 3/15 (p. 846)

HOUSE FILE 495

H-3342

- 1 Amend amendment H-3334 to House File 495 as follows:
- 2 1. Page 1, by striking line 6, and inserting the
- 3 following: "after subsection 3:".

H-3342 FILED MARCH 13, 1985 BY CLARK of Cerro Gordo

Adopted 3/15/85 (p. 846)

JUDICIARY: Horn, Chair; Gentleman and Small

HOUSE FILE 495

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(As Amended and Passed by the House March 15, 1985)

Be Passed House, Date 4-26-85 (p. 1979) Passed Senate, Date 4-25-85 (p. 1657)
Vote: Ayes 90 Nays 1 Vote: Ayes 45 Nays 2
Approved May 23, 1985

A BILL FOR

1 An Act for the collection of support obligations relating to
2 identifying information in petitions for dissolution of
3 marriage and support orders, the payment and distribution
4 of support payments to and by the clerk of the district
5 court, the modification of support orders, providing
6 exceptions to garnishment limitations, and the recording
7 of income tax refund or rebate payments by the clerk.

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

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House Amendments _____

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1 Section 1. Chapter 252D.1, Code 1985, is amended by adding
2 the following new unnumbered paragraph after subsection 3:
3 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless
4 the context otherwise requires, "support" or "support
5 payments" means any amount which the court may require a
6 person to pay for the benefit of a spouse who has not
7 remarried or a child under a temporary order or a final
8 judgment or decree, and may include alimony, child support,
9 maintenance, and any other term used to describe these
10 obligations. These obligations may include support for a
11 child who is between the ages of eighteen and twenty-two years
12 and who is regularly attending an approved school in pursuance
13 of a course of study leading to a high school diploma or its
14 equivalent, or regularly attending a course of vocational
15 technical training either as a part of a regular school
16 program or under special arrangements adapted to the
17 individual person's needs, or is, in good faith, a full-time
18 student in a college, university, or area school, or has been
19 accepted for admission to a college, university, or area
20 school and the next regular term has not yet begun; and may
21 include support for a child of any age who is dependent on the
22 parties to the dissolution proceedings because of physical or
23 mental disability.

24 Sec. 2. Section 598.5, subsections 1 and 3, Code 1985, are
25 amended to read as follows:

3757 26 1. State the name, birth date, social security number, ad-
27 dress and county of residence of the petitioner and the name
28 and address of the petitioner's attorney.

29 3. State the name, birth date, social security number, ad-
30 dress and county of residence, if known, of the respondent.

31 Sec. 3. Section 598.11, unnumbered paragraph 2, Code 1985,
32 is amended to read as follows:

33 The court may make such an order when a claim for temporary
34 support is made by the petitioner in the petition, or upon
35 application of either party, after service of the original

1 notice and when no application is made in the petition;
2 however, no such order shall be entered until at least five
3 days' notice of hearing, and opportunity to be heard, is given
4 the other party. Appearance by an attorney or the respondent
5 for such hearing shall be deemed a special appearance for the
6 purpose of such hearing only and not a general appearance. An
7 order entered pursuant to this section shall contain the
8 names, birth dates, social security numbers, addresses, and
9 counties of residence of the petitioner and respondent.

10 Sec. 4. Section 598.21, subsection 7, Code 1985, is
11 amended to read as follows:

12 7. Orders made pursuant to this section need mention only
13 those factors relevant to the particular case for which the
14 orders are made but shall contain the names, birth dates,
15 social security numbers, addresses, and counties of residence
16 of the petitioner and respondent.

17 Sec. 5. Section 598.21, subsection 8, unnumbered paragraph
18 1, Code 1985, is amended to read as follows:

3861 19 The court may subsequently modify orders made under this
20 section when there is a substantial change in circumstances.
21 The court contemplating a change in child support because of
22 alleged change in circumstances shall consider each parent's
23 earning capacity, economic circumstances and cost of living.
24 A modification of a support order entered under chapter 252A,
25 chapter 675, or this chapter between parties to the order is
26 void unless the modification is approved by the court, after
27 proper notice and opportunity to be heard is given to all
28 parties to the order, and entered as an order of the court.
29 If support payments have been assigned to the department of
30 human services pursuant to section 239.3, the department shall
31 be considered a party to the support order. Modifications of
32 orders pertaining to child custody shall be made pursuant to
33 chapter 598A. If the petition for a modification of an order
34 pertaining to child custody asks either for joint custody or
35 that joint custody be modified to an award of sole custody,

1 the modification, if any, shall be made pursuant to section
2 598.41.

3 Sec. 6. Section 598.22, unnumbered paragraphs 1, 2, and 3,
4 Code 1985, are amended to read as follows:

3572 5 All orders or judgments previding entered under chapter
6 252A, chapter 675, or this chapter which provide for temporary
7 or permanent support payments shall direct the payment of such
8 sums to the clerk of the district court for the use of the
9 person for whom the payments have been awarded. Payments to
10 persons other than the clerk of the district court do not
11 satisfy the support obligations created by such orders or
12 judgments.

13 Upon a finding of previous failure to pay child support,
14 the court may order the person obligated for permanent child
15 support to make an assignment of periodic earnings, or trust
16 income to the clerk of court for the use of the person for
17 whom the assignment is ordered. The assignment of earnings
18 ordered by the court shall not exceed the amounts set forth in
19 15 U.S.C. s. 1673b (Supp. 1979). The assignment is
20 binding on the employer, trustee, or other payor of the funds
21 two weeks after service upon that person of notice that the
22 assignment has been made. The payor shall withhold from the
23 earnings, or trust income payable to the person obligated the
24 amount specified in the assignment and shall transmit the
25 payments to the clerk. The payor may deduct from each payment
26 a sum not exceeding one dollar as a reimbursement for costs.
27 An employer who dismisses an employee due to the entry of an
28 assignment order commits a simple misdemeanor.

29 An order or judgment entered by the court for temporary or
30 permanent support or for an assignment shall be filed with the
31 court clerk. The orders ~~shall~~ have the same force and effect
32 as judgments when entered in the judgment docket and lien
33 index and ~~shall-be-a-record~~ are records open to the public.
34 The clerk shall disburse the payments received pursuant to the
35 orders or judgments within five working days of the receipt of

1 the payments. All moneys received or disbursed under this
2 section shall be entered in a record book kept by the clerk,
3 which shall be open to the public. The clerk shall not enter
4 any moneys paid in the record book if not paid directly to the
5 clerk, except as provided in section 602.8102, subsection 47.

6 Sec. 7. Section 598.23, subsection 2, paragraph a, Code
7 1985, is amended to read as follows:

8 a. Directs the defaulting party to assign trust income or
9 a sufficient amount in salary or wages due, or to become due
10 in the future, from an employer or successor employers, to the
11 clerk of the court where the order or judgment was granted for
12 the purpose of paying the sums in default as well as these the
13 payments to be made in the future. Where If the assignment is
14 of salary or wages due, the amount assigned shall not exceed
15 the amount set forth in 15 U.S.C. s. sec. 1673b (Supp.-1979)
16 and the assignment order shall be binding upon the employer
17 only for those amounts that represent child support and only
18 upon receipt by the employer of a copy of the order, signed by
19 the employee. For each payment deducted in compliance with
20 such-request the direction, the payor may deduct a sum not
21 exceeding one dollar as a reimbursement for costs. Compliance
22 by a payor with the court's order shall operate as a discharge
23 of the employer's liability to the payee as to the affected
24 portion of the payee's wages, or trust income. Any An
25 employer who dismisses an employee due to the entry of an
26 assignment order commits a simple misdemeanor.

35 27 Sec. 8. Section 602.8102, subsection 47, Code 1985, is
28 amended to read as follows:

29 47. Forward Record support payments made pursuant to an
30 order entered under chapter 252A, 598, or 675, or under a
31 comparable statute of a foreign jurisdiction and through
32 setoff of a state or federal income tax refund or rebate, as
33 if the payments were received and disbursed by the clerk;
34 forward support payments received under section 252A.6 to the
35 department of human services and furnish copies of orders and

1 decrees awarding support to parties receiving welfare
2 assistance as provided in section 252A.13.

3 Sec. 9. Section 627.11, Code 1985, is amended to read as
4 follows:

5 627.11 EXCEPTION UNDER DIVORCE DECREE FOR SPOUSAL SUPPORT.

6 Where if the party in whose favor the order, judgment, or
7 decree, or judgment for the support of a spouse was rendered
8 has not remarried, the personal earnings of the debtor shall
9 are not be exempt from any an order, judgment, or decree for
10 temporary or permanent alimony-hereafter-rendered-in-this
11 state support, as defined in section 252D.1, of a spouse, nor
12 from any an installment of any-such an order, judgment, or
13 decree heretofore-rendered-within-this-state-which, -by-the
14 provisions-thereof, -may-hereafter-become-due for the support
15 of a spouse.

16 Sec. 10. Section 627.12, Code 1985, is amended to read as
17 follows:

18 627.12 EXCEPTION UNDER DECREE FOR CHILD SUPPORT OF MINORS.

19 The personal earnings of the debtor shall are not be exempt
20 from any an order, judgment, or decree for the support, as
21 defined in section 252D.1, of a minor child, or-children
22 hereafter-rendered-in-this-state nor any from an installment
23 of any-such an order, judgment, or decree heretofore-rendered
24 in-this-state-which, -by-the-provisions-thereof, -may-hereafter
25 become-due for the support of a child.

26 Sec. 11. Section 642.21, subsection 1, Code 1985, is
27 amended to read as follows:

28 1. The disposable earnings of an individual are exempt
29 from garnishment to the extent provided by the federal
30 Consumer Credit Protection Act, Title III, 15 U.S.C. secs.
31 1671-1677. The maximum amount of an employee's earnings which
32 may be garnished during any one calendar year is two hundred
33 fifty dollars for each judgment creditor, except as provided
34 in section chapter 252D and sections 598.22, 598.23, 627.11
35 and 627.12, or when those earnings are reasonably expected to

1 be in excess of twelve thousand dollars for that calendar year
2 as determined from the answers taken by the sheriff or by the
3 court pursuant to section 642.5, subsection 4. When the
4 employee's earnings are reasonably expected to be more than
5 twelve thousand dollars the maximum amount of those earnings
6 which may be garnished during a calendar year for each
7 creditor is as follows:

8 Sec. 12. NEW SECTION. 642.23 SUPPORT DISBURSEMENTS BY
9 THE CLERK.

10 Notwithstanding the seventy-day period in section 626.16
11 for the return of an execution in garnishment for the payment
12 of a support obligation, the sheriff shall promptly deposit
13 any amounts collected with the clerk of the district court,
14 and the clerk shall disburse the amounts, after subtracting
15 applicable fees, within five working days of deposit to the
16 person entitled to the support payments.

17 Sec. 13. Section 252D.6, Code 1985, is repealed.

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1 Amend House File 495, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Section 1. Section 252C.7, Code 1985, is amended
6 to read as follows:

7 252C.7 EMPLOYERS -- ASSIGNMENTS OF EARNINGS.

8 In addition to other remedies provided by law for
9 the enforcement of a support obligation, the employer
10 of a responsible person owing a support debt shall
11 honor a duly executed assignment of current or future
12 earnings presented by the director to the employer as
13 a plan to satisfy or retire the support debt. The
14 assignment is effective until released in writing by
15 the director. The employer is entitled to receive
16 from the debtor a fee of ~~one-dollar~~ two dollars for
17 each remittance under the assignment. Payment of
18 moneys pursuant to the assignment of earnings is a
19 full acquittance under a contract of employment. The
20 director is released from liability for improper
21 receipt of moneys under an assignment of earnings upon
22 the return of the moneys."

23 2. Page 1, line 1, by striking the word "Chapter"
24 and inserting the following: "Section".

25 3. Page 1, lines 6 and 7, by striking the words
26 "a spouse who has not remarried or".

27 4. Page 1, line 8, by striking the word
28 "alimony,".

29 5. Page 1, line 9, by inserting after the word
30 "maintenance," the following: "and, if contained in a
31 child support order, spousal support,".

32 6. Page 1, by inserting after line 23 the fol-
33 lowing:

34 "Sec. ____ . Section 252D.4, subsection 1, Code
35 1985, is amended to read as follows:

36 1. The employer, trustee, or other payor who
37 receives an order of assignment by certified mail
38 pursuant to section 252D.1, subsection 2 shall
39 deliver, on the next working day, a copy of the order
40 to the person named in the order. The payor may
41 deduct not more than ~~one-dollar~~ two dollars from each
42 payment from the employee's wages as a reimbursement
43 for the payor's costs relating to the assignment. The
44 payor's compliance with the order of assignment
45 satisfies the payor's obligation to the person for the
46 amount of income withheld and transmitted to the clerk
47 of the district court."

48 7. Page 1, line 26, by striking the words "social
49 security number,".

50 8. Page 1, line 29, by striking the words "social

1 security number,".

2 9. Page 2, line 8, by striking the words "social
3 security numbers,".

4 10. Page 2, line 15, by striking the words
5 "social security numbers,".

6 11. Page 3, by striking line 12 and inserting the
7 following: "judgments, except as provided for trusts
8 in section 252D.1, 598.22, or 598.23 or for tax
9 refunds or rebates in section 602.8102, subsection
10 47."

11 12. Page 3, line 13, by striking the word "child"
12 and inserting the following: "child".

13 13. Page 3, line 14, by striking the word "child"
14 and inserting the following: "child".

15 14. Page 3, line 19, by striking the figures and
16 word "1673b (Supp--1979)" and inserting the following:
17 "1673b(b) (Supp--1979 1982)".

18 15. Page 3, line 25, by inserting after the word
19 "clerk." the following: "However, for trusts governed
20 by the federal Retirement Equity Act of 1984, Pub. L.
21 No. 98-397, the payor shall transmit the payments to
22 the alternate payee in accordance with the federal
23 Act."

24 16. Page 3, line 26, by striking the words "one
25 dollar" and inserting the following: "one-dollar two
26 dollars".

27 17. Page 4, by striking line 5, and inserting the
28 following: "clerk, except as provided for trusts in
29 section 252D.1, 598.22, or 598.23 or for tax refunds
30 or rebates in section 602.8102, subsection 47."

31 18. Page 4, line 13, by inserting after the word
32 "future." the following: "However, for trusts
33 governed by the federal Retirement Equity Act of 1984,
34 Pub. L. No. 98-397, payments shall be made to the
35 alternate payee in accordance with the federal Act."

36 19. Page 4, line 15, by striking the figures and
37 word "1673b (Supp--1979)" and inserting the following:
38 "1673b(b) (Supp--1979 1982)".

39 20. Page 4, line 17, by striking the word "child"
40 and inserting the following: "child".

41 21. Page 4, line 21, by striking the words "one
42 dollar" and inserting the following: "one-dollar two
43 dollars".

44 22. Page 5, line 31, by inserting after the
45 figure "1677" the following: "(1982)".

46 23. Page 5, line 34, by striking the figure
47 "627.11".

48 24. Title page, lines 5 and 6, by striking the
49 words "providing exceptions to garnishment
50 limitations,".

1 25. By renumbering as necessary.

1 Amend House File 495, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 9 through 12 and
 4 inserting the following: "person for whom the
 5 payments have been awarded."
 6 2. Page 4, line 1, by inserting after the word
 7 "payments" the following: "to the person entitled to
 8 the support payments. However, if the payments
 9 received are to be divided between the person entitled
 10 to the support and the state, the five-working day
 11 disbursement requirement is waived".
 12 3. Page 4, by striking lines 3 through 5 and
 13 inserting the following: "which shall be open to the
 14 public."
 15 4. By striking page 4, line 27 through page 5,
 16 line 2.
 17 5. Page 6, line 16, by inserting after the word
 18 "payments." the following: "However, if the payments
 19 received are to be divided between the person entitled
 20 to the support and the state, the five-working-day
 21 disbursement requirement is waived."

S-3872 Filed April 19, 1985

By DOYLE, HORN & MANN

closed o/c 4/25/85 (j.1656)

1 Amend House File 495 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 3, line 35, by striking the word "five"
 4 and inserting the following: "ten".
 5 2. Page 5, by inserting after line 2 the
 6 following:
 7 "Sec. ____ . Section 602.8102, Code 1985, is amended
 8 by adding the following new subsection:
 9 NEW SUBSECTION. Accept a check, share draft,
 10 draft, or written order on a bank, savings and loan
 11 association, credit union, corporation, or person as
 12 payment of a support obligation which is payable to
 13 the clerk, in accordance with procedures established
 14 by the clerk to assure that such negotiable
 15 instruments will not be dishonored. The friend of
 16 court may perform the clerk's responsibilities under
 17 this subsection."
 18 3. Page 6, line 15, by striking the word "five"
 19 and inserting the following: "ten".

S-3920 Filed April 22, 1985

By HORN & DOYLE

Adopted 4/25 (j.1656)

1 Amend House File 495 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 4, line 1, by inserting after the word
4 "payments." the following: "However, if the payments
5 received are to be divided between the person entitled
6 to the support and the state, the clerk shall have
7 fourteen working days from receipt to disburse the
8 payments."

9 2. Page 6, line 16, by inserting after the word
10 "payments." the following: "However, if the payments
11 received are to be divided between the person entitled
12 to the support and the state, the clerk shall have
13 fourteen working days from deposit to disburse the
14 payments."

S-3823 Filed April 18, 1985

By MANN

w/d 4/25 (p. 1656)

S-3861

HOUSE FILE 495

1 Amend House File 495, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 21 through 23 and
4 inserting the following: "The court contemplating a
5 change in child support because of alleged change in
6 circumstances shall consider each parent's earning
7 capacity, economic circumstances and cost of living.
8 In determining whether there is a substantial change
9 in circumstances, the court shall consider the
10 following:
11 a. Changes in the employment, earning capacity,
12 income or resources of a party.
13 b. Receipt by a party of an inheritance, pension
14 or other gift.
15 c. Changes in the medical expenses of a party.
16 d. Changes in the number or needs of dependents of
17 a party.
18 e. Changes in the physical or emotional health of
19 a party.
20 f. Changes in the residence of a party.
21 g. Remarriage of a party.
22 h. Possible support of a party by another person.
23 i. Changes in the physical, emotional or
24 educational needs of a child whose support is governed
25 by the order.
26 j. Contempt by a party of existing orders of
27 court.
28 k. Other factors the court determines to be
29 relevant in an individual case."

S-3861 Filed April 18, 1985

By HORN

Adopted 4/25/85 (p. 1657)

SENATE AMENDMENT TO HOUSE FILE 495

H-4073

1 Amend House File 495, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Section 1. Section 252C.7, Code 1985, is amended
6 to read as follows:

7 252C.7 EMPLOYERS -- ASSIGNMENTS OF EARNINGS.

8 In addition to other remedies provided by law for
9 the enforcement of a support obligation, the employer
10 of a responsible person owing a support debt shall
11 honor a duly executed assignment of current or future
12 earnings presented by the director to the employer as
13 a plan to satisfy or retire the support debt. The
14 assignment is effective until released in writing by
15 the director. The employer is entitled to receive
16 from the debtor a fee of ~~one-dollar~~ two dollars for
17 each remittance under the assignment. Payment of
18 moneys pursuant to the assignment of earnings is a
19 full acquittance under a contract of employment. The
20 director is released from liability for improper
21 receipt of moneys under an assignment of earnings upon
22 the return of the moneys."

23 2. Page 1, line 1, by striking the word "Chapter"
24 and inserting the following: "Section".

25 3. Page 1, lines 6 and 7, by striking the words
26 "a spouse who has not remarried or".

27 4. Page 1, line 8, by striking the word
28 "alimony,".

29 5. Page 1, line 9, by inserting after the word
30 "maintenance," the following: "and, if contained in a
31 child support order, spousal support,".

32 6. Page 1, by inserting after line 23 the fol-
33 lowing:

34 "Sec. ____ . Section 252D.4, subsection 1, Code
35 1985, is amended to read as follows:

36 1. The employer, trustee, or other payor who
37 receives an order of assignment by certified mail
38 pursuant to section 252D.1, subsection 2 shall
39 deliver, on the next working day, a copy of the order
40 to the person named in the order. The payor may
41 deduct not more than ~~one-dollar~~ two dollars from each
42 payment from the employee's wages as a reimbursement
43 for the payor's costs relating to the assignment. The
44 payor's compliance with the order of assignment
45 satisfies the payor's obligation to the person for the
46 amount of income withheld and transmitted to the clerk
47 of the district court."

48 7. Page 1, line 26, by striking the words "social
49 security number,".

50 8. Page 1, line 29, by striking the words "social

H-4073

Page Two

- 1 security number,".
- 2 9. Page 2, line 8, by striking the words "social
- 3 security numbers,".
- 4 10. Page 2, line 15, by striking the words
- 5 "social security numbers,".
- 6 11. Page 2, by striking lines 21 through 23 and
- 7 inserting the following: "The court contemplating a
- 8 change in child support because of alleged change in
- 9 circumstances shall consider each parent's earning
- 10 capacity, economic circumstances and cost of living.
- 11 In determining whether there is a substantial change
- 12 in circumstances, the court shall consider the
- 13 following:
- 14 a. Changes in the employment, earning capacity,
- 15 income or resources of a party.
- 16 b. Receipt by a party of an inheritance, pension
- 17 or other gift.
- 18 c. Changes in the medical expenses of a party.
- 19 d. Changes in the number or needs of dependents of
- 20 a party.
- 21 e. Changes in the physical or emotional health of
- 22 a party.
- 23 f. Changes in the residence of a party.
- 24 g. Remarriage of a party.
- 25 h. Possible support of a party by another person.
- 26 i. Changes in the physical, emotional or
- 27 educational needs of a child whose support is governed
- 28 by the order.
- 29 j. Contempt by a party of existing orders of
- 30 court.
- 31 k. Other factors the court determines to be
- 32 relevant in an individual case."
- 33 12. Page 3, by striking line 12 and inserting the
- 34 following: "judgments, except as provided for trusts
- 35 in section 252D.1, 598.22, or 598.23 or for tax
- 36 refunds or rebates in section 602.8102, subsection
- 37 47."
- 38 13. Page 3, line 13, by striking the word "child"
- 39 and inserting the following: "child".
- 40 14. Page 3, line 14, by striking the word "child"
- 41 and inserting the following: "child".
- 42 15. Page 3, line 19, by striking the figures and
- 43 word "1673b (Supp.-1979)" and inserting the following:
- 44 "1673b(b) (Supp.-1979 1982)".
- 45 16. Page 3, line 25, by inserting after the word
- 46 "clerk." the following: "However, for trusts governed
- 47 by the federal Retirement Equity Act of 1984, Pub. L.
- 48 No. 98-397, the payor shall transmit the payments to
- 49 the alternate payee in accordance with the federal
- 50 Act."

H-4073

Page Three

- 1 17. Page 3, line 26, by striking the words "one
2 dollar" and inserting the following: "one-dollar two
3 dollars".
- 4 18. Page 3, line 35, by striking the word "five"
5 and inserting the following: "ten".
- 6 19. Page 4, by striking line 5, and inserting the
7 following: "clerk, except as provided for trusts in
8 section 252D.1, 598.22, or 598.23 or for tax refunds
9 or rebates in section 602.8102, subsection 47."
- 10 20. Page 4, line 13, by inserting after the word
11 "future." the following: "However, for trusts
12 governed by the federal Retirement Equity Act of 1984,
13 Pub. L. No. 98-397, payments shall be made to the
14 alternate payee in accordance with the federal Act."
- 15 21. Page 4, line 15, by striking the figures and
16 word "1673b (Supp--1979)" and inserting the following:
17 "1673b(b) (Supp--1979 1982)".
- 18 22. Page 4, line 17, by striking the word "child"
19 and inserting the following: "child".
- 20 23. Page 4, line 21, by striking the words "one
21 dollar" and inserting the following: "one-dollar two
22 dollars".
- 23 24. Page 5, by inserting after line 2 the
24 following:
25 "Sec. ____ . Section 602.8102, Code 1985, is amended
26 by adding the following new subsection:
27 NEW SUBSECTION. Accept a check, share draft,
28 draft, or written order on a bank, savings and loan
29 association, credit union, corporation, or person as
30 payment of a support obligation which is payable to
31 the clerk, in accordance with procedures established
32 by the clerk to assure that such negotiable
33 instruments will not be dishonored. The friend of
34 court may perform the clerk's responsibilities under
35 this subsection."
- 36 25. Page 5, line 31, by inserting after the
37 figure "1677" the following: "(1982)".
- 38 26. Page 5, line 34, by striking the figure
39 "627.11".
- 40 27. Page 6, line 15, by striking the word "five"
41 and inserting the following: "ten".
- 42 28. Title page, lines 5 and 6, by striking the
43 words "providing exceptions to garnishment
44 limitations,".
- 45 29. By renumbering, relettering, or redesignating
46 and correcting internal references as necessary.

H-4073 FILED APRIL 25, 1985 RECEIVED FROM THE SENATE

House concurred 4/26/85 (p. 1979)

NSB 182

Judiciary & Law Enforcement

Study Bill 182

Judiciary and Law Enforcement: Clark, Chair; Carl and Haverland.

*now
HF 495*

SENATE/HOUSE FILE 495

BY (PREFILED DEPARTMENT OF HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act for the collection of support obligations relating to
2 identifying information in petitions for dissolution of
3 marriage, the payment and distribution of support payments
4 to and by the clerk of the district court, the modification
5 of support orders, the recording of income tax refund or
6 rebate payments by the clerk, and the use of workers'
7 compensation payments to satisfy child support obligations.

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

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S.F. _____ H.F. _____

1 Section 1. Section 598.5, subsections 1 and 3, Code 1985,
2 are amended to read as follows:

3 1. State the name, birth date, social security number, ad-
4 dress and county of residence of the petitioner and the
5 petitioner's attorney.

6 3. State the name, birth date, social security number, ad-
7 dress and county of residence, if known, of the respondent.

8 Sec. 2. Section 598.21, subsection 8, unnumbered paragraph
9 1, Code 1985, is amended to read as follows:

10 The court may subsequently modify orders made under this
11 section when there is a substantial change in circumstances.
12 The court contemplating a change in ~~child~~ support because of
13 alleged change in circumstances shall consider each parent's
14 earning capacity, economic circumstances and cost of living.
15 A modification of a support order entered under chapter 252A,
16 chapter 675, or this chapter between parties to the order is
17 void unless the modification is approved by the court, after
18 proper notice and opportunity to be heard is given to all
19 parties to the order, and entered as an order of the court.
20 If support payments have been assigned to the department of
21 human services pursuant to section 239.3, the department shall
22 be considered a party to the support order. Modifications of
23 orders pertaining to child custody shall be made pursuant to
24 chapter 598A. If the petition for a modification of an order
25 pertaining to child custody asks either for joint custody or
26 that joint custody be modified to an award of sole custody,
27 the modification, if any, shall be made pursuant to section
28 598.41.

29 Sec. 3. Section 598.22, unnumbered paragraphs 1 and 3,
30 Code 1985, are amended to read as follows:

31 All orders or judgments ~~providing~~ entered under chapter
32 252A, chapter 675, or this chapter which provide for temporary
33 or permanent support payments shall direct the payment of such
34 sums to the clerk of the district court for the use of the
35 person for whom the payments have been awarded. Payments to

1 persons other than the clerk of the district court do not
2 satisfy the support obligations created by such orders or
3 judgments.

4 An order or judgment entered by the court for temporary or
5 permanent support or for an assignment shall be filed with the
6 court clerk. The orders ~~shall~~ have the same force and effect
7 as judgments when entered in the judgment docket and lien
8 index and ~~shall-be-a-record~~ are records open to the public.
9 The clerk shall disburse the payments received pursuant to the
10 orders or judgments within five working days of the receipt of
11 the payments. All moneys received or disbursed under this
12 section shall be entered in a record book kept by the clerk,
13 which shall be open to the public. The clerk shall not enter
14 any moneys paid in the record book if not paid directly to the
15 clerk.

16 Sec. 4. Section 602.8102, subsection 47, Code 1985, is
17 amended to read as follows:

18 47. Forward Record support payments made pursuant to an
19 order entered under chapter 252A, 598, or 675, or under a
20 comparable statute of a foreign jurisdiction and through
21 setoff of a state or federal income tax refund or rebate, as
22 if the payments were received and disbursed by the clerk;
23 forward support payments received under section 252A.6 to the
24 department of human services and furnish copies of orders and
25 decrees awarding support to parties receiving welfare
26 assistance as provided in section 252A.13.

27 Sec. 5. Section 627.13, Code 1985, is amended to read as
28 follows:

29 627.13 WORKERS' COMPENSATION.

30 Any compensation due or that may become due an employee or
31 dependent under ~~the-provisions-of~~ chapter 85, 85A, or 85B
32 shall-be is exempt from garnishment, attachment, and
33 execution, except that such compensation is not exempt from
34 garnishment, attachment, and execution for the support of a
35 child of an employee.

EXPLANATION

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Section 1 of this bill requires the birth dates and social security numbers of both the petitioner and respondent to be included in a petition for dissolution of marriage.

Sections 2 and 3 require all support orders to direct payments to the clerk of the district court and provide that payments to persons other than the clerk do not satisfy the support orders. The clerk is required to disburse support payments within five working days of their receipt. Modifications of support orders are not recognized unless approved by the court and entered as an order of the court.

Section 4 requires the clerk of the district court to maintain a current record of all support payments made by obligors by including income tax refunds or rebates set off for the payment of support.

Section 5 provides an exception for child support obligations to the exemption from garnishment, attachment, and execution of workers' compensation payments. Compensation for occupational disease and hearing loss (chapters 85A and 85B) is included in both the exemption and the exception to the exemption.

HOUSE FILE 495

AN ACT

FOR THE COLLECTION OF SUPPORT OBLIGATIONS RELATING TO IDENTIFYING INFORMATION IN PETITIONS FOR DISSOLUTION OF MARRIAGE AND SUPPORT ORDERS, THE PAYMENT AND DISTRIBUTION OF SUPPORT PAYMENTS TO AND BY THE CLERK OF THE DISTRICT COURT, THE MODIFICATION OF SUPPORT ORDERS, AND THE RECORDING OF INCOME TAX REFUND OR REBATE PAYMENTS BY THE CLERK.

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

Section 1. Section 252C.7, Code 1985, is amended to read as follows:

252C.7 EMPLOYERS -- ASSIGNMENTS OF EARNINGS.

In addition to other remedies provided by law for the enforcement of a support obligation, the employer of a responsible person owing a support debt shall honor a duly executed assignment of current or future earnings presented by the director to the employer as a plan to satisfy or retire the support debt. The assignment is effective until released in writing by the director. The employer is entitled to receive from the debtor a fee of one-dollar two dollars for each remittance under the assignment. Payment of moneys pursuant to the assignment of earnings is a full acquittance under a contract of employment. The director is released from liability for improper receipt of moneys under an assignment of earnings upon the return of the moneys.

Sec. 2. Section 252D.1, Code 1985, is amended by adding the following new unnumbered paragraph after subsection 3: NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires, "support" or "support payments" means any amount which the court may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree, and may include child support, maintenance, and, if contained in a child support order, spousal support, and any other term used to describe

these obligations. These obligations may include support for a child who is between the ages of eighteen and twenty-two years and who is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs, or is, in good faith, a full-time student in a college, university, or area school, or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; and may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.

Sec. 3. Section 252D.4, subsection 1, Code 1985, is amended to read as follows:

1. The employer, trustee, or other payor who receives an order of assignment by certified mail pursuant to section 252D.1, subsection 2 shall deliver, on the next working day, a copy of the order to the person named in the order. The payor may deduct not more than one-dollar two dollars from each payment from the employee's wages as a reimbursement for the payor's costs relating to the assignment. The payor's compliance with the order of assignment satisfies the payor's obligation to the person for the amount of income withheld and transmitted to the clerk of the district court.

Sec. 4. Section 598.5, subsections 1 and 3, Code 1985, are amended to read as follows:

1. State the name, birth date, address and county of residence of the petitioner and the name and address of the petitioner's attorney.

3. State the name, birth date, address and county of residence, if known, of the respondent.

Sec. 5. Section 598.11, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The court may make such an order when a claim for temporary support is made by the petitioner in the petition, or upon

application of either party, after service of the original notice and when no application is made in the petition; however, no such order shall be entered until at least five days' notice of hearing, and opportunity to be heard, is given the other party. Appearance by an attorney or the respondent for such hearing shall be deemed a special appearance for the purpose of such hearing only and not a general appearance. An order entered pursuant to this section shall contain the names, birth dates, addresses, and counties of residence of the petitioner and respondent.

Sec. 6. Section 598.21, subsection 7, Code 1985, is amended to read as follows:

7. Orders made pursuant to this section need mention only those factors relevant to the particular case for which the orders are made but shall contain the names, birth dates, addresses, and counties of residence of the petitioner and respondent.

Sec. 7. Section 598.21, subsection 8, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The court may subsequently modify orders made under this section when there is a substantial change in circumstances. ~~The court contemplating a change in child support because of alleged change in circumstances shall consider each parent's earning capacity, economic circumstances and cost of living.~~ In determining whether there is a substantial change in circumstances, the court shall consider the following:

- a. Changes in the employment, earning capacity, income or resources of a party.
- b. Receipt by a party of an inheritance, pension or other gift.
- c. Changes in the medical expenses of a party.
- d. Changes in the number or needs of dependents of a party.
- e. Changes in the physical or emotional health of a party.
- f. Changes in the residence of a party.
- g. Remarriage of a party.
- h. Possible support of a party by another person.

i. Changes in the physical, emotional or educational needs of a child whose support is governed by the order.

j. Contempt by a party of existing orders of court.

k. Other factors the court determines to be relevant in an individual case.

A modification of a support order entered under chapter 252A, chapter 675, or this chapter between parties to the order is void unless the modification is approved by the court, after proper notice and opportunity to be heard is given to all parties to the order, and entered as an order of the court. If support payments have been assigned to the department of human services pursuant to section 239.3, the department shall be considered a party to the support order. Modifications of orders pertaining to child custody shall be made pursuant to chapter 598A. If the petition for a modification of an order pertaining to child custody asks either for joint custody or that joint custody be modified to an award of sole custody, the modification, if any, shall be made pursuant to section 598.41.

Sec. 8. Section 598.22, unnumbered paragraphs 1, 2, and 3, Code 1985, are amended to read as follows:

All orders or judgments providing entered under chapter 252A, chapter 675, or this chapter which provide for temporary or permanent support payments shall direct the payment of such sums to the clerk of the district court for the use of the person for whom the payments have been awarded. Payments to persons other than the clerk of the district court do not satisfy the support obligations created by such orders or judgments, except as provided for trusts in section 252D.1, 598.22, or 598.23 or for tax refunds or rebates in section 602.8102, subsection 47.

Upon a finding of previous failure to pay child support, the court may order the person obligated for permanent child support to make an assignment of periodic earnings, or trust income to the clerk of court for the use of the person for whom the assignment is ordered. The assignment of earnings ordered by the court shall not exceed the amounts set forth in

15 U.S.C. ~~at~~ sec. 1673b(b) (Supp-1979 1982). The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon that person of notice that the assignment has been made. The payor shall withhold from the earnings, or trust income payable to the person obligated the amount specified in the assignment and shall transmit the payments to the clerk. However, for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the payor shall transmit the payments to the alternate payee in accordance with the federal Act. The payor may deduct from each payment a sum not exceeding ~~one-dollar~~ two dollars as a reimbursement for costs. An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.

An order or judgment entered by the court for temporary or permanent support or for an assignment shall be filed with the court clerk. The orders shall have the same force and effect as judgments when entered in the judgment docket and lien index and ~~shall be a record~~ are records open to the public. The clerk shall disburse the payments received pursuant to the orders or judgments within ten working days of the receipt of the payments. All moneys received or disbursed under this section shall be entered in a record book kept by the clerk, which shall be open to the public. The clerk shall not enter any moneys paid in the record book if not paid directly to the clerk, except as provided for trusts in section 252D.1, 598.22, or 598.23 or for tax refunds or rebates in section 602.8102, subsection 47.

Sec. 9. Section 598.23, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. Directs the defaulting party to assign, trust income or a sufficient amount in salary or wages due, or to become due in the future, from an employer or successor employers, to the clerk of the court where the order or judgment was granted for the purpose of paying the sums in default as well as those the payments to be made in the future. However, for trusts governed by the federal Retirement Equity Act of 1984, Pub. L.

No. 98-397, payments shall be made to the alternate payee in accordance with the federal Act. Where if the assignment is of salary or wages due, the amount assigned shall not exceed the amount set forth in 15 U.S.C. ~~at~~ sec. 1673b(b) (Supp-1979 1982) and the assignment order shall be binding upon the employer only for those amounts that represent child support and only upon receipt by the employer of a copy of the order, signed by the employee. For each payment deducted in compliance with ~~such-request~~ the direction, the payor may deduct a sum not exceeding ~~one-dollar~~ two dollars as a reimbursement for costs. Compliance by a payor with the court's order shall operate as a discharge of the employer's liability to the payee as to the affected portion of the payee's wages, or trust income. Any An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.

Sec. 10. Section 602.8102, subsection 47, Code 1985, is amended to read as follows:

47. Forward Record support payments made pursuant to an order entered under chapter 252A, 598, or 675, or under a comparable statute of a foreign jurisdiction and through setoff of a state or federal income tax refund or rebate, as if the payments were received and disbursed by the clerk; forward support payments received under section 252A.6 to the department of human services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

Sec. 11. Section 602.8102, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. Accept a check, share draft, draft, or written order on a bank, savings and loan association, credit union, corporation, or person as payment of a support obligation which is payable to the clerk, in accordance with procedures established by the clerk to assure that such negotiable instruments will not be dishonored. The friend of court may perform the clerk's responsibilities under this subsection.

Sec. 12. Section 627.11, Code 1985, is amended to read as follows:

627.11 EXCEPTION UNDER DIVORCE DECREE FOR SPOUSAL SUPPORT.

Where ~~if~~ the party in whose favor the order, judgment, or decree, or judgment for the support of a spouse was rendered has not remarried, the personal earnings of the debtor ~~shall~~ are not be exempt from any an order, judgment, or decree for temporary or permanent alimony ~~hereafter-rendered-in-this state support, as defined in section 252D.1, of a spouse, nor from any an installment of any-such an order, judgment, or decree heretofore-rendered-within-this-state-which-by-the provisions-thereof, may-hereafter-become-due for the support of a spouse.~~

Sec. 13. Section 627.12, Code 1985, is amended to read as follows:

627.12 EXCEPTION UNDER DECREE FOR CHILD SUPPORT OF MINORS.

The personal earnings of the debtor ~~shall~~ are not be exempt from any an order, judgment, or decree for the support, as defined in section 252D.1, of a minor child, or children hereafter-rendered-in-this-state nor any from an installment of any-such an order, judgment, or decree ~~heretofore-rendered in-this-state-which-by-the-provisions-thereof, may-hereafter become-due for the support of a child.~~

Sec. 14. Section 642.21, subsection 1, Code 1985, is amended to read as follows:

1. The disposable earnings of an individual are exempt from garnishment to the extent provided by the federal Consumer Credit Protection Act, Title III, 15 U.S.C. secs. 1671-1677 (1982). The maximum amount of an employee's earnings which may be garnished during any one calendar year is two hundred fifty dollars for each judgment creditor, except as provided in section chapter 252D and sections 598.22, 598.23, and 627.12, or when those earnings are reasonably expected to be in excess of twelve thousand dollars for that calendar year as determined from the answers taken by the sheriff or by the court pursuant to section 642.5, subsection 4. When the employee's earnings are reasonably

expected to be more than twelve thousand dollars the maximum amount of those earnings which may be garnished during a calendar year for each creditor is as follows:

Sec. 15. NEW SECTION. 642.23 SUPPORT DISBURSEMENTS BY THE CLERK.

Notwithstanding the seventy-day period in section 626.16 for the return of an execution in garnishment for the payment of a support obligation, the sheriff shall promptly deposit any amounts collected with the clerk of the district court, and the clerk shall disburse the amounts, after subtracting applicable fees, within ten working days of deposit to the person entitled to the support payments.

Sec. 16. Section 252D.6, Code 1985, is repealed.

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 495, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 23, 1985

TERRY E. BRANSTAD
Governor