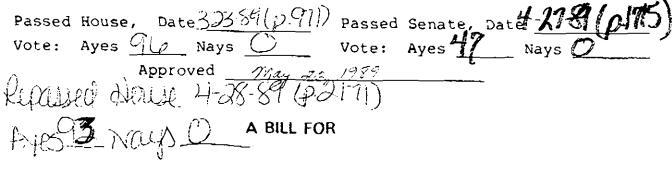
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HOUSE FILE 662 BY COMMITTEE ON JUDICIARY AND Place Un Calendar LAW ENFORCEMENT (SUCCESSOR TO HSB 64)



1 An Act relating to court proceedings involving child support orders where the dependent child resides in another state. 2 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: 4

HOUSE FILE 662

S-3602 Amend House File 662 as passed by the House as 2 follows: 3643 1. Page 1, line 21, by inserting after the word 4 "and" the following: "upon approval by the court". BY COMMITTEE ON JUDICIARY DONALD V. DOYLE, Chairperson S-3602 FILED APRIL 7, 1989 Adopted 4-27-59(p.1715)

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TLSB 1330HV 73 mj/jw/5

S.F. H.F. 662

Section 1. Section 252C.4, subsection 1, Code 1989, is 1 2 amended to read as follows: If a timely written request for a hearing is received, 3 1. 4 the administrator shall certify the matter to the district 5 court in the county in which the order has been filed, or if 6 no such order has been filed, then to a district court in the 7 county where the dependent child resides or, where the 8 dependent child resides in another state, to the district 9 court where the absent parent resides. Sec. 2. Section 252C.5, Code 1989, is amended to read as 10 11 follows: 252C.5 FILING AND DOCKETING OF FINANCIAL RESPONSIBILITY 12 13 ORDER -- ORDER EFFECTIVE AS DISTRICT COURT DECREE. 14 A true copy of any order entered by the administrator 15 pursuant to this chapter, along with a true copy of the return 16 of service, if applicable, may be filed in the office of the 17 clerk of the district court in the county in which the 18 dependent child resides or, where the dependent child resides 19 in another state, in the office of the district court in the 20 county in which the absent parent resides. Upon filing, the المرتقط 21 clerk shall enter the order in the judgment docket, and the 22 order shall have all the force, effect, and attributes of a 23 docketed order or decree of the district court. 24 EXPLANATION This bill provides that where a dependent child resides in 25 26 another state, court proceedings may be filed with the dis-27 trict court in the county where the absent parent resides. 28 The bill would apply to a request by the responsible parent

29 for a hearing prior to the entry of an administrative support 30 order and to the filing of a financial responsibility order 31 entered by the director of the department of human services in 32 administrative support cases under chapter 252C.

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HOUSE FILE 662 S-3644 Amend the amendment, S-3602, to House File 662, as 1 2 follows: 3 1. Page 1, by striking lines 3 and 4 and 4 inserting the following: ". Page 1, line 21, by inserting after the 5 6 word "and" the following: "the administrator's order 7 shall be presented, ex parte, to the district court 8 for review and approval, and unless defects appear on 9 the face of the order or on the attachments, the 10 district court shall approve the order, and"." By TOM MANN, Jr. S-3644 FILED APRIL 11, 1989 Adopted 4-27-89 (p. 1715) SENATE AMENDMENT TO HOUSE FILE 662 **H-4315** 1 Amend House File 662 as passed by the House as 2 follows: 3 1. Page 1, line 21, by inserting after the word 4 "and" the following: "the administrator's order shall 5 be presented, ex parte, to the district court for 6 review and approval, and unless defects appear on the 7 face of the order or on the attachments, the district 8 court shall approve the order, and". RECEIVED FROM THE SENATE H-4315 FILED APRIL 27, 1989 House Concurred 4-28-891 (p. 2171)

| | MWB |
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| | Judiciary & Law Enforcement |
| | HOUSE FILE <u>64 24</u> |
| | BY (PROPOSED DEPARTMENT OF |
| | HUMAN SERVICES BILL) |
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| Passed | House, | Date | Passed | Senate, | Date | |
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| Vote: | Ayes | Nays | Vote: | Ayes | Nays | |
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A BILL FOR

| l An Act relating to court proceedings involving child support |
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| 2 orders where the dependent child resides in another state. |
| 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: |
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TLSB 1330HD 73 mj/jw/5 S.F. H.F.

Section 1. Section 252C.4, subsection 1, Code 1989, is 1 2 amended to read as follows: 1. If a timely written request for a hearing is received, 3 4 the administrator shall certify the matter to the district 5 court in the county in which the order has been filed, or if 6 no such order has been filed, then to a district court in the 7 county where the dependent child resides or, where the 8 dependent child resides in another state, to the district 9 court where the absent parent resides. 10 Sec. 2. Section 252C.5, Code 1989, is amended to read as 11 follows: 12 252C.5 FILING AND DOCKETING OF FINANCIAL RESPONSIBILITY 13 ORDER -- ORDER EFFECTIVE AS DISTRICT COURT DECREE. A true copy of any order entered by the administrator 14 15 pursuant to this chapter, along with a true copy of the return 16 of service, if applicable, may be filed in the office of the 17 clerk of the district court in the county in which the 18 dependent child resides or, where the dependent child resides 19 in another state, in the office of the district court in the 20 county in which the absent parent resides. Upon filing, the 21 clerk shall enter the order in the judgment docket, and the 22 order shall have all the force, effect, and attributes of a 23 docketed order or decree of the district court. 24 EXPLANATION 25 This bill provides that where a dependent child resides in 26 another state, court proceedings may be filed with the dis-27 trict court in the county where the absent parent resides. 28 The bill would apply to a request by the responsible parent 29 for a hearing prior to the entry of an administrative support 30 order and to the filing of a financial responsibility order 31 entered by the director of the department of human services in 32 administrative support cases under chapter 252C. 33 BACKGROUND STATEMENT SUBMITTED BY THE AGENCY 34 35 If the responsible parent requests a court hearing before

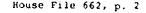
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S.F. _____ H.F. ____

1 an administrative support order is entered, the current 2 statute requires that the case be certified to the county 3 where the dependent child resides in order to establish venue. 4 When the absent parent resides in Iowa and the dependent 5 family lives in another state, this is not possible under the 6 current statute. A change is needed to allow a final decision 7 on administrative orders in these circumstances. 45 C.F.R. § 303.101(b)(1) requires that states handle 9 interstate and intrastate cases in the same manner. Our 10 current statute on administrative support orders does not 11 permit this in situations described above. LSB 1330HD 73

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mj/jw/5



HOUSE FILE 662

AN ACT RELATING TO COURT PROCEEDINGS INVOLVING CHILD SUPPORT ORDERS WHERE THE DEPENDENT CHILD RESIDES IN ANOTHER STATE.

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

Section 1. Section 252C.4, subsection 1, Code 1989, is amended to read as follows:

1. If a timely written request for a hearing is received, the administrator shall certify the matter to the district court in the county in which the order has been filed, or if no such order has been filed, then to a district court in the county where the dependent child resides <u>or, where</u> the <u>dependent child resides in another state, to the</u> district <u>court where the absent parent resides</u>.

Sec. 2. Section 252C.5, Code 1989, is amended to read as follows:

252C.5 FILING AND DOCKETING OF FINANCIAL RESPONSIBILITY ORDER -- ORDER EFFECTIVE AS DISTRICT COURT DECREE.

A true copy of any order entered by the administrator pursuant to this chapter, along with a true copy of the return of service, if applicable, may be filed in the office of the clerk of the district court in the county in which the dependent child resides <u>or</u>, where the dependent child resides in another state, in the office of the district court in the county in which the absent parent resides. Upon filing, the clerk shall enter the order in the judgment docket, and <u>the</u> <u>administrator's order shall be presented, ex parte, to the</u> <u>district court for review and approval, and unless defects</u> <u>appear on the face of the order or on the attachments, the</u> <u>district court shall approve the order, and the order shall</u> have all the force, effect, and attributes of a docketed order or decree of the district court.

DONALD D. AVENSON Speaker of the House

JO ANN ZIMMERMAN President of the Senate

I hereby certify that this bill originated in the House and is known as House File 662, Seventy-third General Assembly.

Approved

JOSEPH O'HERN Chief Clerk of the House

TERRY E. BRANSTAD Governor