

Sen Judiciary
Amend. + DOP 3602- 4-27-89 (p.1715)

MAR 20 1989

HOUSE FILE 662

Place On Calendar

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(SUCCESSOR TO HSB 64)

Passed House, Date 3-23-89 (p.911) Passed Senate, Date 4-27-89 (p.1715)
Vote: Ayes 96 Nays 0 Vote: Ayes 47 Nays 0

Approved May 22, 1989
Repassed House 4-28-89 (p.2171)
Ayes 93 Nays 0 A BILL FOR

1 An Act relating to court proceedings involving child support
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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HOUSE FILE 662

S-3602

1 Amend House File 662 as passed by the House as
2 follows:
36043 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 4-27-89 (p.1715)

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

3 1. If a timely written request for a hearing is received,
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.

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

362-21 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.

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HOUSE FILE 662

S-3644

1 Amend the amendment, S-3602, to House File 662, as
2 follows:
3 1. Page 1, by striking lines 3 and 4 and
4 inserting the following:
5 " . Page 1, line 21, by inserting after the
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 4-28-89 (p. 2171)

MWB
NSB 64

Judiciary & Law Enforcement

A

HOUSE FILE 662

BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to court proceedings involving child support
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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1 Section 1. Section 252C.4, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. If a timely written request for a hearing is received,
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.

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
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

34 SUBMITTED BY THE AGENCY

35 If the responsible parent requests a court hearing before

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.

8 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.

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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 or, where the dependent child resides in another state, to the district court where the absent parent resides.

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 or, 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 the administrator's order shall be presented, ex parte, to the district court for review and approval, and unless defects appear on the face of the order or on the attachments, the district court shall approve the order, and the order shall

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.

JOSEPH O'HERN
Chief Clerk of the House
Approved May 22, 1989

TERRY E. BRANSTAD
Governor