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SENATE FILE 2429
BY HUTCHINS and HULTMAN

Passed Senate, Date 4/7/90 (p.1657) Passed House, Date 4-7-90 (p.2273)
Vote: Ayes 42 Nays 2 Vote: Ayes 93 Nays 2
Approved April 30, 1990

A BILL FOR

1 An Act relating to responsibilities for the receipt and
2 disbursement of support payments.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. COLLECTION SERVICES -- TRANSITIONAL PROVISIONS.

2 In order to implement this Act, the department of human
3 services and the judicial department shall mutually agree on a
4 schedule to complete the transfer of support payment
5 collection and disbursement responsibilities from the
6 collection services center to the clerks of the district
7 court. The schedule shall provide for the completion of the
8 transfer of the responsibilities for all affected orders by
9 June 30, 1991. The following procedure shall be used for any
10 order affected by the initial transfer of responsibilities:

11 1. The department of human services shall develop a
12 cumulative listing which specifies for each county the
13 effective date by which the transfers of the responsibilities
14 to the clerks of the district court in each county are
15 completed. The department shall cause the listing to be
16 published in the Iowa administrative bulletin on the first
17 date the bulletin is published subsequent to the date the
18 transfer of responsibilities to all counties are completed.

19 2. The department of human services shall issue a notice
20 directing the obligor to submit payments to the clerk of the
21 district court in accordance with the provisions of section
22 252B.14. The notice shall be issued to the obligor and the
23 obligee by regular mail, when an address is known, at least
24 ten days prior to the effective date of the transfer of the
25 receipt of payment responsibilities to the clerk of the
26 district court. The notice shall serve as the equivalent of a
27 court order in redirecting the payment. The notice shall
28 contain all of the following information:

29 a. The names of the obligor, obligee, and affected
30 children.

31 b. A list of all court orders affected by transfer of the
32 responsibilities, including the docket numbers, the county or
33 counties of filing, effective dates of the support obligation,
34 and the support obligation amounts.

35 c. A list of credit amounts from the collection services

1 center records that will be transmitted from the collection
2 services center to the clerk of the district court.

3 d. The effective date of the transfer of the
4 responsibilities.

5 3. The clerk of the district court shall issue a notice to
6 the obligor within ten days of the date the responsibilities
7 are transferred. The notice shall contain all of the
8 following information:

9 a. Confirmation that the court-ordered support obligation
10 is established within the clerk of the district court system
11 for support payments.

12 b. The clerk of the district court payment record account
13 number.

14 c. A list of the credit amounts entered into the clerk of
15 the district court system for support payments.

16 Sec. 2. Section 252B.13, Code 1989, is amended by striking
17 the section and inserting in lieu thereof the following:

18 252B.13 COLLECTION SERVICES CENTER.

19 1. The department shall establish within the unit a
20 collection services center for the receipt and disbursement of
21 support payments as defined in section 598.1 required pursuant
22 to an order for which the unit is providing or has provided
23 enforcement services on or after July 1, 1988, under this
24 chapter. For purposes of this section, support payments do
25 not include attorney fees or court costs.

26 2. The center shall develop an automated system to provide
27 support payment records from the center to the clerks of the
28 district court and the clerks of the district court are
29 authorized to receive this information.

30 3. On January 1 of each year the center shall submit a
31 report to the fiscal committee of the legislative council
32 relating to the time required between the time the payment is
33 received and the time the funds are distributed to the
34 recipient.

35 Sec. 3. Section 252B.14, Code 1989, is amended by striking

1 the section and inserting in lieu thereof the following:

2 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES CENTER --
3 CLERK OF THE DISTRICT COURT.

4 All support payments required pursuant to orders entered
5 under this chapter and chapter 234, 252A, 252C, 598, 675, or
6 any other chapter shall be directed and processed as follows:

7 1. If the child support recovery unit is providing
8 enforcement services for a support order, support payments
9 made pursuant to the order shall be directed to and processed
10 as follows:

11 a. Payments made through income withholding, wage
12 assignment, unemployment insurance offset, or tax offset shall
13 be directed to and disbursed by the collection services
14 center.

15 b. Payments made through electronic transfer of funds,
16 including but not limited to use of an automated teller
17 machine, a telephone initiated bank account withdrawal, or an
18 automatic bank account withdrawal shall be directed to and
19 disbursed by the collection services center.

20 c. Payments made through any other method shall be
21 directed to the clerk of the district court in the county in
22 which the order for support is filed and shall be disbursed by
23 the collection services center.

24 2. If the child support recovery unit is not providing
25 enforcement services for a support order, support payments
26 made pursuant to the order shall be directed to and disbursed
27 by the clerk of the district court in the county in which the
28 order for support is filed.

29 3. Payments to persons other than the clerk of the
30 district court or the collection services center do not
31 satisfy the support obligations created by a support order or
32 judgment, except as provided for trusts and social security
33 income in section 252D.1, 598.22, or 598.23, or for tax
34 refunds or rebates in section 602.8102, subsection 47, and
35 except as provided for certain orders entered on or after July

1 1, 1985, in which a sworn affidavit is submitted as proof of
2 payment pursuant to section 598.22A, if enacted in Senate File
3 2286 by the Seventy-third General Assembly.

4 Sec. 4. NEW SECTION. 252B.15 PROCESSING AND DISBURSEMENT
5 OF SUPPORT PAYMENTS.

6 1. If the child support recovery unit is providing
7 enforcement services for a support order, the collection
8 services center is the official entity responsible for
9 disbursing the support payments made pursuant to the order.

10 2. The collection services center shall notify the clerk
11 of the district court of any order for which the child support
12 recovery unit is providing enforcement services. The clerk of
13 the district court shall forward any support payment made
14 pursuant to the order, along with any support payment
15 information, to the collection services center. The
16 collection services center shall process and disburse the
17 payment in accordance with federal requirements.

18 3. If the child support recovery unit is not providing
19 enforcement services for a support order, the clerk of the
20 district court in the county in which the order for support is
21 filed is the official entity responsible for disbursing of
22 support payments made pursuant to the order.

23 4. If the unit's child support enforcement services
24 relating to a support order are terminated but the support
25 obligation remains accrued or accruing, the support payment
26 receipt and disbursement responsibilities relating to the
27 order shall be transferred from the collection services center
28 to the appropriate clerk of the district court. The
29 department shall adopt rules pursuant to chapter 17A relating
30 to the transfer of the responsibilities.

31 5. If it is possible to identify the support order to
32 which a payment is to be applied, a payment received by the
33 collection services center or the clerk of the district court
34 shall be disbursed to the appropriate individual or office
35 within two working days in accordance with section 598.22.

1 Sec. 5. Section 252B.16, Code 1989, is amended by striking
2 the section and inserting in lieu thereof the following:

3 252B.16 TRANSFER OF SUPPORT ORDER PROCESSING
4 RESPONSIBILITIES -- ONGOING PROCEDURES.

5 1. For a support order being processed by the clerk of the
6 district court, upon notification that the unit is providing
7 enforcement services related to the order, the clerk of the
8 district court shall immediately transfer the responsibility
9 for the disbursement of support payments received pursuant to
10 the order to the collection services center.

11 2. The department shall adopt rules pursuant to chapter
12 17A to ensure that the affected parties are notified that the
13 support payment disbursement responsibilities have been
14 transferred to the collection services center from the clerk
15 of the district court. The rules shall include a provision
16 requiring that a notice shall be sent by regular mail to the
17 last known addresses of the obligee and the obligor.

18 EXPLANATION

19 This bill relates to responsibilities for the receipt and
20 disbursement of support payments. The collection services
21 center of the department of human services and the clerks of
22 the district court are established as the official entities
23 responsible for the receipt and disbursement of support
24 payments. An exception to requirements for payments to the
25 center or the clerks is provided in addition to those in
26 current law in the event Senate File 2286 is enacted and
27 contains the exception. The department of human services and
28 the judicial department are directed to establish a schedule
29 to transfer responsibilities for orders which are not being
30 enforced by the child support recovery unit, to the clerks of
31 the district court and the transfer must be completed by June
32 30, 1991. Various forms of notice relating to the transfer of
33 responsibilities are required to be provided to the support
34 obligor and the obligee.

35 Existing law relating to support payment processing is

1 stricken and rewritten in accordance with the division of
2 responsibilities provided in the bill. If enforcement
3 services are being provided by the child support recovery unit
4 relating to a support order and the payment method involves
5 deductions from various revenues available to the obligor,
6 utilizes an electronic transfer payment, or involves any other
7 mode of payment, the collection services center disburses the
8 payment. However, if enforcement services are not being
9 provided by the child support recovery unit, the clerk of the
10 district court receives and disburses the payment.

11 Procedures are provided for transfer of disbursement
12 responsibilities to the collection services center when the
13 child support recovery unit begins providing enforcement
14 services relating to an order being processed by the clerk of
15 the district court. Notice requirements relating to the
16 transfer of responsibilities in this situation are provided.

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SENATE FILE 2429

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1 Amend Senate File 2429 as follows:

2 1. Page 2, by inserting before line 16, the
3 following:

4 "Sec. 2. Section 252A.4, subsection 2, Code 1989,
5 is amended to read as follows:

6 2. The court of the responding state ~~shall have~~
7 ~~the power to~~ may order the respondent to pay sums
8 sufficient to provide necessary food, shelter,
9 clothing, care, medical or hospital expenses,
10 including medical support as defined in chapter 252E,
11 expenses of confinement, expenses of education of a
12 child, funeral expenses and such other reasonable and
13 proper expenses of the petitioner as justice requires,
14 having due regard to the circumstances of the
15 respective parties.

16 Sec. 3. NEW SECTION. 252A.5A LIMITATIONS OF
17 ACTIONS.

18 1. An action to establish paternity and support
19 under this chapter may be brought within the time
20 limitations set forth in section 614.8.

21 2. Notwithstanding subsection 1, an action to
22 establish paternity and support under this chapter may
23 be brought concerning a person who was under age
24 eighteen on August 16, 1984, regardless of whether any
25 prior action was dismissed because a statute of
26 limitations of less than eighteen years was then in
27 effect. Such an action may be brought within the time
28 limitations set forth in section 614.8, or until July
29 2, 1992, whichever is later.

30 Sec. 4. Section 252B.5, Code 1989, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 6. Assistance in obtaining
33 medical support as defined in chapter 252E.

34 Sec. 5. Section 252B.5, Code 1989, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 7. At the request of either
37 parent who is subject to the order of support or upon
38 its own initiation, review the amount of the support
39 award in accordance with the guidelines established
40 pursuant to section 598.21, subsection 4, and the
41 federal Family Support Act of 1988, and take action to
42 initiate modification proceedings if the criteria
43 established pursuant to this section are met.

44 However, a review of a support award is not required
45 in those cases for which an assignment ordered
46 pursuant to chapter 234 or 239 is in effect if the
47 child support recovery unit determines that such a
48 review would not be in the best interest of the child
49 and neither parent has requested such review.

50 The department shall adopt rules no later than

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1 October 13, 1990, setting forth the process for review
2 of requests for modification of support obligations
3 and the criteria and process for taking action to
4 initiate modification proceedings.

5 Sec. 6. Section 252B.6, subsection 3, Code 1989,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 3. Appear on behalf of the state for the purpose
9 of facilitating the modification of support awards
10 consistent with guidelines established pursuant to
11 section 598.21, subsection 4 and the federal Family
12 Support Act of 1988. The unit shall not otherwise
13 participate in the proceeding.

14 Sec. 7. Section 252B.6, subsection 4, paragraph b,
15 Code 1989, is amended by striking the paragraph.

16 Sec. 8. Section 252B.7, Code 1989, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 4. An attorney employed by or
19 under contract with the child support recovery unit
20 represents and acts on behalf of the state when
21 providing child support enforcement services."

22 2. Page 4, by striking lines 2 and 3 and
23 inserting the following: "payment pursuant to section
24 598.22A."

25 3. Page 5, by inserting after line 17, the
26 following:

27 "Sec. 13. NEW SECTION. 252B.18 ADVISORY
28 COMMITTEE ESTABLISHED.

29 The department shall establish a child support
30 enforcement program advisory committee which shall
31 include representatives of custodial parent groups,
32 noncustodial parent groups, the judicial department,
33 the office of citizens' aide, the Iowa state bar
34 association, and representatives of other
35 constituencies having an interest in child support
36 enforcement issues. The advisory committee shall
37 assist the department in reviewing issues related to
38 the implementation of the federal Family Support Act
39 of 1988 and methods of improving service. With the
40 assistance of the advisory committee, the department
41 shall review existing policies, practices, and
42 procedures of the child support recovery unit to
43 identify areas in which administrative appeals
44 procedures or other provisions for review of contested
45 issues would help to assure fair and impartial
46 treatment of persons affected by actions of the unit.

47 Sec. 14. Section 252C.1, subsection 2, Code 1989,
48 is amended to read as follows:

49 2. "Court order" means a judgment or order of a
50 court of this state or another state requiring the

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1 payment of a set or determinable amount of monetary
2 support. For orders entered on or after July 1, 1990,
3 unless the court specifically orders otherwise,
4 medical support, as defined in section 252E.1, is not
5 included in the amount of monetary support.

6 Sec. 15. Section 252C.1, Code 1989, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 8. "Medical support" means either
9 the provision of coverage under a health benefit plan,
10 including a group or employment-related or an
11 individual health benefit plan, or a health benefit
12 plan provided pursuant to chapter 514E, to meet the
13 medical needs of a dependent and the cost of any
14 premium required by a health benefit plan, or the
15 payment to the obligee of a monetary amount in lieu of
16 providing coverage under a health benefit plan, either
17 of which is an obligation separate from any monetary
18 amount of child support ordered to be paid.

19 Sec. 16. Section 252C.3, subsection 1, unnumbered
20 paragraph 1, Code 1989, is amended to read as follows:

21 In the absence of a court order, or if an
22 administrative order exists which does not require
23 provision of medical support as defined in chapter
24 252E or equivalent medical support, the administrator
25 may issue a notice establishing and demanding either
26 payment of medical support established as defined in
27 chapter 252E or payment of an accrued or accruing
28 support debt due and owed to the department or an
29 individual under section 252C.2, or both. The notice
30 shall be served upon the responsible person in
31 accordance with the rules of civil procedure. The
32 notice shall include all of the following:

33 Sec. 17. Section 252C.3, subsection 1, paragraph
34 d, Code 1989, is amended to read as follows:

35 d. A demand for either immediate payment of the
36 support debt or of a medical support debt established
37 as defined in chapter 252E, or both.

38 Sec. 18. Section 252C.3, subsection 1, paragraph
39 e, subparagraphs (3) and (4), Code 1989, are amended
40 to read as follows:

41 (3) A statement that after the holding of the
42 negotiation conference, the administrator may issue a
43 new notice and finding of financial responsibility for
44 child support or medical support, or both, to be sent
45 to the responsible person by regular mail addressed to
46 the responsible person's last known address, or if
47 applicable, to the last known address of the
48 responsible person's attorney.

49 (4) A statement that if the administrator issues a
50 new notice and finding of financial responsibility for

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1 child support or medical support, or both, then the
2 responsible person shall have ten days from the date
3 of issuance of the new notice or twenty days from the
4 date of service of the original notice, whichever is
5 later, to send a request for a hearing to the office
6 of the child support recovery unit which issued the
7 notice.

8 Sec. 19. Section 252C.3, subsection 1, paragraphs
9 f, g, and i, Code 1989, are amended to read as
10 follows:

11 f. A statement that if the responsible person
12 objects to all or any part of the notice or finding of
13 financial responsibility for child support or medical
14 support, or both, and no a negotiation conference is
15 not requested, then-within-twenty-days-of-the-date-of
16 service, the responsible person shall, within twenty
17 days of the date of service send to the office of the
18 child support recovery unit which issued the notice a
19 written response setting forth any objections and
20 requesting a hearing.

21 g. A statement that if a timely written request
22 for a hearing is received by the office of the child
23 support recovery unit which issued the notice, the
24 responsible person shall have the right to a hearing
25 to be held in district court; and that if no timely
26 written response is received, the administrator may
27 enter an order in accordance with the notice and
28 finding of financial responsibility for child support
29 or medical support, or both.

30 i. A statement that the responsible person shall
31 notify the administrator of any change of address, or
32 employment, or medical coverage as required by chapter
33 252E.

34 Sec. 20. Section 252C.3, subsection 4, Code 1989,
35 is amended by adding the following new paragraph:

36 NEW PARAGRAPH. e. The medical support required
37 pursuant to chapter 598 and rules adopted pursuant to
38 chapter 252E.

39 Sec. 21. Section 252C.3, subsection 5, Code 1989,
40 is amended to read as follows:

41 5. The responsible person shall be sent a copy of
42 the order by regular mail addressed to the responsible
43 person's last known address, or if applicable, to the
44 last known address of the responsible person's
45 attorney. The order is final, and action by the
46 administrator to enforce and collect upon the order,
47 including arrearages and medical support, or both, may
48 be taken from the date of issuance of the order.

49 Sec. 22. Section 252C.4, subsections 2 and 4, Code
50 Supplement 1989, are amended to read as follows:

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1 2. If the matter has not been heard previously by
2 the district court, or an existing administrative
3 order does not provide for medical support pursuant to
4 chapter 252E, the certification shall include true
5 copies of the notice and finding of financial
6 responsibility or notice of the support debt accrued
7 and accruing, the return of service, the written
8 objections and request for hearing, and true copies of
9 any administrative orders previously entered.

10 4. The court shall establish the monthly child
11 support payment and the amount of the support debt
12 accrued and accruing pursuant to section 598.21,
13 subsection 4, or medical support pursuant to chapter
14 252E, or both.

15 Sec. 23. Section 252C.9, Code 1989, is amended to
16 read as follows:

17 252C.9 ~~COURT-ORDER-PREVALES~~ PREVAILING ORDERS.

18 If an order of the administrator issued pursuant to
19 this chapter conflicts with an order of a court, the
20 court order prevails regarding support issues
21 addressed by the court order.

22 Sec. 24. Section 252D.1, subsection 1, Code 1989,
23 is amended to read as follows:

24 1. As used in this chapter, unless the context
25 otherwise requires, "support" or "support payments"
26 means any amount which the court may require a person
27 to pay for the benefit of a child under a temporary
28 order or a final judgment or decree, and may include
29 child support, maintenance, medical support as defined
30 in chapter 252E, and, if contained in a child support
31 order, spousal support, and any other term used to
32 describe these obligations. These obligations may
33 include support for a child who is between the ages of
34 eighteen and twenty-two years and who is regularly
35 attending an accredited school in pursuance of a
36 course of study leading to a high school diploma or
37 its equivalent, or regularly attending a course of
38 vocational technical training either as a part of a
39 regular school program or under special arrangements
40 adapted to the individual person's needs, or is, in
41 good faith, a full-time student in a college,
42 university, or area school, or has been accepted for
43 admission to a college, university, or area school and
44 the next regular term has not yet begun; and may
45 include support for a child of any age who is
46 dependent on the parties to the dissolution
47 proceedings because of physical or mental disability.

48 Sec. 25. NEW SECTION. 252E.1 DEFINITIONS.

49 As used in this chapter, unless the context
50 otherwise requires:

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1 1. "Child" means a person for whom child support
2 may be ordered pursuant to chapter 234, 239, 252A,
3 252C, 598, or 675 or any other chapter of the Code.

4 2. "Department" means the department of human
5 services, which includes but is not limited to the
6 child support recovery unit, or any comparable support
7 enforcement agency of another state.

8 3. "Dependent" means a child, or an obligee for
9 whom a court may order coverage by a health benefit
10 plan pursuant to section 252E.3.

11 4. "Enroll" means to be eligible for and covered
12 by a health benefit plan.

13 5. "Health benefit plan" means any policy or
14 contract of insurance, indemnity, subscription or
15 membership issued by an insurer, health service
16 corporation, health maintenance organization, or any
17 similar corporation, organization, or a self-insured
18 employee benefit plan, for the purpose of covering
19 medical expenses. These expenses may include, but are
20 not limited to hospital, surgical, major medical
21 insurance, dental, optical, prescription drugs, office
22 visits, or any combination of these or any other
23 comparable health care expenses.

24 6. "Insurer" means any entity which provides a
25 health benefit plan.

26 7. "Medical support" means either the provision of
27 a health benefit plan, including a group or
28 employment-related or an individual health benefit
29 plan, or a health benefit plan provided pursuant to
30 chapter 514E, to meet the medical needs of a dependent
31 and the cost of any premium required by a health
32 benefit plan, or the payment to the obligee of a
33 monetary amount in lieu of a health benefit plan,
34 either of which is an obligation separate from any
35 monetary amount of child support ordered to be paid.
36 Medical support is not alimony.

37 8. "Obligee" means a parent or another natural
38 person legally entitled to receive a support payment
39 on behalf of a child.

40 9. "Obligor" means a parent or another natural
41 person legally responsible for the support of a
42 dependent.

43 Sec. 26. NEW SECTION. 252E.2 ORDER FOR MEDICAL
44 SUPPORT.

45 The entry of an order, pursuant to chapter 234,
46 252A, 252C, 598, or 675, requiring the provision of
47 coverage under a health benefit plan is authorization
48 for enrollment of the dependent if the dependent is
49 otherwise eligible to be enrolled. The dependent's
50 eligibility and enrollment for coverage under such a

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1 plan shall be governed by all applicable terms and
2 conditions, including, but not limited to, eligibility
3 and insurability standards. The dependent, if
4 eligible, shall be provided the same coverage as the
5 obligor.

6 Sec. 27. NEW SECTION. 252E.3 HEALTH BENEFIT
7 COVERAGE OF OBLIGEE.

8 For cases for which services are being provided
9 pursuant to chapter 252B, the order may require an
10 obligor providing a health benefit plan for a child to
11 also provide a health benefit plan for the benefit of
12 an obligee if the obligee is eligible for enrollment
13 under the plan in which the child or the obligor is
14 enrolled, and if the plan is available at no
15 additional cost.

16 Sec. 28. NEW SECTION. 252E.4 COPY OF ORDER TO
17 EMPLOYER.

18 The obligor shall take all steps necessary to
19 enroll and maintain coverage under a health benefit
20 plan for a dependent at present and all future places
21 of employment, and shall send a copy of the order
22 requiring the coverage to the obligor's employer.

23 1. Within fifteen days of entry of the order, the
24 obligor shall provide written proof to the obligee and
25 the department that the required coverage has been
26 obtained or that application for coverage has been
made.

27 2. If the obligor fails to provide written proof
28 as required in subsection 1, a copy of the order for
29 medical support shall be forwarded to the obligor's
30 employer by the obligee or the department.

31 3. The chapter shall be constructive notice to the
32 obligor of enforcement and further notice prior to
33 enforcement is not required.

34 4. The order requiring coverage is binding on all
35 future employers or insurers if the dependent is
36 eligible to be enrolled in the health benefit plan
37 under the applicable plan terms and conditions.

38 Sec. 29. NEW SECTION. 252E.5 EFFECT OF ORDER ON
39 EMPLOYER.

40 When the order has been forwarded to the obligor's
41 employer pursuant to section 252E.4, the order is
42 binding on the employer and the employer's insurer to
43 the extent that the dependent is eligible to be
44 enrolled in the plan under the applicable terms and
45 conditions of the health benefit plan. The employer
46 shall forward a copy of the order to the insurer and
47 request enrollment of the dependent in the health
48 benefit plan. Within sixty days of receipt of the
49 order or within sixty days of receipt of application
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1 of the obligor pursuant to the order, whichever is
2 earlier, the insurer shall determine whether the
3 dependent is eligible for enrollment under the plan
4 and shall notify the employer of the dependent's
5 eligibility status. If eligible, the employer shall
6 withhold any required premium from the obligor's
7 income or wages. If more than one plan is offered by
8 the employer, the dependent shall be enrolled in the
9 health benefit plan in which the obligor is enrolled.

10 Within thirty days of receipt of an order that
11 requires an obligor to enroll a dependent in a health
12 benefit plan, the obligor's employer shall provide the
13 following information regarding the enrollment status
14 of the dependent to the obligor, the obligee, and the
15 department:

16 1. That the dependent has been enrolled in a
17 health benefit plan.

18 2. That the dependent will be enrolled in the next
19 enrollment period.

20 3. That the dependent is not eligible for
21 enrollment and the reasons that the dependent is not
22 eligible to be enrolled.

23 4. That the order has been forwarded to the
24 insurer and a determination of eligibility for
25 enrollment has not been made.

26 5. If either subsection 1 or 2 describes the
27 enrollment status of the dependent, all of the
28 following information:

29 a. The name of the insurer providing the health
30 benefit plan.

31 b. The dependent's effective date of coverage.

32 c. The health benefit plan or account number.

33 d. The type of health benefit plan under which the
34 dependent has been enrolled, including whether dental,
35 optical, office visits, and prescription drugs are
36 covered services. Additionally, the response shall
37 include a brief description of the applicable
38 deductibles, coinsurance, waiting periods for
39 preexisting medical conditions, and other significant
40 terms or conditions which materially affect the
41 coverage.

42 If an order requiring that the obligor provide
43 coverage under a health benefit plan for the dependent
44 has been forwarded to the obligor's employer pursuant
45 to section 252E.4, and the obligor's employment is
46 terminated, the employer shall provide notice to the
47 obligee and the department within ten days of
48 termination of the obligor's employment. If an order
49 requiring that the obligor provide coverage under a
50 health benefit plan for the dependent has been

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1 forwarded to the obligor's employer pursuant to
2 section 252E.4, and the employer's health benefit plan
3 is terminated either in its entirety or with respect
4 to the obligor's insurance classification, or the
5 employer has changed its insurer, the employer shall
6 provide notice to the obligee and the department ten
7 days prior to the termination of coverage or change in
8 insurer.

9 This chapter does not preclude the exchange of
10 required information between the department and
11 employers or insurers through electronic data
12 transfer.

13 Sec. 30. NEW SECTION. 252E.6 DURATION OF HEALTH
14 BENEFIT PLAN COVERAGE.

15 1. A child is eligible for medical support for the
16 duration of the obligor's child support obligation.
17 However, the child's eligibility for coverage under a
18 health benefit plan shall be governed by all
19 applicable plan provisions including, but not limited
20 to, eligibility and insurability standards.

21 2. For cases for which services are being provided
22 pursuant to chapter 252B, termination of an obligee's
23 medical support ordered pursuant to section 252E.3
24 shall be governed by the insurer's health benefit plan
25 provisions for termination and by applicable federal
26 law.

27 Sec. 31. NEW SECTION. 252E.7 INSURER
28 AUTHORIZATION.

29 1. The entry of an order requiring a health
30 benefit plan is authorization for enrollment of the
31 dependent if the dependent is otherwise eligible to be
32 enrolled. If an order has been forwarded to the
33 insurer pursuant to section 252E.5 and is not
34 accompanied by an appropriate application for
35 enrollment of the dependent signed by the obligor, the
36 insurer shall attempt to obtain a signed application
37 from the obligor. If the insurer is unsuccessful in
38 obtaining a signed application from the obligor within
39 thirty days after the insurer's initial request to the
40 obligor, the insurer shall accept the signature of the
41 obligee or an employee of the department as valid
42 authorization for enrollment of the dependent under
43 the health benefit plan.

44 2. For purposes of processing claims for payment,
45 the insurer shall attempt to obtain the obligor's
46 written authorization to accept the signature of the
47 obligee or an employee of the department on all claim
48 forms submitted to the insurer for medical services
49 provided to the dependent. Upon receipt of such
50 written authorization from the obligor on at least an

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1 annual basis, the insurer shall accept the signature
2 of the obligee or an employee of the department as
3 valid authorization for purposes of processing any
4 medical expense claims on behalf of the dependent for
5 payment or reimbursement of medical services rendered
6 to the dependent.

7 If the insurer is unsuccessful in obtaining such
8 written authorization from the obligor within thirty
9 days after the insurer's initial request to the
10 obligor, the insurer shall accept the signature of the
11 obligee or an employee of the department as valid
12 authorization for purposes of processing any medical
13 expense claims on behalf of the dependent for payment
14 or reimbursement of medical services rendered to the
15 dependent.

16 3. The insurer shall have immunity from any
17 liability, civil or criminal, which might otherwise be
18 incurred or imposed for actions taken in implementing
19 this section including, but not limited to, the
20 insurer's release of any information, or the payment
21 of any claims for services by the insurer, or the
22 insurer's acceptance of applications for enrollment of
23 the dependent and medical expense claims for the
24 dependent which are signed by the obligee or an
25 employee of the department pursuant to this section.

26 4. This section does not preclude an insurer from
27 issuing payment directly to the provider if such
28 payment procedure is consistent with the health
29 benefit plan under which the dependent is enrolled,
30 except as provided pursuant to chapter 249A.

31 5. Payments remitted to the obligor by the insurer
32 for services received by the dependent shall be
33 recoverable by the obligee or the department from the
34 obligor if not properly paid by the obligor to the
35 provider or the obligee.

36 Sec. 32. NEW SECTION. 252E.8 RELEASES OF
37 INFORMATION.

38 1. If an order for coverage under a health benefit
39 plan has been forwarded pursuant to section 252E.5,
40 the obligor's employer or insurer shall release to the
41 obligee or the department upon receiving a written
42 request, the information necessary to complete an
43 application or to file a claim for medical expenses of
44 the dependent, provided the obligor's employer or
45 insurer is given sufficient opportunity to obtain
46 written authorization for the release of such
47 information from the obligor pursuant to this section.

48 2. The employer or insurer shall make available to
49 the obligee or the department any necessary claim
50 forms or enrollment membership cards if required to

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1 obtain services.

2 3. The obligor's employer and insurer shall have
3 immunity from any liability, civil or criminal, which
4 might otherwise be incurred or imposed for any
5 information released by such employer or insurer
6 pursuant to this chapter.

7 4. The department may release to the obligor's
8 employer or insurer or to the obligee information
9 necessary to obtain, enforce, and collect medical
10 support.

11 Sec. 33. NEW SECTION. 252E.9 RESPONSIBILITIES OF
12 THE OBLIGOR.

13 1. For cases for which services are being provided
14 pursuant to chapter 252B, an obligor who fails to
15 maintain medical support for the benefit of the
16 dependent as ordered shall be liable to the obligee or
17 the department for any medical expenses incurred from
18 the date of the court order. Proof of failure to
19 maintain medical support constitutes a showing of
20 increased need and provides a basis for the
21 establishment of a monetary amount for medical
22 support.

23 2. For cases for which services are being provided
24 pursuant to chapter 252B, the obligor shall notify the
25 obligee and the department within ten days of a change
26 in the terms or conditions of coverage under a health
27 benefit plan. Such changes may include, but are not
28 limited to, a change in deductibles, coinsurance,
29 preadmission notification requirements, coverage for
30 dental, optical, office visits, prescription drugs,
31 inpatient and outpatient hospitalization, and any
32 other changes which materially affect the coverage.
33 Costs incurred by the obligee or the department as a
34 result of the obligor's failure to provide
35 notification as required are recoverable from the
36 obligor.

37 Sec. 34. NEW SECTION. 252E.10 RESPONSIBILITY OF
38 THE DEPARTMENT.

39 For cases for which services are being provided
40 pursuant to chapter 252B, the department shall take
41 steps required by federal regulations to implement and
42 enforce an order for medical support.

43 Sec. 35. NEW SECTION. 252E.11 ASSIGNMENT.

44 If medical assistance coverage is provided by the
45 department to a dependent, rights to medical support
46 payments are assigned to the department pursuant to
47 federal regulations.

48 Sec. 36. NEW SECTION. 252E.12 ENFORCEMENT.

49 For the purposes of enforcement pursuant to chapter
50 252B, medical support may be reduced to a dollar

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1 amount and may be collected through the same remedies
2 available for the collection and enforcement of child
3 support.

4 Sec. 37. NEW SECTION. 252E.13 MODIFICATION OF
5 SUPPORT ORDER.

6 1. When high potential for obtaining medical
7 support exists, the obligee or the department may
8 petition for a modification of the obligor's support
9 order to include medical support or a monetary amount
10 for medical support pursuant to this chapter.

11 2. In addition, if an administrative order entered
12 pursuant to chapter 252C does not provide medical
13 support as defined in this chapter or equivalent
14 medical support, the department may obtain a medical
15 support order pursuant to chapter 252C. A medical
16 support order obtained pursuant to chapter 252C may be
17 an additional or separate support judgment and shall
18 be known as an administrative order for medical
19 support.

20 Sec. 38. NEW SECTION. 252E.14 CHILD SUPPORT.

21 Unless the order specifies otherwise, medical
22 support is not included in the monetary amount of
23 child support ordered to be paid for orders entered on
24 or after July 1, 1990.

25 Sec. 39. NEW SECTION. 252E.15 RULEMAKING
26 AUTHORITY -- COMPLIANCE.

27 The department shall adopt rules pursuant to
28 chapter 17A to implement this chapter for cases for
29 which services are being provided pursuant to chapter
30 252B. The department shall cooperate with any agency
31 of the state or federal government as may be necessary
32 to qualify for federal funds in conformity with
33 provisions of this chapter and Title IV-D of the
34 federal Social Security Act.

35 Sec. 40. NEW SECTION. 252E.16 SCOPE AND EFFECT.

36 1. The provisions of this chapter take effect July
37 1, 1990, for all support orders entered pursuant to
38 chapter 234, 252A, 252C, 598, or 675.

39 2. If an obligor was ordered to provide a health
40 benefit plan or insurance coverage under an order
41 entered prior to July 1, 1990, but did not comply with
42 the order, insurers are not liable for medical
43 expenses incurred prior to July 1, 1990. However,
44 such an order may be implemented pursuant to the
45 provisions of this chapter following its enactment.
46 This chapter shall not be implemented retroactively;
47 however, previous orders for medical support not
48 otherwise complied with may be reduced to a dollar
49 amount and collected from the obligor.

50 Sec. 41. Section 598.1, subsection 2, Code 1989,

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is amended to read as follows:

2. "Support" or "support payments" means an amount which the court may require either of the parties to pay under a temporary order or a final judgment or decree, and may include alimony, child support, maintenance, and any other term used to describe these obligations. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support is not included in the monetary amount of child support. The obligations may include support for a child who is between the ages of eighteen and twenty-two years who is regularly attending an accredited 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; or a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.

Sec. 42. Section 598.21, subsection 4, paragraph a, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Until such time as the supreme court incorporates the provision of medical support in the guidelines as required by paragraph "c", the court shall order as child medical support a health benefit plan as defined in chapter 252E if available to either parent at a reasonable cost. A health benefit plan is considered reasonable in cost if it is employment-related or other group health insurance, regardless of the service delivery mechanism. The premium cost of the health benefit plan may be considered by the court as a reason for varying from the child support guidelines. If a health benefit plan is not available at a reasonable cost, the court may order any other provisions for medical support as defined in chapter 252E.

Sec. 43. Section 598.21, subsection 4, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The guidelines prescribed by the supreme court shall incorporate provisions for medical support as defined in chapter 252E to be effective on or before January 1, 1991.

Sec. 44. Section 598.21, subsection 8, Code

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1 Supplement 1989, is amended to read as follows:

- 2 8. The court may subsequently modify orders made
3 under this section when there is a substantial change
4 in circumstances. In determining whether there is a
5 substantial change in circumstances, the court shall
6 consider the following:
- 7 a. Changes in the employment, earning capacity,
8 income or resources of a party.
 - 9 b. Receipt by a party of an inheritance, pension
10 or other gift.
 - 11 c. Changes in the medical expenses of a party.
 - 12 d. Changes in the number or needs of dependents of
13 a party.
 - 14 e. Changes in the physical, mental, or emotional
15 health of a party.
 - 16 f. Changes in the residence of a party.
 - 17 g. Remarriage of a party.
 - 18 h. Possible support of a party by another person.
 - 19 i. Changes in the physical, emotional or
20 educational needs of a child whose support is governed
21 by the order.
 - 22 j. Contempt by a party of existing orders of
23 court.
 - 24 k. Other factors the court determines to be
25 relevant in an individual case.

26 PARAGRAPH DIVIDED. A modification of a support
27 order entered under chapter 252A, chapter 675, or this
28 chapter between parties to the order is void unless
29 the modification is approved by the court, after
30 proper notice and opportunity to be heard is given to
31 all parties to the order, and entered as an order of
32 the court. If support payments have been assigned to
33 the department of human services pursuant to section
34 239.3, the department shall be considered a party to
35 the support order. Modifications of orders pertaining
36 to child custody shall be made pursuant to chapter
37 598A. If the petition for a modification of an order
38 pertaining to child custody asks either for joint
39 custody or that joint custody be modified to an award
40 of sole custody, the modification, if any, shall be
41 made pursuant to section 598.41.

42 Judgments for child support or child support awards
43 entered pursuant to this chapter, chapter 234, 252A,
44 252C, 675, or any other chapter of the Code which are
45 subject to a modification proceeding may be
46 retroactively modified only from the date the notice
47 of the pending petition for modification is served on
48 the opposing party.

49 Sec. 45. Section 598.21, Code Supplement 1989, is
50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 8A. Notwithstanding subsection 8,
2 a substantial change of circumstances exists when the
3 court order for child support deviates without
4 explanation as to the reason for deviation from the
5 child support guidelines established pursuant to
6 section 598.21, subsection 4. Upon application for a
7 modification of an order for child support where
8 services are being received pursuant to chapter 252B,
9 the court shall act in accordance with section 598.21,
10 subsection 4.

11 Sec. 46. Section 598.22, unnumbered paragraph 1,
12 Code 1989, is amended to read as follows:

13 ~~This~~ Except as otherwise provided in section
14 598.22A, this section applies to all initial or
15 modified orders for support entered under this
16 chapter, chapter 234, 252A, 252C, 675, or any other
17 chapter of the Code. All orders or judgments entered
18 under chapter 234, 252A, 252C, or 675, or under this
19 chapter or any other chapter which provide for
20 temporary or permanent support payments shall direct
21 the payment of those sums to the clerk of the district
22 court or the collection services center in accordance
23 with section 252B.14 for the use of the person for
24 whom the payments have been awarded. Payments to
25 persons other than the clerk of the district court and
26 the collection services center do not satisfy the
27 support obligations created by the orders or
28 judgments, except as provided for trusts governed by
29 the federal Retirement Equity Act of 1984, Pub. L. No.
30 98-397, for tax refunds or rebates in section
31 602.8102, subsection 47, or for dependent benefits
32 paid to the child support obligee as the result of
33 disability benefits awarded to the child support
34 obligor under the federal Social Security Act. For
35 trusts governed by the federal Retirement Equity Act
36 of 1984, Pub. L. No. 98-397, the assignment of income
37 shall require the payment of such sums to the
38 alternate payee in accordance with the federal Act.

39 Sec. 47. Section 598.22, Code 1989, is amended by
40 adding the following new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. For the purpose of
42 enforcement, medical support is additional support
43 which, upon being reduced to a dollar amount, may be
44 collected through the same remedies available for the
45 collection and enforcement of child support.

46 Sec. 48. NEW SECTION. 598.22A SATISFACTION OF
47 SUPPORT PAYMENTS.

48 Notwithstanding sections 252B.14 and 598.22,
49 support payments ordered pursuant to any support
50 chapter for orders entered on or after July 1, 1985,

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1 which are not made pursuant to the provisions of
2 section 252B.14 or 598.22, shall be credited only as
3 provided in this section.

4 1. For payment made pursuant to an order entered
5 on or after July 1, 1985, the clerk of the district
6 court or collection services center shall record a
7 satisfaction as a credit on the official support
8 payment record if its validity is confirmed by the
9 court upon submission of an affidavit by the person
10 entitled to receive the payment, after notice is given
11 to all parties.

12 2. For purposes of this section, the state is a
13 party to which notice shall be given when public funds
14 have been expended pursuant to chapter 234, 239, or
15 249A, or similar statutes in another state. If proper
16 notice is not given to the state when required, any
17 order of satisfaction is void.

18 3. The court shall not enter an order for
19 satisfaction of payments not made through the clerk of
20 the district court or collection services center if
21 those payments have been assigned as a result of
22 public funds expended pursuant to chapter 234, 239, or
23 249A, or similar statutes in other states.

24 Sec. 49. Section 675.25, Code Supplement 1989, is
25 amended to read as follows:

26 675.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT
27 ORDER -- COSTS.

28 Upon a finding or verdict of paternity pursuant to
29 section 675.24, the court shall establish the father's
30 monthly support payment and the amount of the support
31 debt accrued or accruing pursuant to section 598.21,
32 subsection 4, until the child reaches majority or
33 until the child finishes high school, if after
34 majority. The court may order the father to pay
35 amounts the court deems appropriate for the past
36 support and maintenance of the child and for the
37 reasonable and necessary expenses incurred by or for
38 the mother in connection with prenatal care, the birth
39 of the child, and postnatal care of the child and the
40 mother, and other medical support as defined in
41 section 252E.1. The court may award the prevailing
42 party the reasonable costs of suit, including but not
43 limited to reasonable attorney fees.

44 Sec. 50. NEW SECTION. 675.33 LIMITATIONS OF
45 ACTIONS.

46 1. An action to establish paternity and support
47 under this chapter may be brought within the time
48 limitations set forth in section 614.8.

49 2. Notwithstanding subsection 1, an action to
50 establish paternity and support under this chapter may

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1 be brought concerning a person who was under age
2 eighteen on August 16, 1984, regardless of whether any
3 prior action was dismissed because a statute of
4 limitations of less than eighteen years was then in
5 effect. Such an action may be brought within the time
6 limitations set forth in section 614.8, or until July
7 2, 1992, whichever is later.

8 Sec. 51. RULES.

9 The department of human services may adopt
10 administrative rules under section 17A.4, subsection
11 2, and section 17A.5, subsection 2, paragraph "b", to
12 implement the provisions of sections 5, 13, and 25
13 through 40 of this Act, and the rules may be made
14 effective on or after July 1, 1990.

15 Sec. 52.

16 Section 48 of this Act applies retroactively to
17 payments under support orders entered on or after July
18 1, 1985."

19 4. Title page, line 2 by inserting after the word
20 "payments" the following: ", satisfaction of a
21 support order by direct payment to the person who is
22 to receive the payment, medical support for children
23 receiving child support, modification of child support
24 orders, child support enforcement, determination of
25 paternity and establishment of past child support
26 obligations, establishing an advisory committee, and
27 providing an effective date for certain provisions."

28 5. By renumbering and changing internal
29 references as necessary.

By COMMITTEE ON JUDICIARY
RICHARD VARN, Chairperson

S-5941 FILED APRIL 5, 1990

Adopted 4/7 (p. 14 57)

See Judiciary 4/7 Ds Pass 4/7 (7-2272)

SENATE FILE 2429
BY HUTCHINS and HULTMAN

(AS AMENDED AND PASSED BY THE SENATE APRIL 7, 1990)
~~_____~~ - New Language by the Senate

^{4/8/90}
Passed Senate, Date 4/8/90 (p. 1726) Passed House, Date 4/7/90 (p. 2273)
Vote: Ayes 46 Nays 2 Vote: Ayes 93 Nays 2
Approved April 30, 1990 Motion to reconsider lost (p. 2295)

A BILL FOR

1 An Act relating to responsibilities for the receipt and
2 disbursement of support payments, satisfaction of a support
3 order by direct payment to the person who is to receive the
4 payment, medical support for children receiving child support,
5 modification of child support orders, child support
6 enforcement, determination of paternity and establishment of
7 past child support obligations, establishing an advisory
8 committee, and providing an effective date for certain
9 provisions.

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

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SF 2429

1 Section 1. COLLECTION SERVICES -- TRANSITIONAL PROVISIONS.

2 In order to implement this Act, the department of human
3 services and the judicial department shall mutually agree on a
4 schedule to complete the transfer of support payment
5 collection and disbursement responsibilities from the
6 collection services center to the clerks of the district
7 court. The schedule shall provide for the completion of the
8 transfer of the responsibilities for all affected orders by
9 June 30, 1991. The following procedure shall be used for any
10 order affected by the initial transfer of responsibilities:

11 1. The department of human services shall develop a
12 cumulative listing which specifies for each county the
13 effective date by which the transfers of the responsibilities
14 to the clerks of the district court in each county are
15 completed. The department shall cause the listing to be
16 published in the Iowa administrative bulletin on the first
17 date the bulletin is published subsequent to the date the
18 transfer of responsibilities to all counties are completed.

19 2. The department of human services shall issue a notice
20 directing the obligor to submit payments to the clerk of the
21 district court in accordance with the provisions of section
22 252B.14. The notice shall be issued to the obligor and the
23 obligee by regular mail, when an address is known, at least
24 ten days prior to the effective date of the transfer of the
25 receipt of payment responsibilities to the clerk of the
26 district court. The notice shall serve as the equivalent of a
27 court order in redirecting the payment. The notice shall
28 contain all of the following information:

29 a. The names of the obligor, obligee, and affected
30 children.

31 b. A list of all court orders affected by transfer of the
32 responsibilities, including the docket numbers, the county or
33 counties of filing, effective dates of the support obligation,
34 and the support obligation amounts.

35 c. A list of credit amounts from the collection services

1 center records that will be transmitted from the collection
2 services center to the clerk of the district court.

3 d. The effective date of the transfer of the
4 responsibilities.

5 3. The clerk of the district court shall issue a notice to
6 the obligor within ten days of the date the responsibilities
7 are transferred. The notice shall contain all of the
8 following information:

9 a. Confirmation that the court-ordered support obligation
10 is established within the clerk of the district court system
11 for support payments.

12 b. The clerk of the district court payment record account
13 number.

14 c. A list of the credit amounts entered into the clerk of
15 the district court system for support payments.

16 Sec. 2. Section 252A.4, subsection 2, Code 1989, is
17 amended to read as follows:

18 2. The court of the responding state shall have the power
19 to may order the respondent to pay sums sufficient to provide
20 necessary food, shelter, clothing, care, medical or hospital
21 expenses, including medical support as defined in chapter
22 252E, expenses of confinement, expenses of education of a
23 child, funeral expenses and such other reasonable and proper
24 expenses of the petitioner as justice requires, having due
25 regard to the circumstances of the respective parties.

26 Sec. 3. NEW SECTION. 252A.5A LIMITATIONS OF ACTIONS.

27 1. An action to establish paternity and support under this
28 chapter may be brought within the time limitations set forth
29 in section 614.8.

30 2. Notwithstanding subsection 1, an action to establish
31 paternity and support under this chapter may be brought
32 concerning a person who was under age eighteen on August 16,
33 1984, regardless of whether any prior action was dismissed
34 because a statute of limitations of less than eighteen years
35 was then in effect. Such an action may be brought within the

1 time limitations set forth in section 614.8, or until July 2,
2 1992, whichever is later.

3 Sec. 4. Section 252B.5, Code 1989, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 6. Assistance in obtaining medical
6 support as defined in chapter 252E.

7 Sec. 5. Section 252B.5, Code 1989, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 7. At the request of either parent who is
10 subject to the order of support or upon its own initiation,
11 review the amount of the support award in accordance with the
12 guidelines established pursuant to section 598.21, subsection
13 4, and the federal Family Support Act of 1988, and take action
14 to initiate modification proceedings if the criteria
15 established pursuant to this section are met. However, a
16 review of a support award is not required in those cases for
17 which an assignment ordered pursuant to chapter 234 or 239 is
18 in effect if the child support recovery unit determines that
19 such a review would not be in the best interest of the child
20 and neither parent has requested such review.

21 The department shall adopt rules no later than October 13,
22 1990, setting forth the process for review of requests for
23 modification of support obligations and the criteria and
24 process for taking action to initiate modification
25 proceedings.

26 Sec. 6. Section 252B.6, subsection 3, Code 1989, is
27 amended by striking the subsection and inserting in lieu
28 thereof the following:

29 3. Appear on behalf of the state for the purpose of
30 facilitating the modification of support awards consistent
31 with guidelines established pursuant to section 598.21,
32 subsection 4 and the federal Family Support Act of 1988. The
33 unit shall not otherwise participate in the proceeding.

34 Sec. 7. Section 252B.6, subsection 4, paragraph b, Code
35 1989, is amended by striking the paragraph.

1 Sec. 8. Section 252B.7, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. An attorney employed by or under
4 contract with the child support recovery unit represents and
5 acts on behalf of the state when providing child support
6 enforcement services.

7 Sec. 9. Section 252B.13, Code 1989, is amended by striking
8 the section and inserting in lieu thereof the following:

9 252B.13 COLLECTION SERVICES CENTER.

10 1. The department shall establish within the unit a
11 collection services center for the receipt and disbursement of
12 support payments as defined in section 598.1 required pursuant
13 to an order for which the unit is providing or has provided
14 enforcement services on or after July 1, 1988, under this
15 chapter. For purposes of this section, support payments do
16 not include attorney fees or court costs.

17 2. The center shall develop an automated system to provide
18 support payment records from the center to the clerks of the
19 district court and the clerks of the district court are
20 authorized to receive this information.

21 3. On January 1 of each year the center shall submit a
22 report to the fiscal committee of the legislative council
23 relating to the time required between the time the payment is
24 received and the time the funds are distributed to the
25 recipient.

26 Sec. 10. Section 252B.14, Code 1989, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES CENTER --
30 CLERK OF THE DISTRICT COURT.

31 All support payments required pursuant to orders entered
32 under this chapter and chapter 234, 252A, 252C, 598, 675, or
33 any other chapter shall be directed and processed as follows:

34 1. If the child support recovery unit is providing
35 enforcement services for a support order, support payments

1 made pursuant to the order shall be directed to and processed
2 as follows:

3 a. Payments made through income withholding, wage
4 assignment, unemployment insurance offset, or tax offset shall
5 be directed to and disbursed by the collection services
6 center.

7 b. Payments made through electronic transfer of funds,
8 including but not limited to use of an automated teller
9 machine, a telephone initiated bank account withdrawal, or an
10 automatic bank account withdrawal shall be directed to and
11 disbursed by the collection services center.

12 c. Payments made through any other method shall be
13 directed to the clerk of the district court in the county in
14 which the order for support is filed and shall be disbursed by
15 the collection services center.

16 2. If the child support recovery unit is not providing
17 enforcement services for a support order, support payments
18 made pursuant to the order shall be directed to and disbursed
19 by the clerk of the district court in the county in which the
20 order for support is filed.

21 3. Payments to persons other than the clerk of the
22 district court or the collection services center do not
23 satisfy the support obligations created by a support order or
24 judgment, except as provided for trusts and social security
25 income in section 252D.1, 598.22, or 598.23, or for tax
26 refunds or rebates in section 602.8102, subsection 47, and
27 except as provided for certain orders entered on or after July
28 1, 1985, in which a sworn affidavit is submitted as proof of
29 payment pursuant to section 598.22A.

30 Sec. 11. NEW SECTION. 252B.15 PROCESSING AND
31 DISBURSEMENT OF SUPPORT PAYMENTS.

32 1. If the child support recovery unit is providing
33 enforcement services for a support order, the collection
34 services center is the official entity responsible for
35 disbursing the support payments made pursuant to the order.

1 2. The collection services center shall notify the clerk
2 of the district court of any order for which the child support
3 recovery unit is providing enforcement services. The clerk of
4 the district court shall forward any support payment made
5 pursuant to the order, along with any support payment
6 information, to the collection services center. The
7 collection services center shall process and disburse the
8 payment in accordance with federal requirements.

9 3. If the child support recovery unit is not providing
10 enforcement services for a support order, the clerk of the
11 district court in the county in which the order for support is
12 filed is the official entity responsible for disbursing of
13 support payments made pursuant to the order.

14 4. If the unit's child support enforcement services
15 relating to a support order are terminated but the support
16 obligation remains accrued or accruing, the support payment
17 receipt and disbursement responsibilities relating to the
18 order shall be transferred from the collection services center
19 to the appropriate clerk of the district court. The
20 department shall adopt rules pursuant to chapter 17A relating
21 to the transfer of the responsibilities.

22 5. If it is possible to identify the support order to
23 which a payment is to be applied, a payment received by the
24 collection services center or the clerk of the district court
25 shall be disbursed to the appropriate individual or office
26 within two working days in accordance with section 598.22.

27 Sec. 12. Section 252B.16, Code 1989, is amended by
28 striking the section and inserting in lieu thereof the
29 following:

30 252B.16 TRANSFER OF SUPPORT ORDER PROCESSING
31 RESPONSIBILITIES -- ONGOING PROCEDURES.

32 1. For a support order being processed by the clerk of the
33 district court, upon notification that the unit is providing
34 enforcement services related to the order, the clerk of the
35 district court shall immediately transfer the responsibility

1 for the disbursement of support payments received pursuant to
2 the order to the collection services center.

3 2. The department shall adopt rules pursuant to chapter
4 17A to ensure that the affected parties are notified that the
5 support payment disbursement responsibilities have been
6 transferred to the collection services center from the clerk
7 of the district court. The rules shall include a provision
8 requiring that a notice shall be sent by regular mail to the
9 last known addresses of the obligee and the obligor.

10 Sec. 13. NEW SECTION. 252B.18 ADVISORY COMMITTEE
11 ESTABLISHED.

12 The department shall establish a child support enforcement
13 program advisory committee which shall include representatives
14 of custodial parent groups, noncustodial parent groups, the
15 judicial department, the office of citizens' aide, the Iowa
16 state bar association, and representatives of other
17 constituencies having an interest in child support enforcement
18 issues. The advisory committee shall assist the department in
19 reviewing issues related to the implementation of the federal
20 Family Support Act of 1988 and methods of improving service.
21 With the assistance of the advisory committee, the department
22 shall review existing policies, practices, and procedures of
23 the child support recovery unit to identify areas in which
24 administrative appeals procedures or other provisions for
25 review of contested issues would help to assure fair and
26 impartial treatment of persons affected by actions of the
27 unit.

28 Sec. 14. Section 252C.1, subsection 2, Code 1989, is
29 amended to read as follows:

30 2. "Court order" means a judgment or order of a court of
31 this state or another state requiring the payment of a set or
32 determinable amount of monetary support. For orders entered
33 on or after July 1, 1990, unless the court specifically orders
34 otherwise, medical support, as defined in section 252E.1, is
35 not included in the amount of monetary support.

1 Sec. 15. Section 252C.1, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8. "Medical support" means either the
4 provision of coverage under a health benefit plan, including a
5 group or employment-related or an individual health benefit
6 plan, or a health benefit plan provided pursuant to chapter
7 514E, to meet the medical needs of a dependent and the cost of
8 any premium required by a health benefit plan, or the payment
9 to the obligee of a monetary amount in lieu of providing
10 coverage under a health benefit plan, either of which is an
11 obligation separate from any monetary amount of child support
12 ordered to be paid.

13 Sec. 16. Section 252C.3, subsection 1, unnumbered
14 paragraph 1, Code 1989, is amended to read as follows:

15 In the absence of a court order, or if an administrative
16 order exists which does not require provision of medical
17 support as defined in chapter 252E or equivalent medical
18 support, the administrator may issue a notice establishing and
19 demanding either payment of medical support established as
20 defined in chapter 252E or payment of an accrued or accruing
21 support debt due and owed to the department or an individual
22 under section 252C.2, or both. The notice shall be served
23 upon the responsible person in accordance with the rules of
24 civil procedure. The notice shall include all of the
25 following:

26 Sec. 17. Section 252C.3, subsection 1, paragraph d, Code
27 1989, is amended to read as follows:

28 d. A demand for either immediate payment of the support
29 debt or of a medical support debt established as defined in
30 chapter 252E, or both.

31 Sec. 18. Section 252C.3, subsection 1, paragraph e,
32 subparagraphs (3) and (4), Code 1989, are amended to read as
33 follows:

34 (3) A statement that after the holding of the negotiation
35 conference, the administrator may issue a new notice and

1 finding of financial responsibility for child support or
2 medical support, or both, to be sent to the responsible person
3 by regular mail addressed to the responsible person's last
4 known address, or if applicable, to the last known address of
5 the responsible person's attorney.

6 (4) A statement that if the administrator issues a new
7 notice and finding of financial responsibility for child
8 support or medical support, or both, then the responsible
9 person shall have ten days from the date of issuance of the
10 new notice or twenty days from the date of service of the
11 original notice, whichever is later, to send a request for a
12 hearing to the office of the child support recovery unit which
13 issued the notice.

14 Sec. 19. Section 252C.3, subsection 1, paragraphs f, g,
15 and i, Code 1989, are amended to read as follows:

16 f. A statement that if the responsible person objects to
17 all or any part of the notice or finding of financial
18 responsibility for child support or medical support, or both,
19 and no a negotiation conference is not requested, then-within
20 twenty-days-of-the-date-of-service, the responsible person
21 shall, within twenty days of the date of service send to the
22 office of the child support recovery unit which issued the
23 notice a written response setting forth any objections and
24 requesting a hearing.

25 g. A statement that if a timely written request for a
26 hearing is received by the office of the child support
27 recovery unit which issued the notice, the responsible person
28 shall have the right to a hearing to be held in district
29 court; and that if no timely written response is received, the
30 administrator may enter an order in accordance with the notice
31 and finding of financial responsibility for child support or
32 medical support, or both.

33 i. A statement that the responsible person shall notify
34 the administrator of any change of address, or employment, or
35 medical coverage as required by chapter 252E.

1 Sec. 20. Section 252C.3, subsection 4, Code 1989, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. The medical support required pursuant
4 to chapter 598 and rules adopted pursuant to chapter 252E.

5 Sec. 21. Section 252C.3, subsection 5, Code 1989, is
6 amended to read as follows:

7 5. The responsible person shall be sent a copy of the
8 order by regular mail addressed to the responsible person's
9 last known address, or if applicable, to the last known
10 address of the responsible person's attorney. The order is
11 final, and action by the administrator to enforce and collect
12 upon the order, including arrearages and medical support, or
13 both, may be taken from the date of issuance of the order.

14 Sec. 22. Section 252C.4, subsections 2 and 4, Code
15 Supplement 1989, are amended to read as follows:

16 2. If the matter has not been heard previously by the
17 district court, or an existing administrative order does not
18 provide for medical support pursuant to chapter 252E, the
19 certification shall include true copies of the notice and
20 finding of financial responsibility or notice of the support
21 debt accrued and accruing, the return of service, the written
22 objections and request for hearing, and true copies of any
23 administrative orders previously entered.

24 4. The court shall establish the monthly child support
25 payment and the amount of the support debt accrued and
26 accruing pursuant to section 598.21, subsection 4, or medical
27 support pursuant to chapter 252E, or both.

28 Sec. 23. Section 252C.9, Code 1989, is amended to read as
29 follows:

30 252C.9 COURT-ORDER-PREVAELS PREVAILING ORDERS.

31 If an order of the administrator issued pursuant to this
32 chapter conflicts with an order of a court, the court order
33 prevails regarding support issues addressed by the court
34 order.

35 Sec. 24. Section 252D.1, subsection 1, Code 1989, is

1 amended to read as follows:

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

23 Sec. 25. NEW SECTION. 252E.1 DEFINITIONS.

24 As used in this chapter, unless the context otherwise
25 requires:

26 1. "Child" means a person for whom child support may be
27 ordered pursuant to chapter 234, 239, 252A, 252C, 598, or 675
28 or any other chapter of the Code.

29 2. "Department" means the department of human services,
30 which includes but is not limited to the child support
31 recovery unit, or any comparable support enforcement agency of
32 another state.

33 3. "Dependent" means a child, or an obligee for whom a
34 court may order coverage by a health benefit plan pursuant to
35 section 252E.3.

1 4. "Enroll" means to be eligible for and covered by a
2 health benefit plan.

3 5. "Health benefit plan" means any policy or contract of
4 insurance, indemnity, subscription or membership issued by an
5 insurer, health service corporation, health maintenance
6 organization, or any similar corporation, organization, or a
7 self-insured employee benefit plan, for the purpose of
8 covering medical expenses. These expenses may include, but
9 are not limited to hospital, surgical, major medical
10 insurance, dental, optical, prescription drugs, office visits,
11 or any combination of these or any other comparable health
12 care expenses.

13 6. "Insurer" means any entity which provides a health
14 benefit plan.

15 7. "Medical support" means either the provision of a
16 health benefit plan, including a group or employment-related
17 or an individual health benefit plan, or a health benefit plan
18 provided pursuant to chapter 514E, to meet the medical needs
19 of a dependent and the cost of any premium required by a
20 health benefit plan, or the payment to the obligee of a
21 monetary amount in lieu of a health benefit plan, either of
22 which is an obligation separate from any monetary amount of
23 child support ordered to be paid. Medical support is not
24 alimony.

25 8. "Obligee" means a parent or another natural person
26 legally entitled to receive a support payment on behalf of a
27 child.

28 9. "Obligor" means a parent or another natural person
29 legally responsible for the support of a dependent.

30 Sec. 26. NEW SECTION. 252E.2 ORDER FOR MEDICAL SUPPORT.

31 The entry of an order, pursuant to chapter 234, 252A, 252C,
32 598, or 675, requiring the provision of coverage under a
33 health benefit plan is authorization for enrollment of the
34 dependent if the dependent is otherwise eligible to be
35 enrolled. The dependent's eligibility and enrollment for

1 coverage under such a plan shall be governed by all applicable
2 terms and conditions, including, but not limited to,

3 eligibility and insurability standards. The dependent, if
4 eligible, shall be provided the same coverage as the obligor.

5 Sec. 27. NEW SECTION. 252E.3 HEALTH BENEFIT COVERAGE OF
6 OBLIGEE.

7 For cases for which services are being provided pursuant to
8 chapter 252B, the order may require an obligor providing a
9 health benefit plan for a child to also provide a health
10 benefit plan for the benefit of an obligee if the obligee is
11 eligible for enrollment under the plan in which the child or,
12 the obligor is enrolled, and if the plan is available at no
13 additional cost.

14 Sec. 28. NEW SECTION. 252E.4 COPY OF ORDER TO EMPLOYER.

15 The obligor shall take all steps necessary to enroll and
16 maintain coverage under a health benefit plan for a dependent
17 at present and all future places of employment, and shall send
18 a copy of the order requiring the coverage to the obligor's
19 employer.

20 1. Within fifteen days of entry of the order, the obligor
21 shall provide written proof to the obligee and the department
22 that the required coverage has been obtained or that
23 application for coverage has been made.

24 2. If the obligor fails to provide written proof as
25 required in subsection 1, a copy of the order for medical
26 support shall be forwarded to the obligor's employer by the
27 obligee or the department.

28 3. The chapter shall be constructive notice to the obligor
29 of enforcement and further notice prior to enforcement is not
30 required.

31 4. The order requiring coverage is binding on all future
32 employers or insurers if the dependent is eligible to be
33 enrolled in the health benefit plan under the applicable plan
34 terms and conditions.

35 Sec. 29. NEW SECTION. 252E.5 EFFECT OF ORDER ON

1 EMPLOYER.

2 When the order has been forwarded to the obligor's employer
3 pursuant to section 252E.4, the order is binding on the
4 employer and the employer's insurer to the extent that the
5 dependent is eligible to be enrolled in the plan under the
6 applicable terms and conditions of the health benefit plan.
7 The employer shall forward a copy of the order to the insurer
8 and request enrollment of the dependent in the health benefit
9 plan. Within sixty days of receipt of the order or within
10 sixty days of receipt of application of the obligor pursuant
11 to the order, whichever is earlier, the insurer shall
12 determine whether the dependent is eligible for enrollment
13 under the plan and shall notify the employer of the
14 dependent's eligibility status. If eligible, the employer
15 shall withhold any required premium from the obligor's income
16 or wages. If more than one plan is offered by the employer,
17 the dependent shall be enrolled in the health benefit plan in
18 which the obligor is enrolled.

19 Within thirty days of receipt of an order that requires an
20 obligor to enroll a dependent in a health benefit plan, the
21 obligor's employer shall provide the following information
22 regarding the enrollment status of the dependent to the
23 obligor, the obligee, and the department:

24 1. That the dependent has been enrolled in a health
25 benefit plan.

26 2. That the dependent will be enrolled in the next
27 enrollment period.

28 3. That the dependent is not eligible for enrollment and
29 the reasons that the dependent is not eligible to be enrolled.

30 4. That the order has been forwarded to the insurer and a
31 determination of eligibility for enrollment has not been made.

32 5. If either subsection 1 or 2 describes the enrollment
33 status of the dependent, all of the following information:

34 a. The name of the insurer providing the health benefit
35 plan.

1 b. The dependent's effective date of coverage.
2 c. The health benefit plan or account number.
3 d. The type of health benefit plan under which the
4 dependent has been enrolled, including whether dental,
5 optical, office visits, and prescription drugs are covered
6 services. Additionally, the response shall include a brief
7 description of the applicable deductibles, coinsurance,
8 waiting periods for preexisting medical conditions, and other
9 significant terms or conditions which materially affect the
10 coverage.

11 If an order requiring that the obligor provide coverage
12 under a health benefit plan for the dependent has been
13 forwarded to the obligor's employer pursuant to section
14 252E.4, and the obligor's employment is terminated, the
15 employer shall provide notice to the obligee and the
16 department within ten days of termination of the obligor's
17 employment. If an order requiring that the obligor provide
18 coverage under a health benefit plan for the dependent has
19 been forwarded to the obligor's employer pursuant to section
20 252E.4, and the employer's health benefit plan is terminated
21 either in its entirety or with respect to the obligor's
22 insurance classification, or the employer has changed its
23 insurer, the employer shall provide notice to the obligee and
24 the department ten days prior to the termination of coverage
25 or change in insurer.

26 This chapter does not preclude the exchange of required
27 information between the department and employers or insurers
28 through electronic data transfer.

29 Sec. 30. NEW SECTION. 252E.6 DURATION OF HEALTH BENEFIT
30 PLAN COVERAGE.

31 1. A child is eligible for medical support for the
32 duration of the obligor's child support obligation. However,
33 the child's eligibility for coverage under a health benefit
34 plan shall be governed by all applicable plan provisions
35 including, but not limited to, eligibility and insurability

1 standards.

2 2. For cases for which services are being provided
3 pursuant to chapter 252B, termination of an obligee's medical
4 support ordered pursuant to section 252E.3 shall be governed
5 by the insurer's health benefit plan provisions for
6 termination and by applicable federal law.

7 Sec. 31. NEW SECTION. 252E.7 INSURER AUTHORIZATION.

8 1. The entry of an order requiring a health benefit plan
9 is authorization for enrollment of the dependent if the
10 dependent is otherwise eligible to be enrolled. If an order
11 has been forwarded to the insurer pursuant to section 252E.5
12 and is not accompanied by an appropriate application for
13 enrollment of the dependent signed by the obligor, the insurer
14 shall attempt to obtain a signed application from the obligor.
15 If the insurer is unsuccessful in obtaining a signed
16 application from the obligor within thirty days after the
17 insurer's initial request to the obligor, the insurer shall
18 accept the signature of the obligee or an employee of the
19 department as valid authorization for enrollment of the
20 dependent under the health benefit plan.

21 2. For purposes of processing claims for payment, the
22 insurer shall attempt to obtain the obligor's written
23 authorization to accept the signature of the obligee or an
24 employee of the department on all claim forms submitted to the
25 insurer for medical services provided to the dependent. Upon
26 receipt of such written authorization from the obligor on at
27 least an annual basis, the insurer shall accept the signature
28 of the obligee or an employee of the department as valid
29 authorization for purposes of processing any medical expense
30 claims on behalf of the dependent for payment or reimbursement
31 of medical services rendered to the dependent.

32 If the insurer is unsuccessful in obtaining such written
33 authorization from the obligor within thirty days after the
34 insurer's initial request to the obligor, the insurer shall
35 accept the signature of the obligee or an employee of the

1 department as valid authorization for purposes of processing
2 any medical expense claims on behalf of the dependent for
3 payment or reimbursement of medical services rendered to the
4 dependent.

5 3. The insurer shall have immunity from any liability,
6 civil or criminal, which might otherwise be incurred or
7 imposed for actions taken in implementing this section
8 including, but not limited to, the insurer's release of any
9 information, or the payment of any claims for services by the
10 insurer, or the insurer's acceptance of applications for
11 enrollment of the dependent and medical expense claims for the
12 dependent which are signed by the obligee or an employee of
13 the department pursuant to this section.

14 4. This section does not preclude an insurer from issuing
15 payment directly to the provider if such payment procedure is
16 consistent with the health benefit plan under which the
17 dependent is enrolled, except as provided pursuant to chapter
18 249A.

19 5. Payments remitted to the obligor by the insurer for
20 services received by the dependent shall be recoverable by the
21 obligee or the department from the obligor if not properly
22 paid by the obligor to the provider or the obligee.

23 Sec. 32. NEW SECTION. 252E.8 RELEASES OF INFORMATION.

24 1. If an order for coverage under a health benefit plan
25 has been forwarded pursuant to section 252E.5, the obligor's
26 employer or insurer shall release to the obligee or the
27 department upon receiving a written request, the information
28 necessary to complete an application or to file a claim for
29 medical expenses of the dependent, provided the obligor's
30 employer or insurer is given sufficient opportunity to obtain
31 written authorization for the release of such information from
32 the obligor pursuant to this section.

33 2. The employer or insurer shall make available to the
34 obligee or the department any necessary claim forms or
35 enrollment membership cards if required to obtain services.

1 3. The obligor's employer and insurer shall have immunity
2 from any liability, civil or criminal, which might otherwise
3 be incurred or imposed for any information released by such
4 employer or insurer pursuant to this chapter.

5 4. The department may release to the obligor's employer or
6 insurer or to the obligee information necessary to obtain,
7 enforce, and collect medical support.

8 Sec. 33. NEW SECTION. 252E.9 RESPONSIBILITIES OF THE
9 OBLIGOR.

10 1. For cases for which services are being provided
11 pursuant to chapter 252B, an obligor who fails to maintain
12 medical support for the benefit of the dependent as ordered
13 shall be liable to the obligee or the department for any
14 medical expenses incurred from the date of the court order.
15 Proof of failure to maintain medical support constitutes a
16 showing of increased need and provides a basis for the
17 establishment of a monetary amount for medical support.

18 2. For cases for which services are being provided
19 pursuant to chapter 252B, the obligor shall notify the obligee
20 and the department within ten days of a change in the terms or
21 conditions of coverage under a health benefit plan. Such
22 changes may include, but are not limited to, a change in
23 deductibles, coinsurance, preadmission notification
24 requirements, coverage for dental, optical, office visits,
25 prescription drugs, inpatient and outpatient hospitalization,
26 and any other changes which materially affect the coverage.
27 Costs incurred by the obligee or the department as a result of
28 the obligor's failure to provide notification as required are
29 recoverable from the obligor.

30 Sec. 34. NEW SECTION. 252E.10 RESPONSIBILITY OF THE
31 DEPARTMENT.

32 For cases for which services are being provided pursuant to
33 chapter 252B, the department shall take steps required by
34 federal regulations to implement and enforce an order for
35 medical support.

1 Sec. 35. NEW SECTION. 252E.11 ASSIGNMENT.

2 If medical assistance coverage is provided by the
3 department to a dependent, rights to medical support payments
4 are assigned to the department pursuant to federal
5 regulations.

6 Sec. 36. NEW SECTION. 252E.12 ENFORCEMENT.

7 For the purposes of enforcement pursuant to chapter 252B,
8 medical support may be reduced to a dollar amount and may be
9 collected through the same remedies available for the
10 collection and enforcement of child support.

11 Sec. 37. NEW SECTION. 252E.13 MODIFICATION OF SUPPORT
12 ORDER.

13 1. When high potential for obtaining medical support
14 exists, the obligee or the department may petition for a
15 modification of the obligor's support order to include medical
16 support or a monetary amount for medical support pursuant to
17 this chapter.

18 2. In addition, if an administrative order entered
19 pursuant to chapter 252C does not provide medical support as
20 defined in this chapter or equivalent medical support, the
21 department may obtain a medical support order pursuant to
22 chapter 252C. A medical support order obtained pursuant to
23 chapter 252C may be an additional or separate support judgment
24 and shall be known as an administrative order for medical
25 support.

26 Sec. 38. NEW SECTION. 252E.14 CHILD SUPPORT.

27 Unless the order specifies otherwise, medical support is
28 not included in the monetary amount of child support ordered
29 to be paid for orders entered on or after July 1, 1990.

30 Sec. 39. NEW SECTION. 252E.15 RULEMAKING AUTHORITY --
31 COMPLIANCE.

32 The department shall adopt rules pursuant to chapter 17A to
33 implement this chapter for cases for which services are being
34 provided pursuant to chapter 252B. The department shall
35 cooperate with any agency of the state or federal government

1 as may be necessary to qualify for federal funds in conformity
2 with provisions of this chapter and Title IV-D of the federal
3 Social Security Act.

4 Sec. 40. NEW SECTION. 252E.16 SCOPE AND EFFECT.

5 1. The provisions of this chapter take effect July 1,
6 1990, for all support orders entered pursuant to chapter 234,
7 252A, 252C, 598, or 675.

8 2. If an obligor was ordered to provide a health benefit
9 plan or insurance coverage under an order entered prior to
10 July 1, 1990, but did not comply with the order, insurers are
11 not liable for medical expenses incurred prior to July 1,
12 1990. However, such an order may be implemented pursuant to
13 the provisions of this chapter following its enactment. This
14 chapter shall not be implemented retroactively; however,
15 previous orders for medical support not otherwise complied
16 with may be reduced to a dollar amount and collected from the
17 obligor.

18 Sec. 41. Section 598.1, subsection 2, Code 1989, is
19 amended to read as follows:

20 2. "Support" or "support payments" means an amount which
21 the court may require either of the parties to pay under a
22 temporary order or a final judgment or decree, and may include
23 alimony, child support, maintenance, and any other term used
24 to describe these obligations. For orders entered on or after
25 July 1, 1990, unless the court specifically orders otherwise,
26 medical support is not included in the monetary amount of
27 child support. The obligations may include support for a
28 child who is between the ages of eighteen and twenty-two years
29 who is regularly attending an accredited school in pursuance
30 of a course of study leading to a high school diploma or its
31 equivalent, or regularly attending a course of vocational-
32 technical training either as a part of a regular school
33 program or under special arrangements adapted to the
34 individual person's needs; or is, in good faith, a full-time
35 student in a college, university, or area school; or has been

1 accepted for admission to a college, university, or area
2 school and the next regular term has not yet begun; or a child
3 of any age who is dependent on the parties to the dissolution
4 proceedings because of physical or mental disability.

5 Sec. 42. Section 598.21, subsection 4, paragraph a, Code
6 Supplement 1989, is amended by adding the following new
7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Until such time as the supreme
9 court incorporates the provision of medical support in the
10 guidelines as required by paragraph "c", the court shall order
11 as child medical support a health benefit plan as defined in
12 chapter 252E if available to either parent at a reasonable
13 cost. A health benefit plan is considered reasonable in cost
14 if it is employment-related or other group health insurance,
15 regardless of the service delivery mechanism. The premium
16 cost of the health benefit plan may be considered by the court
17 as a reason for varying from the child support guidelines. If
18 a health benefit plan is not available at a reasonable cost,
19 the court may order any other provisions for medical support
20 as defined in chapter 252E.

21 Sec. 43. Section 598.21, subsection 4, Code Supplement
22 1989, is amended by adding the following new paragraph:

23 NEW PARAGRAPH. c. The guidelines prescribed by the
24 supreme court shall incorporate provisions for medical support
25 as defined in chapter 252E to be effective on or before
26 January 1, 1991.

27 Sec. 44. Section 598.21, subsection 8, Code Supplement
28 1989, is amended to read as follows:

29 8. The court may subsequently modify orders made under
30 this section when there is a substantial change in
31 circumstances. In determining whether there is a substantial
32 change in circumstances, the court shall consider the
33 following:

34 a. Changes in the employment, earning capacity, income or
35 resources of a party.

1 b. Receipt by a party of an inheritance, pension or other
2 gift.

3 c. Changes in the medical expenses of a party.

4 d. Changes in the number or needs of dependents of a
5 party.

6 e. Changes in the physical, mental, or emotional health of
7 a party.

8 f. Changes in the residence of a party.

9 g. Remarriage of a party.

10 h. Possible support of a party by another person.

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

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

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

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

30 Judgments for child support or child support awards entered
31 pursuant to this chapter, chapter 234, 252A, 252C, 675, or any
32 other chapter of the Code which are subject to a modification
33 proceeding may be retroactively modified only from the date
34 the notice of the pending petition for modification is served
35 on the opposing party.

1 Sec. 45. Section 598.21, Code Supplement 1989, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 8A. Notwithstanding subsection 8, a
4 substantial change of circumstances exists when the court
5 order for child support deviates without explanation as to the
6 reason for deviation from the child support guidelines
7 established pursuant to section 598.21, subsection 4. Upon
8 application for a modification of an order for child support
9 where services are being received pursuant to chapter 252B,
10 the court shall act in accordance with section 598.21,
11 subsection 4.

12 Sec. 46. Section 598.22, unnumbered paragraph 1, Code
13 1989, is amended to read as follows:

14 This Except as otherwise provided in section 598.22A, this
15 section applies to all initial or modified orders for support
16 entered under this chapter, chapter 234, 252A, 252C, 675, or
17 any other chapter of the Code. All orders or judgments
18 entered under chapter 234, 252A, 252C, or 675, or under this
19 chapter or any other chapter which provide for temporary or
20 permanent support payments shall direct the payment of those
21 sums to the clerk of the district court or the collection
22 services center in accordance with section 252B.14 for the use
23 of the person for whom the payments have been awarded.
24 Payments to persons other than the clerk of the district court
25 and the collection services center do not satisfy the support
26 obligations created by the orders or judgments, except as
27 provided for trusts governed by the federal Retirement Equity
28 Act of 1984, Pub. L. No. 98-397, for tax refunds or rebates
29 in section 602.8102, subsection 47, or for dependent benefits
30 paid to the child support obligee as the result of disability
31 benefits awarded to the child support obligor under the
32 federal Social Security Act. For trusts governed by the
33 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the
34 assignment of income shall require the payment of such sums to
35 the alternate payee in accordance with the federal Act.

1 Sec. 47. Section 598.22, Code 1989, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. For the purpose of enforcement,
4 medical support is additional support which, upon being
5 reduced to a dollar amount, may be collected through the same
6 remedies available for the collection and enforcement of child
7 support.

8 Sec. 48. NEW SECTION. 598.22A SATISFACTION OF SUPPORT
9 PAYMENTS.

10 Notwithstanding sections 252B.14 and 598.22, support
11 payments ordered pursuant to any support chapter for orders
12 entered on or after July 1, 1985, which are not made pursuant
13 to the provisions of section 252B.14 or 598.22, shall be
14 credited only as provided in this section.

15 1. For payment made pursuant to an order entered on or
16 after July 1, 1985, the clerk of the district court or
17 collection services center shall record a satisfaction as a
18 credit on the official support payment record if its validity
19 is confirmed by the court upon submission of an affidavit by
20 the person entitled to receive the payment, after notice is
21 given to all parties.

22 2. For purposes of this section, the state is a party to
23 which notice shall be given when public funds have been
24 expended pursuant to chapter 234, 239, or 249A, or similar
25 statutes in another state. If proper notice is not given to
26 the state when required, any order of satisfaction is void.

27 3. The court shall not enter an order for satisfaction of
28 payments not made through the clerk of the district court or
29 collection services center if those payments have been
30 assigned as a result of public funds expended pursuant to
31 chapter 234, 239, or 249A, or similar statutes in other
32 states.

33 Sec. 49. Section 675.25, Code Supplement 1989, is amended
34 to read as follows:

35 675.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT ORDER --

1 COSTS.

2 Upon a finding or verdict of paternity pursuant to section
3 675.24, the court shall establish the father's monthly support
4 payment and the amount of the support debt accrued or accruing
5 pursuant to section 598.21, subsection 4, until the child
6 reaches majority or until the child finishes high school, if
7 after majority. The court may order the father to pay amounts
8 the court deems appropriate for the past support and
9 maintenance of the child and for the reasonable and necessary
10 expenses incurred by or for the mother in connection with
11 prenatal care, the birth of the child, and postnatal care of
12 the child and the mother, and other medical support as defined
13 in section 252E.1. The court may award the prevailing party
14 the reasonable costs of suit, including but not limited to
15 reasonable attorney fees.

16 Sec. 50. NEW SECTION. 675.33 LIMITATIONS OF ACTIONS.

17 1. An action to establish paternity and support under this
18 chapter may be brought within the time limitations set forth
19 in section 614.8.

20 2. Notwithstanding subsection 1, an action to establish
21 paternity and support under this chapter may be brought
22 concerning a person who was under age eighteen on August 16,
23 1984, regardless of whether any prior action was dismissed
24 because a statute of limitations of less than eighteen years
25 was then in effect. Such an action may be brought within the
26 time limitations set forth in section 614.8, or until July 2,
27 1992, whichever is later.

28 Sec. 51. RULES.

29 The department of human services may adopt administrative
30 rules under section 17A.4, subsection 2, and section 17A.5,
31 subsection 2, paragraph "b", to implement the provisions of
32 sections 5, 13, and 25 through 40 of this Act, and the rules
33 may be made effective on or after July 1, 1990.

34 Sec. 52.

35 Section 48 of this Act applies retroactively to payments

1 under support orders entered on or after July 1, 1985.

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SENATE FILE 2429

H-6175

1 Amend Senate File 2429, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 23, by striking lines 3 through 11, and
4 inserting the following:

5 "NEW SUBSECTION. 8A. Notwithstanding subsection
6 8, a substantial change of circumstances exists when
7 the court order for child support deviates from the
8 child support guidelines established pursuant to
9 section 598.21, subsection 4 for a reason other than
10 that stated in the original order, unless the
11 provisions of the guidelines themselves have changed
12 since the entry or subsequent modification of the
13 original order. Upon application for a modification
14 of an order for child support where services are being
15 received pursuant to chapter 252B, the court shall act
16 in accordance with section 598.21, subsection 4."

By HAVERLAND of Polk

H-6175 FILED APRIL 7, 1990

ADOPTED (p 2273)

SENATE FILE 2429

E-6172

1 Amend the Senate File 2429, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 22, by striking lines 14 and 15, and
4 inserting the following:

5 "k. Changes in technology related to determination
6 of paternity, subject to the following conditions and
7 limitations:

8 (1) (a) For orders entered before July 1, 1990, a
9 petition to modify must be filed by July 1, 1991,
10 provided that the child is under the age of nineteen
11 years at the time the petition to modify is filed.

12 (b) For orders entered on or after July 1, 1990, a
13 petition to modify must be filed within five years of
14 the date of entry of the dissolution decree or the
15 order establishing paternity, provided that the child
16 is under the age of nineteen years at the time the
17 petition to modify is filed.

18 (2) Any modification of child support brought
19 under this lettered paragraph can be made retroactive
20 only to the date on which the notice of the pending
21 petition for modification is served on the opposing
22 party.

23 (3) The cost of testing related to the
24 determination of paternity shall be paid by the person
25 requesting the modification.

26 1. Other factors the court determines to be
27 relevant in an individual case."

By HALVORSON of Webster
BRAND of Benton
CORBETT of Linn

DAGGETT of Adams
JAY of Appanoose

E-6172 FILED APRIL 7, 1990

ADOPTED (p. 2275)

HOUSE AMENDMENT TO
SENATE FILE 2429

S-6022

1 Amend the Senate File 2429, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 22, by striking lines 14 and 15, and
4 inserting the following:

5 "k. Changes in technology related to determination
6 of paternity, subject to the following conditions and
7 limitations:

8 (1) (a) For orders entered before July 1, 1990, a
9 petition to modify must be filed by July 1, 1991,
10 provided that the child is under the age of nineteen
11 years at the time the petition to modify is filed.

12 (b) For orders entered on or after July 1, 1990, a
13 petition to modify must be filed within five years of
14 the date of entry of the dissolution decree or the
15 order establishing paternity, provided that the child
16 is under the age of nineteen years at the time the
17 petition to modify is filed.

18 (2) Any modification of child support brought
19 under this lettered paragraph can be made retroactive
20 only to the date on which the notice of the pending
21 petition for modification is served on the opposing
22 party.

23 (3) The cost of testing related to the
24 determination of paternity shall be paid by the person
25 requesting the modification.

26 1. Other factors the court determines to be
27 relevant in an individual case."

28 2. Page 23, by striking lines 3 through 11, and
29 inserting the following:

30 "NEW SUBSECTION. 8A. Notwithstanding subsection
31 8, a substantial change of circumstances exists when
32 the court order for child support deviates from the
33 child support guidelines established pursuant to
34 section 598.21, subsection 4 for a reason other than
35 that stated in the original order, unless the
36 provisions of the guidelines themselves have changed
37 since the entry or subsequent modification of the
38 original order. Upon application for a modification
39 of an order for child support where services are being
40 received pursuant to chapter 252B, the court shall act
41 in accordance with section 598.21, subsection 4."

42 3. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-6022 FILED APRIL 7, 1990
CONCURRED (p. 1726)

SENATE FILE 2429

AN ACT

RELATING TO RESPONSIBILITIES FOR THE RECEIPT AND DISBURSEMENT OF SUPPORT PAYMENTS, SATISFACTION OF A SUPPORT ORDER BY DIRECT PAYMENT TO THE PERSON WHO IS TO RECEIVE THE PAYMENT, MEDICAL SUPPORT FOR CHILDREN RECEIVING CHILD SUPPORT, MODIFICATION OF CHILD SUPPORT ORDERS, CHILD SUPPORT ENFORCEMENT, DETERMINATION OF PATERNITY AND ESTABLISHMENT OF PAST CHILD SUPPORT OBLIGATIONS, ESTABLISHING AN ADVISORY COMMITTEE, AND PROVIDING AN EFFECTIVE DATE FOR CERTAIN PROVISIONS.

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

Section 1. COLLECTION SERVICES -- TRANSITIONAL PROVISIONS.

In order to implement this Act, the department of human services and the judicial department shall mutually agree on a schedule to complete the transfer of support payment collection and disbursement responsibilities from the collection services center to the clerks of the district court. The schedule shall provide for the completion of the transfer of the responsibilities for all affected orders by June 30, 1991. The following procedure shall be used for any order affected by the initial transfer of responsibilities:

1. The department of human services shall develop a cumulative listing which specifies for each county the effective date by which the transfers of the responsibilities to the clerks of the district court in each county are completed. The department shall cause the listing to be published in the Iowa administrative bulletin on the first date the bulletin is published subsequent to the date the transfer of responsibilities to all counties are completed.

2. The department of human services shall issue a notice directing the obligor to submit payments to the clerk of the district court in accordance with the provisions of section

252B.14. The notice shall be issued to the obligor and the obligee by regular mail, when an address is known, at least ten days prior to the effective date of the transfer of the receipt of payment responsibilities to the clerk of the district court. The notice shall serve as the equivalent of a court order in redirecting the payment. The notice shall contain all of the following information:

- a. The names of the obligor, obligee, and affected children.
- b. A list of all court orders affected by transfer of the responsibilities, including the docket numbers, the county or counties of filing, effective dates of the support obligation, and the support obligation amounts.
- c. A list of credit amounts from the collection services center records that will be transmitted from the collection services center to the clerk of the district court.
- d. The effective date of the transfer of the responsibilities.

3. The clerk of the district court shall issue a notice to the obligor within ten days of the date the responsibilities are transferred. The notice shall contain all of the following information:

- a. Confirmation that the court-ordered support obligation is established within the clerk of the district court system for support payments.
- b. The clerk of the district court payment record account number.
- c. A list of the credit amounts entered into the clerk of the district court system for support payments.

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

2. The court of the responding state shall have the power to may order the respondent to pay sums sufficient to provide necessary food, shelter, clothing, care, medical or hospital expenses, including medical support as defined in chapter

252E, expenses of confinement, expenses of education of a child, funeral expenses and such other reasonable and proper expenses of the petitioner as justice requires, having due regard to the circumstances of the respective parties.

Sec. 3. NEW SECTION. 252A.5A LIMITATIONS OF ACTIONS.

1. An action to establish paternity and support under this chapter may be brought within the time limitations set forth in section 614.8.

2. Notwithstanding subsection 1, an action to establish paternity and support under this chapter may be brought concerning a person who was under age eighteen on August 16, 1984, regardless of whether any prior action was dismissed because a statute of limitations of less than eighteen years was then in effect. Such an action may be brought within the time limitations set forth in section 614.8, or until July 2, 1992, whichever is later.

Sec. 4. Section 252B.5, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Assistance in obtaining medical support as defined in chapter 252E.

Sec. 5. Section 252B.5, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 7. At the request of either parent who is subject to the order of support or upon its own initiation, review the amount of the support award in accordance with the guidelines established pursuant to section 598.21, subsection 4, and the federal Family Support Act of 1988, and take action to initiate modification proceedings if the criteria established pursuant to this section are met. However, a review of a support award is not required in those cases for which an assignment ordered pursuant to chapter 234 or 239 is in effect if the child support recovery unit determines that such a review would not be in the best interest of the child and neither parent has requested such review.

The department shall adopt rules no later than October 13, 1990, setting forth the process for review of requests for modification of support obligations and the criteria and process for taking action to initiate modification proceedings.

Sec. 6. Section 252B.6, subsection 3, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

3. Appear on behalf of the state for the purpose of facilitating the modification of support awards consistent with guidelines established pursuant to section 598.21, subsection 4 and the federal Family Support Act of 1988. The unit shall not otherwise participate in the proceeding.

Sec. 7. Section 252B.6, subsection 4, paragraph B, Code 1989, is amended by striking the paragraph.

Sec. 8. Section 252B.7, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An attorney employed by or under contract with the child support recovery unit represents and acts on behalf of the state when providing child support enforcement services.

Sec. 9. Section 252B.13, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

252B.13 COLLECTION SERVICES CENTER.

1. The department shall establish within the unit a collection services center for the receipt and disbursement of support payments as defined in section 598.1 required pursuant to an order for which the unit is providing or has provided enforcement services on or after July 1, 1988, under this chapter. For purposes of this section, support payments do not include attorney fees or court costs.

2. The center shall develop an automated system to provide support payment records from the center to the clerks of the district court and the clerks of the district court are authorized to receive this information.

3. On January 1 of each year the center shall submit a report to the fiscal committee of the legislative council relating to the time required between the time the payment is received and the time the funds are distributed to the recipient.

Sec. 10. Section 252B.14, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES CENTER -- CLERK OF THE DISTRICT COURT.

All support payments required pursuant to orders entered under this chapter and chapter 234, 252A, 252C, 598, 675, or any other chapter shall be directed and processed as follows:

1. If the child support recovery unit is providing enforcement services for a support order, support payments made pursuant to the order shall be directed to and processed as follows:

a. Payments made through income withholding, wage assignment, unemployment insurance offset, or tax offset shall be directed to and disbursed by the collection services center.

b. Payments made through electronic transfer of funds, including but not limited to use of an automated teller machine, a telephone initiated bank account withdrawal, or an automatic bank account withdrawal shall be directed to and disbursed by the collection services center.

c. Payments made through any other method shall be directed to the clerk of the district court in the county in which the order for support is filed and shall be disbursed by the collection services center.

2. If the child support recovery unit is not providing enforcement services for a support order, support payments made pursuant to the order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed.

3. Payments to persons other than the clerk of the district court or the collection services center do not satisfy the support obligations created by a support order or judgment, except as provided for trusts and social security income in section 252D.1, 598.22, or 598.23, or for tax refunds or rebates in section 602.8102, subsection 47, and except as provided for certain orders entered on or after July 1, 1985, in which a sworn affidavit is submitted as proof of payment pursuant to section 598.22A.

Sec. 11. NEW SECTION. 252B.15 PROCESSING AND DISBURSEMENT OF SUPPORT PAYMENTS.

1. If the child support recovery unit is providing enforcement services for a support order, the collection services center is the official entity responsible for disbursing the support payments made pursuant to the order.

2. The collection services center shall notify the clerk of the district court of any order for which the child support recovery unit is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. The collection services center shall process and disburse the payment in accordance with federal requirements.

3. If the child support recovery unit is not providing enforcement services for a support order, the clerk of the district court in the county in which the order for support is filed is the official entity responsible for disbursing of support payments made pursuant to the order.

4. If the unit's child support enforcement services relating to a support order are terminated but the support obligation remains accrued or accruing, the support payment receipt and disbursement responsibilities relating to the order shall be transferred from the collection services center to the appropriate clerk of the district court. The department shall adopt rules pursuant to chapter 17A relating to the transfer of the responsibilities.

5. If it is possible to identify the support order to which a payment is to be applied, a payment received by the collection services center or the clerk of the district court shall be disbursed to the appropriate individual or office within two working days in accordance with section 598.22.

Sec. 12. Section 252B.16, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

252B.16 TRANSFER OF SUPPORT ORDER PROCESSING RESPONSIBILITIES -- ONGOING PROCEDURES.

1. For a support order being processed by the clerk of the district court, upon notification that the unit is providing enforcement services related to the order, the clerk of the district court shall immediately transfer the responsibility for the disbursement of support payments received pursuant to the order to the collection services center.

2. The department shall adopt rules pursuant to chapter 17A to ensure that the affected parties are notified that the support payment disbursement responsibilities have been transferred to the collection services center from the clerk of the district court. The rules shall include a provision requiring that a notice shall be sent by regular mail to the last known addresses of the obligee and the obligor.

Sec. 13. NEW SECTION. 252B.18 ADVISORY COMMITTEE ESTABLISHED.

The department shall establish a child support enforcement program advisory committee which shall include representatives of custodial parent groups, noncustodial parent groups, the judicial department, the office of citizens' aide, the Iowa state bar association, and representatives of other constituencies having an interest in child support enforcement issues. The advisory committee shall assist the department in reviewing issues related to the implementation of the federal Family Support Act of 1988 and methods of improving service. With the assistance of the advisory committee, the department

shall review existing policies, practices, and procedures of the child support recovery unit to identify areas in which administrative appeals procedures or other provisions for review of contested issues would help to assure fair and impartial treatment of persons affected by actions of the unit.

Sec. 14. Section 252C.1, subsection 2, Code 1989, is amended to read as follows:

2. "Court order" means a judgment or order of a court of this state or another state requiring the payment of a set or determinable amount of monetary support. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support, as defined in section 252E.1, is not included in the amount of monetary support.

Sec. 15. Section 252C.1, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 8. "Medical support" means either the provision of coverage under a health benefit plan, including a group or employment-related or an individual health benefit plan, or a health benefit plan provided pursuant to chapter 514E, to meet the medical needs of a dependent and the cost of any premium required by a health benefit plan, or the payment to the obligee of a monetary amount in lieu of providing coverage under a health benefit plan, either of which is an obligation separate from any monetary amount of child support ordered to be paid.

Sec. 16. Section 252C.3, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

In the absence of a court order, or if an administrative order exists which does not require provision of medical support as defined in chapter 252E or equivalent medical support, the administrator may issue a notice establishing and demanding either payment of medical support established as defined in chapter 252E or payment of an accrued or accruing support debt due and owed to the department or an individual

under section 252C.2, or both. The notice shall be served upon the responsible person in accordance with the rules of civil procedure. The notice shall include all of the following:

Sec. 17. Section 252C.3, subsection 1, paragraph d, Code 1989, is amended to read as follows:

d. A demand for either immediate payment of the support debt or of a medical support debt established as defined in chapter 252E, or both.

Sec. 18. Section 252C.3, subsection 1, paragraph e, subparagraphs (3) and (4), Code 1989, are amended to read as follows:

(3) A statement that after the holding of the negotiation conference, the administrator may issue a new notice and finding of financial responsibility for child support or medical support, or both, to be sent to the responsible person by regular mail addressed to the responsible person's last known address, or if applicable, to the last known address of the responsible person's attorney.

(4) A statement that if the administrator issues a new notice and finding of financial responsibility for child support or medical support, or both, then the responsible person shall have ten days from the date of issuance of the new notice or twenty days from the date of service of the original notice, whichever is later, to send a request for a hearing to the office of the child support recovery unit which issued the notice.

Sec. 19. Section 252C.3, subsection 1, paragraphs f, g, and i, Code 1989, are amended to read as follows:

f. A statement that if the responsible person objects to all or any part of the notice or finding of financial responsibility for child support or medical support, or both, and no a negotiation conference is not requested, then within twenty days of the date of service, the responsible person shall, within twenty days of the date of service send to the

office of the child support recovery unit which issued the notice a written response setting forth any objections and requesting a hearing.

g. A statement that if a timely written request for a hearing is received by the office of the child support recovery unit which issued the notice, the responsible person shall have the right to a hearing to be held in district court; and that if no timely written response is received, the administrator may enter an order in accordance with the notice and finding of financial responsibility for child support or medical support, or both.

1. A statement that the responsible person shall notify the administrator of any change of address, or employment, or medical coverage as required by chapter 252E.

Sec. 20. Section 252C.3, subsection 4, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The medical support required pursuant to chapter 598 and rules adopted pursuant to chapter 252E.

Sec. 21. Section 252C.3, subsection 5, Code 1989, is amended to read as follows:

5. The responsible person shall be sent a copy of the order by regular mail addressed to the responsible person's last known address, or if applicable, to the last known address of the responsible person's attorney. The order is final, and action by the administrator to enforce and collect upon the order, including arrearages and medical support, or both, may be taken from the date of issuance of the order.

Sec. 22. Section 252C.4, subsections 2 and 4, Code Supplement 1989, are amended to read as follows:

2. If the matter has not been heard previously by the district court, or an existing administrative order does not provide for medical support pursuant to chapter 252E, the certification shall include true copies of the notice and finding of financial responsibility or notice of the support debt accrued and accruing, the return of service, the written

objections and request for hearing, and true copies of any administrative orders previously entered.

4. The court shall establish the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 590.21, subsection 4, or medical support pursuant to chapter 252E, or both.

Sec. 23. Section 252C.9, Code 1989, is amended to read as follows:

252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.

If an order of the administrator issued pursuant to this chapter conflicts with an order of a court, the court order prevails regarding support issues addressed by the court order.

Sec. 24. Section 252D.1, subsection 1, Code 1989, is amended to read as follows:

1. 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, medical support as defined in chapter 252E, 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 accredited 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. 25. NEW SECTION. 252E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Child" means a person for whom child support may be ordered pursuant to chapter 234, 239, 252A, 252C, 590, or 675 or any other chapter of the Code.

2. "Department" means the department of human services, which includes but is not limited to the child support recovery unit, or any comparable support enforcement agency of another state.

3. "Dependent" means a child, or an obligee for whom a court may order coverage by a health benefit plan pursuant to section 252E.3.

4. "Enroll" means to be eligible for and covered by a health benefit plan.

5. "Health benefit plan" means any policy or contract of insurance, indemnity, subscription or membership issued by an insurer, health service corporation, health maintenance organization, or any similar corporation, organization, or a self-insured employee benefit plan, for the purpose of covering medical expenses. These expenses may include, but are not limited to hospital, surgical, major medical insurance, dental, optical, prescription drugs, office visits, or any combination of these or any other comparable health care expenses.

6. "Insurer" means any entity which provides a health benefit plan.

7. "Medical support" means either the provision of a health benefit plan, including a group or employment-related or an individual health benefit plan, or a health benefit plan provided pursuant to chapter 514E, to meet the medical needs of a dependent and the cost of any premium required by a health benefit plan, or the payment to the obligee of a monetary amount in lieu of a health benefit plan, either of which is an obligation separate from any monetary amount of

child support ordered to be paid. Medical support is not alimony.

8. "Obligee" means a parent or another natural person legally entitled to receive a support payment on behalf of a child.

9. "Obligor" means a parent or another natural person legally responsible for the support of a dependent.

Sec. 26. NEW SECTION. 252E.2 ORDER FOR MEDICAL SUPPORT.

The entry of an order, pursuant to chapter 234, 252A, 252C, 598, or 675, requiring the provision of coverage under a health benefit plan is authorization for enrollment of the dependent if the dependent is otherwise eligible to be enrolled. The dependent's eligibility and enrollment for coverage under such a plan shall be governed by all applicable terms and conditions, including, but not limited to, eligibility and insurability standards. The dependent, if eligible, shall be provided the same coverage as the obligor.

Sec. 27. NEW SECTION. 252E.3 HEALTH BENEFIT COVERAGE OF OBLIGEE.

For cases for which services are being provided pursuant to chapter 252B, the order may require an obligor providing a health benefit plan for a child to also provide a health benefit plan for the benefit of an obligee if the obligee is eligible for enrollment under the plan in which the child or the obligor is enrolled, and if the plan is available at no additional cost.

Sec. 28. NEW SECTION. 252E.4 COPY OF ORDER TO EMPLOYER.

The obligor shall take all steps necessary to enroll and maintain coverage under a health benefit plan for a dependent at present and all future places of employment, and shall send a copy of the order requiring the coverage to the obligor's employer.

1. Within fifteen days of entry of the order, the obligor shall provide written proof to the obligee and the department that the required coverage has been obtained or that application for coverage has been made.

2. If the obligor fails to provide written proof as required in subsection 1, a copy of the order for medical support shall be forwarded to the obligor's employer by the obligee or the department.

3. The chapter shall be constructive notice to the obligor of enforcement and further notice prior to enforcement is not required.

4. The order requiring coverage is binding on all future employers or insurers if the dependent is eligible to be enrolled in the health benefit plan under the applicable plan terms and conditions.

Sec. 29. NEW SECTION. 252E.5 EFFECT OF ORDER ON EMPLOYER.

When the order has been forwarded to the obligor's employer pursuant to section 252E.4, the order is binding on the employer and the employer's insurer to the extent that the dependent is eligible to be enrolled in the plan under the applicable terms and conditions of the health benefit plan. The employer shall forward a copy of the order to the insurer and request enrollment of the dependent in the health benefit plan. Within sixty days of receipt of the order or within sixty days of receipt of application of the obligor pursuant to the order, whichever is earlier, the insurer shall determine whether the dependent is eligible for enrollment under the plan and shall notify the employer of the dependent's eligibility status. If eligible, the employer shall withhold any required premium from the obligor's income or wages. If more than one plan is offered by the employer, the dependent shall be enrolled in the health benefit plan in which the obligor is enrolled.

Within thirty days of receipt of an order that requires an obligor to enroll a dependent in a health benefit plan, the obligor's employer shall provide the following information regarding the enrollment status of the dependent to the obligor, the obligee, and the department:

1. That the dependent has been enrolled in a health benefit plan.
 2. That the dependent will be enrolled in the next enrollment period.
 3. That the dependent is not eligible for enrollment and the reasons that the dependent is not eligible to be enrolled.
 4. That the order has been forwarded to the insurer and a determination of eligibility for enrollment has not been made.
 5. If either subsection 1 or 2 describes the enrollment status of the dependent, all of the following information:
 - a. The name of the insurer providing the health benefit plan.
 - b. The dependent's effective date of coverage.
 - c. The health benefit plan or account number.
 - d. The type of health benefit plan under which the dependent has been enrolled, including whether dental, optical, office visits, and prescription drugs are covered services. Additionally, the response shall include a brief description of the applicable deductibles, coinsurance, waiting periods for preexisting medical conditions, and other significant terms or conditions which materially affect the coverage.
- If an order requiring that the obligor provide coverage under a health benefit plan for the dependent has been forwarded to the obligor's employer pursuant to section 252E.4, and the obligor's employment is terminated, the employer shall provide notice to the obligee and the department within ten days of termination of the obligor's employment. If an order requiring that the obligor provide coverage under a health benefit plan for the dependent has been forwarded to the obligor's employer pursuant to section 252E.4, and the employer's health benefit plan is terminated either in its entirety or with respect to the obligor's insurance classification, or the employer has changed its insurer, the employer shall provide notice to the obligee and

the department ten days prior to the termination of coverage or change in insurer.

This chapter does not preclude the exchange of required information between the department and employers or insurers through electronic data transfer.

Sec. 30. NEW SECTION. 252E.6 DURATION OF HEALTH BENEFIT PLAN COVERAGE.

1. A child is eligible for medical support for the duration of the obligor's child support obligation. However, the child's eligibility for coverage under a health benefit plan shall be governed by all applicable plan provisions including, but not limited to, eligibility and insurability standards.

2. For cases for which services are being provided pursuant to chapter 252B, termination of an obligee's medical support ordered pursuant to section 252E.3 shall be governed by the insurer's health benefit plan provisions for termination and by applicable federal law.

Sec. 31. NEW SECTION. 252E.7 INSURER AUTHORIZATION.

1. The entry of an order requiring a health benefit plan is authorization for enrollment of the dependent if the dependent is otherwise eligible to be enrolled. If an order has been forwarded to the insurer pursuant to section 252E.5 and is not accompanied by an appropriate application for enrollment of the dependent signed by the obligor, the insurer shall attempt to obtain a signed application from the obligor. If the insurer is unsuccessful in obtaining a signed application from the obligor within thirty days after the insurer's initial request to the obligor, the insurer shall accept the signature of the obligee or an employee of the department as valid authorization for enrollment of the dependent under the health benefit plan.

2. For purposes of processing claims for payment, the insurer shall attempt to obtain the obligor's written authorization to accept the signature of the obligee or an

employee of the department on all claim forms submitted to the insurer for medical services provided to the dependent. Upon receipt of such written authorization from the obligor on at least an annual basis, the insurer shall accept the signature of the obligee or an employee of the department as valid authorization for purposes of processing any medical expense claims on behalf of the dependent for payment or reimbursement of medical services rendered to the dependent.

If the insurer is unsuccessful in obtaining such written authorization from the obligor within thirty days after the insurer's initial request to the obligor, the insurer shall accept the signature of the obligee or an employee of the department as valid authorization for purposes of processing any medical expense claims on behalf of the dependent for payment or reimbursement of medical services rendered to the dependent.

3. The insurer shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed for actions taken in implementing this section including, but not limited to, the insurer's release of any information, or the payment of any claims for services by the insurer, or the insurer's acceptance of applications for enrollment of the dependent and medical expense claims for the dependent which are signed by the obligee or an employee of the department pursuant to this section.

4. This section does not preclude an insurer from issuing payment directly to the provider if such payment procedure is consistent with the health benefit plan under which the dependent is enrolled, except as provided pursuant to chapter 249A.

5. Payments remitted to the obligor by the insurer for services received by the dependent shall be recoverable by the obligee or the department from the obligor if not properly paid by the obligor to the provider or the obligee.

Sec. 32. NEW SECTION. 252E.8 RELEASES OF INFORMATION.

1. If an order for coverage under a health benefit plan has been forwarded pursuant to section 252E.5, the obligor's employer or insurer shall release to the obligee or the department upon receiving a written request, the information necessary to complete an application or to file a claim for medical expenses of the dependent, provided the obligor's employer or insurer is given sufficient opportunity to obtain written authorization for the release of such information from the obligor pursuant to this section.

2. The employer or insurer shall make available to the obligee or the department any necessary claim forms or enrollment membership cards if required to obtain services.

3. The obligor's employer and insurer shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed for any information released by such employer or insurer pursuant to this chapter.

4. The department may release to the obligor's employer or insurer or to the obligee information necessary to obtain, enforce, and collect medical support.

Sec. 33. NEW SECTION. 252E.9 RESPONSIBILITIES OF THE OBLIGOR.

1. For cases for which services are being provided pursuant to chapter 252B, an obligor who fails to maintain medical support for the benefit of the dependent as ordered shall be liable to the obligee or the department for any medical expenses incurred from the date of the court order. Proof of failure to maintain medical support constitutes a showing of increased need and provides a basis for the establishment of a monetary amount for medical support.

2. For cases for which services are being provided pursuant to chapter 252B, the obligor shall notify the obligee and the department within ten days of a change in the terms or conditions of coverage under a health benefit plan. Such changes may include, but are not limited to, a change in deductibles, coinsurance, preadmission notification

requirements, coverage for dental, optical, office visits, prescription drugs, inpatient and outpatient hospitalization, and any other changes which materially affect the coverage. Costs incurred by the obligee or the department as a result of the obligor's failure to provide notification as required are recoverable from the obligor.

Sec. 34. NEW SECTION. 252E.10 RESPONSIBILITY OF THE DEPARTMENT.

For cases for which services are being provided pursuant to chapter 252B, the department shall take steps required by federal regulations to implement and enforce an order for medical support.

Sec. 35. NEW SECTION. 252E.11 ASSIGNMENT.

If medical assistance coverage is provided by the department to a dependent, rights to medical support payments are assigned to the department pursuant to federal regulations.

Sec. 36. NEW SECTION. 252E.12 ENFORCEMENT.

For the purposes of enforcement pursuant to chapter 252B, medical support may be reduced to a dollar amount and may be collected through the same remedies available for the collection and enforcement of child support.

Sec. 37. NEW SECTION. 252E.13 MODIFICATION OF SUPPORT ORDER.

1. When high potential for obtaining medical support exists, the obligee or the department may petition for a modification of the obligor's support order to include medical support or a monetary amount for medical support pursuant to this chapter.

2. In addition, if an administrative order entered pursuant to chapter 252C does not provide medical support as defined in this chapter or equivalent medical support, the department may obtain a medical support order pursuant to chapter 252C. A medical support order obtained pursuant to chapter 252C may be an additional or separate support judgment

and shall be known as an administrative order for medical support.

Sec. 38. NEW SECTION. 252E.14 CHILD SUPPORT.

Unless the order specifies otherwise, medical support is not included in the monetary amount of child support ordered to be paid for orders entered on or after July 1, 1990.

Sec. 39. NEW SECTION. 252E.15 RULEMAKING AUTHORITY -- COMPLIANCE.

The department shall adopt rules pursuant to chapter 17A to implement this chapter for cases for which services are provided pursuant to chapter 252B. The department shall cooperate with any agency of the state or federal government as may be necessary to qualify for federal funds in conformity with provisions of this chapter and Title IV-D of the federal Social Security Act.

Sec. 40. NEW SECTION. 252E.16 SCOPE AND EFFECT.

1. The provisions of this chapter take effect July 1, 1990, for all support orders entered pursuant to chapter 234, 252A, 252C, 598, or 675.

2. If an obligor was ordered to provide a health benefit plan or insurance coverage under an order entered prior to July 1, 1990, but did not comply with the order, insurers are not liable for medical expenses incurred prior to July 1, 1990. However, such an order may be implemented pursuant to the provisions of this chapter following its enactment. This chapter shall not be implemented retroactively; however, previous orders for medical support not otherwise complied with may be reduced to a dollar amount and collected from the obligor.

Sec. 41. NEW SECTION. 598.1, subsection 2, Code 1989, is amended to read as follows:

2. "Support" or "support payments" means an amount which the court may require either of the parties to pay under a temporary order or a final judgment or decree, and may include alimony, child support, maintenance, and any other term used

to describe these obligations. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support is not included in the monetary amount of child support. The obligations may include support for a child who is between the ages of eighteen and twenty-two years who is regularly attending an accredited 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; or a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.

Sec. 42. Section 598.21, subsection 4, paragraph a, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Until such time as the supreme court incorporates the provision of medical support in the guidelines as required by paragraph "c", the court shall order as child medical support a health benefit plan as defined in chapter 252E if available to either parent at a reasonable cost. A health benefit plan is considered reasonable in cost if it is employment-related or other group health insurance, regardless of the service delivery mechanism. The premium cost of the health benefit plan may be considered by the court as a reason for varying from the child support guidelines. If a health benefit plan is not available at a reasonable cost, the court may order any other provisions for medical support as defined in chapter 252E.

Sec. 43. Section 598.21, subsection 4, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The guidelines prescribed by the supreme court shall incorporate provisions for medical support as defined in chapter 252E to be effective on or before January 1, 1991.

Sec. 44. Section 598.21, subsection 8, Code Supplement 1989, is amended to read as follows:

8. The court may subsequently modify orders made under this section when there is a substantial change in circumstances. 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, mental, 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. Changes in technology related to determination of paternity, subject to the following conditions and limitations:

(1) (a) For orders entered before July 1, 1990, a petition to modify must be filed by July 1, 1991, provided that the child is under the age of nineteen years at the time the petition to modify is filed.

(b) For orders entered on or after July 1, 1990, a petition to modify must be filed within five years of the date

of entry of the dissolution decree or the order establishing paternity, provided that the child is under the age of nineteen years at the time the petition to modify is filed.

(2) Any modification of child support brought under this lettered paragraph can be made retroactive only to the date on which the notice of the pending petition for modification is served on the opposing party.

(3) The cost of testing related to the determination of paternity shall be paid by the person requesting the modification.

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

PARAGRAPH 1. (b) (1). 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.

Judgments for child support or child support awards entered pursuant to this chapter, chapter 234, 252A, 252C, 675, or any other chapter of the Code which are subject to a modification proceeding may be retroactively modified only from the date the notice of the pending petition for modification is served on the opposing party.

Sec. 45. Section 598.21, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. Notwithstanding subsection 8, a substantial change of circumstances exists when the court order for child support deviates from the child support guidelines established pursuant to section 598.21, subsection 4 for a reason other than that stated in the original order, unless the provisions of the guidelines themselves have changed since the entry or subsequent modification of the original order. Upon application for a modification of an order for child support where services are being received pursuant to chapter 252B, the court shall act in accordance with section 598.21, subsection 4.

Sec. 46. Section 598.22, unnumbered paragraph 1, Code 1989, is amended to read as follows:

This Except as otherwise provided in section 598.22A, this section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 675, or any other chapter of the Code. All orders or judgments entered under chapter 234, 252A, 252C, or 675, or under this chapter or any other chapter which provide for temporary or permanent support payments shall direct the payment of those sums to the clerk of the district court or the collection services center in accordance with section 252B.14 for the use of the person for whom the payments have been awarded. Payments to persons other than the clerk of the district court and the collection services center do not satisfy the support obligations created by the orders or judgments, except as provided for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for tax refunds or rebates in section 602.8102, subsection 47, or for dependent benefits paid to the child support obligee as the result of disability benefits awarded to the child support obligor under the federal Social Security Act. 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 in accordance with the federal Act.

Sec. 47. Section 598.22, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purpose of enforcement, medical support is additional support which, upon being reduced to a dollar amount, may be collected through the same remedies available for the collection and enforcement of child support.

Sec. 48. NEW SECTION. 598.22A SATISFACTION OF SUPPORT PAYMENTS.

Notwithstanding sections 252B.14 and 598.22, support payments ordered pursuant to any support chapter for orders entered on or after July 1, 1985, which are not made pursuant to the provisions of section 252B.14 or 598.22, shall be credited only as provided in this section.

1. For payment made pursuant to an order entered on or after July 1, 1985, the clerk of the district court or collection services center shall record a satisfaction as a credit on the official support payment record if its validity is confirmed by the court upon submission of an affidavit by the person entitled to receive the payment, after notice is given to all parties.

2. For purposes of this section, the state is a party to which notice shall be given when public funds have been expended pursuant to chapter 234, 239, or 249A, or similar statutes in another state. If proper notice is not given to the state when required, any order of satisfaction is void.

3. The court shall not enter an order for satisfaction of payments not made through the clerk of the district court or collection services center if those payments have been assigned as a result of public funds expended pursuant to chapter 234, 239, or 249A, or similar statutes in other states.

Sec. 49. Section 675.25, Code Supplement 1989, is amended to read as follows:

675.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT ORDER -- COSTS.

Upon a finding or verdict of paternity pursuant to section 675.24, the court shall establish the father's monthly support payment and the amount of the support debt accrued or accruing pursuant to section 598.21, subsection 4, until the child reaches majority or until the child finishes high school, if after majority. The court may order the father to pay amounts the court deems appropriate for the past support and maintenance of the child and for the reasonable and necessary expenses incurred by or for the mother in connection with prenatal care, the birth of the child, and postnatal care of the child and the mother, and other medical support as defined in section 252E.1. The court may award the prevailing party the reasonable costs of suit, including but not limited to reasonable attorney fees.

Sec. 50. NEW SECTION. 675.33 LIMITATIONS OF ACTIONS.

1. An action to establish paternity and support under this chapter may be brought within the time limitations set forth in section 614.8.

2. Notwithstanding subsection 1, an action to establish paternity and support under this chapter may be brought concerning a person who was under age eighteen on August 16, 1984, regardless of whether any prior action was dismissed because a statute of limitations of less than eighteen years was then in effect. Such an action may be brought within the time limitations set forth in section 614.8, or until July 2, 1992, whichever is later.

Sec. 51. RULES.

The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of sections 5, 13, and 25 through 40 of this Act, and the rules may be made effective on or after July 1, 1990.

Sec. 52.

Section 48 of this Act applies retroactively to payments under support orders entered on or after July 1, 1985.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2429, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 30, 1990

TERRY E. BRANSTAD
Governor