

*Reprinted*

MAR 20 1991

HOUSE FILE 558

Place On Calendar

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 217)

Passed House, Date 3/28/91 (p. 95-1) Passed Senate, Date 4/17/91 (P. 1332)  
 Vote: Ayes 91 Nays 0 Vote: Ayes 50 Nays 2  
 Approved May 14, 1991

A BILL FOR

1 An Act relating to child support by affecting informational  
 2 requirements of the child support recovery unit and the  
 3 receipt and disbursement of child support payments.  
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 558

H-3381

1 Amend House File 558 as follows:  
 2 1. Page 4, by inserting after line 19, the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 598.26, subsection 1, Code  
 5 1991, is amended to read as follows:  
 6 1. Until a decree of dissolution has been entered,  
 7 the record and evidence shall be closed to all but the  
 8 court, and its officers, and the child support  
 9 recovery unit of the department of human services  
 10 pursuant to section 252B.9. No officer or other  
 11 person shall permit a copy of any of the testimony, or  
 12 pleading, or the substance thereof, to be made  
 13 available to any person other than a party to the  
 14 action or a party's attorney. Nothing in this  
 15 subsection shall be construed to prohibit publication  
 16 of the original notice as provided by the rules of  
 17 civil procedure."  
 18 2. By renumbering as necessary.

By NEUHAUSER of Johnson

H-3381 FILED MARCH 28, 1991  
 ADOPTED (p. 95-2)

HF 558

1 Section 1. Section 252B.9, Code 1991, is amended to read  
2 as follows:

3 252B.9 AVAILABILITY OF RECORDS.

4 1. a. The director may request from state, county and  
5 local agencies, information and assistance deemed necessary to  
6 carry out the provisions of this chapter. State, county and  
7 local agencies, officers and employees shall co-operate with  
8 the unit in locating absent parents of children on whose  
9 behalf public assistance is being provided and shall on  
10 request supply the department with available information  
11 relative to the location, income and property holdings of the  
12 absent parent and the custodial parent, notwithstanding any  
13 provisions of law making such this information confidential.  
14 The cooperation and information required by this subsection  
15 shall also be provided to the department when it is requested  
16 by the unit on behalf of persons who have applied for support  
17 enforcement services.

18 b. Parents of a child on whose behalf support enforcement  
19 services are provided shall provide information regarding  
20 income, resources, financial circumstances, and property  
21 holdings to the department for the purpose of establishment,  
22 modification, or enforcement of a support obligation. The  
23 department may provide the information to parents of a child  
24 as needed to implement the requirements of section 598.21,  
25 subsection 4, notwithstanding any provisions of law making  
26 this information confidential.

27 2. Information Except as otherwise provided in subsection  
28 1, paragraph "b", information recorded by the department  
29 pursuant to this section shall be available only to the unit,  
30 attorneys prosecuting a case in which the unit may participate  
31 according to sections 252B.5 and 252B.6, courts having  
32 jurisdiction in support or abandonment proceedings, and  
33 agencies in other states charged with support collection and  
34 paternity determination responsibilities as determined by the  
35 rules of the department and the provisions of Title IV of the

1 federal Social Security Act. However, information relating to  
2 the location of an absent parent shall be made available,  
3 pursuant to federal regulations, to a resident parent, legal  
4 guardian, attorney, or agent of a child who is not receiving  
5 assistance under Title IV-A of the federal Social Security  
6 Act. Unless otherwise prohibited by federal statute or  
7 regulation, the child support recovery unit shall release  
8 information relating to an absent parent to another unit of  
9 the department pursuant to a written request for the  
10 information approved by the director.

11 Sec. 2. Section 252B.13A, subsection 1, Code 1991, is  
12 amended to read as follows:

13 1. The department shall establish within the unit a  
14 collection services center for the receipt and disbursement of  
15 support payments as defined in section 598.1 required pursuant  
16 to an order for which the unit is providing ~~er-has-provided~~  
17 enforcement services ~~on-or-after-July-17-1988~~, under this  
18 chapter. For purposes of this section, support payments do  
19 not include attorney fees or court costs.

20 Sec. 3. Section 252B.14, subsection 3, Code 1991, is  
21 amended to read as follows:

22 3. Payments to persons other than the clerk of the  
23 district court or the collection services center do not  
24 satisfy the support obligations created by a support order or  
25 judgment, except as provided for trusts and social security  
26 income in section 252D.1, 598.22, or 598.23, or for tax  
27 refunds or rebates in section 602.8102, subsection 47, and  
28 except as provided ~~for-certain-orders-entered-on-or-after-July~~  
29 ~~17-1985,-in-which-a-sworn-affidavit-is-submitted-as-proof-of~~  
30 ~~payment-pursuant-to~~ in section 598.22A.

31 Sec. 4. Section 252B.15, subsection 4, Code 1991, is  
32 amended to read as follows:

33 4. If the unit's child support enforcement services  
34 relating to a support order are terminated but the support  
35 obligation remains accrued or accruing, the support payment

1 receipt and disbursement responsibilities relating to the  
2 order shall be transferred from the collection services center  
3 to the appropriate clerk of the district court. The  
4 department shall send notice of the transfer to the last known  
5 addresses of the obligor and obligee. The issuance of notice  
6 to the obligor is the equivalent of a court order requiring  
7 the obligor to direct payment to the clerk of the district  
8 court for disbursement. The department shall adopt rules  
9 pursuant to chapter 17A relating to the transfer of the  
10 responsibilities and notice requirements.

11 Sec. 5. Section 252B.16, subsection 2, Code 1991, is  
12 amended to read as follows:

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

23 Sec. 6. Section 252D.18, subsection 1, Code 1991, is  
24 amended to read as follows:

25 1. The employer, trustee, or other payor who receives an  
26 order of assignment by certified mail pursuant to section  
27 252D.1, subsection 3, or subchapter II, shall deliver, on the  
28 next working day, a copy of the order to the person named in  
29 the order. The payor may deduct not more than two dollars  
30 from each payment from the employee's wages as a reimbursement  
31 for the payor's costs relating to the assignment. The payor's  
32 compliance with the order of assignment satisfies the payor's  
33 obligation to the person for the amount of income withheld and  
34 transmitted to the clerk of the district court or collection  
35 services center.

1 Sec. 7. Section 598.22A, subsection 1, Code 1991, is  
2 amended to read as follows:

3 1. For payment made pursuant to an order entered-on-or  
4 after-July-17-1985, the clerk of the district court or  
5 collection services center shall record a satisfaction as a  
6 credit on the official support payment record if its validity  
7 is confirmed by the court upon submission of an affidavit by  
8 the person entitled to receive the payment, after notice is  
9 given to all parties.

10 If a satisfaction recorded on the official support payment  
11 record by the clerk of the district court or collection  
12 services center prior to July 1, 1991, was not confirmed as  
13 valid by the court, and a party to the action submits a  
14 written affidavit objecting to the satisfaction, notice of the  
15 objection shall be mailed to all parties at their last known  
16 addresses. After all parties have had sufficient opportunity  
17 to respond to the objection, the court shall either require  
18 the satisfaction to be removed from the official support  
19 payment record or confirm its validity.

20 EXPLANATION

21 Section 1 of the bill requires state, county, and local  
22 agencies, officers and employees to cooperate with the child  
23 support recovery unit of the department of human services in  
24 locating an absent parent on behalf of persons who have  
25 applied for enforcement services, and to supply the department  
26 of human services with certain information regarding the  
27 custodial parent. The section also requires parents to  
28 provide information requested by the department, and allows  
29 the department to share the information with both parents.

30 Section 2 removes a provision requiring the child support  
31 recovery unit's collection services center to manage receipt  
32 and disbursement of support payments if the unit provided, but  
33 no longer provides, enforcement services relating to the  
34 payment on or after July 1, 1988. The bill enables support  
35 payments to be made to the clerk of court when enforcement

1 services have terminated.

2 Sections 3 and 7 provide a method by which a recorded  
3 satisfaction of a child support payment which was entered  
4 without confirmation by a court can be challenged by a party  
5 and corrected by a court.

6 Sections 4 and 5 require the department to notify the  
7 obligor and obligee of a transfer of responsibility regarding  
8 receipt and disbursement of child support payments upon  
9 termination of the child support recovery unit's services from  
10 the collection services center to a clerk of district court.  
11 The sections also provide that issuance of notice to the  
12 obligor is equivalent to a court order directing payment to  
13 the clerk of the district court or the collection services  
14 center.

15 Section 6 allows child support payments to either be  
16 transmitted to the collection services center or to the clerk  
17 of the district court, whichever is required to process the  
18 payment.

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As Amended 4/3 To Pass 4/2/91 (p. 1158)

HOUSE FILE 558  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 217)

(As Amended and Passed by the House March 28, 1991)

<sup>4-315</sup>  
Passed House, Date 4/23/91 (p. 1454) Passed Senate, Date 4/17/91 (p. 1332)  
Vote: Ayes 95 Nays 1 Vote: Ayes 50 Nays 0

Approved May 14, 1991

*motion to reconsider (p. 1472)*  
*" w/r 5/2/91 (p. 206A)*

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- 2 requirements of the child support recovery unit and the
- 3 receipt and disbursement of child support payments.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 558

S-3443

- 1 Amend House File 558, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 31, the
- 4 following:
- 5 "Sec.     . ASSISTANCE OF THE CHILD SUPPORT
- 6 ADVISORY COMMITTEE.
- 7 The child support enforcement program advisory
- 8 committee established pursuant to section 252B.18
- 9 shall assist the department of human services in
- 10 examining the impact and advisability of developing
- 11 procedures providing for the suspension, revocation,
- 12 or denial of a license to persons practicing
- 13 professions licensed or certified under chapters 80A,
- 14 258A, 260, 321, and 602, or any other chapter, when
- 15 such persons are delinquent in the payment of child
- 16 support and of procedures to ensure the timely payment
- 17 of child support by those persons who are financially
- 18 able to make payments."

By BEVERLY HANNON

S-3443 FILED APRIL 16, 1991

*Adopted 4/17/91 (p. 1311)*

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2 as follows:

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8 the unit in locating absent parents of children on whose  
9 behalf public assistance is being provided and shall on  
10 request supply the department with available information  
11 relative to the location, income and property holdings of the  
12 absent parent and the custodial parent, notwithstanding any  
13 provisions of law making such this information confidential.  
14 The cooperation and information required by this subsection  
15 shall also be provided to the department when it is requested  
16 by the unit on behalf of persons who have applied for support  
17 enforcement services.

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19 services are provided shall provide information regarding  
20 income, resources, financial circumstances, and property  
21 holdings to the department for the purpose of establishment,  
22 modification, or enforcement of a support obligation. The  
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24 as needed to implement the requirements of section 598.21,  
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26 this information confidential.

27 2. Information Except as otherwise provided in subsection  
28 1, paragraph "b", information recorded by the department  
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23 Sec. 6. Section 252D.18, subsection 1, Code 1991, is  
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7 is confirmed by the court upon submission of an affidavit by  
8 the person entitled to receive the payment, after notice is  
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10 If a satisfaction recorded on the official support payment  
11 record by the clerk of the district court or collection  
12 services center prior to July 1, 1991, was not confirmed as  
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14 written affidavit objecting to the satisfaction, notice of the  
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20 Sec. 8. Section 598.26, subsection 1, Code 1991, is  
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22 1. Until a decree of dissolution has been entered, the  
23 record and evidence shall be closed to all but the court, and  
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27 testimony, or pleading, or the substance thereof, to be made  
28 available to any person other than a party to the action or a  
29 party's attorney. Nothing in this subsection shall be  
30 construed to prohibit publication of the original notice as  
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3-4437

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SENATE AMENDMENT TO HOUSE FILE 558

H-3751

1 Amend House File 558, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 31, the  
4 following:

5 "Sec. \_\_\_\_ . ASSISTANCE OF THE CHILD SUPPORT  
6 ADVISORY COMMITTEE.

7 The child support enforcement program advisory  
8 committee established pursuant to section 252B.18  
9 shall assist the department of human services in  
10 examining the impact and advisability of developing  
11 procedures providing for the suspension, revocation,  
12 or denial of a license to persons practicing  
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14 258A, 260, 321, and 602, or any other chapter, when  
15 such persons are delinquent in the payment of child  
16 support and of procedures to ensure the timely payment  
17 of child support by those persons who are financially  
18 able to make payments."

RECEIVED FROM THE SENATE

H-3751 FILED APRIL 19, 1991

Neuhauser, Chair

Krebsbach

Wissing

SENATE/HOUSE FILE 558  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

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

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20   EXPLANATION

21     Section 1 of the bill requires state, county, and local  
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9 termination of the child support recovery unit's services from  
10 the collection services center to a clerk of district court.  
11 The sections also provide that issuance of notice to the  
12 obligor is equivalent to a court order directing payment to  
13 the clerk of the district court or the collection services  
14 center.

15 Section 6 allows child support payments to either be  
16 transmitted to the collection services center or to the clerk  
17 of the district court, whichever is required to process the  
18 payment.

19 BACKGROUND STATEMENT

20 SUBMITTED BY THE AGENCY

21 Section 1: Proposed regulations published in the federal  
22 register dated Wednesday, August 15, 1990, require states to  
23 begin reviewing and modifying support orders upon the request  
24 of a custodial parent, noncustodial parent, or another state's  
25 child support enforcement agency. Proposed federal  
26 regulations at 45 C.F.R. 303.8(c)(2) indicate that the state  
27 must require a parent to provide any necessary information  
28 otherwise unavailable to the state in order to determine  
29 through review if the support obligation should be modified.  
30 It is necessary to be able to obtain and share financial  
31 information through a fair process which provides notice to  
32 all parties of the action that is contemplated on their case.

33 Section 2: In 1990 the general assembly restructured the  
34 receipt and disbursement of IV-D child support. In this  
35 legislation, language in the Code that should have been

1 deleted was inadvertently retained. The language is  
2 contradictory with the legislative intent of allowing cases  
3 which are not subject to child support enforcement to opt out  
4 of the collection services center.

5 Sections 3 and 7: At the time the 1990 legislation on  
6 satisfaction of child support payments was adopted, the  
7 department was not aware that some satisfactions had already  
8 been entered on official pay records without court approval  
9 but with the approval of both parties. The legislation had  
10 the unintended effect of invalidating existing agreements  
11 between the parties and removing satisfactions from pay  
12 records. When this occurs, the child support recovery unit  
13 must proceed with enforcement action based on information  
14 remaining on the official pay record.

15 Sections 4 and 5: For the initial transfer of the receipt  
16 of support payments from the collection services center to the  
17 clerk of district court, the 1990 legislation established  
18 notice requirements and makes the notice the equivalent of a  
19 court order. For the ongoing procedures, this was not  
20 required but is needed to assure the public a smooth  
21 transition in the handling of their case when the receipting  
22 agency is changed.

23 Section 6: The current law fails to allow for support  
24 payments to be paid to either the clerk of district court or  
25 the collection services center. This has created a problem  
26 for income withholding payments made by other state agencies  
27 and the social security administration. The agencies cannot  
28 send payments under income withholding to the collection  
29 services center. This limitation causes delays in the routing  
30 of payment and its distribution, and affects the payment of  
31 the portion of the child support provided to persons receiving  
32 public assistance.

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HOUSE FILE 558

AN ACT

RELATING TO CHILD SUPPORT BY AFFECTING INFORMATIONAL REQUIREMENTS OF THE CHILD SUPPORT RECOVERY UNIT AND THE RECEIPT AND DISBURSEMENT OF CHILD SUPPORT PAYMENTS.

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

Section 1. Section 252B.9, Code 1991, is amended to read as follows:

252B.9 AVAILABILITY OF RECORDS.

1. a. The director may request from state, county and local agencies, information and assistance deemed necessary to carry out the provisions of this chapter. State, county and

local agencies, officers and employees shall cooperate with the unit in locating absent parents of children on whose behalf public assistance is being provided and shall on request supply the department with available information relative to the location, income and property holdings of the absent parent and the custodial parent, notwithstanding any provisions of law making such this information confidential. The cooperation and information required by this subsection shall also be provided to the department when it is requested by the unit on behalf of persons who have applied for support enforcement services.

b. Parents of a child on whose behalf support enforcement services are provided shall provide information regarding income, resources, financial circumstances, and property holdings to the department for the purpose of establishment, modification, or enforcement of a support obligation. The department may provide the information to parents of a child as needed to implement the requirements of section 598.21, subsection 4, notwithstanding any provisions of law making this information confidential.

2. information Except as otherwise provided in subsection 1, paragraph "b", information recorded by the department pursuant to this section shall be available only to the unit, attorneys prosecuting a case in which the unit may participate according to sections 252B.5 and 252B.6, courts having jurisdiction in support or abandonment proceedings, and agencies in other states charged with support collection and paternity determination responsibilities as determined by the rules of the department and the provisions of Title IV of the federal Social Security Act. However, information relating to the location of an absent parent shall be made available, pursuant to federal regulations, to a resident parent, legal guardian, attorney, or agent of a child who is not receiving assistance under Title IV-A of the federal Social Security Act. Unless otherwise prohibited by federal statute or

regulation, the child support recovery unit shall release information relating to an absent parent to another unit of the department pursuant to a written request for the information approved by the director.

Sec. 2. Section 252B.13A, subsection 1, Code 1991, is amended to read as follows:

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 17, 1988~~ under this chapter. For purposes of this section, support payments do not include attorney fees or court costs.

Sec. 3. Section 252B.14, subsection 3, Code 1991, is amended to read as follows:

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 17, 1985; in which a sworn affidavit is submitted as proof of payment pursuant to~~ in section 598.22A.

Sec. 4. Section 252B.15, subsection 4, Code 1991, is amended to read as follows:

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 send notice of the transfer to the last known addresses of the obligor and obligee. The issuance of notice to the obligor is the equivalent of a court order requiring

the obligor to direct payment to the clerk of the district court for disbursement. The department shall adopt rules pursuant to chapter 17A relating to the transfer of the responsibilities and notice requirements.

Sec. 5. Section 252B.16, subsection 2, Code 1991, is amended to read as follows:

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. The issuance of notice to the obligor is the equivalent of a court order requiring the obligor to direct payment to the collection services center for disbursement.

Sec. 6. Section 252D.18, subsection 1, Code 1991, is amended to read as follows:

1. The employer, trustee, or other payor who receives an order of assignment by certified mail pursuant to section 252D.1, subsection 3, or subchapter 11, shall deliver, on the next working day, a copy of the order to the person named in the order. The payor may deduct not more than two dollars from each payment from the employee's wages as a reimbursement for the payor's costs relating to the assignment. The payor's compliance with the order of assignment satisfies the payor's obligation to the person for the amount of income withheld and transmitted to the clerk of the district court or collection services center.

Sec. 7. Section 598.22A, subsection 1, Code 1991, is amended to read as follows:

1. For payment made pursuant to an order entered ~~on or after July 17, 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.

If a satisfaction recorded on the official support payment record by the clerk of the district court or collection services center prior to July 1, 1991, was not confirmed as valid by the court, and a party to the action submits a written affidavit objecting to the satisfaction, notice of the objection shall be mailed to all parties at their last known addresses. After all parties have had sufficient opportunity to respond to the objection, the court shall either require the satisfaction to be removed from the official support payment record or confirm its validity.

Sec. 8. Section 598.26, subsection 1, Code 1991, is amended to read as follows:

1. Until a decree of dissolution has been entered, the record and evidence shall be closed to all but the court, and its officers, and the child support recovery unit of the department of human services pursuant to section 252B.9. No officer or other person shall permit a copy of any of the testimony, or pleading, or the substance thereof, to be made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the rules of civil procedure.

Sec. 9. ASSISTANCE OF THE CHILD SUPPORT ADVISORY COMMITTEE.

The child support enforcement program advisory committee established pursuant to section 252B.18 shall assist the department of human services in examining the impact and advisability of developing procedures providing for the suspension, revocation, or denial of a license to persons practicing professions licensed or certified under chapters 80A, 258A, 260, 321, and 602, or any other chapter, when such persons are delinquent in the payment of child support and of

procedures to ensure the timely payment of child support by those persons who are financially able to make payments.

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ROBERT C. ARNOULD  
Speaker of the House

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JOE J. WELSH  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 558, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 14, 1991

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TERRY E. BRANSTAD  
Governor