

MAR 11 1994

HOUSE FILE 2410
BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(SUCCESSOR TO HSB 709)

(P. 784)
Passed House, Date 3-21-94 Passed Senate, (P. 1056) Date 4-6-94
Vote: Ayes 95 Nays 3 Vote: Ayes 47 Nays 0
Approved May 11, 1994

A BILL FOR

1 An Act relating to child support recovery including paternity
2 establishment provisions, making a penalty applicable, and
3 providing effective date and retroactive applicability
4 provisions.

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

HOUSE FILE 2410

H-5407

1 Amend House File 2410 as follows:
2 1. Page 38, by striking lines 29 through 31 and
3 inserting the following: "the date the nontraditional
4 employee performs services which meet the requirements
5 for the filing of and which require an employer to
6 prepare a 1099-MISC form for the nontraditional
7 employee. The".

By GRUNDBERG of Polk

H-5407 FILED MARCH 15, 1994

Adopted 3-21-94 (P. 784)

HF 2410

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1 Section 1. Section 85.59, unnumbered paragraph 2, Code
2 Supplement 1993, is amended to read as follows:

3 For purposes of this section, "inmate" includes a person
4 who is performing unpaid community service under the direction
5 of the district court, board of parole, or judicial district
6 department of correctional services, or an inmate providing
7 services pursuant to a chapter 28E agreement entered into
8 pursuant to section 904.703, or who is performing a work
9 assignment of value to the state or to the public under
10 chapter 232. For purposes of this section, "unpaid community
11 service under the direction of the district court" includes
12 but is not limited to community service ordered and performed
13 pursuant to section 598.23A.

14 Sec. 2. Section 144.13, subsection 1, paragraph e, Code
15 Supplement 1993, is amended to read as follows:

16 e. ~~In the case of a child born out of wedlock, if an~~
17 affidavit of paternity is obtained directly from the county
18 registrar and is filed pursuant to section 252A.3A shall be
19 filed directly with the county registrar shall forward the
20 original affidavit to the state registrar.

21 Sec. 3. Section 144.13, subsection 4, Code Supplement
22 1993, is amended to read as follows:

23 4. The division shall make all of the following available
24 to the child support recovery unit, upon request: a:

25 a. A copy of a child's birth certificate; the

26 b. The social security numbers of the mother and the
27 father; and a.

28 c. A copy of the affidavit of paternity if provided filed
29 pursuant to section 252A.3A.

30 d. Information, other than information for medical and
31 health use only, identified on a child's birth certificate or
32 on an affidavit of paternity filed pursuant to section
33 252A.3A. The information may be provided as mutually agreed
34 upon by the division and the child support recovery unit,
35 including by automated exchange.

1 Sec. 4. Section 144.40, Code Supplement 1993, is amended
2 to read as follows:

3 144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK.

4 Upon request and receipt of ~~a sworn acknowledgment of~~
5 ~~paternity of a child born out of wedlock signed by both~~
6 ~~parents including an affidavit of paternity completed and~~
7 ~~filed pursuant to section 252A.3A, or a certified copy or~~
8 ~~notification by the clerk of court of a court or~~
9 administrative order establishing paternity, the state
10 registrar shall amend a certificate of birth to show paternity
11 if paternity is not shown on the birth certificate. Upon
12 written request of the parents, the surname of the child may
13 be changed on the certificate to that of the father. The
14 certificate shall not be marked "amended".

15 Sec. 5. Section 232.4, Code 1993, is amended to read as
16 follows:

17 232.4 JURISDICTION -- SUPPORT OBLIGATION.

18 Notwithstanding any other provision of this chapter, and
19 for the purposes of establishing a parental liability obli-
20 gation for a child under the jurisdiction of the juvenile
21 court, ~~the court shall establish a support obligation shall be~~
22 established pursuant to section 234.39 ~~or the department shall~~
23 ~~establish a support obligation pursuant to chapter 252E,~~
24 ~~provided that a support obligation has not previously been~~
25 ~~established under an order of the district court or chapter~~
26 252E.

27 Sec. 6. Section 234.39, subsection 1, Code 1993, is
28 amended to read as follows:

29 1. For an individual to whom section 234.35, subsection 1,
30 is applicable, a dispositional order of the juvenile court
31 requiring the provision of foster care, or an administrative
32 order entered pursuant to chapter 252C, shall establish, after
33 notice and a reasonable opportunity to be heard is provided to
34 a parent or guardian, the amount of the parent's or guardian's
35 support obligation for the cost of foster care provided by the

1 department, if a support obligation has not previously been
2 established under an order of the district court or court of
3 comparable jurisdiction in another state or pursuant to
4 chapter 252E. The court, or the department of human services
5 in establishing support by administrative order, shall
6 establish the amount of the parent's or guardian's support
7 obligation and the amount of support debt accrued and accruing
8 in accordance with the child support guidelines prescribed
9 under section 598.21, subsection 4. However, the court, or
10 the department of human services in establishing support by
11 administrative order, may deviate from the prescribed
12 obligation after considering a recommendation by the
13 department for expenses related to goals and objectives of a
14 case permanency plan as defined under section 237.15, and upon
15 written findings of fact which specify the reason for
16 deviation and the prescribed guidelines amount. Any order for
17 support shall direct the payment of the support obligation to
18 the collection services center for the use of the department's
19 foster care recovery unit. The order shall be filed with the
20 clerk of the district court in which the responsible parent or
21 guardian resides and has the same force and effect as a
22 judgment when entered in the judgment docket and lien index.
23 The collection services center shall disburse the payments
24 pursuant to the order and record the disbursements. If
25 payments are not made as ordered, the child support recovery
26 unit may certify a default to the court and the court may, on
27 its own motion, proceed under section 598.22 or 598.23 or the
28 child support recovery unit may enforce the judgment as
29 allowed by law. An order entered under this subsection may be
30 modified only in accordance with the guidelines prescribed
31 under section 598.21, subsection 8.

32 Sec. 7. NEW SECTION. 249A.4A GARNISHMENT.

33 When payment is made by the department for medical care or
34 expenses through the medical assistance program on behalf of a
35 recipient, the department may garnish the wages, salary, or

1 other compensation of the person obligated to pay child
2 support or may withhold amounts pursuant to chapter 252D from
3 the income of the person obligated to pay support, and shall
4 withhold amounts from state income tax refunds of a person
5 obligated to pay support, to the extent necessary to reimburse
6 the department for expenditures for medical care or expenses
7 on behalf of a recipient if all of the following conditions
8 apply:

9 1. The person is required by court or administrative order
10 to provide medical support to a recipient.

11 2. The person has received payment from a third party for
12 the costs of medical assistance to the recipient and has not
13 used the payments to reimburse the costs of medical care or
14 expenses.

15 Sec. 8. Section 252A.2, Code Supplement 1993, is amended
16 by adding the following new subsections before subsection 1
17 and renumbering the subsequent subsections:

18 NEW SUBSECTION. 1. "Birthing hospital" means a private or
19 public hospital licensed pursuant to chapter 135B that has a
20 licensed obstetric unit or is licensed to provide obstetric
21 services, or a licensed birthing center associated with a
22 hospital.

23 NEW SUBSECTION. 1A. "Birth center" means birth center as
24 defined in section 135G.2.

25 Sec. 9. Section 252A.2, Code Supplement 1993, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 4A. "Institution" means a birthing
28 hospital or birth center.

29 Sec. 10. Section 252A.3, subsection 9, Code Supplement
30 1993, is amended by adding the following new paragraph:

31 NEW PARAGRAPH. d. By establishment of paternity in a
32 foreign jurisdiction in any manner provided for by the laws of
33 that jurisdiction.

34 Sec. 11. Section 252A.3A, Code Supplement 1991, is amended
35 by striking the section and inserting in lieu thereof the

1 following:

2 252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.

3 1. The paternity of a child born out of wedlock may be
4 legally established by the completion and filing of an
5 affidavit of paternity only as provided by this section.

6 2. Establishment of paternity by affidavit under this
7 section may be used to establish paternity of the following
8 children:

9 a. The child of a woman who was unmarried at the time of
10 conception and birth of the child.

11 b. The child of a woman who is married at the time of
12 conception or birth of the child if a court of competent
13 jurisdiction has determined that the individual to whom the
14 mother was married at that time is not the father of the
15 child.

16 3. a. Prior to or at the time of completion of an
17 affidavit of paternity, written information about paternity
18 establishment, developed by the child support recovery unit
19 created in section 252B.2, shall be provided to the mother and
20 individual alleged to be the father.

21 b. The information provided shall include a description of
22 parental rights and responsibilities, including the duty to
23 provide financial support for the child, and the benefits of
24 establishing paternity.

25 c. Copies of the written information shall be made
26 available by the child support recovery unit or the Iowa
27 department of public health to those entities where an
28 affidavit of paternity may be obtained as provided under
29 subsection 4.

30 4. a. The affidavit of paternity form developed and used
31 by the Iowa department of public health is the only affidavit
32 of paternity form recognized for the purpose of establishing
33 paternity under this section.

34 b. The form shall be available from the state registrar,
35 each county registrar, the child support recovery unit, and

1 any institution in the state.

2 c. The Iowa department of public health shall make copies
3 of the form available to the entities identified in paragraph
4 "b" for distribution.

5 5. A completed affidavit of paternity shall contain or
6 have attached all of the following:

7 a. A statement by the mother consenting to the assertion
8 of paternity and the identity of the father and acknowledging
9 either of the following:

10 (1) That the mother was unmarried at the time of
11 conception and birth of the child.

12 (2) That the mother was married at the time of conception
13 or birth of the child, and that a court order has been entered
14 ruling that the individual to whom the mother was married at
15 that time is not the father of the child.

16 b. If paragraph "a", subparagraph (2), is applicable, a
17 certified copy of the filed order ruling that the husband is
18 not the father of the child.

19 c. A statement from the individual admitting paternity
20 that the individual is the father of the child.

21 d. The name of the child at birth and the child's birth
22 date.

23 e. The signatures of the mother and individual admitting
24 paternity.

25 f. The social security numbers of the mother and
26 individual admitting paternity.

27 g. The addresses of the mother and individual admitting
28 paternity, as available.

29 h. The signature of a notary public attesting to the
30 identities of the parties signing the affidavit of paternity.

31 i. Instructions for filing the affidavit.

32 6. A completed affidavit of paternity shall be filed with
33 the state registrar. However, if the affidavit of paternity
34 is obtained directly from the county registrar, the completed
35 affidavit may be filed with the county registrar who shall

1 forward the original affidavit to the state registrar. For
2 the purposes of legal establishment of paternity under this
3 section, paternity is legally established only upon filing of
4 the affidavit with the state registrar.

5 7. The state registrar shall make copies of affidavits of
6 paternity and identifying information from the affidavits
7 filed pursuant to this section available to the child support
8 recovery unit created under section 252B.2 in accordance with
9 section 144.13, subsection 4.

10 8. An affidavit of paternity completed and filed pursuant
11 to this section has all of the following effects:

12 a. Is admissible as evidence of paternity.

13 b. Has the same legal force and effect as a judicial
14 determination of paternity.

15 c. Serves as a basis for seeking child or medical support
16 without further determination of paternity.

17 9. All institutions in the state shall provide the
18 following services with respect to any newborn child born out
19 of wedlock:

20 a. Prior to discharge of the newborn from the institution,
21 the institution where the birth occurs shall provide the
22 mother and, if present, the alleged father, with all of the
23 following:

24 (1) Written information about establishment of paternity
25 pursuant to subsection 3.

26 (2) An affidavit of paternity form.

27 (3) An opportunity for consultation with the staff of the
28 institution regarding the written information provided under
29 subparagraph (1).

30 (4) An opportunity to complete an affidavit of paternity
31 at the institution, as provided in this section.

32 b. The institution shall file any affidavit of paternity
33 completed at the institution with the state registrar,
34 pursuant to subsection 6, accompanied by a copy of the child's
35 birth certificate, within ten days of the birth of the child.

1 10. a. An institution may be reimbursed by the child
2 support recovery unit created in section 252B.2 for providing
3 the services described under subsection 9, or may provide the
4 services at no cost.

5 b. An institution electing reimbursement shall enter into
6 a written agreement with the child support recovery unit for
7 this purpose.

8 c. An institution entering into an agreement for
9 reimbursement shall assist the parents of a child born out of
10 wedlock in completing and filing an affidavit of paternity.

11 d. Reimbursement shall be based only on the number of
12 affidavits completed in compliance with this section and
13 submitted to the state registrar during the duration of the
14 written agreement with the child support recovery unit.

15 e. The reimbursement rate is twenty dollars for each
16 completed affidavit filed with the state registrar.

17 Sec. 12. NEW SECTION. 252A.5A ADDITIONAL PROVISIONS
18 REGARDING PATERNITY ESTABLISHMENT.

19 1. When a court of this state is acting as the responding
20 state in an action initiated under this chapter to establish
21 paternity, all of the following shall apply:

22 a. Except with the consent of all parties, the trial shall
23 not be held until after the birth of the child and shall be
24 held no earlier than twenty days from the date the respondent
25 is served with notice of the action or, if blood or genetic
26 tests are conducted, no earlier than fifty days from the date
27 the test results are filed with the clerk of the district
28 court as provided under section 600B.41.

29 b. If the respondent, after being served with notice as
30 required under section 252A.6, fails to timely respond to the
31 notice, or to appear for blood or genetic tests pursuant to a
32 court or administrative order, or to appear at a scheduled
33 hearing after being provided notice of the hearing, the court
34 shall find the respondent in default, and shall enter an order
35 establishing paternity and establishing the monthly child

1 support payment and the amount of the support debt accrued and
2 accruing pursuant to section 598.21, subsection 4, or medical
3 support pursuant to chapter 252E, or both.

4 2. When a court of this state is acting as the responding
5 state in an action initiated under this chapter to establish
6 child or medical support based on a prior determination of
7 paternity and the respondent files an answer to the notice
8 required under section 252A.6 denying paternity, all of the
9 following shall apply:

10 a. (1) If the prior determination of paternity is based
11 on an affidavit of paternity filed pursuant to section
12 252A.3A, or an administrative order entered pursuant to
13 chapter 252F, or an order by the courts of this state, or by
14 operation of law when the mother and established father are or
15 were married to each other, the provisions of section 600B.41
16 are applicable.

17 (2) If the court determines that the prior determination
18 of paternity should not be overcome, pursuant to section
19 600B.41, and that the respondent has a duty to provide
20 support, the court shall enter an order establishing the
21 monthly child support payment and the amount of the support
22 debt accrued and accruing pursuant to section 598.21,
23 subsection 4, or medical support pursuant to chapter 252E, or
24 both.

25 b. If the prior determination of paternity is based on an
26 administrative or court order or by any other means, pursuant
27 to the laws of a foreign jurisdiction, an action to overcome
28 the prior determination of paternity shall be filed in that
29 jurisdiction. Unless the respondent requests and is granted a
30 stay of an action initiated under this chapter to establish
31 child or medical support, the action shall proceed as
32 otherwise provided in this chapter.

33 Sec. 13. Section 252B.5, subsection 2, Code Supplement
34 1993, is amended to read as follows:

35 2. Aid in establishing paternity and securing a court or

1 administrative order for support pursuant to chapter 252A,
2 252C, 252F, or 600B, or any other chapter providing for the
3 establishment of paternity or support.

4 Sec. 14. Section 252B.9, subsection 2, paragraph b,
5 subparagraph (2), Code Supplement 1993, is amended to read as
6 follows:

7 (2) For support orders entered in Iowa which are being
8 enforced by the unit, the unit may compile and make available
9 for publication a listing of cases in which no payment has
10 been credited to an accrued or accruing support obligation
11 during a previous three-month period. Each case on the list
12 shall be identified only by the name of the support obligor,
13 the city, state, and zip code, if known, of the support
14 obligor, unless the information pertaining to the city, state,
15 and zip code of the support obligor is protected through
16 confidentiality requirements established by law and has not
17 otherwise been verified with the unit, the support obligor's
18 court order docket or case number, the county in which the
19 obligor's support order is filed, and the collection services
20 center case numbers, and the range within which the balance of
21 the support obligor's delinquency is established. However,
22 the street address of the support obligor shall not be
23 published. The department shall determine dates for the
24 release of information, the specific format of the information
25 released, and the three-month period used as a basis for
26 identifying cases. The department may not release the
27 information more than twice annually. In compiling the
28 listing of cases, no prior public notice to the obligor is
29 required, but the unit may send notice annually by first-class
30 mail to the last current known address of any individual owing
31 a support obligation which is being enforced by the unit. The
32 notice shall inform the individual of the provisions of this
33 subparagraph. Actions taken pursuant to this subparagraph are
34 not subject to review under chapter 17A, and the lack of
35 receipt of a notice does not prevent the unit from proceeding

1 in implementing this subparagraph.

2 Sec. 15. Section 252B.20, subsection 1, paragraph b, Code
3 Supplement 1993, is amended to read as follows:

4 b. ~~The person-entitled-to-receive-support-and-the~~ child
5 for whom support is ordered ~~are~~ is not receiving public
6 assistance pursuant to chapter 239, 249A, or a comparable law
7 of a foreign jurisdiction, unless the person against whom
8 support is ordered is considered to be a member of the same
9 household as the child for the purposes of public assistance
10 eligibility.

11 Sec. 16. Section 252B.21, subsection 1, Code Supplement
12 1993, is amended to read as follows:

13 1. For any support order being enforced by the unit, the
14 ~~administrator unit~~ may enter an ex parte order requiring the
15 obligor to seek employment if employment of the obligor cannot
16 be verified and if the obligor has failed to make support
17 payments. Advance notice is not required prior to entering
18 the ex parte order. The order shall be served upon the
19 obligor by regular mail, with proof of service completed as
20 provided in rule of civil procedure 82. The unit shall file a
21 copy of the order with the clerk of the district court.

22 Sec. 17. Section 252C.2, subsections 2, 3, and 4, Code
23 1993, are amended to read as follows:

24 2. The payment of public assistance to or for the benefit
25 of a dependent child or a dependent child's caretaker creates
26 a support debt due and owing to the department by the
27 responsible person in an amount equal to the public assistance
28 payment, except that the support debt is limited to the amount
29 of a support obligation established by court order or by the
30 administrator. ~~If-a-court-order-has-not-been-entered-in-favor,~~
31 ~~or-if-an-order-does-not-address-accrued-support-owed-to-the~~
32 ~~state-for-public-assistance-expended, the~~ The administrator
33 may establish a support debt as to amounts accrued and
34 accruing pursuant to section 598.21, subsection 4. However, a
35 support debt is not created in favor of the department against

1 a responsible person for the period during which the
2 responsible person is a recipient on the person's own behalf
3 of public assistance for the benefit of the dependent child or
4 the dependent child's caretaker.

5 3. The provision of child support collection or paternity
6 determination services under chapter 252B to an individual,
7 even though the individual is ineligible for public
8 assistance, creates a support debt due and owing to the
9 individual or the individual's child or ward by the
10 responsible person in the amount of a support obligation
11 established by court order or by the administrator. ~~If a~~
12 ~~court order has not been entered in Iowa, the~~ The
13 administrator may establish a support debt in favor of the
14 individual or the individual's child or ward and against the
15 responsible person, both as to amounts accrued and accruing,
16 pursuant to section 598.21, subsection 4.

17 4. The payment of medical assistance pursuant to chapter
18 249A for the benefit of a dependent child or a dependent
19 child's caretaker creates a support debt due and owing to the
20 department. ~~If a court order has not been entered in Iowa, or~~
21 ~~if an administrative order or a court order entered in Iowa~~
22 ~~does not require provision of medical support pursuant to~~
23 ~~chapter 252E, or equivalent medical support, the~~ The
24 administrator may establish an order for medical support.

25 Sec. 18. Section 252C.4, subsections 1, 2, and 5. Code
26 Supplement 1993, are amended to read as follows:

27 1. A responsible person or the child support recovery unit
28 may request a hearing regarding a determination of support.
29 If a timely written request for a hearing is received, the
30 administrator shall certify the matter to the district court
31 ~~in the county in which the order has been filed, or if no such~~
32 ~~order has been filed, then to a district court in the county~~
33 ~~where the dependent child resides or, where the dependent~~
34 ~~child resides in another state, to the district court where~~
35 ~~the absent parent resides.~~ as follows:

1 a. If the child or children reside in Iowa, and the unit
2 is seeking an accruing obligation, in the county in which the
3 dependent child or children reside.

4 b. If the child or children received public assistance in
5 Iowa, and the unit is seeking only an accrued obligation, in
6 the county in which the dependent child or children last
7 received public assistance.

8 c. If the action is the result of a request from a foreign
9 jurisdiction to establish support by a responsible person
10 located in Iowa, in the county in which the responsible person
11 resides.

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

20 5. If a party fails to appear at the hearing, upon a
21 showing of proper notice to that party, the court may shall
22 find that party in default and enter an appropriate order.

23 Sec. 19. Section 252C.4, Code Supplement 1993, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 7. If a responsible person contests an
26 action initiated under this chapter by denying paternity, the
27 following shall apply, as necessary:

28 a. (1) If the prior determination of paternity is based
29 on an affidavit of paternity filed pursuant to section
30 252A.3A, or an administrative order entered pursuant to
31 chapter 252F, or an order by the courts of this state, or by
32 operation of law when the mother and established father are or
33 were married to each other, the provisions of section 600B.41
34 are applicable.

35 (2) If the court determines that the prior determination

1 of paternity should not be overcome pursuant to section
2 600B.41, and that the responsible person has a duty to provide
3 support, the court shall enter an order establishing the
4 monthly child support payment and the amount of the support
5 debt accrued and accruing pursuant to section 598.21,
6 subsection 4, or medical support pursuant to chapter 252E, or
7 both.

8 b. If the prior determination of paternity is based on an
9 administrative or court order or other means, pursuant to the
10 laws of a foreign jurisdiction, an action to overcome the
11 prior determination of paternity shall be filed in that
12 jurisdiction. Unless the responsible person requests and is
13 granted a stay of an action initiated under this chapter to
14 establish child or medical support, the action shall proceed
15 as otherwise provided by this chapter.

16 Sec. 20. Section 252C.5, Code 1993, is amended to read as
17 follows:

18 252C.5 FILING AND DOCKETING OF FINANCIAL RESPONSIBILITY
19 ORDER -- ORDER EFFECTIVE AS DISTRICT COURT DECREE.

20 1. A true copy of any order entered by the administrator
21 pursuant to this chapter, along with a true copy of the return
22 of service, if applicable, may be filed in the office of the
23 clerk of the district court ~~in the county in which the~~
24 ~~dependent child resides or, where the dependent child resides~~
25 ~~in another state, in the office of the district court in the~~
26 ~~county in which the absent parent resides~~ in the manner
27 established pursuant to section 252C.4, subsection 1.

28 2. The administrator's order shall be presented, ex
29 parte, to the district court for review and approval. Unless
30 defects appear on the face of the order or on the attachments,
31 the district court shall approve the order. The approved
32 order shall have all the force, effect, and attributes of a
33 docketed order or decree of the district court.

34 3. Upon filing, the clerk shall enter the order in the
35 judgment docket.

1 Sec. 21. Section 252D.8, subsection 1, unnumbered
2 paragraph 1, Code Supplement 1993, is amended to read as
3 follows:

4 In a support order issued or modified on or after November
5 1, 1990, for which services are being provided by the child
6 support recovery unit, and in any support orders issued or
7 modified after January 1, 1994, for which services are not
8 provided by the child support recovery unit, the income of a
9 support obligor is subject to withholding, on the effective
10 date of the order, regardless of whether support payments by
11 the obligor are in arrears. If services are being provided
12 pursuant to chapter 252B, the child support recovery unit may
13 enter an ex parte order for an immediate withholding of income
14 ~~if authorizing language is contained in the court order~~. The
15 district court may enter an ex parte order for immediate
16 income withholding for cases in which the child support
17 recovery unit is not providing services. The income of the
18 obligor is subject to immediate withholding unless one of the
19 following occurs:

20 Sec. 22. Section 252D.23, Code 1993, is amended to read as
21 follows:

22 252D.23 FILING OF WITHHOLDING ORDER -- ORDER EFFECTIVE AS
23 DISTRICT COURT ORDER.

24 An income withholding order entered by the child support
25 recovery unit pursuant to this chapter shall be filed with the
26 clerk of the district court. Upon filing, for the purposes of
27 demonstrating compliance by the employer, trustee, or other
28 payor, the withholding order shall have all the force, effect,
29 and attributes of a docketed order of the district court
30 including, but not limited to, availability of contempt of
31 court proceedings against an employer, trustee, or other payor
32 for noncompliance. However, any information contained in the
33 income withholding order related to the amount of the accruing
34 or accrued support obligation which does not reflect the
35 correct amount of support due does not modify the underlying

1 support judgment.

2 Sec. 23. Section 252E.2, Code 1993, is amended by adding
3 the following new subsection and renumbering the subsequent
4 subsection:

5 NEW SUBSECTION. 2. An insurer who is subject to the
6 federal Omnibus Reconciliation Act of 1993, section 4301, as
7 codified in 42 U.S.C. § 1936g-1, shall provide benefits in
8 accordance with that section which meet the requirements of a
9 qualified medical child support order. For the purposes of
10 this subsection "qualified medical child support order" means
11 a child support order which creates or recognizes the
12 existence of a child's right to, or assigns to a child the
13 right to, receive benefits for which a participant or child is
14 eligible under a group health plan and which specifies the
15 following:

16 a. The name and the last known mailing address of the
17 participant and the name and mailing address of each child
18 covered by the order.

19 b. A reasonable description of the type of coverage to be
20 provided by the plan to each child, or the manner in which the
21 type of coverage is to be determined.

22 c. The period during which the coverage applies.

23 d. Each plan to which the order applies.

24 Sec. 24. Section 252E.5, Code 1993, is amended to read as
25 follows:

26 252E.5 EFFECT OF ORDER ON EMPLOYER.

27 1. When the order has been forwarded to the obligor's
28 employer pursuant to section 252E.4, the order is binding on
29 the employer and the employer's insurer to the extent that the
30 dependent is eligible to be enrolled in the plan under the
31 applicable terms and conditions of the health benefit plan.
32 The employer shall allow enrollment of the dependent at any
33 time, notwithstanding any enrollment season restrictions.

34 2. The employer shall forward a copy of the order to the
35 insurer and request enrollment of the dependent in the health

1 benefit plan. If the obligor fails to apply to obtain
2 coverage for the dependent, the employer shall accept an
3 application to enroll a dependent which has been signed by the
4 obligee or other legal custodian of a child or by the
5 department. Within sixty days of receipt of the order or
6 within sixty days of receipt of application ~~of the obligor~~
7 ~~pursuant to the order~~, whichever is earlier, the insurer shall
8 determine whether the dependent is eligible for enrollment
9 under the plan and shall notify the employer of the
10 dependent's eligibility status. ~~if eligible, the employer~~
11 ~~shall withhold any required premium from the obligor's income~~
12 ~~or wages.~~ If more than one plan is offered by the employer,
13 the dependent shall be enrolled in the health benefit plan in
14 which the obligor is enrolled. However, if more than one plan
15 is offered to the obligor, the plan selected shall provide
16 coverage which is accessible to the dependent.

17 3. The employer shall withhold from the employee's
18 compensation, the employee's share, if any, of premiums for
19 the health benefit plan in an amount that does not exceed the
20 amount specified in 15 U.S.C. § 1673(b) and which is
21 consistent with federal law. The employer shall forward the
22 amount withheld to the insurer.

23 4. Within thirty days of receipt of an order that requires
24 an obligor to enroll a dependent in a health benefit plan, the
25 obligor's employer shall provide the following information, as
26 applicable, regarding the enrollment status of the dependent
27 to the obligor, the obligee, or other legal custodian of the
28 child, and the department:

29 i a. That the dependent has been enrolled in a health
30 benefit plan.

31 ~~2. That the dependent will be enrolled in the next~~
32 ~~enrollment period:~~

33 3 b. That the dependent is not eligible for enrollment and
34 the reasons that the dependent is not eligible to be enrolled.

35 4 c. That the order has been forwarded to the insurer and

1 a determination of eligibility for enrollment has not been
2 made.

3 5. ~~If either subsection 1 or 2 describes the enrollment~~
4 status of the dependent has been enrolled in a health benefit
5 plan, all of the following information shall be provided:

6 a. The name of the insurer providing the health benefit
7 plan.

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

9 c. The health benefit plan or account number.

10 d. The type of health benefit plan under which the
11 dependent has been enrolled, including whether dental,
12 optical, office visits, and prescription drugs are covered
13 services. Additionally, the response shall include a brief
14 description of the applicable deductibles, coinsurance,
15 waiting periods for preexisting medical conditions, and other
16 significant terms or conditions which materially affect the
17 coverage.

18 6. An employer shall not revoke enrollment or eliminate
19 coverage for a dependent unless the employer is provided with
20 satisfactory written evidence that one of the following
21 conditions exists:

22 a. A court or administrative order requiring coverage in a
23 health benefit plan is no longer in effect.

24 b. The dependent is eligible for or will be enrolled in a
25 comparable health benefit plan which will take effect no later
26 than the effective date of revocation of enrollment in the
27 other plan.

28 c. The employer has eliminated dependent health coverage
29 for all employees.

30 Nothing in this section requires an employer to maintain
31 coverage for the dependent if the premiums are no longer being
32 paid by the obligor because the employer no longer owes
33 compensation to the obligor or because the obligor's
34 employment has been terminated and the obligor has not elected
35 to continue coverage.

1 PARAGRAPH DIVIDED. If an order requiring that the obligor
2 provide coverage under a health benefit plan for the dependent
3 has been forwarded to the obligor's employer pursuant to
4 section 252E.4, and the obligor's employment is terminated,
5 the employer shall provide notice to the obligee and the
6 department within ten days of termination of the obligor's
7 employment.

8 7. If an order requiring that the obligor provide coverage
9 under a health benefit plan for the dependent has been
10 forwarded to the obligor's employer pursuant to section
11 252E.4, and the employer's health benefit plan is terminated
12 either in its entirety or with respect to the obligor's
13 insurance classification, or the employer has changed its
14 insurer or become self-insured, the employer shall provide
15 notice to the obligee or other legal custodian of the child
16 and the department ten days prior to the termination of
17 coverage or change in insurer.

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

21 Sec. 25. Section 252E.7, Code 1993, is amended to read as
22 follows:

23 252E.7 INSURER AUTHORIZATION.

24 1. The entry of an order requiring a health benefit plan
25 is authorization for enrollment of the dependent if the
26 dependent is otherwise eligible to be enrolled. ~~If an order
27 has been forwarded to the insurer pursuant to section 252E.5
28 and is not accompanied by an appropriate application for
29 enrollment of the dependent signed by the obligor, the insurer
30 shall attempt to obtain a signed application from the obligor.
31 If the insurer is unsuccessful in obtaining a signed
32 application from the obligor within thirty days after the
33 insurer's initial request to the obligor fails to obtain
34 coverage for a dependent, the insurer shall accept the
35 signature of the obligee or other legal custodian of the child~~

1 or of an employee of the department as valid authorization on
2 the application for enrollment of the dependent under the
3 health benefit plan. The insurer shall allow enrollment of
4 the dependent at any time, notwithstanding any enrollment
5 season restrictions.

6 2. An insurer shall not deny enrollment of a child under
7 the health benefit plan of the obligor based on any of the
8 following:

9 a. The child was born out of wedlock.

10 b. The child is not claimed as a dependent on the
11 obligor's federal income tax form.

12 c. The child does not reside with the obligor or in the
13 insurer's service area.

14 2 3. For purposes of processing claims for payment, the
15 insurer shall attempt to obtain the obligor's written
16 authorization to accept the signature of the obligee or an
17 employee of the department on all claim forms submitted to the
18 insurer for medical services provided to the dependent. Upon
19 receipt of such written authorization from the obligor on at
20 least an annual basis, the insurer shall accept the signature
21 of the obligee or other legal custodian of the child or of an
22 employee of the department as valid authorization for purposes
23 of processing any medical expense claims on behalf of the
24 dependent for payment or reimbursement of medical services
25 rendered to the dependent.

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

34 3 4. The insurer shall have immunity from any liability,
35 civil or criminal, which might otherwise be incurred or

1 imposed for actions taken in implementing this section
2 including, but not limited to, the insurer's release of any
3 information, or the payment of any claims for services by the
4 insurer, or the insurer's acceptance of applications for
5 enrollment of the dependent and medical expense claims for the
6 dependent which are signed by the obligee or an employee of
7 the department pursuant to this section.

8 ~~4. This section does not preclude an insurer from issuing~~
9 ~~payment directly to the provider if such payment procedure is~~
10 ~~consistent with the health benefit plan under which the~~
11 ~~dependent is enrolled, except as provided pursuant to chapter~~
12 ~~249A.~~

13 5. The insurer shall make payment directly to the obligee,
14 the provider, or the department for claims submitted by the
15 obligee, by the provider with the obligee's approval, or by
16 the department.

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

21 Sec. 26. Section 252E.8, subsection 1, Code 1993, is
22 amended to read as follows:

23 1. If an order for coverage under a health benefit plan
24 has been forwarded pursuant to section 252E.5, the obligor's
25 employer or insurer shall release to the obligee or other
26 legal custodian of the child or the department, upon receiving
27 a written request, the information necessary to complete an
28 application or to file a claim for medical expenses of the
29 dependent ~~provided the obligor's employer or insurer is given~~
30 ~~sufficient opportunity to obtain written authorization for the~~
31 ~~release of such information from the obligor pursuant to this~~
32 ~~section or to create a qualified medical child support order~~
33 ~~pursuant to section 252E.2, subsection 2.~~

34 Sec. 27. Section 252E.13, Code 1993, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 3. The department may amend information
2 concerning the provider of health benefits in a court or
3 administrative order, if necessary to comply with section
4 252E.2, subsection 2, if notice of the amendment is provided
5 to the court and to the parties to the order and if the
6 amendment is filed with the clerk of court.

7 Sec. 28. Section 252F.1, subsection 3, paragraph c, Code
8 Supplement 1993, is amended by striking the paragraph.

9 Sec. 29. Section 252F.3, Code Supplement 1993, is amended
10 to read as follows:

11 252F.3 NOTICE OF ALLEGED PATERNITY AND SUPPORT DEBT --
12 CONFERENCE -- REQUEST FOR HEARING.

13 1. The unit may prepare a notice of alleged paternity and
14 support debt to be served on the putative father if the mother
15 of the child provides a written statement to the unit
16 verifying certifying in accordance with section 622.1 that the
17 putative father is or may be the biological father of the
18 child or children involved. The notice shall be accompanied
19 by a copy of the statement and served on the putative father
20 in accordance with rule of civil procedure 56.1. Service upon
21 the mother shall not constitute valid service upon the
22 putative father. The notice shall include or be accompanied
23 by all of the following:

24 a. The name of the recipient of services under chapter
25 252B and the name and birth date of the child or children
26 involved.

27 b. A statement that the putative father has been named as
28 the biological father of the child or children named.

29 c. A statement that if paternity is established, the
30 amount of the putative father's monthly support obligation and
31 the amount of the support debt accrued and accruing will be
32 established in accordance with the guidelines established in
33 section 598.21, subsection 4, and the criteria established
34 pursuant to section 252B.7A.

35 d. A statement that if paternity is established, the

1 putative father has a duty to provide accrued and accruing
2 medical support to the child or children in accordance with
3 chapter 252E.

4 e. An A written explanation of the procedures for
5 determining the child support obligation and a request for
6 financial or income information as necessary for application
7 of the child support guidelines established pursuant to
8 section 598.21, subsection 4.

9 f. (1) The right of the putative father to request a
10 conference with the unit to discuss paternity establishment
11 and the amount of support that the putative father ~~is~~ may be
12 required to pay, within ten days of the date of service of the
13 original notice or, if paternity is contested and paternity
14 testing is conducted, within ten days of the date of mailing
15 of the paternity test results are issued or mailed to the
16 putative father if-the-father-denies-paternity by the unit.

17 (2) A statement that if a conference is requested, the
18 putative father shall have ten one of the following time
19 frames, whichever is the latest, to send a written request for
20 a court hearing on the issue of support to the unit:

21 (a) Ten days from the date set for the conference or
22 twenty.

23 (b) Twenty days from the date of service of the original
24 notice, or.

25 (c) If paternity was contested and paternity testing was
26 conducted, and the putative father does not deny paternity,
27 after the testing, or challenge the paternity test results,
28 ten days from the date of-the-mailing-of paternity test
29 results are issued or mailed by the unit to the putative
30 father if-the-putative-father-no-longer-denies-paternity,
31 whichever-is-later, to send a written request for a hearing on
32 the issue of support to the unit.

33 (3) A statement that after the holding of the conference,
34 the administrator may unit shall issue a new notice of alleged
35 paternity and finding of financial responsibility for child

1 support or medical support, or both, to be provided in person
2 to the putative father or sent to the putative father by
3 regular mail addressed to the putative father's last known
4 address or, if applicable, to the last known address of the
5 putative father's attorney.

6 (4) A statement that if the administrator unit issues a
7 new notice of alleged paternity and finding of financial
8 responsibility for child support or medical support, or both,
9 the putative father shall have ten one of the following time
10 frames, whichever is the latest, to send a written request for
11 a court hearing on the issue of support to the unit:

12 (a) Ten days from the date of issuance of the new notice
13 or twenty.

14 (b) Twenty days from the date of service of the original
15 notice, or,

16 (c) If paternity was contested and paternity testing
17 conducted, and the putative father does not deny paternity
18 after the testing or challenge the paternity test results, ten
19 days from the date of the mailing of paternity test results
20 are issued or mailed to the putative father if the putative
21 father no longer denies paternity, whichever is later, to send
22 a written request for a hearing on the issue of support to the
23 unit by the unit.

24 g. A statement that if a conference is not requested, and
25 the putative father does not deny paternity or challenge the
26 results of any paternity testing conducted but objects to the
27 finding of financial responsibility or the amount of child
28 support or medical support, or both, the putative father shall
29 send a written request for a court hearing on the issue of
30 support to the unit within twenty days of the date of service
31 or of the original notice, or, if paternity was contested and
32 paternity testing conducted, and the putative father does not
33 deny paternity, after the testing, or challenge the paternity
34 test results, within ten days from the date of the mailing of
35 paternity test results are issued or mailed to the putative

1 ~~father if the putative father no longer denies paternity, by~~
2 ~~the unit, whichever is later, send a written request for a~~
3 ~~hearing on the issue of support to the unit.~~

4 h. A statement that if a timely written request for a
5 hearing on the issue of support is received by the unit, the
6 putative father shall have the right to a hearing to be held
7 in district court and that if no timely written request is
8 received and paternity is not denied contested, the
9 administrator ~~may~~ shall enter an order ~~in accordance with the~~
10 ~~notice and finding of financial responsibility for~~
11 establishing the putative father as the father of the child or
12 children and establishing child support or medical support, or
13 both, in accordance with the notice of alleged paternity and
14 support debt.

15 i. A statement written explanation of the rights and
16 responsibilities associated with the establishment of
17 paternity.

18 j. A statement written explanation of the putative
19 father's right to deny paternity, the procedures for denying
20 paternity, and the consequences of the denial.

21 k. A statement that if the putative father contests
22 paternity, the putative father shall have twenty days from the
23 date of service of the original notice to submit a written
24 denial of paternity to the unit.

25 l. A statement that if paternity is contested, the unit
26 shall, at the request of the party contesting paternity or on
27 its own initiative, enter an administrative order requiring
28 the putative father, mother, and child or children involved,
29 to submit to paternity testing.

30 m. A statement that if paternity tests are conducted, the
31 unit shall provide a copy of the test results to the putative
32 father in person or send a copy to the putative father by
33 regular mail, addressed to the putative father's last known
34 address, or, if applicable, to the last known address of the
35 putative father's attorney.

1 n. A statement setting forth the time frames for
2 contesting paternity after paternity tests are conducted.

3 o. Other information as the unit finds appropriate.

4 2. The time limitations established for the notice
5 provisions under subsection 1 are binding unless otherwise
6 specified in this chapter or waived by-the-putative-father
7 pursuant to section 252F.8.

8 3. If notice is served on the putative father, the unit
9 shall file a true copy of the notice and the original return
10 of service with the appropriate clerk of the district court in
11 as follows:

12 a. In the county in which the child or children reside,
13 or if the action is for purposes of establishing paternity
14 and future child or medical support, or both.

15 b. In the county in which the child or children involved
16 last received public assistance benefits in the state, if the
17 action is for purposes of establishing paternity and child or
18 medical support, or both, only for prior periods of time when
19 the child or children received public assistance, and no
20 ongoing child or medical support obligation is to be
21 established by this action.

22 c. If the action is the result of a request from a foreign
23 jurisdiction of-another-state to establish paternity of a
24 putative father located in Iowa, in the county in which the
25 putative father resides.

26 PARAGRAPH DIVIDED. All subsequent documents filed or court
27 hearings held related to the action shall be in the district
28 court in the county in which notice was filed pursuant to this
29 subsection. The clerk shall file and docket the action.

30 4. ~~if-the~~ A putative father requests-a-hearing-on-the
31 issue-of-support,-and-if or the child support recovery unit
32 may request a court hearing regarding establishment of
33 paternity or a determination of support, or both.

34 a. Upon receipt of a timely written response setting-forth
35 objections-and requesting a hearing is-received-by-the-unit-a

1 ~~hearing shall be held in district court on the issue of~~
2 support or on its own initiative, the unit shall certify the
3 matter for hearing in the district court in the county where
4 the original notice of alleged paternity and support debt is
5 filed, in accordance with section 252F.5.

6 b. If paternity establishment was contested and paternity
7 tests conducted, a court hearing on the issue of paternity
8 shall be scheduled no earlier than fifty days from the date
9 paternity test results are issued to all parties by the unit,
10 unless the parties mutually agree to waive the time frame
11 pursuant to section 255F.8.

12 c. If a court hearing is scheduled regarding the issue of
13 paternity establishment, any objection to the results of
14 paternity tests shall be filed no later than thirty days
15 before the date the court hearing is originally scheduled.
16 Any objection to paternity test results filed by a party less
17 than thirty days before the date the court hearing is
18 originally scheduled shall not be accepted or considered by
19 the court.

20 5. If a timely written response and request for a court
21 hearing is not received by the unit and the putative father
22 does not deny paternity, the administrator may shall enter an
23 order in accordance with section 252F.4 on-the-issue-of
24 support.

25 6. a. If the-putative-father-denies a party contests the
26 establishment of paternity, the putative-father party shall
27 submit, within twenty days of service of the notice on the
28 putative father under subsection 1, a written denial-of
29 statement contesting paternity establishment to the unit.
30 Upon receipt of a written denial challenge of paternity
31 establishment, or upon initiation by the unit, the
32 administrator shall enter an ex parte administrative order
33 orders requiring the mother, child or children involved, and
34 the putative father to submit to paternity testing. Either
35 the mother or putative father may contest paternity under this

1 chapter.

2 b. The order orders shall be filed with the clerk of the
3 district court in the county where the notice was filed and
4 have the same force and effect as a court order for paternity
5 testing.

6 ~~b. -- If the putative father has signed an affidavit of~~
7 ~~paternity pursuant to section 252A-3A within the three-year~~
8 ~~period prior to the receipt of notice, and the putative father~~
9 ~~contests paternity, the putative father shall pay all costs of~~
10 ~~the paternity testing.~~

11 c. The unit shall issue copies of the respective
12 administrative orders for paternity testing to the mother and
13 putative father in person, or by regular mail to the last
14 known address of each, or if applicable, to the last known
15 address of the attorney for each.

16 e d. If a paternity test is required ordered under this
17 section, the administrator shall direct that inherited
18 characteristics, including but not limited to blood types, be
19 analyzed and interpreted, and shall appoint an expert
20 qualified as an examiner of genetic markers to analyze and
21 interpret the results ~~and report the results to the~~
22 administrator.

23 d e. The ~~putative father~~ party contesting paternity shall
24 be provided one opportunity to reschedule the paternity
25 testing appointment if the testing is rescheduled prior to the
26 date of the originally scheduled appointment.

27 e f. An original copy of the test results shall be ~~sent to~~
28 filed with the clerk of the district court in the county where
29 the notice was filed, and a copy shall be sent to the
30 administrator and. The child support recovery unit shall
31 issue a copy of the filed test results to the putative father
32 and mother of the child or children in person, or by regular
33 mail to the last known address of each, or if applicable, to
34 the last known address of the attorney for each. However, if
35 the action is the result of a request from a foreign

1 jurisdiction, the unit shall issue a copy of the results to
2 the initiating agency in that foreign jurisdiction.

3 § g. Verified documentation of the chain of custody of the
4 blood or genetic specimens is competent evidence to establish
5 the chain of custody. The testimony of the appointed expert
6 is not required. A verified expert's report of test results
7 which indicate a statistical probability of paternity is
8 sufficient authenticity of the expert's conclusion.

9 h. A verified expert's report shall be admitted as
10 evidence to establish administrative paternity, and, if a
11 court hearing is scheduled to resolve the issue of paternity,
12 shall be admitted as evidence and is admissible at trial.

13 § i. If the verified expert concludes that the test
14 results show that the putative father is not excluded and that
15 the probability of the putative father's paternity is ninety-
16 five percent or higher, there shall be a rebuttable
17 presumption that the putative father is the biological father,
18 and the evidence shall be sufficient as a basis for
19 administrative establishment of paternity. A-verified
20 expert's-report-on-test-results-which-indicate-a-statistical
21 probability-of-paternity-is-sufficient-authenticity-of-the
22 expert's-conclusion:

23 h.--if-the-paternity-test-results-indicate-a-probability-of
24 paternity-of-ninety-five-percent-or-greater-and-the-putative
25 father-wishes

26 (1) In order to challenge the presumption of paternity,
27 the-putative-father a party shall file a written notice of the
28 challenge with the district court and-an-application-for-a
29 hearing-by-the-district-court within twenty days of-the-filing
30 of the-expert's-report-with-the-clerk-of-the-district-court
31 from the date the paternity test results are issued or mailed
32 to all parties by the unit, or within ten if a court hearing
33 is scheduled to resolve the issue of paternity, no later than
34 thirty days after before the scheduled date of the conference
35 court hearing, whichever occurs later. Any subsequent

1 rescheduling or continuances of the originally scheduled
2 hearing shall not extend the initial time frame. Any
3 challenge to a presumption of paternity resulting from
4 paternity tests, or to paternity test results filed after the
5 initial time frame shall not be accepted or admissible by the
6 unit or the court.

7 (2) A copy of the notice challenging the presumption of
8 paternity shall be provided to any other party in person, or
9 by mailing the notice to the last known address of each party,
10 or if applicable, to the last known address of each party's
11 attorney.

12 (3) The party challenging the presumption of paternity
13 has the burden of proving that the putative father is not the
14 father of the child.

15 (4) The presumption of paternity may be rebutted only
16 by clear and convincing evidence.

17 j. If the verified expert concludes that the test
18 results indicate that the putative father is not excluded and
19 that the probability of the putative father's paternity is
20 less than ninety-five percent, ~~test results shall be weighed~~
21 ~~along with other evidence of paternity. To challenge the test~~
22 ~~results, a party shall file a written notice of the challenge~~
23 ~~with the clerk of the district court within twenty days of the~~
24 ~~filing of the expert's report and shall send a copy of the~~
25 ~~written notice to any other party. The~~ the administrator may
26 then shall order a second subsequent administrative paternity
27 test or certify the case to the district court for resolution
28 in accordance with the procedures and time frames specified in
29 paragraph "i" and section 252F.5.

30 k. If the results of the test or the verified expert's
31 analysis are timely challenged as provided in this subsection,
32 the administrator, upon the request of a party or upon the
33 unit's own initiative, shall order that an additional test be
34 performed by the same laboratory or an independent laboratory
35 or shall certify the case to the district court in accordance

1 with paragraph "i" and section 252F.5.

2 1. When a subsequent paternity test is conducted, the time
3 frames in this chapter associated with paternity tests shall
4 apply to the most recently completed test.

5 m. If the paternity test results exclude the putative
6 father as a potential biological father of the child or
7 children, and additional tests are not requested by either
8 party or conducted on the unit's initiative, or if additional
9 tests exclude the putative father as a potential biological
10 father, the unit shall withdraw its action against the
11 putative father and shall file a notice of the withdrawal with
12 the clerk of the district court, and shall provide a copy of
13 the notice to the putative father in person, or by regular
14 mail sent to the putative father's last known address, or if
15 applicable, the last known address of the putative father's
16 attorney.

17 n. If paternity is established and paternity testing was
18 conducted, the unit shall enter an order or, if the action
19 proceeded to a court hearing, request that the court enter a
20 judgment for the costs of the paternity tests consistent with
21 applicable federal law.

22 ~~k.--If the results of the test or the expert's analysis are~~
23 ~~disputed, the administrator, upon the request of a party or~~
24 ~~upon the unit's own initiative, shall order that an additional~~
25 ~~test be performed by the same laboratory or an independent~~
26 ~~laboratory, at the expense of the party requesting additional~~
27 ~~testing.~~

28 Sec. 30. Section 252F.4, subsections 1, 2, 3, 4, 6, and 7,
29 Code Supplement 1993, are amended to read as follows:

30 1. If the putative father fails to respond to the initial
31 notice within twenty days after the date of service of the
32 notice or fails to appear at the a conference pursuant to
33 section 252F.3 on the scheduled date of the conference, and
34 paternity has not been contested and the putative father fails
35 to timely request a court hearing on the issue of support, the

1 administrator ~~may~~ shall enter an order against the putative
2 father, declaring the putative father to be the ~~biological~~
3 legal father of the child or children involved and assessing
4 ~~the-support-obligation-and~~ any accrued and accruing child
5 support obligation pursuant to the guidelines established
6 under section 598.21, subsection 4, and medical support
7 pursuant to chapter 252E, against the father.

8 2. If paternity is contested pursuant to section 252F.3,
9 subsection 6, and the putative-father party contesting
10 paternity fails to appear for a paternity test and fails to
11 request a rescheduling pursuant to section 252F.3, or fails to
12 appear for both the initial and the rescheduled paternity
13 tests and the putative father fails to timely request a court
14 hearing on the issue of support, the administrator ~~may~~ shall
15 enter an order against the putative father declaring the
16 putative father to be the ~~biological~~ legal father of the child
17 or children involved and assessing ~~the-support-obligation-and~~
18 any accrued and accruing child support obligation pursuant to
19 the guidelines established under section 598.21, subsection 4,
20 and medical support pursuant to chapter 252E, against the
21 father.

22 3. If the putative father appears at a conference pursuant
23 to section 252F.3, and paternity is not contested, and the
24 putative father fails to timely request a court hearing on the
25 issue of support, the administrator ~~may~~ shall enter an order
26 against the putative father ~~ten-days~~ after the second notice
27 has been sent declaring the putative father to be the
28 ~~biological~~ legal father of the child or children involved and
29 assessing ~~the-support-obligation-and~~ any accrued and accruing
30 child support obligation pursuant to the guidelines
31 established under section 598.21, subsection 4, and medical
32 support pursuant to chapter 252E against the father.

33 4. If paternity was contested and paternity testing was
34 performed and the putative father was not excluded, if the
35 test results indicate that the probability of the putative

1 father's paternity is ninety-five percent or greater, and the
2 putative father fails to timely challenge paternity testing,
3 if the test results are not timely challenged, and if the
4 putative father fails to timely request a court hearing on the
5 issue of support, the administrator may shall enter an order
6 against the putative father declaring the putative father to
7 be the biological legal father of the child or children
8 involved and assessing the support obligation and any accrued
9 and accruing child support obligation pursuant to the
10 guidelines established under section 598.21, subsection 4, and
11 medical support pursuant to chapter 252E, against the father.

- 12 6. The order shall contain all of the following:
- 13 a. A declaration of paternity.
 - 14 b. The amount of monthly support to be paid, with
 - 15 direction as to the manner of payment.
 - 16 c. The amount of accrued support.
 - 17 d. The name of the custodial parent or caretaker.
 - 18 e. The name and birth date of the child or children to
 - 19 whom the order applies.
 - 20 f. A statement that property of the putative father is
 - 21 subject to income withholding, liens, garnishment, tax offset,
 - 22 and other collection actions.
 - 23 g. The medical support required pursuant to chapter 598
 - 24 and chapter 252E.
 - 25 h. A statement that the father is required to inform the
 - 26 child support recovery unit, on a continuing basis, of the
 - 27 name and address of the father's current employer, whether the
 - 28 father has access to health insurance coverage through
 - 29 employment or at reasonable cost through other sources, and if
 - 30 so, the health insurance policy information.

31 1. If paternity was contested, the amount of any judgment
32 assessed to the father for costs of paternity tests conducted
33 pursuant to this chapter.

34 7. If the putative father does not deny paternity is not
35 contested but the putative father does wish to challenge the

1 issues of child or medical support, the administrator may
2 shall enter an order establishing paternity and reserving the
3 issues of child or medical support for determination by the
4 district court.

5 Sec. 31. Section 252F.5, subsections 2, 3, 6, and 7, Code
6 Supplement 1993, are amended to read as follows:

7 2. An action under this chapter may be certified to the
8 district court if a party challenges ~~the administrator's~~
9 ~~finding of~~ timely contests paternity, ~~or the amount of~~
10 establishment or paternity test results, or if the putative
11 father requests a court hearing on the issues of child or
12 medical support, or both, or upon the initiation of the unit
13 as provided in this chapter. Review by the district court
14 shall be an original hearing before the court.

15 3. In any action brought under this chapter, the action
16 shall not be certified to the district court in a contested
17 paternity action unless all of the following have occurred:

- 18 a. Paternity testing has been completed.
- 19 b. The results of the paternity test have been sent issued
20 to the putative father all parties.
- 21 c. A timely written objection to the entry of an order
22 paternity establishment or paternity test results has been
23 received from a party, or a timely written request for a court
24 hearing on the issue of support has been received from the
25 putative father by the unit, or the unit has requested a court
26 hearing on the unit's own initiative.
- 27 d. At least fifty days have expired since the test results
28 have been issued to the parties by the unit or the time frame
29 has been waived pursuant to section 252F.8.

30 6. If the court determines that the putative father is the
31 biological legal father, the court shall establish the amount
32 of the ~~monthly support payment and the~~ accrued and accruing
33 child support pursuant to the guidelines established under
34 section 598.21, subsection 4, and shall establish medical
35 support pursuant to chapter 252E.

1 7. If a the putative father or another party contesting
2 paternity fails to appear at the hearing, upon a showing that
3 proper notice has been provided to the party, the court may
4 shall find the party in default and enter an appropriate order
5 establishing paternity and support.

6 Sec. 32. Section 252F.8, Code Supplement 1993, is amended
7 to read as follows:

8 252F.8 WAIVER OF TIME LIMITATIONS BY-PUTATIVE-FATHER.

9 1. A putative father or other party may waive the time
10 limitations established in this chapter.

11 2. ~~Upon~~ If a party does not contest paternity or wish to
12 request a conference or court hearing on the issue of support,
13 upon receipt of a signed statement from the putative father
14 and any other party that may contest establishment of
15 paternity, waiving the time limitations, the administrator may
16 shall enter an order establishing paternity and support and
17 the court may approve the order, notwithstanding the
18 expiration of the period of the time limitations if paternity
19 is established.

20 3. If a putative father or other party waives the time
21 limitations and an order establishing paternity and or
22 determining support, or both, is entered under this chapter,
23 the signed statement of the putative father and other party
24 waiving the time limitations shall be filed with the order ~~for~~
25 support.

26 Sec. 33. Section 252G.1, Code Supplement 1993, is amended
27 to read as follows:

28 252G.1 DEFINITIONS.

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

31 1. "Compensation" means payment owed by the payor of
32 income for:

33 a. Labor or services rendered by an employee or contractor
34 non-traditional employee to the payor of income.

35 b. Benefits including, but not limited to, vacation,

1 holiday, and sick leave, and severance payments which are due
2 an employee under an agreement with the employer or under a
3 policy of the employer.

4 2. ~~"Contractor" means a natural person who is an
5 independent contractor, including an independent trucking
6 owner or operator.~~

7 3. "Date of hire" means the earlier of either of the
8 following:

9 a. The first day for which the an employee or contractor
10 is owed compensation by the payor of income.

11 b. The first day that ~~an employee or contractor reports to~~
12 work or a nontraditional employee performs labor or services
13 for the payor of income.

14 4. "Days" means calendar days.

15 5. "Department" means the department of human services.

16 6. "Dependent" includes a spouse or child or any other
17 person who is in need of and entitled to support from a person
18 who is declared to be legally liable for the support of that
19 dependent.

20 7. "Employee" means a natural person who performs labor
21 in this state and is employed by an employer in this state for
22 compensation and for whom the employer withholds federal or
23 state tax liabilities from the employee's compensation.

24 8. "Employer" means a person doing business in the this
25 state who engages an employee for compensation and for whom
26 the employer withholds federal or state tax liabilities from
27 the employee's compensation.

28 9. "Natural person" means an individual and not a
29 corporation, government, business trust, estate, partnership,
30 proprietorship, or other legal entity, however organized.

31 10. "Nontraditional employee" means a natural person who
32 performs labor in this state to whom a payor of income makes
33 payments which are not subject to withholding and for whom the
34 payor of income is required by the internal revenue service to
35 complete a 1099-MISC form.

1 9 10. "Payor of income" includes both an employer and a
2 person doing engaged in a trade or business in the this state
3 who engages a contractor nontraditional employee for
4 compensation.

5 ~~10~~ 11. "Registry" means the central employee registry
6 created in section 252G.2.

7 ~~11~~ 12. "Rehire" means the earlier-of-either-of-the
8 following:

9 a.--The first day for which the an employee or-contractor
10 is owed compensation by the payor of income following an
11 unpaid-absence-of a termination of employment lasting a
12 minimum of six consecutive weeks. Termination of employment
13 does not include temporary separations from employment such as
14 unpaid medical leave, an unpaid leave of absence, or a
15 temporary layoff.

16 b.--The first-day-that-an-employee-or-contractor-reports-to
17 work-or-performs-labor-or-services-for-the-payor-of-income
18 following-an-unpaid-absence-of-a-minimum-of-six-consecutive
19 weeks.

20 ~~12~~ 13. "Unit" means the child support recovery unit
21 created in section 252B.2.

22 Sec. 34. Section 252G.3, subsection 1, Code Supplement
23 1993, is amended to read as follows:

24 1. Beginning January 1, 1994, an employer who hires or
25 rehires an employee on or after January 1, 1994, shall report
26 all-of-the-following the hiring or rehiring of the employee to
27 the centralized employee registry within ten fifteen days of
28 the hiring or rehiring of an the employee. Employers shall
29 report employees who are eighteen years of age or older on the
30 date of hire or rehire, and may report employees who are under
31 eighteen years of age on the date of hire or rehire. Only
32 employees who are reasonably expected to earn at least one
33 dollar in compensation for any day on which the employee works
34 shall be reported. The report submitted shall contain all of
35 the following:

1 a. The employer's name, address, and federal
2 identification number.

3 b. The employee's name, address, social security number,
4 and date of birth.

5 c. Information regarding ~~availability of whether the~~
6 employer has employee dependent health care coverage available
7 and whether or not the appropriate date on which the employee
8 is qualified may qualify for the coverage.

9 ~~d. Whether the payroll of the employer is prepared at the~~
10 ~~address of the employer or at a separate location, and the~~
11 ~~address of the separate location, if applicable. The address~~
12 to which income withholding orders and garnishments should be
13 sent.

14 Sec. 35. Section 252G.4, Code Supplement 1993, is amended
15 to read as follows:

16 252G.4 ALTERNATIVE REPORTING REQUIREMENTS FOR
17 NONTRADITIONAL EMPLOYEES -- PENALTY.

18 1. Beginning January 1, 1994, a payor of income to whom
19 section 252G.3 is inapplicable, who ~~engages a contractor on or~~
20 after January 1, 1994 on or after January 1, 1994, enters into
21 an agreement for the performance of services with a
22 nontraditional employee who is eighteen years of age or older
23 on the date of the entering of the agreement, shall report all
24 of the following the nontraditional employee to the registry.
25 Payors of income shall report nontraditional employees for
26 whom it is reasonably anticipated that a 1099-MISC form will
27 be prepared. The report shall be filed with the registry
28 within ten fifteen days of hiring or rehiring of a contractor
29 the date the nontraditional employee first performs services
30 for the payor of income, or within fifteen days of the
31 nontraditional employee's initial request for payment. The
32 payor of income is not required to report nontraditional
33 employees with whom the payor of income establishes subsequent
34 agreements to perform services. The report submitted to the
35 registry shall contain all of the following:

1 a. The name, address, and federal identification number of
2 the payor of income.

3 b. The contractor's name, address, social security number,
4 and if known, the contractor's date of birth of the
5 nontraditional employee.

6 2.--Payers-of-income-to-whom-section-2526-3-is-inapplicable
7 shall-report-under-this-section-only-when-all-of-the-following
8 conditions-are-met:

9 a.--The-contractor-is-not-being-engaged-for-the-sole
10 purpose-of-performing-services-on-the-residential-property-of
11 the-payor-of-income:

12 b.--Payment-of-income-under-the-contract-is-reasonably
13 expected-to-equal-or-exceed-one-thousand-dollars-in-any
14 twelve-month-period:

15 c.--The-contractor-will-perform-labor-or-services-for-a
16 minimum-period-of-two-months:

17 3 2. A payor of income required to report under this
18 section may report the information required under subsection 1
19 by any written means authorized by the unit which results in
20 timely reporting.

21 4 3. Information reported under this section shall be
22 received and maintained as provided in section 252G.2.

23 5 4. A payor of income required to report under this
24 section who fails to report is subject to the penalty provided
25 in section 252G.3, subsection 4.

26 Sec. 36. Section 421.17, subsection 21A, paragraphs c and
27 d, Code Supplement 1993, are amended to read as follows:

28 c. The individual shall remit the payment to the
29 department of revenue and finance separate from any tax
30 liability payments, identify the payment as a support payment,
31 and make the payment payable to the collection services
32 center. The department shall forward all payments received
33 pursuant to this section to the collection services center
34 established pursuant to chapter 252P, for processing and
35 disbursement. The department of revenue and finance may

1 establish ~~by-rule~~ a process for the child support recovery
2 unit or collection services center to directly receive the
3 payments. For purposes of crediting the support payments
4 pursuant to sections 252B.14 and 598.22, payments received by
5 the department of revenue and finance and forwarded to the
6 collection services center shall be credited as if received
7 directly by the collection services center.

8 d. The notice shall provide that, as an alternative to the
9 provisions of paragraph "b", the individual may contact the
10 child support recovery unit to formalize a repayment plan and
11 obtain an exemption from the quarterly payment filing
12 requirement when payments are made pursuant to the repayment
13 plan or to contest the balance due listed in the notice when
14 payments-are-made-pursuant-to-the-plan.

15 Sec. 37. Section 600B.9, Code 1993, is amended to read as
16 follows:

17 600B.9 TIME OF INSTITUTING PROCEEDINGS.

18 The proceedings may be instituted during the pregnancy of
19 the mother or after the birth of the child, but, except with
20 the consent of ~~the person charged with being the father~~ all
21 parties, the trial shall not be had held until after the birth
22 of the child and shall be held no earlier than twenty days
23 from the date the alleged father is served with notice of the
24 action or, if blood or genetic tests are conducted, no earlier
25 than fifty days from the date the test results are filed with
26 the clerk of the district court as provided under section
27 600B.41.

28 Sec. 38. Section 600B.24, Code 1993, is amended to read as
29 follows:

30 600B.24 JUDGMENT IN GENERAL.

31 1. If the defendant, after being served with notice as
32 required under section 600B.15, fails to timely respond to the
33 notice, or to appear for blood or genetic tests pursuant to a
34 court or administrative order, or to appear at a scheduled
35 hearing after being provided notice of the hearing, the court

1 shall find the defendant in default and enter a default
2 judgment.

3 ~~2. If the findings~~ Upon a finding or verdict be of
4 paternity against the defendant, the court shall ~~give~~ enter a
5 judgment against ~~him~~ the defendant declaring paternity and for
6 ordering support of the child.

7 Sec. 39. Section 600B.41, subsections 3, 5, and 6, Code
8 Supplement 1993, are amended to read as follows:

9 3. Verified documentation of the chain of custody of the
10 blood or genetic specimen is competent evidence to establish
11 the chain of custody. The testimony of the court-appointed
12 expert at trial is not required.

13 5. The results of the tests shall have the following
14 effects:

15 a. Test results which show a statistical probability of
16 paternity are admissible. To challenge the test results, a
17 party shall file a notice of the challenge, with the court,
18 within twenty days of the filing of the expert's report with
19 the clerk of the district court, or, if a court hearing is
20 scheduled to resolve the issue of paternity, no later than
21 thirty days before the original court hearing date.

22 (1) Any subsequent rescheduling or continuances of the
23 originally scheduled hearing shall not extend the original
24 time frame.

25 (2) Any challenge filed after the time frame is not
26 acceptable or admissible by the court.

27 (3) If a challenge is not timely filed, the test results
28 shall be admitted as evidence of paternity without the need of
29 additional proof of authenticity or accuracy.

30 b. If the expert concludes that the test results show that
31 the alleged father is not excluded and that the probability of
32 the alleged father's paternity is ninety-five percent or
33 higher, there shall be a rebuttable presumption that the
34 alleged father is the father, and this evidence must be
35 admitted.

1 (1) To challenge this presumption of paternity, a party
2 must file a notice of the challenge with the court within
3 ~~twenty-days-of-the-filing-of-the-expert's-report-with-the~~
4 ~~clerk-of-the-district-court~~ the time frames prescribed in
5 paragraph "a".

6 (2) The party challenging the presumption of the alleged
7 father's paternity has the burden of proving that the alleged
8 father is not the father of the child.

9 (3) The presumption of paternity can be rebutted only by
10 clear and convincing evidence.

11 c. If the expert concludes that the test results show that
12 the alleged father is not excluded and that the probability of
13 the alleged father's paternity is less than ninety-five
14 percent, test results shall be weighed along with other
15 evidence of the alleged father's paternity. To challenge the
16 test results, a party must file a notice of the challenge with
17 the court within ~~twenty-days-of-the-filing-of-the-expert's~~
18 ~~report-with-the-clerk-of-the-district-court~~ the time frames
19 prescribed in paragraph "a".

20 6. If the results of the tests or the expert's analysis of
21 inherited characteristics is disputed in a timely fashion, the
22 court, upon reasonable request of a party, shall order that an
23 additional test be made by the same laboratory or an
24 independent laboratory at the expense of the party requesting
25 additional testing. When a subsequent test is conducted, all
26 time frames prescribed in this chapter associated with blood
27 or genetic tests shall apply to the most recently completed
28 test.

29 Sec. 40. Section 602.6111, Code Supplement 1993, is
30 amended by adding the following new subsection:

31 NEW SUBSECTION. 3. The requirements of subsection 1 do
32 not apply to actions filed by the child support recovery unit
33 established pursuant to chapter 252B. For actions filed by
34 the child support recovery unit, the clerk of the district
35 court shall generate an alternative personal identification

1 number if the party's social security number or driver's
2 license number is not provided or available through other
3 sources.

4 Sec. 41. Section 627.13, Code 1993, is amended to read as
5 follows:

6 627.13 WORKERS' COMPENSATION.

7 Any compensation due or that may become due an employee or
8 dependent under chapter 85 is exempt from garnishment,
9 attachment, execution, and assignment of income, except for
10 the purposes of enforcing child, spousal, or medical support
11 obligations. For the purposes of enforcing child, spousal, or
12 medical support obligations, the an assignment of income,
13 garnishment or attachment of or the execution against
14 compensation due an employee or dependent under chapter 85 is
15 not exempt but shall be limited as specified in 15 U.S.C. §
16 1673(b).

17 Sec. 42. Section 669.2, subsection 4, Code Supplement
18 1993, is amended by adding the following new unnumbered
19 paragraph:

20 NEW UNNUMBERED PARAGRAPH. "Employee of the state" also
21 includes an individual performing unpaid community service
22 under an order of the district court pursuant to section
23 598.23A.

24 Sec. 43. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

25 1. Section 252D.23 as amended by this Act, relating to
26 income withholding orders, being deemed of immediate
27 importance, takes effect upon enactment and applies
28 retroactively to July 1, 1992.

29 2. Section 602.6111 as amended by this Act, relating to
30 use of alternative personal identification numbers on
31 documents filed with the clerk of the district court, being
32 deemed of immediate importance, takes effect upon enactment
33 and applies retroactively to July 1, 1993.

34 3. Section 252D.8, subsection 1, unnumbered paragraph 1,
35 as amended by this Act, relating to immediate income

1 withholding, and sections 252G.1, 252G.3, subsection 1, and
2 252G.4, as amended by this Act, relating to the central
3 employee registry, being deemed of immediate importance, take
4 effect upon enactment and apply retroactively to January 1,
5 1994.

6 4. Section 85.59, unnumbered paragraph 2, as amended by
7 this Act, relating to community service for obligors found in
8 contempt of court, section 252B.20, subsection 1, paragraph
9 "b", as amended by this Act, relating to recipients of public
10 assistance, section 252B.21, subsection 1, as amended by this
11 Act, relating to notice for seek employment orders, and
12 section 669.2, subsection 4, as amended by this Act, relating
13 to liability for persons performing community service, being
14 deemed of immediate importance, take effect upon enactment.

15

EXPLANATION

16 This bill makes various changes related to child support
17 recovery. The bill clarifies liability for the performance of
18 community service relative to a contempt order against a
19 person who fails to pay child support; provides that the same
20 force and effect be applicable to child support orders whether
21 established by the judicial process or by the expedited
22 departmental process; provides that the child support recovery
23 unit administrator may establish a support debt or medical
24 support if an existing order does not address the payment of
25 the debt or medical support; clarifies terms used relative to
26 child support; expands the recognized forms of paternity
27 establishment; clarifies that the provision of information in
28 hospitals regarding paternity establishment procedures is to
29 be provided to the alleged father only if possible; lists the
30 provisions for establishment of paternity under which the
31 department has authority; provides the type of information
32 which is included in the compiled listing of cases for
33 publication regarding outstanding child support obligations;
34 clarifies that in cases of suspension of an obligation the
35 child is the person who is not receiving public assistance;

1 provides for mailing administrative seek employment orders to
2 an obligor; alters where administrative actions are to be
3 filed; provides that immediate withholding of income is
4 automatic even if not authorized in a court order; provides
5 that inaccurate information contained in an income withholding
6 order regarding the amount of support does not modify the
7 order; makes the provisions of the centralized employee
8 registry mandatory only as to employees 18 years of age or
9 older unless the employer chooses to include those under 18
10 years of age and provides the terms for reporting of
11 nontraditional employees; provides that payments made directly
12 to the department of revenue and finance by self-employed
13 obligors are to be credited as though directly remitted to the
14 collection services center; provides that the personal
15 identification number of a party to an action for which a
16 document is filed with the clerk of the district court by the
17 child support recovery unit may be other than the party's
18 social security number or driver's license number in order to
19 comply with confidentiality requirements; states that an
20 assignment of income relative to workers' compensation is one
21 means of enforcing child support recovery provisions; provides
22 for changes in the area of paternity establishment and medical
23 child support orders to provide conformity with the federal
24 Omnibus Budget Reconciliation Act (OBRA) of 1993; and provides
25 for effective dates and retroactive applicability of certain
26 provisions.

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HOUSE FILE 2410

5528

Amend House File 2410 as follows:

1. Page 11, by inserting after line 1 the following:

"Sec. ____ . Section 252B.13, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

252B.13 CHILD SUPPORT ADVISORY COMMITTEE -- ESTABLISHED -- DUTIES.

1. a. The department shall establish a child support advisory committee. Members shall include at least one district judge and representatives of custodial parent groups, noncustodial parent groups, the general assembly, the office of citizens' aide, the Iowa state bar association, the Iowa county attorneys' association, and other constituencies which have an interest in child support enforcement issues, appointed by the respective entity.

b. The legislative members of the committee shall be appointed by the majority leader of the senate, after consultation with the president of the senate, and the minority leader of the senate, and by the speaker of the house, after consultation with the majority leader and the minority leader of the house of representatives. Members shall serve staggered terms of two years. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled by the original appointing authority and in the manner of the original appointments.

c. Nonlegislative members shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Legislative members shall receive compensation pursuant to section 2.12.

2. The committee shall select a chairperson, annually, from its membership. A majority of the members of the committee shall constitute a quorum.

3. The child support advisory committee shall assist the department in all of the following activities:

a. Review of existing child support guidelines and recommendations for revision.

b. Examination of the operation of the child support system to identify program improvements or enhancements which would increase the effectiveness of securing parental support and parental involvement.

c. Recommendation of legislation which would clarify and improve state law regarding support for children.

4. The committee shall receive input from the

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-1-

H-5528

Page 2

1. Public regarding the leaves identified in subsection
2. 1. The methods by which public input may be accessed
3. may include but are not limited to public hearings,
4. focus groups, and surveys."

5. 2. Page 16, line 31, by inserting after the word
6. "plan" the following: "and the standard enrollment
7. guidelines of the insurer."

8. 3. Page 20, line 5, by striking the words "The
9. insurer" and inserting the following: "In the
10. dependent is otherwise eligible to be enrolled in the
11. plan pursuant to the applicable terms and conditions
12. of the health benefit plan and the standard enrollment
13. guidelines of the insurer, the insurer."

14. 4. Page 21, line 13, by striking the words "The
15. insurer" and inserting the following: "If a dependent
16. has coverage under the health benefit plan of" and
17. through the insurer of the obligor, the insurer".

18. 5. Page 21, line 28, by striking the word
19. "application" and inserting the following:
20. "application."

21. 6. Page 22, line 3, by striking the words
22. "provider of" and inserting the following:
23. "provisions regarding".

24. 7. By renumbering as necessary.

By HAVERLAND of Polk

H-5528 FILED MARCH 13, 1994

adopted 3.21-94 (p. 785)

(p. 798) 3/22/94 Senate - Human Resources
(p. 837) 3/24/94 Senate - ~~Amend/No Pass~~
W/ S-5301

HOUSE FILE 2410
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 709)

(As Amended and Passed by the House March 21, 1994)

(p. 1413) Passed House, Date 4-12-94 (p. 1056) Passed Senate, Date 4-6-94
Vote: Ayes 87 Nays 13 Vote: Ayes 77 Nays 0
Approved May 11, 1994

A BILL FOR

1 An Act relating to child support recovery including paternity
2 establishment provisions, making a penalty applicable, and
3 providing effective date and retroactive applicability
4 provisions.

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

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House Amendments _____

1 Section 1. Section 85.59, unnumbered paragraph 2, Code
2 Supplement 1993, is amended to read as follows:

3 For purposes of this section, "inmate" includes a person
4 who is performing unpaid community service under the direction
5 of the district court, board of parole, or judicial district
6 department of correctional services, or an inmate providing
7 services pursuant to a chapter 28E agreement entered into
8 pursuant to section 904.703, or who is performing a work
9 assignment of value to the state or to the public under
10 chapter 232. For purposes of this section, "unpaid community
11 service under the direction of the district court" includes
12 but is not limited to community service ordered and performed
13 pursuant to section 598.23A.

14 Sec. 2. Section 144.13, subsection 1, paragraph e, Code
15 Supplement 1993, is amended to read as follows:

16 e. ~~In-the-case-of-a-child-born-out-of-wedlock,~~ If an
17 affidavit of paternity is obtained directly from the county
18 registrar and is filed pursuant to section 252A.3A shall be
19 filed directly with the county registrar shall forward the
20 original affidavit to the state registrar.

21 Sec. 3. Section 144.13, subsection 4, Code Supplement
22 1993, is amended to read as follows:

23 4. The division shall make all of the following available
24 to the child support recovery unit, upon request, ~~a:~~

25 a. A copy of a child's birth certificate, ~~the.~~

26 b. The social security numbers of the mother and the
27 father, ~~and a.~~

28 c. A copy of the affidavit of paternity if provided filed
29 pursuant to section 252A.3A.

30 d. Information, other than information for medical and
31 health use only, identified on a child's birth certificate or
32 on an affidavit of paternity filed pursuant to section
33 252A.3A. The information may be provided as mutually agreed
34 upon by the division and the child support recovery unit,
35 including by automated exchange.

1 Sec. 4. Section 144.40, Code Supplement 1993, is amended
2 to read as follows:

3 144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK.

4 Upon request and receipt of ~~a sworn acknowledgment of~~
5 ~~paternity of a child born out of wedlock signed by both~~
6 ~~parents including~~ an affidavit of paternity completed and
7 filed pursuant to section 252A.3A, or a certified copy or
8 notification by the clerk of court of a court or
9 administrative order establishing paternity, the state
10 registrar shall amend a certificate of birth to show paternity
11 if paternity is not shown on the birth certificate. Upon
12 written request of the parents, the surname of the child may
13 be changed on the certificate to that of the father. The
14 certificate shall not be marked "amended".

15 Sec. 5. Section 232.4, Code 1993, is amended to read as
16 follows:

17 232.4 JURISDICTION -- SUPPORT OBLIGATION.

18 Notwithstanding any other provision of this chapter, and
19 for the purposes of establishing a parental liability obli-
20 gation for a child under the jurisdiction of the juvenile
21 court, ~~the court shall establish~~ a support obligation shall be
22 established pursuant to section 234.39 ~~or the department shall~~
23 ~~establish a support obligation pursuant to chapter 252E;~~
24 ~~provided that a support obligation has not previously been~~
25 ~~established under an order of the district court or chapter~~
26 252E.

27 Sec. 6. Section 234.39, subsection 1, Code 1993, is
28 amended to read as follows:

29 1. For an individual to whom section 234.35, subsection 1,
30 is applicable, a dispositional order of the juvenile court
31 requiring the provision of foster care, or an administrative
32 order entered pursuant to chapter 252C, shall establish, after
33 notice and a reasonable opportunity to be heard is provided to
34 a parent or guardian, the amount of the parent's or guardian's
35 support obligation for the cost of foster care provided by the

1 department, if a support obligation has not previously been
2 established under an order of the district court or court of
3 comparable jurisdiction in another state or pursuant to
4 chapter 252E. The court, or the department of human services
5 in establishing support by administrative order, shall
6 establish the amount of the parent's or guardian's support
7 obligation and the amount of support debt accrued and accruing
8 in accordance with the child support guidelines prescribed
9 under section 598.21, subsection 4. However, the court, or
10 the department of human services in establishing support by
11 administrative order, may deviate from the prescribed
12 obligation after considering a recommendation by the
13 department for expenses related to goals and objectives of a
14 case permanency plan as defined under section 237.15, and upon
15 written findings of fact which specify the reason for
16 deviation and the prescribed guidelines amount. Any order for
17 support shall direct the payment of the support obligation to
18 the collection services center for the use of the department's
19 foster care recovery unit. The order shall be filed with the
20 clerk of the district court in which the responsible parent or
21 guardian resides and has the same force and effect as a
22 judgment when entered in the judgment docket and lien index.
23 The collection services center shall disburse the payments
24 pursuant to the order and record the disbursements. If
25 payments are not made as ordered, the child support recovery
26 unit may certify a default to the court and the court may, on
27 its own motion, proceed under section 598.22 or 598.23 or the
28 child support recovery unit may enforce the judgment as
29 allowed by law. An order entered under this subsection may be
30 modified only in accordance with the guidelines prescribed
31 under section 598.21, subsection 8.

32 Sec. 7. NEW SECTION. 249A.4A GARNISHMENT.

33 When payment is made by the department for medical care or
34 expenses through the medical assistance program on behalf of a
35 recipient, the department may garnish the wages, salary, or

1 other compensation of the person obligated to pay child
2 support or may withhold amounts pursuant to chapter 252D from
3 the income of the person obligated to pay support, and shall
4 withhold amounts from state income tax refunds of a person
5 obligated to pay support, to the extent necessary to reimburse
6 the department for expenditures for medical care or expenses
7 on behalf of a recipient if all of the following conditions
8 apply:

9 1. The person is required by court or administrative order
10 to provide medical support to a recipient.

11 2. The person has received payment from a third party for
12 the costs of medical assistance to the recipient and has not
13 used the payments to reimburse the costs of medical care or
14 expenses.

15 Sec. 8. Section 252A.2, Code Supplement 1993, is amended
16 by adding the following new subsections before subsection 1
17 and renumbering the subsequent subsections:

18 NEW SUBSECTION. 1. "Birthing hospital" means a private or
19 public hospital licensed pursuant to chapter 135B that has a
20 licensed obstetric unit or is licensed to provide obstetric
21 services, or a licensed birthing center associated with a
22 hospital.

23 NEW SUBSECTION. 1A. "Birth center" means birth center as
24 defined in section 135G.2.

25 Sec. 9. Section 252A.2, Code Supplement 1993, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 4A. "Institution" means a birthing
28 hospital or birth center.

29 Sec. 10. Section 252A.3, subsection 9, Code Supplement
30 1993, is amended by adding the following new paragraph:

31 NEW PARAGRAPH. d. By establishment of paternity in a
32 foreign jurisdiction in any manner provided for by the laws of
33 that jurisdiction.

34 Sec. 11. Section 252A.3A, Code Supplement 1993, is amended
35 by striking the section and inserting in lieu thereof the

1 following:

2 252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.

3 1. The paternity of a child born out of wedlock may be
4 legally established by the completion and filing of an
5 affidavit of paternity only as provided by this section.

6 2. Establishment of paternity by affidavit under this
7 section may be used to establish paternity of the following
8 children:

9 a. The child of a woman who was unmarried at the time of
10 conception and birth of the child.

11 b. The child of a woman who is married at the time of
12 conception or birth of the child if a court of competent
13 jurisdiction has determined that the individual to whom the
14 mother was married at that time is not the father of the
15 child.

16 3. a. Prior to or at the time of completion of an
17 affidavit of paternity, written information about paternity
18 establishment, developed by the child support recovery unit
19 created in section 252B.2, shall be provided to the mother and
20 individual alleged to be the father.

21 b. The information provided shall include a description of
22 parental rights and responsibilities, including the duty to
23 provide financial support for the child, and the benefits of
24 establishing paternity.

25 c. Copies of the written information shall be made
26 available by the child support recovery unit or the Iowa
27 department of public health to those entities where an
28 affidavit of paternity may be obtained as provided under
29 subsection 4.

30 4. a. The affidavit of paternity form developed and used
31 by the Iowa department of public health is the only affidavit
32 of paternity form recognized for the purpose of establishing
33 paternity under this section.

34 b. The form shall be available from the state registrar,
35 each county registrar, the child support recovery unit, and

1 any institution in the state.

2 c. The Iowa department of public health shall make copies
3 of the form available to the entities identified in paragraph
4 "b" for distribution.

5 5. A completed affidavit of paternity shall contain or
6 have attached all of the following:

7 a. A statement by the mother consenting to the assertion
8 of paternity and the identity of the father and acknowledging
9 either of the following:

10 (1) That the mother was unmarried at the time of
11 conception and birth of the child.

12 (2) That the mother was married at the time of conception
13 or birth of the child, and that a court order has been entered
14 ruling that the individual to whom the mother was married at
15 that time is not the father of the child.

16 b. If paragraph "a", subparagraph (2), is applicable, a
17 certified copy of the filed order ruling that the husband is
18 not the father of the child.

19 c. A statement from the individual admitting paternity
20 that the individual is the father of the child.

21 d. The name of the child at birth and the child's birth
22 date.

23 e. The signatures of the mother and individual admitting
24 paternity.

25 f. The social security numbers of the mother and
26 individual admitting paternity.

27 g. The addresses of the mother and individual admitting
28 paternity, as available.

29 h. The signature of a notary public attesting to the
30 identities of the parties signing the affidavit of paternity.

31 i. Instructions for filing the affidavit.

32 6. A completed affidavit of paternity shall be filed with
33 the state registrar. However, if the affidavit of paternity
34 is obtained directly from the county registrar, the completed
35 affidavit may be filed with the county registrar who shall

1 forward the original affidavit to the state registrar. For
2 the purposes of legal establishment of paternity under this
3 section, paternity is legally established only upon filing of
4 the affidavit with the state registrar.

5 7. The state registrar shall make copies of affidavits of
6 paternity and identifying information from the affidavits
7 filed pursuant to this section available to the child support
8 recovery unit created under section 252B.2 in accordance with
9 section 144.13, subsection 4.

10 8. An affidavit of paternity completed and filed pursuant
11 to this section has all of the following effects:

12 a. Is admissible as evidence of paternity.

13 b. Has the same legal force and effect as a judicial
14 determination of paternity.

15 c. Serves as a basis for seeking child or medical support
16 without further determination of paternity.

17 9. All institutions in the state shall provide the
18 following services with respect to any newborn child born out
19 of wedlock:

20 a. Prior to discharge of the newborn from the institution,
21 the institution where the birth occurs shall provide the
22 mother and, if present, the alleged father, with all of the
23 following:

24 (1) Written information about establishment of paternity
25 pursuant to subsection 3.

26 (2) An affidavit of paternity form.

27 (3) An opportunity for consultation with the staff of the
28 institution regarding the written information provided under
29 subparagraph (1).

30 (4) An opportunity to complete an affidavit of paternity
31 at the institution, as provided in this section.

32 b. The institution shall file any affidavit of paternity
33 completed at the institution with the state registrar,
34 pursuant to subsection 6, accompanied by a copy of the child's
35 birth certificate, within ten days of the birth of the child.

1 10. a. An institution may be reimbursed by the child
2 support recovery unit created in section 252B.2 for providing
3 the services described under subsection 9, or may provide the
4 services at no cost.

5 b. An institution electing reimbursement shall enter into
6 a written agreement with the child support recovery unit for
7 this purpose.

8 c. An institution entering into an agreement for
9 reimbursement shall assist the parents of a child born out of
10 wedlock in completing and filing an affidavit of paternity.

11 d. Reimbursement shall be based only on the number of
12 affidavits completed in compliance with this section and
13 submitted to the state registrar during the duration of the
14 written agreement with the child support recovery unit.

15 e. The reimbursement rate is twenty dollars for each
16 completed affidavit filed with the state registrar.

17 Sec. 12. NEW SECTION. 252A.6A ADDITIONAL PROVISIONS
18 REGARDING PATERNITY ESTABLISHMENT.

19 1. When a court of this state is acting as the responding
20 state in an action initiated under this chapter to establish
21 paternity, all of the following shall apply:

22 a. Except with the consent of all parties, the trial shall
23 not be held until after the birth of the child and shall be
24 held no earlier than twenty days from the date the respondent
25 is served with notice of the action or, if blood or genetic
26 tests are conducted, no earlier than fifty days from the date
27 the test results are filed with the clerk of the district
28 court as provided under section 600B.41.

29 b. If the respondent, after being served with notice as
30 required under section 252A.6, fails to timely respond to the
31 notice, or to appear for blood or genetic tests pursuant to a
32 court or administrative order, or to appear at a scheduled
33 hearing after being provided notice of the hearing, the court
34 shall find the respondent in default, and shall enter an order
35 establishing paternity and establishing the monthly child

1 support payment and the amount of the support debt accrued and
2 accruing pursuant to section 598.21, subsection 4, or medical
3 support pursuant to chapter 252E, or both.

4 2. When a court of this state is acting as the responding
5 state in an action initiated under this chapter to establish
6 child or medical support based on a prior determination of
7 paternity and the respondent files an answer to the notice
8 required under section 252A.6 denying paternity, all of the
9 following shall apply:

10 a. (1) If the prior determination of paternity is based
11 on an affidavit of paternity filed pursuant to section
12 252A.3A, or an administrative order entered pursuant to
13 chapter 252F, or an order by the courts of this state, or by
14 operation of law when the mother and established father are or
15 were married to each other, the provisions of section 600B.41
16 are applicable.

17 (2) If the court determines that the prior determination
18 of paternity should not be overcome, pursuant to section
19 600B.41, and that the respondent has a duty to provide
20 support, the court shall enter an order establishing the
21 monthly child support payment and the amount of the support
22 debt accrued and accruing pursuant to section 598.21,
23 subsection 4, or medical support pursuant to chapter 252E, or
24 both.

25 b. If the prior determination of paternity is based on an
26 administrative or court order or by any other means, pursuant
27 to the laws of a foreign jurisdiction, an action to overcome
28 the prior determination of paternity shall be filed in that
29 jurisdiction. Unless the respondent requests and is granted a
30 stay of an action initiated under this chapter to establish
31 child or medical support, the action shall proceed as
32 otherwise provided in this chapter.

33 Sec. 13. Section 252B.5, subsection 2, Code Supplement
34 1993, is amended to read as follows:

35 2. Aid in establishing paternity and securing a court or

1 administrative order for support pursuant to chapter 252A,
2 252C, 252F, or 600B, or any other chapter providing for the
3 establishment of paternity or support.

4 Sec. 14. Section 252B.9, subsection 2, paragraph b,
5 subparagraph (2), Code Supplement 1993, is amended to read as
6 follows:

7 (2) For support orders entered in Iowa which are being
8 enforced by the unit, the unit may compile and make available
9 for publication a listing of cases in which no payment has
10 been credited to an accrued or accruing support obligation
11 during a previous three-month period. Each case on the list
12 shall be identified only by the name of the support obligor,
13 the city, state, and zip code, if known, of the support
14 obligor, unless the information pertaining to the city, state,
15 and zip code of the support obligor is protected through
16 confidentiality requirements established by law and has not
17 otherwise been verified with the unit, the support obligor's
18 court order docket or case number, the county in which the
19 obligor's support order is filed, and the collection services
20 center case numbers, and the range within which the balance of
21 the support obligor's delinquency is established. However,
22 the street address of the support obligor shall not be
23 published. The department shall determine dates for the
24 release of information, the specific format of the information
25 released, and the three-month period used as a basis for
26 identifying cases. The department may not release the
27 information more than twice annually. In compiling the
28 listing of cases, no prior public notice to the obligor is
29 required, but the unit may send notice annually by **first-class**
30 mail to the **last current** known address of any individual owing
31 a support obligation which is being enforced by the unit. The
32 notice shall inform the individual of the provisions of this
33 subparagraph. Actions taken pursuant to this subparagraph are
34 not subject to review under chapter 17A, and the lack of
35 receipt of a notice does not prevent the unit from proceeding

1 in implementing this subparagraph.

2 Sec. 15. Section 252B.18, Code 1993, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 252B.18 CHILD SUPPORT ADVISORY COMMITTEE --
6 ESTABLISHED -- DUTIES.

7 1. a. The department shall establish a child support
8 advisory committee. Members shall include at least one
9 district judge and representatives of custodial parent groups,
10 noncustodial parent groups, the general assembly, the office
11 of citizens' aide, the Iowa state bar association, the Iowa
12 county attorneys' association, and other constituencies which
13 have an interest in child support enforcement issues,
14 appointed by the respective entity.

15 b. The legislative members of the committee shall be
16 appointed by the majority leader of the senate, after
17 consultation with the president of the senate, and the
18 minority leader of the senate, and by the speaker of the
19 house, after consultation with the majority leader and the
20 minority leader of the house of representatives. Members
21 shall serve staggered terms of two years. Appointments shall
22 comply with sections 69.16 and 69.16A. Vacancies shall be
23 filled by the original appointing authority and in the manner
24 of the original appointments.

25 c. Nonlegislative members shall receive actual expenses
26 incurred while serving in their official capacity and may also
27 be eligible to receive compensation as provided in section
28 7E.6. Legislative members shall receive compensation pursuant
29 to section 2.12.

30 2. The committee shall select a chairperson, annually,
31 from its membership. A majority of the members of the
32 committee shall constitute a quorum.

33 3. The child support advisory committee shall assist the
34 department in all of the following activities:

35 a. Review of existing child support guidelines and

1 recommendations for revision.

2 b. Examination of the operation of the child support
3 system to identify program improvements or enhancements which
4 would increase the effectiveness of securing parental support
5 and parental involvement.

6 c. Recommendation of legislation which would clarify and
7 improve state law regarding support for children.

8 4. The committee shall receive input from the public
9 regarding the issues identified in subsection 3. The methods
10 by which public input may be accessed may include but are not
11 limited to public hearings, focus groups, and surveys.

12 Sec. 16. Section 252B.20, subsection 1, paragraph b, Code
13 Supplement 1993, is amended to read as follows:

14 ~~b. The person-entitled-to-receive-support-and-the~~ child
15 for whom support is ordered are is not receiving public
16 assistance pursuant to chapter 239, 249A, or a comparable law
17 of a foreign jurisdiction, unless the person against whom
18 support is ordered is considered to be a member of the same
19 household as the child for the purposes of public assistance
20 eligibility.

21 Sec. 17. Section 252B.21, subsection 1, Code Supplement
22 1993, is amended to read as follows:

23 1. For any support order being enforced by the unit, the
24 administrator unit may enter an ex parte order requiring the
25 obligor to seek employment if employment of the obligor cannot
26 be verified and if the obligor has failed to make support
27 payments. Advance notice is not required prior to entering
28 the ex parte order. The order shall be served upon the
29 obligor by regular mail, with proof of service completed as
30 provided in rule of civil procedure 82. The unit shall file a
31 copy of the order with the clerk of the district court.

32 Sec. 18. Section 252C.2, subsections 2, 3, and 4, Code
33 1993, are amended to read as follows:

34 2. The payment of public assistance to or for the benefit
35 of a dependent child or a dependent child's caretaker creates

1 a support debt due and owing to the department by the
2 responsible person in an amount equal to the public assistance
3 payment, except that the support debt is limited to the amount
4 of a support obligation established by court order or by the
5 administrator. ~~If a court order has not been entered in favor,~~
6 ~~or if an order does not address accrued support owed to the~~
7 ~~state for public assistance expended,~~ the The administrator
8 may establish a support debt as to amounts accrued and
9 accruing pursuant to section 598.21, subsection 4. However, a
10 support debt is not created in favor of the department against
11 a responsible person for the period during which the
12 responsible person is a recipient on the person's own behalf
13 of public assistance for the benefit of the dependent child or
14 the dependent child's caretaker.

15 3. The provision of child support collection or paternity
16 determination services under chapter 252B to an individual,
17 even though the individual is ineligible for public
18 assistance, creates a support debt due and owing to the
19 individual or the individual's child or ward by the
20 responsible person in the amount of a support obligation
21 established by court order or by the administrator. ~~If a~~
22 ~~court order has not been entered in favor,~~ the The
23 administrator may establish a support debt in favor of the
24 individual or the individual's child or ward and against the
25 responsible person, both as to amounts accrued and accruing,
26 pursuant to section 598.21, subsection 4.

27 4. The payment of medical assistance pursuant to chapter
28 249A for the benefit of a dependent child or a dependent
29 child's caretaker creates a support debt due and owing to the
30 department. ~~If a court order has not been entered in favor or~~
31 ~~if an administrative order or a court order entered in favor~~
32 ~~does not require provision of medical support pursuant to~~
33 ~~chapter 252E, or equivalent medical support,~~ the The
34 administrator may establish an order for medical support.

35 Sec. 19. Section 252C.4, subsections 1, 2, and 5, Code

1 Supplement 1993, are amended to read as follows:

2 1. A responsible person or the child support recovery unit
3 may request a hearing regarding a determination of support.
4 If a timely written request for a hearing is received, the
5 administrator shall certify the matter to the district court
6 ~~in-the-county-in-which-the-order-has-been-filed,-or-if-no-such~~
7 ~~order-has-been-filed,-then-to-a-district-court-in-the-county~~
8 ~~where-the-dependent-child-resides-or,-where-the-dependent~~
9 ~~child-resides-in-another-state,-to-the-district-court-where~~
10 ~~the-absent-parent-resides,-~~ as follows:

11 a. If the child or children reside in Iowa, and the unit
12 is seeking an accruing obligation, in the county in which the
13 dependent child or children reside.

14 b. If the child or children received public assistance in
15 Iowa, and the unit is seeking only an accrued obligation, in
16 the county in which the dependent child or children last
17 received public assistance.

18 c. If the action is the result of a request from a foreign
19 jurisdiction to establish support by a responsible person
20 located in Iowa, in the county in which the responsible person
21 resides.

22 2. ~~if-the-matter-has-not-been-heard-previously-by-the~~
23 ~~district-court,-or-an-existing-administrative-order-does-not~~
24 ~~provide-for-medical-support-pursuant-to-chapter-252E,-the~~ The
25 certification shall include true copies of the notice and
26 finding of financial responsibility or notice of the support
27 debt accrued and accruing, the return of service, the written
28 objections and request for hearing, and true copies of any
29 administrative orders previously entered.

30 5. If a party fails to appear at the hearing, upon a
31 showing of proper notice to that party, the court ~~may~~ shall
32 find that party in default and enter an appropriate order.

33 Sec. 20. Section 252C.4, Code Supplement 1993, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 7. If a responsible person contests an

1 action initiated under this chapter by denying paternity, the
2 following shall apply, as necessary:

3 a. (1) If the prior determination of paternity is based
4 on an affidavit of paternity filed pursuant to section
5 252A.3A, or an administrative order entered pursuant to
6 chapter 252F, or an order by the courts of this state, or by
7 operation of law when the mother and established father are or
8 were married to each other, the provisions of section 600B.41
9 are applicable.

10 (2) If the court determines that the prior determination
11 of paternity should not be overcome pursuant to section
12 600B.41, and that the responsible person has a duty to provide
13 support, the court shall enter an order establishing the
14 monthly child support payment and the amount of the support
15 debt accrued and accruing pursuant to section 598.21,
16 subsection 4, or medical support pursuant to chapter 252E, or
17 both.

18 b. If the prior determination of paternity is based on an
19 administrative or court order or other means, pursuant to the
20 laws of a foreign jurisdiction, an action to overcome the
21 prior determination of paternity shall be filed in that
22 jurisdiction. Unless the responsible person requests and is
23 granted a stay of an action initiated under this chapter to
24 establish child or medical support, the action shall proceed
25 as otherwise provided by this chapter.

26 Sec. 21. Section 252C.5, Code 1993, is amended to read as
27 follows:

28 252C.5 FILING AND DOCKETING OF FINANCIAL RESPONSIBILITY
29 ORDER -- ORDER EFFECTIVE AS DISTRICT COURT DECREE.

30 1. A true copy of any order entered by the administrator
31 pursuant to this chapter, along with a true copy of the return
32 of service, if applicable, may be filed in the office of the
33 clerk of the district court ~~in the county in which the~~
34 ~~dependent child resides or, where the dependent child resides~~
35 ~~in another state, in the office of the district court in the~~

1 ~~county-in-which-the-absent-parent-resides~~ in the manner
2 established pursuant to section 252C.4, subsection 1.

3 ~~1~~ 2. The administrator's order shall be presented, ex
4 parte, to the district court for review and approval. Unless
5 defects appear on the face of the order or on the attachments,
6 the district court shall approve the order. The approved
7 order shall have all the force, effect, and attributes of a
8 docketed order or decree of the district court.

9 ~~2~~ 3. Upon filing, the clerk shall enter the order in the
10 judgment docket.

11 Sec. 22. Section 252D.8, subsection 1, unnumbered
12 paragraph 1, Code Supplement 1993, is amended to read as
13 follows:

14 In a support order issued or modified on or after November
15 1, 1990, for which services are being provided by the child
16 support recovery unit, and in any support orders issued or
17 modified after January 1, 1994, for which services are not
18 provided by the child support recovery unit, the income of a
19 support obligor is subject to withholding, on the effective
20 date of the order, regardless of whether support payments by
21 the obligor are in arrears. If services are being provided
22 pursuant to chapter 252B, the child support recovery unit may
23 enter an ex parte order for an immediate withholding of income
24 ~~if-authorizing-language-is-contained-in-the-court-order~~. The
25 district court may enter an ex parte order for immediate
26 income withholding for cases in which the child support
27 recovery unit is not providing services. The income of the
28 obligor is subject to immediate withholding unless one of the
29 following occurs:

30 Sec. 23. Section 252D.23, Code 1993, is amended to read as
31 follows:

32 252D.23 FILING OF WITHHOLDING ORDER -- ORDER EFFECTIVE AS
33 DISTRICT COURT ORDER.

34 An income withholding order entered by the child support
35 recovery unit pursuant to this chapter shall be filed with the

1 clerk of the district court. Upon filing, for the purposes of
2 demonstrating compliance by the employer, trustee, or other
3 payor, the withholding order shall have all the force, effect,
4 and attributes of a docketed order of the district court
5 including, but not limited to, availability of contempt of
6 court proceedings against an employer, trustee, or other payor
7 for noncompliance. However, any information contained in the
8 income withholding order related to the amount of the accruing
9 or accrued support obligation which does not reflect the
10 correct amount of support due does not modify the underlying
11 support judgment.

12 Sec. 24. Section 252E.2, Code 1993, is amended by adding
13 the following new subsection and renumbering the subsequent
14 subsection:

15 NEW SUBSECTION. 2. An insurer who is subject to the
16 federal Omnibus Reconciliation Act of 1993, section 4301, as
17 codified in 42. U.S.C. § 1936g-1, shall provide benefits in
18 accordance with that section which meet the requirements of a
19 qualified medical child support order. For the purposes of
20 this subsection "qualified medical child support order" means
21 a child support order which creates or recognizes the
22 existence of a child's right to, or assigns to a child the
23 right to, receive benefits for which a participant or child is
24 eligible under a group health plan and which specifies the
25 following:

26 a. The name and the last known mailing address of the
27 participant and the name and mailing address of each child
28 covered by the order.

29 b. A reasonable description of the type of coverage to be
30 provided by the plan to each child, or the manner in which the
31 type of coverage is to be determined.

32 c. The period during which the coverage applies.

33 d. Each plan to which the order applies.

34 Sec. 25. Section 252E.5, Code 1993, is amended to read as
35 follows:

1 252E.5 EFFECT OF ORDER ON EMPLOYER.

2 1. When the order has been forwarded to the obligor's
3 employer pursuant to section 252E.4, the order is binding on
4 the 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 and
7 the standard enrollment guidelines of the insurer. The
8 employer shall allow enrollment of the dependent at any time,
9 notwithstanding any enrollment season restrictions.

10 2. The employer shall forward a copy of the order to the
11 insurer and request enrollment of the dependent in the health
12 benefit plan. If the obligor fails to apply to obtain
13 coverage for the dependent, the employer shall accept an
14 application to enroll a dependent which has been signed by the
15 obligee or other legal custodian of a child or by the
16 department. Within sixty days of receipt of the order or
17 within sixty days of receipt of application ~~of the obligor~~
18 ~~pursuant to the order,~~ whichever is earlier, the insurer shall
19 determine whether the dependent is eligible for enrollment
20 under the plan and shall notify the employer of the
21 dependent's eligibility status. ~~if eligible, the employer~~
22 ~~shall withhold any required premium from the obligor's income~~
23 ~~or wages.~~ If more than one plan is offered by the employer,
24 the dependent shall be enrolled in the health benefit plan in
25 which the obligor is enrolled. However, if more than one plan
26 is offered to the obligor, the plan selected shall provide
27 coverage which is accessible to the dependent.

28 3. The employer shall withhold from the employee's
29 compensation, the employee's share, if any, of premiums for
30 the health benefit plan in an amount that does not exceed the
31 amount specified in 15 U.S.C. § 1673(b) and which is
32 consistent with federal law. The employer shall forward the
33 amount withheld to the insurer.

34 4. Within thirty days of receipt of an order that requires
35 an obligor to enroll a dependent in a health benefit plan, the

1 obligor's employer shall provide the following information, as
2 applicable, regarding the enrollment status of the dependent
3 to the obligor, the obligee, or other legal custodian of the
4 child, and the department:

5 1 a. That the dependent has been enrolled in a health
6 benefit plan.

7 ~~2. That the dependent will be enrolled in the next~~
8 ~~enrollment period.~~

9 3 b. That the dependent is not eligible for enrollment and
10 the reasons that the dependent is not eligible to be enrolled.

11 4 c. That the order has been forwarded to the insurer and
12 a determination of eligibility for enrollment has not been
13 made.

14 5. If ~~either subsection 1 or 2 describes the enrollment~~
15 ~~status of~~ the dependent has been enrolled in a health benefit
16 plan, all of the following information shall be provided:

17 a. The name of the insurer providing the health benefit
18 plan.

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

20 c. The health benefit plan or account number.

21 d. The type of health benefit plan under which the
22 dependent has been enrolled, including whether dental,
23 optical, office visits, and prescription drugs are covered
24 services. Additionally, the response shall include a brief
25 description of the applicable deductibles, coinsurance,
26 waiting periods for preexisting medical conditions, and other
27 significant terms or conditions which materially affect the
28 coverage.

29 6. An employer shall not revoke enrollment or eliminate
30 coverage for a dependent unless the employer is provided with
31 satisfactory written evidence that one of the following
32 conditions exists:

33 a. A court or administrative order requiring coverage in a
34 health benefit plan is no longer in effect.

35 b. The dependent is eligible for or will be enrolled in a

1 comparable health benefit plan which will take effect no later
2 than the effective date of revocation of enrollment in the
3 other plan.

4 c. The employer has eliminated dependent health coverage
5 for all employees.

6 Nothing in this section requires an employer to maintain
7 coverage for the dependent if the premiums are no longer being
8 paid by the obligor because the employer no longer owes
9 compensation to the obligor or because the obligor's
10 employment has been terminated and the obligor has not elected
11 to continue coverage.

12 PARAGRAPH DIVIDED. If an order requiring that the obligor
13 provide coverage under a health benefit plan for the dependent
14 has been forwarded to the obligor's employer pursuant to
15 section 252E.4, and the obligor's employment is terminated,
16 the employer shall provide notice to the obligee and the
17 department within ten days of termination of the obligor's
18 employment.

19 7. If an order requiring that the obligor provide coverage
20 under a health benefit plan for the dependent has been
21 forwarded to the obligor's employer pursuant to section
22 252E.4, and the employer's health benefit plan is terminated
23 either in its entirety or with respect to the obligor's
24 insurance classification, or the employer has changed its
25 insurer or become self-insured, the employer shall provide
26 notice to the obligee or other legal custodian of the child
27 and the department ten days prior to the termination of
28 coverage or change in insurer.

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

32 Sec. 26. Section 252E.7, Code 1993, is amended to read as
33 follows:

34 252E.7 INSURER AUTHORIZATION.

35 1. The entry of an order requiring a health benefit plan

1 is authorization for enrollment of the dependent if the
2 dependent is otherwise eligible to be enrolled. ~~if an order~~
3 ~~has been forwarded to the insurer pursuant to section 252E-5~~
4 ~~and is not accompanied by an appropriate application for~~
5 ~~enrollment of the dependent signed by the obligor, the insurer~~
6 ~~shall attempt to obtain a signed application from the obligor.~~
7 If the insurer is unsuccessful in obtaining a signed
8 application from the obligor within thirty days after the
9 insurer's initial request to the obligor fails to obtain
10 coverage for a dependent, the insurer shall accept the
11 signature of the obligee or other legal custodian of the child
12 or of an employee of the department as valid authorization on
13 the application for enrollment of the dependent under the
14 health benefit plan. If the dependent is otherwise eligible
15 to be enrolled in the plan pursuant to the applicable terms
16 and conditions of the health benefit plan and the standard
17 enrollment guidelines of the insurer, the insurer shall allow
18 enrollment of the dependent at any time, notwithstanding any
19 enrollment season restrictions.

20 2. An insurer shall not deny enrollment of a child under
21 the health benefit plan of the obligor based on any of the
22 following:

- 23 a. The child was born out of wedlock.
- 24 b. The child is not claimed as a dependent on the
25 obligor's federal income tax form.
- 26 c. The child does not reside with the obligor or in the
27 insurer's service area.

28 3. For purposes of processing claims for payment, the
29 ~~insurer shall attempt to obtain the obligor's written~~
30 ~~authorization to accept the signature of the obligee or an~~
31 ~~employee of the department on all claim forms submitted to the~~
32 ~~insurer for medical services provided to the dependent. Upon~~
33 ~~receipt of such written authorization from the obligor on at~~
34 ~~least an annual basis, the insurer shall accept the signature~~
35 of the obligee or other legal custodian of the child or of an

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

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

13 3 4. The insurer shall have immunity from any liability,
14 civil or criminal, which might otherwise be incurred or
15 imposed for actions taken in implementing this section
16 including, but not limited to, the insurer's release of any
17 information, or the payment of any claims for services by the
18 insurer, or the insurer's acceptance of applications for
19 enrollment of the dependent and medical expense claims for the
20 dependent which are signed by the obligee or an employee of
21 the department pursuant to this section.

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

27 5. If a dependent has coverage under the health benefit
28 plan of and through the insurer of the obligor, the insurer
29 shall make payment directly to the obligee, the provider, or
30 the department for claims submitted by the obligee, by the
31 provider with the obligee's approval, or by the department.

32 5 6. Payments remitted to the obligor by the insurer for
33 services received by the dependent shall be recoverable by the
34 obligee or the department from the obligor if not properly
35 paid by the obligor to the provider or the obligee.

1 Sec. 27. Section 252E.8, subsection 1, Code 1993, is
2 amended to read as follows:

3 1. If an order for coverage under a health benefit plan
4 has been forwarded pursuant to section 252E.5, the obligor's
5 employer or insurer shall release to the obligee or other
6 legal custodian of the child or the department, upon receiving
7 a written request, the information necessary to complete an
8 application, or to file a claim for medical expenses of the
9 ~~dependent, provided the obligor's employer or insurer is given~~
10 ~~sufficient opportunity to obtain written authorization for the~~
11 ~~release of such information from the obligor pursuant to this~~
12 section or to create a qualified medical child support order
13 pursuant to section 252E.2, subsection 2.

14 Sec. 28. Section 252E.13, Code 1993, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 3. The department may amend information
17 concerning the provisions regarding health benefits in a court
18 or administrative order, if necessary to comply with section
19 252E.2, subsection 2, if notice of the amendment is provided
20 to the court and to the parties to the order and if the
21 amendment is filed with the clerk of court.

22 Sec. 29. Section 252F.1, subsection 3, paragraph c, Code
23 Supplement 1993, is amended by striking the paragraph.

24 Sec. 30. Section 252F.3, Code Supplement 1993, is amended
25 to read as follows:

26 252F.3 NOTICE OF ALLEGED PATERNITY AND SUPPORT DEBT --
27 CONFERENCE -- REQUEST FOR HEARING.

28 1. The unit may prepare a notice of alleged paternity and
29 support debt to be served on the putative father if the mother
30 of the child provides a written statement to the unit
31 ~~verifying~~ certifying in accordance with section 622.1 that the
32 putative father is or may be the biological father of the
33 child or children involved. The notice shall be accompanied
34 by a copy of the statement and served on the putative father
35 in accordance with rule of civil procedure 56.1. Service upon

1 the mother shall not constitute valid service upon the
2 putative father. The notice shall include or be accompanied
3 by all of the following:
4 a. The name of the recipient of services under chapter
5 252B and the name and birth date of the child or children
6 involved.
7 b. A statement that the putative father has been named as
8 the biological father of the child or children named.
9 c. A statement that if paternity is established, the
10 amount of the putative father's monthly support obligation and
11 the amount of the support debt accrued and accruing will be
12 established in accordance with the guidelines established in
13 section 598.21, subsection 4, and the criteria established
14 pursuant to section 252B.7A.
15 d. A statement that if paternity is established, the
16 putative father has a duty to provide accrued and accruing
17 medical support to the child or children in accordance with
18 chapter 252E.
19 e. An A written explanation of the procedures for
20 determining the child support obligation and a request for
21 financial or income information as necessary for application
22 of the child support guidelines established pursuant to
23 section 598.21, subsection 4.
24 f. (1) The right of the putative father to request a
25 conference with the unit to discuss paternity establishment
26 and the amount of support that the putative father ~~is~~ may be
27 required to pay, within ten days of the date of service of the
28 original notice or, if paternity is contested and paternity
29 testing is conducted, within ten days of the date of mailing
30 of the paternity test results are issued or mailed to the
31 putative father if-the-father-denies-paternity by the unit.
32 (2) A statement that if a conference is requested, the
33 putative father shall have ~~ten~~ one of the following time
34 frames, whichever is the latest, to send a written request for
35 a court hearing on the issue of support to the unit:

1 (a) Ten days from the date set for the conference ~~or~~
2 twenty.

3 (b) Twenty days from the date of service of the original
4 notice, ~~or.~~

5 (c) If paternity was contested and paternity testing was
6 conducted, and the putative father does not deny paternity,
7 after the testing, or challenge the paternity test results,
8 ten days from the date ~~of the mailing of~~ paternity test
9 results are issued or mailed by the unit to the putative
10 father ~~if the putative father no longer denies paternity,~~
11 ~~whichever is later, to send a written request for a hearing on~~
12 ~~the issue of support to the unit.~~

13 (3) A statement that after the holding of the conference,
14 the ~~administrator may~~ unit shall issue a new notice of alleged
15 paternity and finding of financial responsibility for child
16 support or medical support, or both, to be provided in person
17 to the putative father or sent to the putative father by
18 regular mail addressed to the putative father's last known
19 address or, if applicable, to the last known address of the
20 putative father's attorney.

21 (4) A statement that if the administrator unit issues a
22 new notice of alleged paternity and finding of financial
23 responsibility for child support or medical support, or both,
24 the putative father shall have ~~ten~~ one of the following time
25 frames, whichever is the latest, to send a written request for
26 a court hearing on the issue of support to the unit:

27 (a) Ten days from the date of issuance of the new notice
28 ~~or twenty.~~

29 (b) Twenty days from the date of service of the original
30 notice, ~~or.~~

31 (c) If paternity was contested and paternity testing
32 conducted, and the putative father does not deny paternity
33 after the testing or challenge the paternity test results, ten
34 days from the date ~~of the mailing of~~ paternity test results
35 are issued or mailed to the putative father ~~if the putative~~

1 ~~father-no-longer-denies-paternity, whichever is later, to send~~
2 ~~a-written-request-for-a-hearing-on-the-issue-of-support-to-the~~
3 ~~unit by the unit.~~

4 g. A statement that if a conference is not requested, and
5 the putative father does not deny paternity or challenge the
6 results of any paternity testing conducted but objects to the
7 finding of financial responsibility or the amount of child
8 support or medical support, or both, the putative father shall
9 send a written request for a court hearing on the issue of
10 support to the unit within twenty days of the date of service
11 or of the original notice, or, if paternity was contested and
12 paternity testing conducted, and the putative father does not
13 deny paternity, after the testing, or challenge the paternity
14 test results, within ten days from the date of the mailing of
15 paternity test results are issued or mailed to the putative
16 ~~father if the putative father no longer denies paternity, by~~
17 ~~the unit, whichever is later, send a written request for a~~
18 ~~hearing on the issue of support to the unit.~~

19 h. A statement that if a timely written request for a
20 hearing on the issue of support is received by the unit, the
21 putative father shall have the right to a hearing to be held
22 in district court and that if no timely written request is
23 received and paternity is not denied contested, the
24 administrator may shall enter an order in accordance with the
25 notice and finding of financial responsibility for
26 establishing the putative father as the father of the child or
27 children and establishing child support or medical support, or
28 both, in accordance with the notice of alleged paternity and
29 support debt.

30 i. A statement written explanation of the rights and
31 responsibilities associated with the establishment of
32 paternity.

33 j. A statement written explanation of the putative
34 father's right to deny paternity, the procedures for denying
35 paternity, and the consequences of the denial.

1 k. A statement that if the putative father contests
2 paternity, the putative father shall have twenty days from the
3 date of service of the original notice to submit a written
4 denial of paternity to the unit.

5 l. A statement that if paternity is contested, the unit
6 shall, at the request of the party contesting paternity or on
7 its own initiative, enter an administrative order requiring
8 the putative father, mother, and child or children involved,
9 to submit to paternity testing.

10 m. A statement that if paternity tests are conducted, the
11 unit shall provide a copy of the test results to the putative
12 father in person or send a copy to the putative father by
13 regular mail, addressed to the putative father's last known
14 address, or, if applicable, to the last known address of the
15 putative father's attorney.

16 n. A statement setting forth the time frames for
17 contesting paternity after paternity tests are conducted.

18 o. Other information as the unit finds appropriate.

19 2. The time limitations established for the notice
20 provisions under subsection 1 are binding unless otherwise
21 specified in this chapter or waived by-the-putative-father
22 pursuant to section 252F.8.

23 3. If notice is served on the putative father, the unit
24 shall file a true copy of the notice and the original return
25 of service with the appropriate clerk of the district court in
26 as follows:

27 a. In the county in which the child or children reside,
28 or, if the action is for purposes of establishing paternity
29 and future child or medical support, or both.

30 b. In the county in which the child or children involved
31 last received public assistance benefits in the state, if the
32 action is for purposes of establishing paternity and child or
33 medical support, or both, only for prior periods of time when
34 the child or children received public assistance, and no
35 ongoing child or medical support obligation is to be

1 established by this action.

2 c. If the action is the result of a request from a foreign
3 jurisdiction of-another-state to establish paternity of a
4 putative father located in Iowa, in the county in which the
5 putative father resides.

6 PARAGRAPH DIVIDED. All subsequent documents filed or court
7 hearings held related to the action shall be in the district
8 court in the county in which notice was filed pursuant to this
9 subsection. The clerk shall file and docket the action.

10 4. If-the A putative father requests-a-hearing-on-the
11 issue-of-support,-and-if or the child support recovery unit
12 may request a court hearing regarding establishment of
13 paternity or a determination of support, or both.

14 a. Upon receipt of a timely written response setting-forth
15 objections-and requesting a hearing is-received-by-the-unit,-a
16 hearing-shall-be-held-in-district-court-on-the-issue-of
17 support or on its own initiative, the unit shall certify the
18 matter for hearing in the district court in the county where
19 the original notice of alleged paternity and support debt is
20 filed, in accordance with section 252F.5.

21 b. If paternity establishment was contested and paternity
22 tests conducted, a court hearing on the issue of paternity
23 shall be scheduled no earlier than fifty days from the date
24 paternity test results are issued to all parties by the unit,
25 unless the parties mutually agree to waive the time frame
26 pursuant to section 255F.8.

27 c. If a court hearing is scheduled regarding the issue of
28 paternity establishment, any objection to the results of
29 paternity tests shall be filed no later than thirty days
30 before the date the court hearing is originally scheduled.
31 Any objection to paternity test results filed by a party less
32 than thirty days before the date the court hearing is
33 originally scheduled shall not be accepted or considered by
34 the court.

35 5. If a timely written response and request for a court

1 hearing is not received by the unit and the putative father
2 does not deny paternity, the administrator may shall enter an
3 order in accordance with section 252F.4 on-the-issue-of
4 support.

5 6. a. ~~If the-putative-father-denies~~ a party contests the
6 establishment of paternity, the putative-father party shall
7 submit, within twenty days of service of the notice on the
8 putative father under subsection 1, a written denial-of
9 statement contesting paternity establishment to the unit.
10 Upon receipt of a written denial challenge of paternity
11 establishment, or upon initiation by the unit, the
12 administrator shall enter an ex parte administrative order
13 orders requiring the mother, child or children involved, and
14 the putative father to submit to paternity testing. Either
15 the mother or putative father may contest paternity under this
16 chapter.

17 b. The order orders shall be filed with the clerk of the
18 district court in the county where the notice was filed and
19 have the same force and effect as a court order for paternity
20 testing.

21 ~~b.--If-the-putative-father-has-signed-an-affidavit-of~~
22 ~~paternity-pursuant-to-section-252A.3A-within-the-three-year~~
23 ~~period-prior-to-the-receipt-of-notice,-and-the-putative-father~~
24 ~~contests-paternity,-the-putative-father-shall-pay-all-costs-of~~
25 ~~the-paternity-testing.~~

26 c. The unit shall issue copies of the respective
27 administrative orders for paternity testing to the mother and
28 putative father in person, or by regular mail to the last
29 known address of each, or if applicable, to the last known
30 address of the attorney for each.

31 e d. If a paternity test is required ordered under this
32 section, the administrator shall direct that inherited
33 characteristics, including but not limited to blood types, be
34 analyzed and interpreted, and shall appoint an expert
35 qualified as an examiner of genetic markers to analyze and

1 interpret the results ~~and-report-the-results-to-the~~
2 administrator.

3 d e. The putative-father party contesting paternity shall
4 be provided one opportunity to reschedule the paternity
5 testing appointment if the testing is rescheduled prior to the
6 date of the originally scheduled appointment.

7 e f. An original copy of the test results shall be sent to
8 filed with the clerk of the district court in the county where
9 the notice was filed, and a copy shall be sent to the
10 administrator and. The child support recovery unit shall
11 issue a copy of the filed test results to the putative father
12 and mother of the child or children in person, or by regular
13 mail to the last known address of each, or if applicable, to
14 the last known address of the attorney for each. However, if
15 the action is the result of a request from a foreign
16 jurisdiction, the unit shall issue a copy of the results to
17 the initiating agency in that foreign jurisdiction.

18 f g. Verified documentation of the chain of custody of the
19 blood or genetic specimens is competent evidence to establish
20 the chain of custody. The testimony of the appointed expert
21 is not required. A verified expert's report of test results
22 which indicate a statistical probability of paternity is
23 sufficient authenticity of the expert's conclusion.

24 h. A verified expert's report shall be admitted as
25 evidence to establish administrative paternity, and, if a
26 court hearing is scheduled to resolve the issue of paternity,
27 shall be admitted as evidence and is admissible at trial.

28 g i. If the verified expert concludes that the test
29 results show that the putative father is not excluded and that
30 the probability of the putative father's paternity is ninety-
31 five percent or higher, there shall be a rebuttable
32 presumption that the putative father is the biological father,
33 and the evidence shall be sufficient as a basis for
34 administrative establishment of paternity. A-verified
35 expert's-report-on-test-results-which-indicate-a-statistical

1 probability-of-paternity-is-sufficient-authenticity-of-the
2 expert's-conclusion:

3 ~~h. -- If the paternity test results indicate a probability of~~
4 ~~paternity of ninety-five percent or greater and the putative~~
5 ~~father wishes~~

6 (1) In order to challenge the presumption of paternity,
7 the-putative-father a party shall file a written notice of the
8 challenge with the district court and-an-application-for-a
9 hearing-by-the-district-court within twenty days of-the-filing
10 of-the-expert's-report-with-the-clerk-of-the-district-court
11 from the date the paternity test results are issued or mailed
12 to all parties by the unit, or within-ten if a court hearing
13 is scheduled to resolve the issue of paternity, no later than
14 thirty days after before the scheduled date of the conference
15 court hearing, whichever occurs later. Any subsequent
16 rescheduling or continuances of the originally scheduled
17 hearing shall not extend the initial time frame. Any
18 challenge to a presumption of paternity resulting from
19 paternity tests, or to paternity test results filed after the
20 initial time frame shall not be accepted or admissible by the
21 unit or the court.

22 (2) A copy of the notice challenging the presumption of
23 paternity shall be provided to any other party in person, or
24 by mailing the notice to the last known address of each party,
25 or if applicable, to the last known address of each party's
26 attorney.

27 (3) The party challenging the presumption of paternity
28 has the burden of proving that the putative father is not the
29 father of the child.

30 (4) The presumption of paternity may be rebutted only
31 by clear and convincing evidence.

32 1. If the verified expert concludes that the test
33 results indicate that the putative father is not excluded and
34 that the probability of the putative father's paternity is
35 less than ninety-five percent, test-results-shall-be-weighed

1 ~~along with other evidence of paternity. To challenge the test~~
2 ~~results, a party shall file a written notice of the challenge~~
3 ~~with the clerk of the district court within twenty days of the~~
4 ~~filing of the expert's report and shall send a copy of the~~
5 ~~written notice to any other party. The the administrator may~~
6 ~~then shall order a second subsequent administrative paternity~~
7 ~~test or certify the case to the district court for resolution~~
8 ~~in accordance with the procedures and time frames specified in~~
9 ~~paragraph "i" and section 252F.5.~~

10 k. If the results of the test or the verified expert's
11 analysis are timely challenged as provided in this subsection,
12 the administrator, upon the request of a party or upon the
13 unit's own initiative, shall order that an additional test be
14 performed by the same laboratory or an independent laboratory
15 or shall certify the case to the district court in accordance
16 with paragraph "i" and section 252F.5.

17 l. When a subsequent paternity test is conducted, the time
18 frames in this chapter associated with paternity tests shall
19 apply to the most recently completed test.

20 m. If the paternity test results exclude the putative
21 father as a potential biological father of the child or
22 children, and additional tests are not requested by either
23 party or conducted on the unit's initiative, or if additional
24 tests exclude the putative father as a potential biological
25 father, the unit shall withdraw its action against the
26 putative father and shall file a notice of the withdrawal with
27 the clerk of the district court, and shall provide a copy of
28 the notice to the putative father in person, or by regular
29 mail sent to the putative father's last known address, or if
30 applicable, the last known address of the putative father's
31 attorney.

32 n. If paternity is established and paternity testing was
33 conducted, the unit shall enter an order or, if the action
34 proceeded to a court hearing, request that the court enter a
35 judgment for the costs of the paternity tests consistent with

1 applicable federal law.

2 ~~k:--If-the-results-of-the-test-or-the-expert's-analysis-are~~
3 ~~disputed,-the-administrator,-upon-the-request-of-a-party-or~~
4 ~~upon-the-unit's-own-initiative,-shall-order-that-an-additional~~
5 ~~test-be-performed-by-the-same-laboratory-or-an-independent~~
6 ~~laboratory,-at-the-expense-of-the-party-requesting-additional~~
7 ~~testing-~~

8 Sec. 31. Section 252F.4, subsections 1, 2, 3, 4, 6, and 7,
9 Code Supplement 1993, are amended to read as follows:

10 1. If the putative father fails to respond to the initial
11 notice within twenty days after the date of service of the
12 notice or fails to appear at the a conference pursuant to
13 section 252F.3 on the scheduled date of the conference, and
14 paternity has not been contested and the putative father fails
15 to timely request a court hearing on the issue of support, the
16 administrator ~~may~~ shall enter an order against the putative
17 father, declaring the putative father to be the biological
18 legal father of the child or children involved and assessing
19 ~~the-support-obligation-and~~ any accrued and accruing child
20 support obligation pursuant to the guidelines established
21 under section 598.21, subsection 4, and medical support
22 pursuant to chapter 252E, against the father.

23 2. If paternity is contested pursuant to section 252F.3,
24 subsection 6, and the putative-father party contesting
25 paternity fails to appear for a paternity test and fails to
26 request a rescheduling pursuant to section 252F.3, or fails to
27 appear for both the initial and the rescheduled paternity
28 tests and the putative father fails to timely request a court
29 hearing on the issue of support, the administrator ~~may~~ shall
30 enter an order against the putative father declaring the
31 putative father to be the biological legal father of the child
32 or children involved and assessing ~~the-support-obligation-and~~
33 any accrued and accruing child support obligation pursuant to
34 the guidelines established under section 598.21, subsection 4,
35 and medical support pursuant to chapter 252E, against the

1 father.

2 3. If the putative father appears at a conference pursuant
3 to section 252F.3, and paternity is not contested, and the
4 putative father fails to timely request a court hearing on the
5 issue of support, the administrator may shall enter an order
6 against the putative father ten-days after the second notice
7 has been sent declaring the putative father to be the
8 biological legal father of the child or children involved and
9 assessing the-support-obligation-and any accrued and accruing
10 child support obligation pursuant to the guidelines
11 established under section 598.21, subsection 4, and medical
12 support pursuant to chapter 252E against the father.

13 4. If paternity was contested and paternity testing was
14 performed and the putative father was not excluded, if the
15 test results indicate that the probability of the putative
16 father's paternity is ninety-five percent or greater, and-the
17 putative-father-fails-to-timely-challenge-paternity-testing,
18 if the test results are not timely challenged, and if the
19 putative father fails to timely request a court hearing on the
20 issue of support, the administrator may shall enter an order
21 against the putative father declaring the putative father to
22 be the biological legal father of the child or children
23 involved and assessing the-support-obligation-and any accrued
24 and accruing child support obligation pursuant to the
25 guidelines established under section 598.21, subsection 4, and
26 medical support pursuant to chapter 252E, against the father.

27 6. The order shall contain all of the following:

28 a. A declaration of paternity.

29 b. The amount of monthly support to be paid, with
30 direction as to the manner of payment.

31 c. The amount of accrued support.

32 d. The name of the custodial parent or caretaker.

33 e. The name and birth date of the child or children to
34 whom the order applies.

35 f. A statement that property of the putative father is

1 subject to income withholding, liens, garnishment, tax offset,
2 and other collection actions.

3 g. The medical support required pursuant to chapter 598
4 and chapter 252E.

5 n. A statement that the father is required to inform the
6 child support recovery unit, on a continuing basis, of the
7 name and address of the father's current employer, whether the
8 father has access to health insurance coverage through
9 employment or at reasonable cost through other sources, and if
10 so, the health insurance policy information.

11 i. If paternity was contested, the amount of any judgment
12 assessed to the father for costs of paternity tests conducted
13 pursuant to this chapter.

14 7. If ~~the putative father does not deny~~ paternity is not
15 contested but the putative father does wish to challenge the
16 issues of child or medical support, the administrator may
17 shall enter an order establishing paternity and reserving the
18 issues of child or medical support for determination by the
19 district court.

20 Sec. 32. Section 252F.5, subsections 2, 3, 6, and 7, Code
21 Supplement 1993, are amended to read as follows:

22 2. An action under this chapter may be certified to the
23 district court if a party ~~challenges the administrator's~~
24 finding of timely contests paternity, or the amount of
25 establishment or paternity test results, or if the putative
26 father requests a court hearing on the issues of child or
27 medical support, or both, or upon the initiation of the unit
28 as provided in this chapter. Review by the district court
29 shall be an original hearing before the court.

30 3. In any action brought under this chapter, the action
31 shall not be certified to the district court in a contested
32 paternity action unless all of the following have occurred:

33 a. Paternity testing has been completed.

34 b. The results of the paternity test have been sent issued
35 to the putative father all parties.

1 c. A timely written objection to the entry-of-an-order
2 paternity establishment or paternity test results has been
3 received from a party, or a timely written request for a court
4 hearing on the issue of support has been received from the
5 putative father by the unit, or the unit has requested a court
6 hearing on the unit's own initiative.

7 d. At least fifty days have expired since the test results
8 have been issued to the parties by the unit or the time frame
9 has been waived pursuant to section 252F.8.

10 6. If the court determines that the putative father is the
11 biological legal father, the court shall establish the amount
12 of the monthly-support-payment-and-the accrued and accruing
13 child support pursuant to the guidelines established under
14 section 598.21, subsection 4, and shall establish medical
15 support pursuant to chapter 252E.

16 7. If ~~a~~ the putative father or another party contesting
17 paternity fails to appear at the hearing, upon a showing that
18 proper notice has been provided to the party, the court may
19 shall find the party in default and enter an appropriate order
20 establishing paternity and support.

21 Sec. 33. Section 252F.8, Code Supplement 1993, is amended
22 to read as follows:

23 252F.8 WAIVER OF TIME LIMITATIONS BY-PUTATIVE-FATHER.

24 1. A putative father or other party may waive the time
25 limitations established in this chapter.

26 2. Upon If a party does not contest paternity or wish to
27 request a conference or court hearing on the issue of support,
28 upon receipt of a signed statement from the putative father
29 and any other party that may contest establishment of
30 paternity, waiving the time limitations, the administrator may
31 shall enter an order establishing paternity and support and
32 the court may approve the order, notwithstanding the
33 expiration of the period of the time limitations if paternity
34 is established.

35 3. If a putative father or other party waives the time

1 limitations and an order establishing paternity and or
2 determining support, or both, is entered under this chapter,
3 the signed statement of the putative father and other party
4 waiving the time limitations shall be filed with the order for
5 support.

6 Sec. 34. Section 252G.1, Code Supplement 1993, is amended
7 to read as follows:

8 252G.1 DEFINITIONS.

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

11 1. "Compensation" means payment owed by the payor of
12 income for:

13 a. Labor or services rendered by an employee or contractor
14 nontraditional employee to the payor of income.

15 b. Benefits including, but not limited to, vacation,
16 holiday, and sick leave, and severance payments which are due
17 an employee under an agreement with the employer or under a
18 policy of the employer.

19 ~~2. "Contractor" means a natural person who is an~~
20 ~~independent contractor, including an independent trucking~~
21 ~~owner or operator.~~

22 3 2. "Date of hire" means ~~the earlier of~~ either of the
23 following:

24 a. The first day for which the an employee or contractor
25 is owed compensation by the payor of income.

26 b. The first day that ~~an employee or contractor reports to~~
27 work or a nontraditional employee performs labor or services
28 for the payor of income.

29 4 3. "Days" means calendar days.

30 5 4. "Department" means the department of human services.

31 6 5. "Dependent" includes a spouse or child or any other
32 person who is in need of and entitled to support from a person
33 who is declared to be legally liable for the support of that
34 dependent.

35 7 6. "Employee" means a natural person who performs labor

1 in this state and is employed by an employer in this state for
2 compensation and for whom the employer withholds federal or
3 state tax liabilities from the employee's compensation.

4 8 7. "Employer" means a person doing business in the this
5 state who engages an employee for compensation and for whom
6 the employer withholds federal or state tax liabilities from
7 the employee's compensation.

8 8. "Natural person" means an individual and not a
9 corporation, government, business trust, estate, partnership,
10 proprietorship, or other legal entity, however organized.

11 9. "Nontraditional employee" means a natural person who
12 performs labor in this state to whom a payor of income makes
13 payments which are not subject to withholding and for whom the
14 payor of income is required by the internal revenue service to
15 complete a 1099-MISC form.

16 9 10. "Payor of income" includes both an employer and a
17 person doing engaged in a trade or business in the this state
18 who engages a contractor nontraditional employee for
19 compensation.

20 10 11. "Registry" means the central employee registry
21 created in section 252G.2.

22 11 12. "Rehire" means the earlier-of-either-of-the
23 following:

24 a.--The first day for which the an employee or-contractor
25 is owed compensation by the payor of income following an
26 unpaid-absence-of a termination of employment lasting a
27 minimum of six consecutive weeks. Termination of employment
28 does not include temporary separations from employment such as
29 unpaid medical leave, an unpaid leave of absence, or a
30 temporary layoff.

31 b.--The first-day-that-an-employee-or-contractor-reports-to
32 work-or-performs-labor-or-services-for-the-payor-of-income
33 following-an-unpaid-absence-of-a-minimum-of-six-consecutive
34 weeks.

35 12 13. "Unit" means the child support recovery unit

1 created in section 252B.2.

2 Sec. 35. Section 252G.3, subsection 1, Code Supplement
3 1993, is amended to read as follows:

4 1. Beginning January 1, 1994, an employer who hires or
5 rehires an employee on or after January 1, 1994, shall report
6 ~~all-of-the-following~~ the hiring or rehiring of the employee to
7 the centralized employee registry within ~~ten~~ fifteen days of
8 the hiring or rehiring of ~~an~~ the employee. Employers shall
9 report employees who are eighteen years of age or older on the
10 date of hire or rehire, and may report employees who are under
11 eighteen years of age on the date of hire or rehire. Only
12 employees who are reasonably expected to earn at least one
13 dollar in compensation for any day on which the employee works
14 shall be reported. The report submitted shall contain all of
15 the following:

16 a. The employer's name, address, and federal
17 identification number.

18 b. The employee's name, address, social security number,
19 and date of birth.

20 c. Information regarding ~~availability of whether the~~
21 employer has employee dependent health care coverage available
22 and whether-or-not the appropriate date on which the employee
23 is-qualified may qualify for the coverage.

24 ~~d. Whether-the-payroll-of-the-employer-is-prepared-at-the~~
25 ~~address-of-the-employer-or-at-a-separate-location,-and-the~~
26 ~~address-of-the-separate-location,-if-applicable. The address~~
27 to which income withholding orders and garnishments should be
28 sent.

29 Sec. 36. Section 252G.4, Code Supplement 1993, is amended
30 to read as follows:

31 252G.4 ALTERNATIVE REPORTING REQUIREMENTS FOR
32 NONTRADITIONAL EMPLOYEES -- PENALTY.

33 1. Beginning January 1, 1994, a payor of income to whom
34 section 252G.3 is inapplicable, who ~~engages-a-contractor-on-or~~
35 ~~after-January-17-1994-on-or-after-January-17-1994,~~ enters into

1 an agreement for the performance of services with a
2 nontraditional employee who is eighteen years of age or older
3 on the date of the entering of the agreement, shall report all
4 of-the-following the nontraditional employee to the registry.
5 Payors of income shall report nontraditional employees for
6 whom it is reasonably anticipated that a 1099-MISC form will
7 be prepared. The report shall be filed with the registry
8 within ten fifteen days of hiring-or-rehiring-of-a-contractor
9 the date the nontraditional employee performs services which
10 meet the requirements for the filing of and which require an
11 employer to prepare a 1099-MISC form for the nontraditional
12 employee. The payor of income is not required to report
13 nontraditional employees with whom the payor of income
14 establishes subsequent agreements to perform services. The
15 report submitted to the registry shall contain all of the
16 following:

17 a. The name, address, and federal identification number of
18 the payor of income.

19 b. The contractor's name, address, social security number,
20 and if known, the contractor's date of birth of the
21 nontraditional employee.

22 ~~2.--Payors-of-income-to-whom-section-2526.3-is-inapplicable~~
23 ~~shall-report-under-this-section-only-when-all-of-the-following~~
24 ~~conditions-are-met:~~

25 ~~a.--The-contractor-is-not-being-engaged-for-the-sole~~
26 ~~purpose-of-performing-services-on-the-residential-property-of~~
27 ~~the-payor-of-income:~~

28 ~~b.--Payment-of-income-under-the-contract-is-reasonably~~
29 ~~expected-to-equal-or-exceed-one-thousand-dollars-in-any~~
30 ~~twelve-month-period:~~

31 ~~c.--The-contractor-will-perform-labor-or-services-for-a~~
32 ~~minimum-period-of-two-months:~~

33 3 2. A payor of income required to report under this
34 section may report the information required under subsection 1
35 by any written means authorized by the unit which results in

1 timely reporting.

2 4 3. Information reported under this section shall be
3 received and maintained as provided in section 252G.2.

4 5 4. A payor of income required to report under this
5 section who fails to report is subject to the penalty provided
6 in section 252G.3, subsection 4.

7 Sec. 37. Section 421.17, subsection 2iA, paragraphs c and
8 d, Code Supplement 1993, are amended to read as follows:

9 c. The individual shall remit the payment to the
10 department of revenue and finance separate from any tax
11 liability payments, identify the payment as a support payment,
12 and make the payment payable to the collection services
13 center. The department shall forward all payments received
14 pursuant to this section to the collection services center
15 established pursuant to chapter 252B, for processing and
16 disbursement. The department of revenue and finance may
17 establish ~~by-rule~~ a process for the child support recovery
18 unit or collection services center to directly receive the
19 payments. For purposes of crediting the support payments
20 pursuant to sections 252B.14 and 598.22, payments received by
21 the department of revenue and finance and forwarded to the
22 collection services center shall be credited as if received
23 directly by the collection services center.

24 d. The notice shall provide that, as an alternative to the
25 provisions of paragraph "b", the individual may contact the
26 child support recovery unit to formalize a repayment plan and
27 obtain an exemption from the quarterly payment filing
28 requirement when payments are made pursuant to the repayment
29 plan or to contest the balance due listed in the notice ~~when~~
30 ~~payments-are-made-pursuant-to-the-plan.~~

31 Sec. 38. Section 600B.9, Code 1993, is amended to read as
32 follows:

33 600B.9 TIME OF INSTITUTING PROCEEDINGS.

34 The proceedings may be instituted during the pregnancy of
35 the mother or after the birth of the child, but, except with

1 ~~the consent of the person charged with being the father~~ all
2 parties, the trial shall not be had held until after the birth
3 of the child and shall be held no earlier than twenty days
4 from the date the alleged father is served with notice of the
5 action or, if blood or genetic tests are conducted, no earlier
6 than fifty days from the date the test results are filed with
7 the clerk of the district court as provided under section
8 600B.41.

9 Sec. 39. Section 600B.24, Code 1993, is amended to read as
10 follows:

11 600B.24 JUDGMENT IN GENERAL.

12 1. If the defendant, after being served with notice as
13 required under section 600B.15, fails to timely respond to the
14 notice, or to appear for blood or genetic tests pursuant to a
15 court or administrative order, or to appear at a scheduled
16 hearing after being provided notice of the hearing, the court
17 shall find the defendant in default and enter a default
18 judgment.

19 2. ~~If the findings~~ Upon a finding or verdict be of
20 paternity against the defendant, the court shall ~~give~~ enter a
21 judgment against him ~~the defendant~~ declaring paternity and for
22 ordering support of the child.

23 Sec. 40. Section 600B.41, subsections 3, 5, and 6, Code
24 Supplement 1993, are amended to read as follows:

25 3. Verified documentation of the chain of custody of the
26 blood or genetic specimen is competent evidence to establish
27 the chain of custody. The testimony of the court-appointed
28 expert at trial is not required.

29 5. The results of the tests shall have the following
30 effects:

31 a. Test results which show a statistical probability of
32 paternity are admissible. To challenge the test results, a
33 party shall file a notice of the challenge, with the court,
34 within twenty days of the filing of the expert's report with
35 the clerk of the district court, or, if a court hearing is

1 scheduled to resolve the issue of paternity, no later than
2 thirty days before the original court hearing date.

3 (1) Any subsequent rescheduling or continuances of the
4 originally scheduled hearing shall not extend the original
5 time frame.

6 (2) Any challenge filed after the time frame is not
7 acceptable or admissible by the court.

8 (3) If a challenge is not timely filed, the test results
9 shall be admitted as evidence of paternity without the need of
10 additional proof of authenticity or accuracy.

11 b. If the expert concludes that the test results show that
12 the alleged father is not excluded and that the probability of
13 the alleged father's paternity is ninety-five percent or
14 higher, there shall be a rebuttable presumption that the
15 alleged father is the father, and this evidence must be
16 admitted.

17 (1) To challenge this presumption of paternity, a party
18 must file a notice of the challenge with the court within
19 ~~twenty-days-of-the-filing-of-the-expert's-report-with-the~~
20 ~~clerk-of-the-district-court~~ the time frames prescribed in
21 paragraph "a".

22 (2) The party challenging the presumption of the alleged
23 father's paternity has the burden of proving that the alleged
24 father is not the father of the child.

25 (3) The presumption of paternity can be rebutted only by
26 clear and convincing evidence.

27 c. If the expert concludes that the test results show that
28 the alleged father is not excluded and that the probability of
29 the alleged father's paternity is less than ninety-five
30 percent, test results shall be weighed along with other
31 evidence of the alleged father's paternity. To challenge the
32 test results, a party must file a notice of the challenge with
33 the court within ~~twenty-days-of-the-filing-of-the-expert's~~
34 ~~report-with-the-clerk-of-the-district-court~~ the time frames
35 prescribed in paragraph "a".

1 6. If the results of the tests or the expert's analysis of
2 inherited characteristics is disputed in a timely fashion, the
3 court, upon reasonable request of a party, shall order that an
4 additional test be made by the same laboratory or an
5 independent laboratory at the expense of the party requesting
6 additional testing. When a subsequent test is conducted, all
7 time frames prescribed in this chapter associated with blood
8 or genetic tests shall apply to the most recently completed
9 test.

10 Sec. 41. Section 602.6111, Code Supplement 1993, is
11 amended by adding the following new subsection:

12 NEW SUBSECTION. 3. The requirements of subsection 1 do
13 not apply to actions filed by the child support recovery unit
14 established pursuant to chapter 252B. For actions filed by
15 the child support recovery unit, the clerk of the district
16 court shall generate an alternative personal identification
17 number if the party's social security number or driver's
18 license number is not provided or available through other
19 sources.

20 Sec. 42. Section 627.13, Code 1993, is amended to read as
21 follows:

22 627.13 WORKERS' COMPENSATION.

23 Any compensation due or that may become due an employee or
24 dependent under chapter 85 is exempt from garnishment,
25 attachment, execution, and assignment of income, except for
26 the purposes of enforcing child, spousal, or medical support
27 obligations. For the purposes of enforcing child, spousal, or
28 medical support obligations, the an assignment of income,
29 garnishment or attachment of or the execution against
30 compensation due an employee or dependent under chapter 85 is
31 not exempt but shall be limited as specified in 15 U.S.C. §
32 1673(b).

33 Sec. 43. Section 669.2, subsection 4, Code Supplement
34 1993, is amended by adding the following new unnumbered
35 paragraph:

1 NEW UNNUMBERED PARAGRAPH. "Employee of the state" also
2 includes an individual performing unpaid community service
3 under an order of the district court pursuant to section
4 598.23A.

5 Sec. 44. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

6 1. Section 252D.23 as amended by this Act, relating to
7 income withholding orders, being deemed of immediate
8 importance, takes effect upon enactment and applies
9 retroactively to July 1, 1992.

10 2. Section 602.6111 as amended by this Act, relating to
11 use of alternative personal identification numbers on
12 documents filed with the clerk of the district court, being
13 deemed of immediate importance, takes effect upon enactment
14 and applies retroactively to July 1, 1993.

15 3. Section 252D.8, subsection 1, unnumbered paragraph 1,
16 as amended by this Act, relating to immediate income
17 withholding, and sections 252G.1, 252G.3, subsection 1, and
18 252G.4, as amended by this Act, relating to the central
19 employee registry, being deemed of immediate importance, take
20 effect upon enactment and apply retroactively to January 1,
21 1994.

22 4. Section 85.59, unnumbered paragraph 2, as amended by
23 this Act, relating to community service for obligors found in
24 contempt of court, section 252B.20, subsection 1, paragraph
25 "b", as amended by this Act, relating to recipients of public
26 assistance, section 252B.21, subsection 1, as amended by this
27 Act, relating to notice for seek employment orders, and
28 section 669.2, subsection 4, as amended by this Act, relating
29 to liability for persons performing community service, being
30 deemed of immediate importance, take effect upon enactment.

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HOUSE FILE 2410

S-5301

- 1 Amend House File 2410, as amended, passed, and
- 2 reprinted by the House, as follows:
 - 3 1. Page 37, by striking lines 13 and 14, and
 - 4 inserting the following:
 - 5 "a. Labor or services rendered by an employee or
 - 6 contractor to the payor of income."
 - 7 2. Page 37, by striking lines 19 through 21 and
 - 8 inserting the following:
 - 9 "2. "Contractor" means a natural person who is an
 - 10 independent contractor, including an independent
 - 11 trucking owner or operator."
 - 12 3. Page 37, by striking line 27 and inserting the
 - 13 following: "work-or a contractor performs labor or
 - 14 services".
 - 15 4. Page 38, by striking lines 11 through 15.
 - 16 5. Page 38, by striking line 18, and inserting
 - 17 the following: "who engages a contractor for".
 - 18 6. By striking page 39, line 29 through page 41,
 - 19 line 6.
 - 20 7. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURC
ELAINE SZYMONIAK, Chairpe:

S-5301 FILED MARCH 24, 1994

*Adopted 4/4/94 MTR. 4/4/94 Priebe
MTR 4/6/94 with drawn
MTR 4-6-94 by Bartz
Now out of order 4-6-94 P. 1056-*

HOUSE FILE 2410

S-5302

- 1 Amend House File 2410, as amended, passed, and
- 2 reprinted by the House, as follows:
 - 3 1. Page 39, by striking lines 9 through 11 and
 - 4 inserting the following: "report employees who, on
 - 5 the date of hire or rehire, are eighteen years of age
 - 6 or older, and may report employees who, on the date of
 - 7 hire or rehire, are under eighteen years of age.
 - 8 Only".

By MERLIN E. BARTZ

S-5302 FILED MARCH 28, 1994

Adopted 4/4/94 (p. 989)

HOUSE FILE 2410

S-5371

- 1 Amend House File 2410, as amended, passed, and
- 2 reprinted by the House, as follows:
 - 3 1. Page 10, by striking lines 21 through 23 and
 - 4 inserting the following: "the support obligor's
 - 5 delinquency is established. The department shall
 - 6 determine dates for the".

By ELAINE SZYMONIAK

S-5371 FILED MARCH 30, 1994

Adopted 4/4/94 (p. 989)

*Motion to R/c by Welch (P. 1034)
4-5-94
Motion MTR withdrawn
4-5-94*

HOUSE FILE 2410

S-5381

1 Amend the amendment, S-5301, to House File 2410 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 9 through 11, and
5 inserting the following:

6 "2. "Contractor" means a natural person who is an
7 ~~independent-contractor, including an independent~~
8 ~~trucking-owner-or-operator~~ eighteen years of age or
9 older, who performs labor in this state, to whom a
10 payor of income makes payments which are not subject
11 to withholding, and for whom the payor of income is
12 required by the internal revenue service to complete a
13 1099-MISC form."

14 2. Page 1, by striking lines 18 and 19, and
15 inserting the following:

16 " . Page 39, by striking lines 31 and 32, and
17 inserting the following:

18 "252G.4 ALTERNATIVE REPORTING REQUIREMENTS --
19 PENALTY."

20 " . Page 40, by striking lines 2 through 21,
21 and inserting the following: "contractor, shall
22 report all-of-the-following the contractor to the
23 registry. Payors of income shall report contractors
24 within ten fifteen days of hiring-or-rehiring-of-a
25 contractor the date on which all of the following
26 conditions are met:

27 a. The payor issues payment to the contractor in
28 an amount which exceeds the amount required for the
29 filing of a 1099-MISC report.

30 b. Payment to the contractor is made in a form
31 which is other than a lump sum payment, within a
32 calendar year.

33 The payor of income is not required to report
34 contractors with whom the payor of income establishes
35 subsequent agreements to perform services.

36 2. The report submitted to the registry shall
37 contain all of the following:

38 a. The name, address, and federal identification
39 number of the payor of income.

40 b. The contractor's name, address, social security
41 number, and if known, the contractor's date of birth."

42 . Page 40, line 33, by striking the figures "3
43 2" and inserting the following: "3".

44 . Page 41, line 2, by striking the figures "4
45 3" and inserting the following: "4".

46 . Page 41, line 4, by striking the figures "5
47 4" and inserting the following: "5".

48 3. By renumbering as necessary.

By ELAINE SZYMONIAK

S-5381 FILED MARCH 30, 1994

Adopted 4/4/94 (p. 490)

MTR: Price 4/4

MTR: out of order 4/6/94

MTR: by S. 4/6/94

Now out of order 4-6-94

HOUSE FILE 2410

S-5406

1 Amend House File 2410, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 45, by inserting after line 4 the
4 following:

5 "Sec. ____ . NEW SECTION. 678A.1 FAMILY MEDIATION
6 SERVICES PROVIDERS LIST.

7 Each judicial district shall establish a list of
8 qualified mediation services providers for purposes of
9 providing mediation services to parties to actions
10 affecting the family in the manner provided in this
11 chapter. Persons wishing to be included on the list
12 shall submit their name and qualifications to the
13 court. The chief judge of the judicial district, or
14 the chief judge's designee, shall review the names and
15 qualifications submitted by each person to determine
16 whether the person meets the requirements for
17 inclusion on the judicial district list.

18 Sec. ____ . NEW SECTION. 678A.2 QUALIFICATIONS OF
19 MEDIATOR.

20 A mediator whose name is listed as a qualified
21 mediation services provider pursuant to this chapter
22 shall have had not less than twenty-five hours of
23 mediation training and not less than one year of
24 professional experience in mediating disputes.

25 Sec. ____ . NEW SECTION. 678A.3 REFERRAL BY COURT.

26 1. In any action affecting the family, including a
27 decree of dissolution of marriage, a modification of
28 an order for dissolution of marriage, an order for
29 child custody, or an order for support which is
30 related to legal custody or physical care, the court
31 may refer the parties to a family mediation services
32 provider from the list established for the judicial
33 district.

34 If both parties to any action affecting the family
35 wish to engage in mediation of any issue in the
36 dispute, either party may request the court to refer
37 the parties to family mediation services for
38 assistance in resolving any problem relating to the
39 action. Upon receiving a request, the court may refer
40 the parties for family mediation services.

41 A person who is awarded a period of physical
42 custody or care, a child of the person, a person with
43 visitation rights, or a person with physical custody
44 of a child may notify the court of any problem
45 experienced regarding physical care. Upon
46 notification, the court may refer a person involved in
47 the matter to family mediation services for assistance
48 in resolving the problem.

49 2. If the court refers a party to family mediation
50 services for possible mediation, a specific mediator

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1 shall be assigned to the case. The mediator shall
2 provide any mediation that the mediator deems
3 appropriate. If the mediator determines that
4 mediation is not appropriate, the mediator shall
5 notify and refer the matter to the court for hearing.
6 3. In any action affecting the family, including
7 an action for modification of a previous order, in
8 which it appears that legal custody or physical care
9 is contested, unless the court determines that
10 attendance will cause undue hardship or would endanger
11 the health or safety of either of the parties, the
12 parties to the action may attend at least one session
13 with either a mediator from the list of family
14 mediation services providers or a private mediator
15 before a trial or hearing is held. The mediation
16 session shall be a screening and evaluation session
17 for purposes of determining whether mediation is
18 appropriate and whether both parties wish to continue
19 in mediation. If the parties and the mediator
20 determine that continued mediation is appropriate, the
21 court proceedings regarding legal custody or physical
22 care shall not take place until after mediation is
23 completed or terminated. If it is determined that
24 mediation is not appropriate, the matter shall be
25 referred to the court. In making a determination of
26 whether attending an initial mediation session will
27 endanger the health or safety of either of the
28 parties, the court shall consider any of the
29 following:

30 a. Evidence that a child, for whom custody and
31 physical care must be determined, is a child in need
32 of assistance as defined under section 232.2,
33 subsection 6, as a result of the acts or omissions of
34 one or both of the parties.

35 b. Evidence of domestic abuse under chapter 236.

36 c. Evidence that either party is a substance
37 abuser or chronic substance abuser, continues to abuse
38 drugs or alcohol, and has failed or refused to seek
39 treatment.

40 d. Any other evidence indicating that a party's
41 health or safety will be endangered by attending the
42 session.

43 Sec. ____ . NEW SECTION. 678A.4 PRIVATE MEDIATION.
44 The parties to any action affecting the family may,
45 at their own expense, receive mediation services from
46 a private mediator. Parties who receive services from
47 a private mediator shall file a written notice with
48 the court stating the name of the private mediator and
49 the date of the first meeting with the mediator.

50 Sec. ____ . NEW SECTION. 678A.5 SCOPE OF FAMILY

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1 MEDIATION SERVICES.

2 If mediation is provided by a mediator assigned by
3 the court from the family mediation services provider
4 list, any issue assigned by the court or any matter
5 agreed to by the parties may be considered during the
6 mediation. Matters which may be the subject of
7 mediation may include, but are not limited to,
8 property division, maintenance, child support, and
9 physical care and legal custody of any children of the
10 marriage.

11 Sec. ____ . NEW SECTION. 678A.6 DUTIES AND
12 RESPONSIBILITIES OF MEDIATOR.

13 A mediator providing mediation services under this
14 chapter shall consider whether a particular resolution
15 of any issue is in the best interest of the family,
16 including the child, if there are children for whom
17 child custody or physical care is an issue, and may do
18 any of the following:

19 1. Promote cooperative settlement by reducing the
20 emotional intensity of the parties to the dispute.

21 2. Include the counsel of any party or any
22 appointed guardian in the mediation.

23 3. Interview any child of the parties, with or
24 without a party present.

25 4. Require either or both parties to provide
26 written disclosure of facts relating to any legal
27 custody or physical care issue addressed in mediation,
28 including any financial issue permitted to be
29 considered.

30 5. Suspend mediation when necessary to enable
31 either or both parties to obtain an appropriate court
32 order or appropriate therapy.

33 6. Terminate mediation in the manner provided in
34 section 678A.7.

35 Sec. ____ . NEW SECTION. 678A.7 TERMINATION OF
36 MEDIATION.

37 1. Mediation may be terminated by a mediator if
38 either party does not cooperate, if mediation is not
39 appropriate for resolution of the dispute in the
40 opinion of the mediator, or if there is evidence of
41 any of the following:

42 a. Evidence that a child, for whom custody and
43 physical placement must be determined, is a child in
44 need of assistance as defined under section 232.2,
45 subsection 6, as a result of the acts or omissions of
46 one or both of the parties.

47 b. Evidence of domestic abuse under chapter 236.

48 c. Evidence that either party is a substance
49 abuser or chronic substance abuser, continues to abuse
50 drugs or alcohol, and has failed or refused to seek

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1 treatment.

2 d. Any other evidence indicating that a party's
3 health or safety will be endangered by attending
4 mediation.

5 e. Evidence that the parties have reached an
6 impasse that cannot be reconciled.

7 2. Mediation may also be terminated by application
8 filed with the court by either party to the dispute.

9 A party seeking to terminate mediation shall state the
10 reasons for termination mediation. A party to the
11 dispute shall not file more than one application to
12 terminate mediation. Upon receipt of an application
13 to terminate mediation, the court shall notify the
14 other party and the family mediation services provider
15 of receipt of an application. The other party to the
16 dispute may, within ten days of receipt of notice of
17 an application to terminate mediation, file an
18 objection to termination of mediation. The court may,
19 with or without hearing, upon receiving the
20 application and any objections, terminate mediation,
21 appoint a different mediator from the list of family
22 mediation services providers, or reject the
23 application.

24 Sec. ____ . NEW SECTION. 678A.8 COMMUNICATIONS
25 WITH MEDIATOR -- CONFIDENTIALITY.

26 All verbal or written communications relating to
27 the subject matter of an agreement and transmitted
28 between any party and a mediator or to any other
29 person present during any stage of mediation, whether
30 reflected in notes, memoranda, or other work products
31 in the case files, are confidential communications
32 except as otherwise expressly provided in this
33 chapter. Mediators shall not be examined in any
34 judicial or administrative proceeding regarding
35 confidential communications and are not subject to
36 judicial or administrative process requiring the
37 disclosure of confidential communications.

38 This section does not prohibit the release of
39 information to the court regarding the disposition of
40 a case which was referred by the court. This section
41 does not apply if a mediator has reason to believe
42 that a party to a dispute has given perjured evidence.

43 Sec. ____ . NEW SECTION. 678A.9 MEDIATION
44 AGREEMENTS.

45 An agreement which resolves issues between the
46 parties which is reached as a result of mediation
47 under this chapter shall be prepared in writing,
48 reviewed by the attorney or attorneys, if any, of
49 either or both parties, and by any guardian ad litem
50 or attorney appointed to represent the interests of a

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1 child. The court may approve, modify, or reject the
2 agreement, based on a determination of whether the
3 agreement is in the best interest of any child of the
4 marriage.

5 If, after mediation under this chapter, the parties
6 do not reach agreement on legal custody or periods of
7 physical care, the parties or the mediator shall
8 notify the court of the failure to reach agreement.
9 The court shall proceed with the matter in the manner
10 provided in chapter 598.

11 Sec. ____ . NEW SECTION. 678A.10 COSTS OF
12 MEDIATION -- FEES.

13 Each party who receives family mediation services,
14 other than services provided by a private mediator,
15 shall pay a fee to defray in whole or in part the
16 administrative costs of family mediation services.
17 Fees charged by persons whose names are included on
18 the judicial district family mediation services
19 provider list shall be on a sliding scale based upon
20 the parties' ability to pay. A person shall not be
21 denied family mediation services solely because of
22 inability to pay the fee.

23 Sec. ____ . NEW SECTION. 678A.11 LIMITATION OF
24 LIABILITY FOR MEDIATORS -- IMMUNITY -- EXCEPTIONS.

25 1. A person who provides family mediation services
26 under this chapter is not liable for civil damages for
27 any statement or agreement made during the course of
28 mediation, unless the person has acted in bad faith,
29 with malicious purpose, or in a manner exhibiting
30 willful and wanton disregard of human rights, safety,
31 or property.

32 2. A cause of action seeking an injunction, writ
33 of mandamus, or other similar relief shall not be
34 brought against a person who provides family mediation
35 services under this chapter until the mediation of the
36 dispute is completed or is terminated in the manner
37 provided in section 678A.7."

38 2. Title page, line 1, by inserting after the
39 word "to" the following: "families and children
40 including family mediation services and".

41 3. By renumbering as necessary.

By JEAN LLOYD-JONES

S-5406 FILED MARCH 31, 1994

*Out of Order 4/5/94
as amended (p. 1015)*

HOUSE FILE 2410

S-5407

- 1 Amend the amendment, S-5371, to House File 2410, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 " ". Page 10, by striking line 13 and inserting
- 7 the following: "the address, if known, of the
- 8 support".
- 9 " ". Page 10, lines 14 and 15, by striking the
- 10 words "city, state, and zip code" and inserting the
- 11 following: "address".
- 12 2. By renumbering as necessary.

By ELAINE SZYMONIAK

S-5407 FILED APRIL 4, 1994

ADOPTED (P. 989) - motion to R/C by Melak 4.5-94 (P. 107)
Motion to R/C withdrawn 4/6/94

HOUSE FILE 2410

S-5438

- 1 Amend the amendment, S-5406, to House File 2410, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, by striking line 26 and inserting the
- 5 following:
- 6 "All communications relating to".
- 7 2. Page 5, by striking lines 15 through 22 and
- 8 inserting the following: "shall pay a fee to defray
- 9 the costs, including the administrative costs of
- 10 family mediation services."

By JEAN LLOYD-JONES

Adopted 4/5/94 (P. 1015)

S-5438 FILED APRIL 4, 1994

HOUSE FILE 2410

S-5427

1 Amend House File 2410, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 41, by inserting after line 30 the
4 following:

5 "Sec. 101. Section 598.21, Code Supplement 1993,
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 4A. If, during an action
8 initiated under this chapter or any other chapter in
9 which a child or medical support obligation may be
10 established based upon a prior determination of
11 paternity, a party wishes to contest the paternity of
12 the child or children involved, all of the following
13 apply:

14 a. (1) If the prior determination of paternity is
15 based on an affidavit of paternity filed pursuant to
16 section 252A.3A, or a court or administrative order
17 entered in this state, or by operation of law when the
18 mother and established father are or were married to
19 each other, the provisions of section 600B.41A apply.

20 (2) If following the proceedings under section
21 600B.41A the court determines that the prior
22 determination of paternity should not be overcome, and
23 that the established father has a duty to provide
24 support, the court shall enter an order establishing
25 the monthly child support payment and the amount of
26 the support debt accrued and accruing pursuant to
27 subsection 4, or the medical support obligation
28 pursuant to chapter 252E, or both.

29 b. If a determination of paternity is based on an
30 administrative or court order or other means pursuant
31 to the laws of a foreign jurisdiction, any action to
32 overcome the prior determination of paternity shall be
33 filed in that jurisdiction. Unless a stay of the
34 action initiated in this state to establish child or
35 medical support is requested and granted by the court,
36 pending a resolution of the contested paternity issue
37 by the foreign jurisdiction, the action shall proceed.

38 Sec. 102. Section 598.21, subsection 8, paragraph
39 k, Code Supplement 1993, is amended by striking the
40 paragraph."

41 2. Page 44, by inserting after line 9 the
42 following:

43 "Sec. 103. Section 600B.41, subsection 7, Code
44 Supplement 1993, is amended by striking the
45 subsection.

46 Sec. 104. Section 600B.41, subsection 8, Code
47 Supplement 1993, is amended to read as follows:

48 8. All costs shall be paid by the parties or
49 parents in proportions and at times determined by the
50 court, except as otherwise provided pursuant to

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1 section 600B.41A.

2 Sec. 105. NEW SECTION. 600B.41A ACTIONS TO
3 OVERCOME PATERNITY -- APPLICABILITY -- CONDITIONS.

4 1. Paternity which is legally established may be
5 overcome as provided in this section if subsequent
6 blood or genetic testing indicates that the previously
7 established father of a child is not the biological
8 father of the child. Unless otherwise provided in
9 this section, this section applies to the overcoming
10 of paternity which has been established according to
11 any of the means provided in section 252A.3,
12 subsection 9, by operation of law when the established
13 father and the mother of the child are or were married
14 to each other, or as determined by a court of this
15 state under any other applicable chapter.

16 2. This section does not apply to any of the
17 following:

18 a. A paternity determination made in or by a
19 foreign jurisdiction and, notwithstanding section
20 252A.20, a paternity determination which has been made
21 in or by a foreign jurisdiction and registered in this
22 state in accordance with section 252A.18.

23 b. A paternity determination based upon a court or
24 administrative order if the order was entered based
25 upon blood or genetic test results which demonstrate
26 that the alleged father was not excluded and that the
27 probability of the alleged father's paternity was
28 ninety-five percent or higher, unless the tests were
29 conducted prior to July 1, 1992.

30 3. Establishment of paternity may be overcome
31 under this section if all of the following conditions
32 are met:

33 a. The action to overcome paternity is filed with
34 the court prior to the child reaching majority.

35 (1) A petition to overcome paternity may be filed
36 only by the mother of the child, the established
37 father of the child, the child, or the legal
38 representative of any of these parties.

39 (2) If paternity was established by court or
40 administrative order, a petition to overcome paternity
41 shall be filed in the county in which the order is
42 filed.

43 (3) In all other determinations of paternity, a
44 petition to overcome paternity shall be filed in an
45 appropriate county in accordance with the rules of
46 civil procedure.

47 b. The petition contains, at a minimum, all of the
48 following:

49 (1) The legal name, age, and domicile, if any, of
50 the child.

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1 (2) The names, residences, and domicile of the
2 following:
3 (a) Living parents of the child.
4 (b) Guardian of the child.
5 (c) Custodian of the child.
6 (d) Guardian ad litem of the child.
7 (e) Petitioner.
8 (f) Person standing in the place of the parents of
9 the child.
10 (3) A plain statement that the petitioner believes
11 that the established father is not the biological
12 father of the child, any reasons for this belief, and
13 that the petitioner wishes to have the paternity
14 determination set aside.
15 (4) A plain statement explaining why the
16 petitioner does not know any of the information
17 required under subparagraphs (1) and (2).
18 c. Notice of the action to overcome paternity is
19 served on any parent of the child not initiating the
20 action and any assignee of the support obligation, in
21 accordance with the rules of civil procedure and in
22 accordance with the following:
23 (1) If enforcement services are being provided by
24 the child support recovery unit pursuant to chapter
25 252B, notice shall also be served on the child support
26 recovery unit.
27 (2) The responding party shall have twenty days
28 from the date of the service of the notice to file a
29 written response with the court.
30 d. A guardian ad litem is appointed for the child.
31 e. Blood or genetic testing is conducted in
32 accordance with section 600B.41 or chapter 252F.
33 (1) Unless otherwise specified pursuant to
34 subsection 2 or 8, blood or genetic testing shall be
35 conducted in all cases prior to the determination by
36 the court of the best interest of the child in an
37 action to overcome the establishment of paternity.
38 (2) Unless otherwise specified in this section,
39 section 600B.41 applies to blood or genetic tests
40 conducted as the result of an action brought to
41 overcome paternity.
42 (3) The court may order additional testing to be
43 conducted by the expert or an independent expert in
44 order to confirm a test upon which an expert concludes
45 that the established father is not the biological
46 father of the child.
47 f. The court finds that the conclusion of the
48 expert as disclosed by the evidence based upon blood
49 or genetic testing demonstrates that the established
50 father is not the biological father of the child.

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1 g. The court finds that it is in the best interest
2 of the child to overcome the establishment of
3 paternity. In determining the best interest of the
4 child, the court shall consider all of the following:

5 (1) The age of the child.

6 (2) The length of time since the establishment of
7 paternity.

8 (3) The previous relationship between the child
9 and the established father, including but not limited
10 to the duration and frequency of any time periods
11 during which the child and established father resided
12 in the same household or engaged in a parent-child
13 relationship as defined in section 600A.2.

14 (4) The possibility of establishing actual
15 paternity of the child.

16 (5) Additional factors which the court determines
17 are relevant to the individual situation.

18 4. If the court finds that the establishment of
19 paternity is overcome, in accordance with all of the
20 conditions prescribed, the established father is
21 relieved of all future support obligations owed on
22 behalf of the child.

23 a. The effective date of termination of any future
24 support obligation is the date on which an order
25 determining that the established father is not the
26 biological father is filed with the court.

27 b. Any periodic support payment, due prior to the
28 date the order determining that the established father
29 is not the biological father is filed, is unaffected
30 by this action and remains a judgment subject to
31 enforcement.

32 5. An action brought under this section shall be
33 heard and decided by the court, and shall not be
34 subject to a jury trial.

35 6. If the court determines that test results
36 conducted in accordance with section 600B.41 or
37 chapter 252F exclude the established father as the
38 biological father, but the court dismisses the action
39 to overcome paternity, the court may enter an order
40 relieving the established father of any or all future
41 support obligations owed on behalf of the child,
42 while preserving the paternity determination. The
43 court's determination and the effective date of the
44 determination shall be in accordance with subsection
45 4, paragraphs "a" and "b", and shall be made based
46 upon the unique circumstances of each case and the
47 interests of all parties.

48 7. The costs of testing, the fee of the guardian
49 ad litem, and all court costs shall be paid by the
50 person bringing the action to overcome paternity.

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1 8. This section shall not be construed as a basis
2 for termination of an adoption decree or for
3 discharging the obligation of an adoptive father to an
4 adoptive child pursuant to section 600B.5.

5 9. Unless specifically addressed in an order
6 entered pursuant to this section, provisions
7 previously established by the court order regarding
8 custody or visitation of the child are unaffected by
9 an action brought under this section.

10 10. Participation of the child support recovery
11 unit created in section 252B.2 in an action brought
12 under this section shall be limited as follows:

13 a. The unit shall only participate in actions if
14 services are being provided by the unit pursuant to
15 chapter 252B.

16 b. When services are being provided by the unit
17 under chapter 252B, the unit may enter an
18 administrative order for blood and genetic tests
19 pursuant to chapter 252F.

20 c. The unit is not responsible for or required to
21 provide for or assist in obtaining blood or genetic
22 tests in any case in which services are not being
23 provided by the unit.

24 d. The unit is not responsible for the costs of
25 blood or genetic testing conducted pursuant to an
26 action brought under this section.

27 e. Pursuant to section 252B.7, subsection 4, an
28 attorney employed by the unit represents the state in
29 any action under this section. The unit's attorney is
30 not the legal representative of the mother, the
31 established father, or the child in any action brought
32 under this section."

33 3. Page 45, by inserting after line 30 the
34 following:

35 "_____. Sections 101 through 105 of this Act, being
36 deemed of immediate importance, take effect upon
37 enactment.

38 _____. Sections 101 through 105 of this Act apply to
39 any action to overcome paternity, including any
40 paternity determination made prior to the effective
41 date of sections 101 through 105 of this Act, with the
42 exception of the following actions:

43 a. The action to overcome paternity, based upon
44 grounds that the established father is not the
45 biological father, was previously dismissed, whether
46 or not the dismissal was due to the expiration of the
47 statute of limitations period for bringing the action.

48 b. The action to relieve the established father of
49 any future support obligation, based upon the grounds
50 that the established father is not the biological

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1 father, was previously dismissed, whether or not the
2 dismissal was due to the expiration of the statute of
3 limitations period for bringing the action."
4 4. By renumbering as necessary.

By ELAINE SZYMONIAK

S-5427 FILED APRIL 4, 1994

ADOPTED (p. 990)

HOUSE FILE 2410

S-5432

1 Amend the amendment, S-5427, to House File 2410 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 37 the
5 following:

6 "c. Notwithstanding paragraph "a", a prior
7 determination of paternity by operation of law through
8 the marriage of the established father and mother of
9 the child may be overcome under this chapter if the
10 established father and mother of the child submit a
11 statement that both parties agree that the established
12 father is not the biological father of the child and
13 the court finds that it is in the best interest of the
14 child to overcome the established paternity. In
15 determining the best interest of the child, the court
16 shall consider the criteria provided in section
17 600B.41A, subsection 3, paragraph "g"."

By MERLIN E. BARTZ

S-5432 FILED APRIL 4, 1994

ADOPTED (p. 990)

HOUSE FILE 2410

S-5433

1 Amend the amendment, S-5406, to House File 2410, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, by striking line 26 and inserting the
5 following:

6 "All communications relating to".

7 2. Page 5, by striking lines 15 and 16 and
8 inserting the following: "shall pay a fee to defray
9 the costs, including the administrative costs of
10 family mediation services."

By JEAN LLOYD-JONES

S-5433 FILED APRIL 4, 1994

WITHDRAWN

4/6/94 (p. 1015)

HOUSE FILE 2410

S-5446

1 Amend the amendment, S-5406, to House File 2410, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking lines 2 through 10 and
5 inserting the following:

6 "1. Matters which may be the subject of mediation
7 under this chapter may include any of the following:
8 property division; maintenance; child support;
9 physical care; custody; visitation; or any other issue
10 agreed to by the parties or directed by the court,
11 unless otherwise precluded by state or federal law.

12 2. A referral or request for or receipt of
13 mediation services as provided under this chapter
14 shall not do either of the following:

15 a. Affect any existing provisions of a court or
16 administrative order previously established. Such
17 provisions shall remain in full force and effect until
18 otherwise modified by the court or other
19 administrative agency having authority to make a
20 modification, and shall be enforceable by any means
21 allowed by state or federal law during the time period
22 that mediation services are received.

23 b. Prevent, preclude, or otherwise delay the child
24 support recovery unit created under chapter 252B, or a
25 similar agency of another state or foreign
26 jurisdiction, from providing enforcement services as
27 authorized under chapter 252B or a comparable statute
28 of another state or foreign jurisdiction. These
29 services include but are not limited to any of the
30 following: establishment of paternity; establishment
31 of a child or medical support obligation; adjustment
32 or modification of a support order; or enforcement of
33 a child or medical support obligation, and spousal
34 support when in conjunction with support for a child.

35 3. If the child support recovery unit created
36 under chapter 252B is providing services to a party to
37 mediation services all of the following provisions
38 shall apply:

39 a. The child support recovery unit shall not
40 participate in mediation services provided under this
41 chapter.

42 b. If support payments have been assigned to the
43 department of human services, the child support
44 recovery unit shall be considered a party to the
45 support order and shall be provided with notice of any
46 action to modify the order, including any
47 recommendations resulting from mediation services
48 provided under this chapter.

49 c. In all other instances where the child support
50 recovery unit is providing services, the unit shall

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1 not be considered a party to the support order, but
2 shall be provided with notice of any action to modify
3 the order, including any recommendations resulting
4 from mediation services provided under this chapter."

By JEAN LLOYD-JONES
ELAINE SZYMONIAK

S-5446 FILED APRIL 5, 1994
ADOPTED

HOUSE FILE 2410

S-5450

1 Amend House File 2410 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 12, by inserting after line 31, the
4 following:
5 "Sec. ____ . NEW SECTION. 252B.22 ACCRUED SUPPORT
6 -- LICENSEES, BOARDS, OR COMMISSION MEMBERS.
7 The child support recovery unit shall compile a
8 listing of all persons licensed, certified, or
9 registered in the state of Iowa to conduct a trade or
10 business and of all persons who are members of any
11 board or commission as defined in section 7E.4. The
12 unit shall search the listing for the names of any
13 persons with accrued child support obligations and
14 shall notify each person, in a confidential manner, of
15 the accrued obligation. The unit shall also inform
16 the person that the person is required to repay the
17 obligation within six months of the date of the notice
18 or establish a repayment schedule that is agreed to by
19 all parties. If the person does not comply with the
20 repayment requirements, the unit shall inform the
21 licensing authority of the noncompliance and the
22 licensing authority, after providing the person with
23 an opportunity for a hearing, shall revoke the
24 person's license. If the person is a member of a
25 board or commission, the unit shall inform the
26 appointing body of the noncompliance and the
27 appointing authority, after providing the person with
28 an opportunity to respond, shall dismiss the person
29 from the board or commission. All information
30 compiled by the unit shall be collected in compliance
31 with section 252B.9. However, notwithstanding section
32 252B.9, information relating to the final revocation
33 of licensure or dismissal from a board or commission
34 may be released, at the discretion of the licensing or
35 appointing authority."
36 2. By renumbering as necessary.

By JOE WELSH

S-5450 FILED APRIL 5, 1994
WITHDRAWN

4-5-94

HOUSE FILE 2410

S-5464

1 Amend the amendment, S-5301, to House File 2410 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 9 through 11, and
5 inserting the following:

6 ""2. "Contractor" means a natural person who is an
7 independent-contractor, -including-an-independent
8 trucking-owner-or-operator eighteen years of age or
9 older, who performs labor in this state under an
10 agreement, to whom a payor of income makes payments
11 which are not subject to withholding, and for whom the
12 payor of income is required by the internal revenue
13 service to complete a 1099-MISC form."

14 2. Page 1, by striking lines 18 and 19, and
15 inserting the following:

16 " ____ . Page 39, by striking lines 31 and 32, and
17 inserting the following:

18 "252G.4 ALTERNATIVE REPORTING REQUIREMENTS --
19 PENALTY."

20 ____ . Page 40, by striking lines 2 through 21, and
21 inserting the following: "contractor, shall report
22 all-of-the-following the contractor to the registry.
23 Payors of income shall report contractors performing
24 labor under an agreement within ten fifteen days of
25 hiring-or-rehiring-of-a-contractor the date on which
26 all of the following conditions are met:

27 a. The payor issues payment to the contractor in
28 an amount which exceeds the amount required for the
29 filing of a 1099-MISC report.

30 b. Payment to the contractor under an agreement is
31 made in a form which is other than a lump sum payment,
32 within a calendar year.

33 The payor of income is not required to file more
34 than one report for any contractor.

35 2. The report submitted to the registry shall
36 contain all of the following:

37 a. The name, address, and federal identification
38 number of the payor of income.

39 b. The contractor's name, address, social security
40 number, and if known, the contractor's date of birth."

41 ____ . Page 40, line 33, by striking the figures "3
42 2" and inserting the following: "3".

43 ____ . Page 41, line 2, by striking the figures "4
44 3" and inserting the following: "4".

45 ____ . Page 41, line 4, by striking the figures "5
46 4" and inserting the following: "5".

47 3. By renumbering as necessary.

By ELAINE SZYMONIAK
MERLIN E. BARTZ

JOHN P. KIBBIE
WAYNE BENNETT

S-5464 FILED APRIL 5, 1994

out of order 4-6-94 (P. 1056)

HOUSE FILE 2410

S-5451

1 Amend House File 2410, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 41, by inserting after line 30 the
4 following:

5 "Sec. ____ . Section 598.21, Code Supplement 1993,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 4A. If an action to overcome
8 paternity, based upon a prior determination of
9 paternity by operation of law through the marriage of
10 the established father and mother of the child, is
11 brought, the court shall appoint a guardian ad litem
12 for the child for the pendency of the proceedings."

13 2. By renumbering as necessary.

By MERLIN E. BARTZ

S-5451 FILED APRIL 5, 1994

WITHDRAWN

4-5-94

HOUSE FILE 2410

S-5453

1 Amend House File 2410, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 41, by inserting after line 30 the
4 following:

5 "Sec. ____ . Section 598.21, Code Supplement 1993,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 4B. If an action to overcome
8 paternity is brought pursuant to subsection 4A,
9 paragraph "c", the court shall appoint a guardian ad
10 litem for the child for the pendency of the
11 proceedings."

12 2. By renumbering as necessary.

By MERLIN E. BARTZ

S-5453 FILED APRIL 5, 1994

Adopted 4-6-94 (p. 1043)

SENATE AMENDMENT TO HOUSE FILE 2410

H-6037

1 Amend House File 2410, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 10, by striking line 13 and inserting the
4 following: "the address, if known, of the support".
5 2. Page 10, lines 14 and 15, by striking the
6 words "city, state, and zip code" and inserting the
7 following: "address".
8 3. Page 10, by striking lines 21 through 23 and
9 inserting the following: "the support obligor's
10 delinquency is established. The department shall
11 determine dates for the".
12 4. Page 37, lines 13 and 14, by striking the
13 words "or contractor nontraditional employee" and
14 inserting the following: "or-contractor".
15 5. Page 37, by striking lines 22 through 28 and
16 inserting the following:
17 "3 2. "Date of hire" means ~~the earlier of either~~
18 ~~of the following:~~
19 ~~---a---The~~ the first day for which the an employee or
20 contractor is owed compensation by the payor of
21 income.
22 ~~b---The first day that an employee or contractor~~
23 ~~reports to work or performs labor or services for the~~
24 ~~payor of income."~~
25 6. Page 38, by striking lines 11 through 15.
26 7. Page 38, by striking lines 16 through 19 and
27 inserting the following:
28 "9---"Payer of income"--includes both an employer
29 and a person doing business in the state who engages a
30 contractor for compensation."
31 8. Page 38, line 20, by striking the figure "11"
32 and inserting the following: "9".
33 9. Page 38, line 22, by striking the figure "12"
34 and inserting the following: "10".
35 10. Page 38, line 35, by striking the figure "13"
36 and inserting the following: "11".
37 11. Page 39, by striking lines 9 through 11 and
38 inserting the following: "report employees who, on
39 the date of hire or rehire, are eighteen years of age
40 or older, and may report employees who, on the date of
41 hire or rehire, are under eighteen years of age.
42 Only".
43 12. By striking page 39, line 29 through page 41,
44 line 6.
45 13. Page 41, by inserting after line 30 the
46 following:
47 "Sec. 101. Section 598.21, Code Supplement 1993,
48 is amended by adding the following new subsection:
49 NEW SUBSECTION. 4A. If, during an action
50 initiated under this chapter or any other chapter in

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1 which a child or medical support obligation may be
2 established based upon a prior determination of
3 paternity, a party wishes to contest the paternity of
4 the child or children involved, all of the following
5 apply:

6 a. (1) If the prior determination of paternity is
7 based on an affidavit of paternity filed pursuant to
8 section 252A.3A, or a court or administrative order
9 entered in this state, or by operation of law when the
10 mother and established father are or were married to
11 each other, the provisions of section 600B.41A apply.

12 (2) If following the proceedings under section
13 600B.41A the court determines that the prior
14 determination of paternity should not be overcome, and
15 that the established father has a duty to provide
16 support, the court shall enter an order establishing
17 the monthly child support payment and the amount of
18 the support debt accrued and accruing pursuant to
19 subsection 4, or the medical support obligation
20 pursuant to chapter 252E, or both.

21 b. If a determination of paternity is based on an
22 administrative or court order or other means pursuant
23 to the laws of a foreign jurisdiction, any action to
24 overcome the prior determination of paternity shall be
25 filed in that jurisdiction. Unless a stay of the
26 action initiated in this state to establish child or
27 medical support is requested and granted by the court,
28 pending a resolution of the contested paternity issue
29 by the foreign jurisdiction, the action shall proceed.

30 c. Notwithstanding paragraph "a", a prior
31 determination of paternity by operation of law through
32 the marriage of the established father and mother of
33 the child may be overcome under this chapter if the
34 established father and mother of the child submit a
35 statement that both parties agree that the established
36 father is not the biological father of the child and
37 the court finds that it is in the best interest of the
38 child to overcome the established paternity. In
39 determining the best interest of the child, the court
40 shall consider the criteria provided in section
41 600B.41A, subsection 3, paragraph "g".

42 Sec. 102. Section 598.21, subsection 8, paragraph
43 k, Code Supplement 1993, is amended by striking the
44 paragraph."

45 14. Page 41, by inserting after line 30 the
46 following:

47 "Sec. _____. Section 598.21, Code Supplement 1993,
48 is amended by adding the following new subsection:

49 NEW SUBSECTION. 4B. If an action to overcome
50 paternity is brought pursuant to subsection 4A,

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1 paragraph "c", the court shall appoint a guardian ad
2 litem for the child for the pendency of the
3 proceedings."

4 15. Page 44, by inserting after line 9 the
5 following:

6 "Sec. 103. Section 600B.41, subsection 7, Code
7 Supplement 1993, is amended by striking the
8 subsection.

9 Sec. 104. Section 600B.41, subsection 8, Code
10 Supplement 1993, is amended to read as follows:

11 8. All costs shall be paid by the parties or
12 parents in proportions and at times determined by the
13 court, except as otherwise provided pursuant to
14 section 600B.41A.

15 Sec. 105. NEW SECTION. 600B.41A ACTIONS TO
16 OVERCOME PATERNITY -- APPLICABILITY -- CONDITIONS.

17 1. Paternity which is legally established may be
18 overcome as provided in this section if subsequent
19 blood or genetic testing indicates that the previously
20 established father of a child is not the biological
21 father of the child. Unless otherwise provided in
22 this section, this section applies to the overcoming
23 of paternity which has been established according to
24 any of the means provided in section 252A.3,
25 subsection 9, by operation of law when the established
26 father and the mother of the child are or were married
27 to each other, or as determined by a court of this
28 state under any other applicable chapter.

29 2. This section does not apply to any of the
30 following:

31 a. A paternity determination made in or by a
32 foreign jurisdiction and, notwithstanding section
33 252A.20, a paternity determination which has been made
34 in or by a foreign jurisdiction and registered in this
35 state in accordance with section 252A.18.

36 b. A paternity determination based upon a court or
37 administrative order if the order was entered based
38 upon blood or genetic test results which demonstrate
39 that the alleged father was not excluded and that the
40 probability of the alleged father's paternity was
41 ninety-five percent or higher, unless the tests were
42 conducted prior to July 1, 1992.

43 3. Establishment of paternity may be overcome
44 under this section if all of the following conditions
45 are met:

46 a. The action to overcome paternity is filed with
47 the court prior to the child reaching majority.

48 (1) A petition to overcome paternity may be filed
49 only by the mother of the child, the established
50 father of the child, the child, or the legal

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1 representative of any of these parties.

2 (2) If paternity was established by court or
3 administrative order, a petition to overcome paternity
4 shall be filed in the county in which the order is
5 filed.

6 (3) In all other determinations of paternity, a
7 petition to overcome paternity shall be filed in an
8 appropriate county in accordance with the rules of
9 civil procedure.

10 b. The petition contains, at a minimum, all of the
11 following:

12 (1) The legal name, age, and domicile, if any, of
13 the child.

14 (2) The names, residences, and domicile of the
15 following:

16 (a) Living parents of the child.

17 (b) Guardian of the child.

18 (c) Custodian of the child.

19 (d) Guardian ad litem of the child.

20 (e) Petitioner.

21 (f) Person standing in the place of the parents of
22 the child.

23 (3) A plain statement that the petitioner believes
24 that the established father is not the biological
25 father of the child, any reasons for this belief, and
26 that the petitioner wishes to have the paternity
27 determination set aside.

28 (4) A plain statement explaining why the
29 petitioner does not know any of the information
30 required under subparagraphs (1) and (2).

31 c. Notice of the action to overcome paternity is
32 served on any parent of the child not initiating the
33 action and any assignee of the support obligation, in
34 accordance with the rules of civil procedure and in
35 accordance with the following:

36 (1) If enforcement services are being provided by
37 the child support recovery unit pursuant to chapter
38 252B, notice shall also be served on the child support
39 recovery unit.

40 (2) The responding party shall have twenty days
41 from the date of the service of the notice to file a
42 written response with the court.

43 d. A guardian ad litem is appointed for the child.

44 e. Blood or genetic testing is conducted in
45 accordance with section 600B.41 or chapter 252F.

46 (1) Unless otherwise specified pursuant to
47 subsection 2 or 8, blood or genetic testing shall be
48 conducted in all cases prior to the determination by
49 the court of the best interest of the child in an
50 action to overcome the establishment of paternity.

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1 (2) Unless otherwise specified in this section,
2 section 600B.41 applies to blood or genetic tests
3 conducted as the result of an action brought to
4 overcome paternity.

5 (3) The court may order additional testing to be
6 conducted by the expert or an independent expert in
7 order to confirm a test upon which an expert concludes
8 that the established father is not the biological
9 father of the child.

10 f. The court finds that the conclusion of the
11 expert as disclosed by the evidence based upon blood
12 or genetic testing demonstrates that the established
13 father is not the biological father of the child.

14 g. The court finds that it is in the best interest
15 of the child to overcome the establishment of
16 paternity. In determining the best interest of the
17 child, the court shall consider all of the following:

18 (1) The age of the child.

19 (2) The length of time since the establishment of
20 paternity.

21 (3) The previous relationship between the child
22 and the established father, including but not limited
23 to the duration and frequency of any time periods
24 during which the child and established father resided
25 in the same household or engaged in a parent-child
26 relationship as defined in section 600A.2.

27 (4) The possibility of establishing actual
28 paternity of the child.

29 (5) Additional factors which the court determines
30 are relevant to the individual situation.

31 4. If the court finds that the establishment of
32 paternity is overcome, in accordance with all of the
33 conditions prescribed, the established father is
34 relieved of all future support obligations owed on
35 behalf of the child.

36 a. The effective date of termination of any future
37 support obligation is the date on which an order
38 determining that the established father is not the
39 biological father is filed with the court.

40 b. Any periodic support payment, due prior to the
41 date the order determining that the established father
42 is not the biological father is filed, is unaffected
43 by this action and remains a judgment subject to
44 enforcement.

45 5. An action brought under this section shall be
46 heard and decided by the court, and shall not be
47 subject to a jury trial.

48 6. If the court determines that test results
49 conducted in accordance with section 600B.41 or
50 chapter 252F exclude the established father as the

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1 biological father, but the court dismisses the action
2 to overcome paternity, the court may enter an order
3 relieving the established father of any or all future
4 support obligations owed on behalf of the child, while
5 preserving the paternity determination. The court's
6 determination and the effective date of the
7 determination shall be in accordance with subsection
8 4, paragraphs "a" and "b", and shall be made based
9 upon the unique circumstances of each case and the
10 interests of all parties.

11 7. The costs of testing, the fee of the guardian
12 ad litem, and all court costs shall be paid by the
13 person bringing the action to overcome paternity.

14 8. This section shall not be construed as a basis
15 for termination of an adoption decree or for
16 discharging the obligation of an adoptive father to an
17 adoptive child pursuant to section 600B.5.

18 9. Unless specifically addressed in an order
19 entered pursuant to this section, provisions
20 previously established by the court order regarding
21 custody or visitation of the child are unaffected by
22 an action brought under this section.

23 10. Participation of the child support recovery
24 unit created in section 252B.2 in an action brought
25 under this section shall be limited as follows:

26 a. The unit shall only participate in actions if
27 services are being provided by the unit pursuant to
28 chapter 252B.

29 b. When services are being provided by the unit
30 under chapter 252B, the unit may enter an
31 administrative order for blood and genetic tests
32 pursuant to chapter 252F.

33 c. The unit is not responsible for or required to
34 provide for or assist in obtaining blood or genetic
35 tests in any case in which services are not being
36 provided by the unit.

37 d. The unit is not responsible for the costs of
38 blood or genetic testing conducted pursuant to an
39 action brought under this section.

40 e. Pursuant to section 252B.7, subsection 4, an
41 attorney employed by the unit represents the state in
42 any action under this section. The unit's attorney is
43 not the legal representative of the mother, the
44 established father, or the child in any action brought
45 under this section."

46 16. Page 45, by inserting after line 4 the
47 following:

48 "Sec. ____ . Section 252G.4, Code Supplement 1993,
49 is repealed."

50 17. Page 45, by inserting after line 30 the

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1 following:

2 "____. Sections 101 through 105 of this Act, being
3 deemed of immediate importance, take effect upon
4 enactment.

5 _____. Sections 101 through 105 of this Act apply to
6 any action to overcome paternity, including any
7 paternity determination made prior to the effective
8 date of sections 101 through 105 of this Act, with the
9 exception of the following actions:

10 a. The action to overcome paternity, based upon
11 grounds that the established father is not the
12 biological father, was previously dismissed, whether
13 or not the dismissal was due to the expiration of the
14 statute of limitations period for bringing the action.

15 b. The action to relieve the established father of
16 any future support obligation, based upon the grounds
17 that the established father is not the biological
18 father, was previously dismissed, whether or not the
19 dismissal was due to the expiration of the statute of
20 limitations period for bringing the action."

21 18. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6037 FILED APRIL 6, 1994

House Concurred
4-12-95
P. 1413

HOUSE FILE 2410

S-5498

1 Amend House File 2410, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 37, lines 13 and 14, by striking the
4 words "or contractor nontraditional employee" and
5 inserting the following: "er-contractor".

6 2. Page 37, by striking lines 22 through 28 and
7 inserting the following:

8 "3 2. "Date of hire" means the ~~earlier of either~~
9 ~~of the following:~~

10 ~~---a---The~~ the first day for which the an employee or
11 contractor is owed compensation by the payor of
12 income.

13 ~~b---The first day that an employee or contractor~~
14 ~~reports to work or performs labor or services for the~~
15 ~~payor of income."~~

16 3. Page 38, by striking lines 11 through 15.

17 4. Page 38, by striking lines 16 through 19 and
18 inserting the following:

19 "9---"Payor of income" includes both an employer
20 and a person doing business in the state who engages a
21 contractor for compensation."

22 5. Page 38, line 20, by striking the figure "11"
23 and inserting the following: "9".

24 6. Page 38, line 22, by striking the figure "12"
25 and inserting the following: "10".

26 7. Page 38, line 35, by striking the figure "13"
27 and inserting the following: "11".

28 8. By striking page 39, line 29 through page 41,
29 line 6.

30 9. Page 45, by inserting after line 4 the
31 following:

32 "Sec. ____ . Section 252G.4, Code Supplement 1993,
33 is repealed."

34 10. By renumbering, relettering, and correcting
35 internal references as necessary.

By BERL E. PRIEBE
JOE J. WELSH
EMIL J. HUSAK
DERRYL McLAREN
H. KAY HEDGE
JOHN P. KIBBIE

TONY BISIGNANO
RANDAL J. GIANNETTO
JOHN W. JENSEN
RICHARD F. DRAKE
SHELDON RITTMER

S-5498 FILED APRIL 6, 1994
ADOPTED

HOUSE FILE 2410

S-5481

1 Amend the amendment, S-5301, to House File 2410, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 3 through 20 and
5 inserting the following:

6 "____. Page 37, by striking lines 13 and 14, and
7 inserting the following:

8 "a. Labor or services rendered by an employee or
9 contractor to the payor of income."

10 _____. Page 37, by striking lines 19 through 21 and
11 inserting the following:

12 "2. "Contractor" means a natural person who is an
13 ~~independent-contractor, including an independent~~
14 ~~trucking-owner-or-operator~~ eighteen years of age or
15 older, who performs labor in this state under an
16 agreement, to whom a payor of income makes payments
17 which are not subject to withholding, and for whom the
18 payor of income is required by the internal revenue
19 service to complete a 1099-MISC form."

20 _____. Page 37, by striking line 27 and inserting
21 the following: "work-or a contractor performs labor
22 or services".

23 _____. Page 38, by striking lines 11 through 15.

24 _____. Page 38, by striking line 18, and inserting
25 the following: "who engages a contractor for".

26 _____. By striking page 39, line 29 through page
27 41, line 6 and inserting the following:

28 "Sec. _____. Section 252G.4, Code Supplement 1993,
29 is amended by striking the section and inserting in
30 lieu thereof the following:

31 252G.4 ALTERNATIVE REPORTING REQUIREMENTS.

32 Beginning January 1, 1995, the department shall
33 notify a person who has filed a 1099-MISC form for a
34 contractor who has received payment in a form which is
35 other than a lump sum payment within a calendar year,
36 that the payor of income is required to withhold
37 income of the contractor in the subsequent year, for
38 services rendered by the contractor for the payment of
39 child support obligations. The department shall
40 notify the payor of income of the amount or percentage
41 of payments made to the contractor to be withheld and
42 the payor of income shall withhold the amount or
43 percentage from the payment made."

44 _____. By renumbering as necessary."

By BERL PRIEBE

S-5481 FILED APRIL 6, 1994
RULED OUT OF ORDER

HOUSE FILE 2410

H-6082

1 Amend the Senate amendment, H-6037, to House File
2 2410, as amended, passed, and reprinted by the House
3 as follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "____. Page 2, line 3, by striking line 3, and
7 inserting the following:
8 "144.40 PATERNITY OF CHILDREN ~~OUT-OF-WEDLOCK~~ --
9 BIRTH CERTIFICATES."
10 _____. Page 2, by inserting after line 14 the
11 following:
12 "Sec. _____. Section 144.43, subsection 1, Code
13 1993, is amended to read as follows:
14 1. A record of birth ~~if-that-birth-did-not-occur~~
15 ~~out-of-wedlock.~~
16 Sec. _____. Section 144.44, Code 1993, is amended to
17 read as follows:
18 144.44 PERMITS FOR RESEARCH.
19 The department may permit access to vital
20 statistics by professional genealogists and
21 historians, and may authorize the disclosure of data
22 contained in vital statistics records when deemed
23 essential for bona fide research purposes which are
24 not for private gain. ~~Information-in-vital-statistics~~
25 ~~records-indicating-that-a-birth-occurred-out-of~~
26 ~~wedlock-shall-not-be-disclosed-except-as-provided-by~~
27 ~~regulation-or-upon-order-of-a-district-court. The~~
28 department shall adopt rules which establish the
29 parameters for access to and authorized disclosure of
30 vital statistics and data contained in vital
31 statistics records relating to birth and adoption
32 records under this section."
33 _____. Page 4, line 26, by striking the word
34 "subsection" and inserting the following:
35 "subsections".
36 _____. Page 4, by inserting after line 28 the
37 following:
38 "NEW SUBSECTION. 6A. "Putative father" means a
39 man who is alleged to be or who claims to be the
40 biological father of a child born to a woman to whom
41 the man is not married at the time of the birth of the
42 child."
43 _____. Page 5, by striking line 20 and inserting
44 the following: "putative father."
45 _____. Page 6, by striking lines 19 and 20 and
46 inserting the following:
47 "c. A statement from the putative father that the
48 putative father is the father of the child."
49 _____. Page 6, by striking lines 23 and 24 and
50 inserting the following:

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1 "e. The signatures of the mother and putative
2 father."
3 _____. Page 6, by striking line 26 and inserting
4 the following: "putative father."
5 _____. Page 6, by striking lines 27 and 28 and
6 inserting the following:
7 "g. The addresses of the mother and putative
8 father, as available."
9 _____. Page 7, line 22, by striking the word
10 "alleged" and inserting the following: "putative."
11 2. Page 1, by striking lines 12 through 36 and
12 inserting the following:
13 "_____. Page 37, by striking lines 13 and 14 and
14 inserting the following:
15 "a. Labor or services rendered by an employee or
16 contractor to the payor of income."
17 _____. Page 37, by striking lines 19 through 21 and
18 inserting the following:
19 "2. "Contractor" means a natural person who is an
20 ~~independent-contractor, including an independent~~
21 ~~trucking-owner-or-operator~~ eighteen years of age or
22 older, who performs labor in this state to whom a
23 payor of income makes payments which are not subject
24 to withholding and for whom the payor of income is
25 required by the internal revenue service to complete a
26 1099-MISC form."
27 _____. Page 37, by striking lines 26 and 27 and
28 inserting the following:
29 "b. The first day that ~~an-employee-or~~ a contractor
30 ~~reports-to-work-or~~ performs labor or services".
31 _____. Page 38, by striking lines 11 through 15.
32 _____. Page 38, by striking line 18 and inserting
33 the following: "who engages a contractor for"."
34 3. Page 1, by striking lines 43 and 44 and
35 inserting the following:
36 "_____. Page 39, by striking lines 31 and 32 and
37 inserting the following:
38 "252G.4 ALTERNATIVE REPORTING REQUIREMENTS --
39 PENALTY."
40 _____. Page 40, by striking lines 2 through 21 and
41 inserting the following: "contractor, shall report
42 ~~all-of-the-following~~ the contractor to the registry.
43 Payors of income shall report to the registry within
44 ten fifteen days of hiring-or-rehiring-of-a-contractor
45 the date the contractor performs services which meet
46 the requirements for the filing of and which require a
47 payor of income to prepare a 1099-MISC form for the
48 contractor. The payor of income is not required to
49 report contractors with whom the payor of income
50 establishes subsequent agreements to perform services.

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1 The report submitted to the registry shall contain all
2 of the following:

3 a. The name, address, and federal identification
4 number of the payor of income.

5 b. The contractor's name, address, social security
6 number, and if known, the contractor's date of
7 birth."

8 4. Page 6, by inserting after line 45 the
9 following:

10 "11. This section applies to any action to
11 overcome paternity, including any paternity
12 determination made prior to the effective date of this
13 section of this Act, with the exception of the
14 following actions:

15 a. The action to overcome paternity, based upon
16 grounds that the established father is not the
17 biological father, was previously dismissed, whether
18 or not the dismissal was due to the expiration of the
19 statute of limitations period for bringing the action.

20 b. The action to relieve the established father of
21 any future support obligation, based upon the grounds
22 that the established father is not the biological
23 father, was previously dismissed, whether or not the
24 dismissal was due to the expiration of the statute of
25 limitations period for bringing the action."

26 5. Page 6, by striking lines 46 through 49.

27 6. By renumbering as necessary.

By HAVERLAND of Polk

H-6082 FILED APRIL 11, 1994

WITHDRAWN
4-12-94
(P1409)

HOUSE FILE 2410

H-6085

1 Amend the Senate amendment, H-6037, to House File
2 2410, as amended, passed, and reprinted by the House
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "____. Page 2, line 3, by striking line 3, and
7 inserting the following:

8 "144.40 PATERNITY OF CHILDREN ~~OUT-OF-WEDLOCK~~ --
9 BIRTH CERTIFICATES."

10 ____ . Page 2, by inserting after line 14 the
11 following:

12 "Sec. ____ . Section 144.43, subsection 1, Code
13 1993, is amended to read as follows:

14 1. A record of birth ~~if-that-birth-did-not-occur~~
15 ~~out-of-wedlock.~~

16 Sec. ____ . Section 144.44, Code 1993, is amended to
17 read as follows:

18 144.44 PERMITS FOR RESEARCH.

19 The department may permit access to vital
20 statistics by professional genealogists and
21 historians, and may authorize the disclosure of data
22 contained in vital statistics records when deemed
23 essential for bona fide research purposes which are
24 not for private gain. ~~Information in vital statistics~~
25 ~~records indicating that a birth occurred out of~~
26 ~~wedlock shall not be disclosed except as provided by~~
27 ~~regulation or upon order of a district court. The~~
28 department shall adopt rules which establish the
29 parameters for access to and authorized disclosure of
30 vital statistics and data contained in vital
31 statistics records relating to birth and adoption
32 records under this section."

33 ____ . Page 4, line 26, by striking the word
34 "subsection" and inserting the following:
35 "subsections".

36 ____ . Page 4, by inserting after line 28 the
37 following:

38 "NEW SUBSECTION. 6A. "Putative father" means a
39 man who is alleged to be or who claims to be the
40 biological father of a child born to a woman to whom
41 the man is not married at the time of the birth of the
42 child."

43 ____ . Page 5, by striking line 20 and inserting
44 the following: "putative father."

45 ____ . Page 6, by striking lines 19 and 20 and
46 inserting the following:

47 "c. A statement from the putative father that the
48 putative father is the father of the child."

49 ____ . Page 6, by striking lines 23 and 24 and
50 inserting the following:

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HOUSE FILE 2410

H-6085

1 Amend the Senate amendment, H-6037, to House File
2 2410, as amended, passed, and reprinted by the House
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "____. Page 2, line 3, by striking line 3, and
7 inserting the following:

8 "144.40 PATERNITY OF CHILDREN ~~OUT-OF-WEDLOCK~~ --
9 BIRTH CERTIFICATES."

10 _____. Page 2, by inserting after line 14 the
11 following:

12 "Sec. _____. Section 144.43, subsection 1, Code
13 1993, is amended to read as follows:

14 1. A record of birth ~~if-that-birth-did-not-occur~~
15 ~~out-of-wedlock~~.

16 Sec. _____. Section 144.44, Code 1993, is amended to
17 read as follows:

18 144.44 PERMITS FOR RESEARCH.

19 The department may permit access to vital
20 statistics by professional genealogists and
21 historians, and may authorize the disclosure of data
22 contained in vital statistics records when deemed
23 essential for bona fide research purposes which are
24 not for private gain. ~~Information-in-vital-statistics~~
25 ~~records-indicating-that-a-birth-occurred-out-of~~
26 ~~wedlock-shall-not-be-disclosed-except-as-provided-by~~
27 ~~regulation-or-upon-order-of-a-district-court.~~ The
28 department shall adopt rules which establish the
29 parameters for access to and authorized disclosure of
30 vital statistics and data contained in vital
31 statistics records relating to birth and adoption
32 records under this section."

A

33 _____. Page 4, line 26, by striking the word
34 "subsection" and inserting the following:
35 "subsections".

36 _____. Page 4, by inserting after line 28 the
37 following:

38 "NEW SUBSECTION. 6A. "Putative father" means a
39 man who is alleged to be or who claims to be the
40 biological father of a child born to a woman to whom
41 the man is not married at the time of the birth of the
42 child."

43 _____. Page 5, by striking line 20 and inserting
44 the following: "putative father."

45 _____. Page 6, by striking lines 19 and 20 and
46 inserting the following:

47 "c. A statement from the putative father that the
48 putative father is the father of the child."

49 _____. Page 6, by striking lines 23 and 24 and
50 inserting the following:

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B-6085

Page 3

1 made in a form which is other than a lump sum payment,
2 within a calendar year.

MAA

3 The payor of income is not required to file more
4 than one report for any contractor.

5 2. The report submitted to the registry shall
6 contain all of the following:

A

7 a. The name, address, and federal identification
8 number of the payor of income.

9 b. The contractor's name, address, social security
10 number, and if known, the contractor's date of birth."

11 Page 40, line 33, by striking the figures "3
12 2" and inserting the following: "3".

13 Page 41, line 2, by striking the figures "4
14 3" and inserting the following: "4".

15 Page 41, line 4, by striking the figures "5
16 4" and inserting the following: "5".

17 4. Page 6, by inserting after line 45 the
18 following:

19 "11. This section applies to any action to
20 overcome paternity, including any paternity
21 determination made prior to the effective date of this
22 section of this Act, with the exception of the
23 following actions:

24 a. The action to overcome paternity, based upon
25 grounds that the established father is not the
26 biological father, was previously dismissed, whether
27 or not the dismissal was due to the expiration of the
28 statute of limitations period for bringing the action.

B

29 b. The action to relieve the established father of
30 any future support obligation, based upon the grounds
31 that the established father is not the biological
32 father, was previously dismissed, whether or not the
33 dismissal was due to the expiration of the statute of
34 limitations period for bringing the action."

35 5. Page 6, by striking lines 46 through 49.

A

36 6. By renumbering as necessary.

By HAVERLAND of Polk

B-6085 FILED APRIL 11, 1994

A - adapted

4-12-94

P 1413

B - Withdrawn

4-12-94

HOUSE FILE 2410

H-6109

1 Amend the Senate amendment, H-6037, to House File
2 2410 as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 7, by striking lines 8 through 20 and
5 inserting the following: "date of sections 101
6 through 105 of this Act."

By GRUBBS of Scott
COHOON of Des Moines

H-6109 FILED APRIL 12, 1994

ADOPTED 4-12-94

HOUSE FILE 2410

H-6110

1 Amend the Senate amendment, H-6037, to House File
2 2410, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 5, line 27, by striking the words "of
5 establishing" and inserting the following: "that the
6 child could benefit by establishing the child's".
7 2. Page 5, line 28, by striking the words "of the
8 child".

By HALVORSON of Webster

H-6110 FILED APRIL 12, 1994

ADOPTED

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2410

S-5584

1 Amend the Senate amendment, H-6037, to House File
2 2410, as amended, passed, and reprinted by the House
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "____. Page 2, line 3, by striking line 3, and
7 inserting the following:

8 "144.40 PATERNITY OF CHILDREN ~~OUT-OF-WEDLOCK~~ --
9 BIRTH CERTIFICATES."

10 _____. Page 2, by inserting after line 14 the
11 following:

12 "Sec. _____. Section 144.43, subsection 1, Code
13 1993, is amended to read as follows:

14 1. A record of birth ~~if-that-birth-did-not-occur~~
15 ~~out-of-wedlock.~~

16 Sec. _____. Section 144.44, Code 1993, is amended to
17 read as follows:

18 144.44 PERMITS FOR RESEARCH.

19 The department may permit access to vital
20 statistics by professional genealogists and
21 historians, and may authorize the disclosure of data
22 contained in vital statistics records when deemed
23 essential for bona fide research purposes which are
24 not for private gain. ~~Information-in-vital-statistics~~
25 ~~records-indicating-that-a-birth-occurred-out-of~~
26 ~~wedlock-shall-not-be-disclosed-except-as-provided-by~~
27 ~~regulation-or-upon-order-of-a-district-court. The~~
28 department shall adopt rules which establish the
29 parameters for access to and authorized disclosure of
30 vital statistics and data contained in vital
31 statistics records relating to birth and adoption
32 records under this section."

33 _____. Page 4, line 26, by striking the word
34 "subsection" and inserting the following:
35 "subsections".

36 _____. Page 4, by inserting after line 28 the
37 following:

38 "NEW SUBSECTION. 6A. "Putative father" means a
39 man who is alleged to be or who claims to be the
40 biological father of a child born to a woman to whom
41 the man is not married at the time of the birth of the
42 child."

43 _____. Page 5, by striking line 20 and inserting
44 the following: "putative father."

45 _____. Page 6, by striking lines 19 and 20 and
46 inserting the following:

47 "c. A statement from the putative father that the
48 putative father is the father of the child."

49 _____. Page 6, by striking lines 23 and 24 and
50 inserting the following:

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Page 2

1 "e. The signatures of the mother and putative
2 father."

3 _____. Page 6, by striking line 26 and inserting
4 the following: "putative father."

5 _____. Page 6, by striking lines 27 and 28 and
6 inserting the following:

7 "g. The addresses of the mother and putative
8 father, as available."

9 _____. Page 7, line 22, by striking the word
10 "alleged" and inserting the following: "putative".

11 2. Page 1, by striking lines 12 through 36 and
12 inserting the following:

13 "_____. Page 37, by striking lines 13 and 14 and
14 inserting the following:

15 "a. Labor or services rendered by an employee or
16 contractor to the payor of income."

17 _____. Page 37, by striking lines 19 through 21 and
18 inserting the following:

19 "2. "Contractor" means a natural person who is an
20 ~~independent-contractor, including an independent~~
21 ~~trucking-owner-or-operator~~ eighteen years of age or
22 older, who performs labor in this state to whom a
23 payor of income makes payments which are not subject
24 to withholding and for whom the payor of income is
25 required by the internal revenue service to complete a
26 1099-MISC form."

27 _____. Page 37, by striking lines 26 and 27 and
28 inserting the following:

29 "b. The first day that ~~an employee or a~~ contractor
30 ~~reports to work or~~ performs labor or services".

31 _____. Page 38, by striking lines 11 through 15.

32 _____. Page 38, by striking line 18 and inserting
33 the following: "who engages a contractor for".

34 3. Page 1, by striking lines 43 and 44 and
35 inserting the following:

36 "_____. Page 39, by striking lines 31 and 32 and
37 inserting the following:

38 "252G.4 ALTERNATIVE REPORTING REQUIREMENTS --
39 PENALTY."

40 _____. Page 40, by striking lines 2 through 21, and
41 inserting the following: "contractor, shall report

42 ~~all of the following the contractor to the registry.~~
43 Payors of income shall report contractors performing

44 labor under an agreement within ten fifteen days of
45 hiring or rehiring of a contractor the date on which

46 all of the following conditions are met:

47 a. The payor issues payment to the contractor in
48 an amount which exceeds the amount required for the
49 filing of a 1099-MISC report.

50 b. Payment to the contractor under an agreement is

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Page 3

1 made in a form which is other than a lump sum payment,
2 within a calendar year.

3 The payor of income is not required to file more
4 than one report for any contractor.

5 2. The report submitted to the registry shall
6 contain all of the following:

7 a. The name, address, and federal identification
8 number of the payor of income.

9 b. The contractor's name, address, social security
10 number, and if known, the contractor's date of birth."

11 _____. Page 40, line 33, by striking the figures "3
12 2" and inserting the following: "3".

13 _____. Page 41, line 2, by striking the figures "4
14 3" and inserting the following: "4".

15 _____. Page 41, line 4, by striking the figures "5
16 4" and inserting the following: "5".

17 4. Page 5, line 27, by striking the words "of
18 establishing" and inserting the following: "that the
19 child could benefit by establishing the child's".

20 5. Page 5, line 28, by striking the words "of the
21 child".

22 6. Page 6, by striking lines 46 through 49.

23 7. Page 7, by striking lines 8 through 20 and
24 inserting the following: "date of sections 101
25 through 105 of this Act.""

26 8. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5584 FILED APRIL 12, 1994

Senate Concurred 4-14-94
(p. 1250)

Haverland, Ch.
Mc Neal
Buddiker

HSB 709

HUMAN RESOURCES

SENATE/HOUSE FILE 2410
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to child support recovery including paternity
2 establishment provisions, making a penalty applicable, and
3 providing effective and retroactive applicability provisions.

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

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1 Section 1. Section 85.59, unnumbered paragraph 2, Code
2 Supplement 1993, is amended to read as follows:

3 For purposes of this section, "inmate" includes a person
4 who is performing unpaid community service under the direction
5 of the district court, board of parole, or judicial district
6 department of correctional services, or an inmate providing
7 services pursuant to a chapter 28E agreement entered into
8 pursuant to section 904.703, or who is performing a work
9 assignment of value to the state or to the public under
10 chapter 232. For purposes of this section, "unpaid community
11 service under the direction of the district court" includes
12 but is not limited to community service ordered and performed
13 pursuant to section 598.23A.

14 Sec. 2. Section 144.13, subsection 1, paragraph e, Code
15 Supplement 1993, is amended to read as follows:

16 e. ~~In-the-case-of-a-child-born-out-of-wedlock, If an~~
17 affidavit of paternity is obtained directly from the county
18 registrar and is filed pursuant to section 252A.3A shall be
19 filed directly with the county registrar shall forward the
20 original affidavit to the state registrar.

21 Sec. 3. Section 144.13, subsection 4, Code Supplement
22 1993, is amended to read as follows:

23 4. The division shall make all of the following available
24 to the child support recovery unit, upon request, ~~a:~~

25 a. A copy of a child's birth certificate, the.

26 b. The social security numbers of the mother and the
27 father, and a.

28 c. A copy of the affidavit of paternity if provided filed
29 pursuant to section 252A.3A.

30 d. Information, other than information for medical and
31 health use only, identified on a child's birth certificate or
32 on an affidavit of paternity filed pursuant to section
33 252A.3A. The information may be provided as mutually agreed
34 upon by the division and the child support recovery unit,
35 including by automated exchange.

1 Sec. 4. Section 144.40, Code Supplement 1993, is amended
2 to read as follows:

3 144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK.

4 Upon request and receipt of ~~a sworn acknowledgment of~~
5 ~~paternity of a child born out of wedlock signed by both~~
6 ~~parents including an affidavit of paternity completed and~~
7 ~~filed pursuant to section 252A.3A, or a certified copy or~~
8 ~~notification by the clerk of court of a court or~~
9 ~~administrative order establishing paternity,~~ the state
10 registrar shall amend a certificate of birth to show paternity
11 if paternity is not shown on the birth certificate. Upon
12 written request of the parents, the surname of the child may
13 be changed on the certificate to that of the father. The
14 certificate shall not be marked "amended".

15 Sec. 5. Section 232.4, Code 1993, is amended to read as
16 follows:

17 232.4 JURISDICTION -- SUPPORT OBLIGATION.

18 Notwithstanding any other provision of this chapter, and
19 for the purposes of establishing a parental liability obli-
20 gation for a child under the jurisdiction of the juvenile
21 court, ~~the court shall establish a support obligation shall be~~
22 ~~established~~ pursuant to section 234.39 ~~or the department shall~~
23 ~~establish a support obligation pursuant to chapter 252C,~~
24 ~~provided that a support obligation has not previously been~~
25 ~~established under an order of the district court or chapter~~
26 252C.

27 Sec. 6. Section 234.39, subsection 1, Code 1993, is
28 amended to read as follows:

29 1. For an individual to whom section 234.35, subsection 1,
30 is applicable, a dispositional order of the juvenile court
31 requiring the provision of foster care, or an administrative
32 order entered pursuant to chapter 252C, shall establish, after
33 notice and a reasonable opportunity to be heard is provided to
34 a parent or guardian, the amount of the parent's or guardian's
35 support obligation for the cost of foster care provided by the

1 department, if a support obligation has not previously been
2 established under an order of the district court or court of
3 comparable jurisdiction in another state or pursuant to
4 chapter 252C. The court, or the department of human services
5 in establishing support by administrative order, shall
6 establish the amount of the parent's or guardian's support
7 obligation and the amount of support debt accrued and accruing
8 in accordance with the child support guidelines prescribed
9 under section 598.21, subsection 4. However, the court, or
10 the department of human services in establishing support by
11 administrative order, may deviate from the prescribed
12 obligation after considering a recommendation by the
13 department for expenses related to goals and objectives of a
14 case permanency plan as defined under section 237.15, and upon
15 written findings of fact which specify the reason for
16 deviation and the prescribed guidelines amount. Any order for
17 support shall direct the payment of the support obligation to
18 the collection services center for the use of the department's
19 foster care recovery unit. The order shall be filed with the
20 clerk of the district court in which the responsible parent or
21 guardian resides and has the same force and effect as a
22 judgment when entered in the judgment docket and lien index.
23 The collection services center shall disburse the payments
24 pursuant to the order and record the disbursements. If
25 payments are not made as ordered, the child support recovery
26 unit may certify a default to the court and the court may, on
27 its own motion, proceed under section 598.22 or 598.23 or the
28 child support recovery unit may enforce the judgment as
29 allowed by law. An order entered under this subsection may be
30 modified only in accordance with the guidelines prescribed
31 under section 598.21, subsection 8.

32 Sec. 7. NEW SECTION. 249A.4A GARNISHMENT.

33 When payment is made by the department for medical care or
34 expenses through the medical assistance program on behalf of a
35 recipient, the department may garnish the wages, salary, or

1 other compensation of the person obligated to pay child
2 support or may withhold amounts pursuant to chapter 252D from
3 the income of the person obligated to pay support, and shall
4 withhold amounts from state income tax refunds of a person
5 obligated to pay support, to the extent necessary to reimburse
6 the department for expenditures for medical care or expenses
7 on behalf of a recipient if all of the following conditions
8 apply:

9 1. The person is required by court or administrative order
10 to provide medical support to a recipient.

11 2. The person has received payment from a third party for
12 the costs of medical assistance to the recipient and has not
13 used the payments to reimburse the costs of medical care or
14 expenses.

15 Sec. 8. Section 252A.2, Code Supplement 1993, is amended
16 by adding the following new subsections before subsection 1
17 and renumbering the subsequent subsections:

18 NEW SUBSECTION. 1. "Birthing hospital" means a private or
19 public hospital licensed pursuant to chapter 135B that has a
20 licensed obstetric unit or is licensed to provide obstetric
21 services, or a licensed birthing center associated with a
22 hospital.

23 NEW SUBSECTION. 1A. "Birth center" means birth center as
24 defined in section 135G.2.

25 Sec. 9. Section 252A.2, Code Supplement 1993, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 4A. "Institution" means a birthing
28 hospital or birth center.

29 Sec. 10. Section 252A.3, subsection 9, Code Supplement
30 1993, is amended by adding the following new paragraph:

31 NEW PARAGRAPH. d. By establishment of paternity in a
32 foreign jurisdiction in any manner provided for by the laws of
33 that jurisdiction.

34 Sec. 11. Section 252A.3A, Code Supplement 1993, is amended
35 by striking the section and inserting in lieu thereof the

1 following:

2 252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.

3 1. The paternity of a child born out of wedlock may be
4 legally established by the completion and filing of an
5 affidavit of paternity only as provided by this section.

6 2. Establishment of paternity by affidavit under this
7 section may be used to establish paternity of the following
8 children:

9 a. The child of a woman who was unmarried at the time of
10 conception and birth of the child.

11 b. The child of a woman who is married at the time of
12 conception or birth of the child if a court of competent
13 jurisdiction has determined that the individual to whom the
14 mother was married at that time is not the father of the
15 child.

16 3. a. Prior to or at the time of completion of an
17 affidavit of paternity, written information about paternity
18 establishment, developed by the child support recovery unit
19 created in section 252B.2, shall be provided to the mother and
20 individual alleged to be the father.

21 b. The information provided shall include a description of
22 parental rights and responsibilities, including the duty to
23 provide financial support for the child, and the benefits of
24 establishing paternity.

25 c. Copies of the written information shall be made
26 available by the child support recovery unit or the Iowa
27 department of public health to those entities where an
28 affidavit of paternity may be obtained as provided under
29 subsection 4.

30 4. a. The affidavit of paternity form developed and used
31 by the Iowa department of public health is the only affidavit
32 of paternity form recognized for the purpose of establishing
33 paternity under this section.

34 b. The form shall be available from the state registrar,
35 each county registrar, the child support recovery unit, and

1 any institution in the state.

2 c. The Iowa department of public health shall make copies
3 of the form available to the entities identified in paragraph
4 "b" for distribution.

5 5. A completed affidavit of paternity shall contain or
6 have attached all of the following:

7 a. A statement by the mother consenting to the assertion
8 of paternity and the identity of the father and acknowledging
9 either of the following:

10 (1) That the mother was unmarried at the time of
11 conception and birth of the child.

12 (2) That the mother was married at the time of conception
13 or birth of the child, and that a court order has been entered
14 ruling that the individual to whom the mother was married at
15 that time is not the father of the child.

16 b. If paragraph "a", subparagraph (2), is applicable, a
17 certified copy of the filed order ruling that the husband is
18 not the father of the child.

19 c. A statement from the individual admitting paternity
20 that the individual is the father of the child.

21 d. The name of the child at birth and the child's birth
22 date.

23 e. The signatures of the mother and individual admitting
24 paternity.

25 f. The social security numbers of the mother and
26 individual admitting paternity.

27 g. The addresses of the mother and individual admitting
28 paternity, as available.

29 h. The signature of a notary public attesting to the
30 identities of the parties signing the affidavit of paternity.

31 i. Instructions for filing the affidavit.

32 6. A completed affidavit of paternity shall be filed with
33 the state registrar. However, if the affidavit of paternity
34 is obtained directly from the county registrar, the completed
35 affidavit may be filed with the county registrar who shall

1 forward the original affidavit to the state registrar. For
2 the purposes of legal establishment of paternity under this
3 section, paternity is legally established only upon filing of
4 the affidavit with the state registrar.

5 7. The state registrar shall make copies of affidavits of
6 paternity and identifying information from the affidavits
7 filed pursuant to this section available to the child support
8 recovery unit created under section 252B.2 in accordance with
9 section 144.13, subsection 4.

10 8. An affidavit of paternity completed and filed pursuant
11 to this section has all of the following effects:

12 a. Is admissible as evidence of paternity.

13 b. Has the same legal force and effect as a judicial
14 determination of paternity.

15 c. Serves as a basis for seeking child or medical support
16 without further determination of paternity.

17 9. All institutions in the state shall provide the
18 following services with respect to any newborn child born out
19 of wedlock:

20 a. Prior to discharge of the newborn from the institution,
21 the institution where the birth occurs shall provide the
22 mother and, if present, the alleged father, with all of the
23 following:

24 (1) Written information about establishment of paternity
25 pursuant to subsection 3.

26 (2) An affidavit of paternity form.

27 (3) An opportunity for consultation with the staff of the
28 institution regarding the written information provided under
29 subparagraph (1).

30 (4) An opportunity to complete an affidavit of paternity
31 at the institution, as provided in this section.

32 b. The institution shall file any affidavit of paternity
33 completed at the institution with the state registrar,
34 pursuant to subsection 6, accompanied by a copy of the child's
35 birth certificate, within ten days of the birth of the child.

1 10. a. An institution may be reimbursed by the child
2 support recovery unit created in section 252B.2 for providing
3 the services described under subsection 9, or may provide the
4 services at no cost.

5 b. An institution electing reimbursement shall enter into
6 a written agreement with the child support recovery unit for
7 this purpose.

8 c. An institution entering into an agreement for
9 reimbursement shall assist the parents of a child born out of
10 wedlock in completing and filing an affidavit of paternity.

11 d. Reimbursement shall be based only on the number of
12 affidavits completed in compliance with this section and
13 submitted to the state registrar during the duration of the
14 written agreement with the child support recovery unit.

15 e. The reimbursement rate is twenty dollars for each
16 completed affidavit filed with the state registrar.

17 Sec. 12. NEW SECTION. 252A.6A ADDITIONAL PROVISIONS
18 REGARDING PATERNITY ESTABLISHMENT.

19 1. When a court of this state is acting as the responding
20 state in an action initiated under this chapter to establish
21 paternity, all of the following shall apply:

22 a. Except with the consent of all parties, the trial shall
23 not be held until after the birth of the child and shall be
24 held no earlier than twenty days from the date the respondent
25 is served with notice of the action or, if blood or genetic
26 tests are conducted, no earlier than fifty days from the date
27 the test results are filed with the clerk of the district
28 court as provided under section 600B.41.

29 b. If the respondent, after being served with notice as
30 required under section 252A.6, fails to timely respond to the
31 notice, or to appear for blood or genetic tests pursuant to a
32 court or administrative order, or to appear at a scheduled
33 hearing after being provided notice of the hearing, the court
34 shall find the respondent in default, and shall enter an order
35 establishing paternity and establishing the monthly child

1 support payment and the amount of the support debt accrued and
2 accruing pursuant to section 598.21, subsection 4, or medical
3 support pursuant to chapter 252E, or both.

4 2. When a court of this state is acting as the responding
5 state in an action initiated under this chapter to establish
6 child or medical support based on a prior determination of
7 paternity and the respondent files an answer to the notice
8 required under section 252A.6 denying paternity, all of the
9 following shall apply:

10 a. (1) If the prior determination of paternity is based
11 on an affidavit of paternity filed pursuant to section
12 252A.3A, or an administrative order entered pursuant to
13 chapter 252F, or an order by the courts of this state, or by
14 operation of law when the mother and established father are or
15 were married to each other, the provisions of section 600B.41
16 are applicable.

17 (2) If the court determines that the prior determination
18 of paternity should not be overcome, pursuant to section
19 600B.41, and that the respondent has a duty to provide
20 support, the court shall enter an order establishing the
21 monthly child support payment and the amount of the support
22 debt accrued and accruing pursuant to section 598.21,
23 subsection 4, or medical support pursuant to chapter 252E, or
24 both.

25 b. If the prior determination of paternity is based on an
26 administrative or court order or by any other means, pursuant
27 to the laws of a foreign jurisdiction, an action to overcome
28 the prior determination of paternity shall be filed in that
29 jurisdiction. Unless the respondent requests and is granted a
30 stay of an action initiated under this chapter to establish
31 child or medical support, the action shall proceed as
32 otherwise provided in this chapter.

33 Sec. 13. Section 252B.4, subsection 1, Code Supplement
34 1993, is amended to read as follows:

35 1. The director shall require an application fee of five

1 twenty-five dollars.

2 Sec. 14. Section 252B.5, subsection 2, Code Supplement
3 1993, is amended to read as follows:

4 2. Aid in establishing paternity and securing a court or
5 administrative order for support pursuant to chapter 252A,
6 252C, 252F, or 600B, or any other chapter providing for the
7 establishment of paternity or support.

8 Sec. 15. Section 252B.9, subsection 2, paragraph b,
9 subparagraph (2), Code Supplement 1993, is amended to read as
10 follows:

11 (2) For support orders entered in Iowa which are being
12 enforced by the unit, the unit may compile and make available
13 for publication a listing of cases in which no payment has
14 been credited to an accrued or accruing support obligation
15 during a previous three-month period. Each case on the list
16 shall be identified only by the name of the support obligor,
17 the city, state, and zip code, if known, of the support
18 obligor, unless the information pertaining to the city, state,
19 and zip code of the support obligor is protected through
20 confidentiality requirements established by law and has not
21 otherwise been verified with the unit, the support obligor's
22 court order docket or case number, the county in which the
23 obligor's support order is filed, and the collection services
24 center case numbers, and the range within which the balance of
25 the support obligor's delinquency is established. However,
26 the street address of the support obligor shall not be
27 published. The department shall determine dates for the
28 release of information, the specific format of the information
29 released, and the three-month period used as a basis for
30 identifying cases. The department may not release the
31 information more than twice annually. In compiling the
32 listing of cases, no prior public notice to the obligor is
33 required, but the unit may send notice annually by ~~first-class~~
34 mail to the ~~last~~ current known address of any individual owing
35 a support obligation which is being enforced by the unit. The

1 notice shall inform the individual of the provisions of this
2 subparagraph. Actions taken pursuant to this subparagraph are
3 not subject to review under chapter 17A, and the lack of
4 receipt of a notice does not prevent the unit from proceeding
5 in implementing this subparagraph.

6 Sec. 16. Section 252B.20, subsection 1, paragraph b, Code
7 Supplement 1993, is amended to read as follows:

8 b. ~~The person-entitled-to-receive-support-and-the~~ child
9 for whom support is ordered ~~are~~ is not receiving public
10 assistance pursuant to chapter 239, 249A, or a comparable law
11 of a foreign jurisdiction, unless the person against whom
12 support is ordered is considered to be a member of the same
13 household as the child for the purposes of public assistance
14 eligibility.

15 Sec. 17. Section 252B.21, subsection 1, Code Supplement
16 1993, is amended to read as follows:

17 1. For any support order being enforced by the unit, the
18 ~~administrator~~ unit may enter an ex parte order requiring the
19 obligor to seek employment if employment of the obligor cannot
20 be verified and if the obligor has failed to make support
21 payments. Advance notice is not required prior to entering
22 the ex parte order. The order shall be served upon the
23 obligor by regular mail, with proof of service completed as
24 provided in rule of civil procedure 82. The unit shall file a
25 copy of the order with the clerk of the district court.

26 Sec. 18. Section 252C.2, subsections 2, 3, and 4, Code
27 1993, are amended to read as follows:

28 2. The payment of public assistance to or for the benefit
29 of a dependent child or a dependent child's caretaker creates
30 a support debt due and owing to the department by the
31 responsible person in an amount equal to the public assistance
32 payment, except that the support debt is limited to the amount
33 of a support obligation established by court order or by the
34 administrator. ~~if-a-court-order-has-not-been-entered-in-fowa7~~
35 ~~or-if-an-order-does-not-address-accrued-support-owed-to-the~~

1 ~~state-for-public-assistance-expended~~; the The administrator
2 may establish a support debt as to amounts accrued and
3 accruing pursuant to section 598.21, subsection 4. However, a
4 support debt is not created in favor of the department against
5 a responsible person for the period during which the
6 responsible person is a recipient on the person's own behalf
7 of public assistance for the benefit of the dependent child or
8 the dependent child's caretaker.

9 3. The provision of child support collection or paternity
10 determination services under chapter 252B to an individual,
11 even though the individual is ineligible for public
12 assistance, creates a support debt due and owing to the
13 individual or the individual's child or ward by the
14 responsible person in the amount of a support obligation
15 established by court order or by the administrator. ~~if-a~~
16 ~~court-order-has-not-been-entered-in-iowa~~; the The
17 administrator may establish a support debt in favor of the
18 individual or the individual's child or ward and against the
19 responsible person, both as to amounts accrued and accruing,
20 pursuant to section 598.21, subsection 4.

21 4. The payment of medical assistance pursuant to chapter
22 249A for the benefit of a dependent child or a dependent
23 child's caretaker creates a support debt due and owing to the
24 department. ~~if-a-court-order-has-not-been-entered-in-iowa~~; or
25 ~~if-an-administrative-order-or-a-court-order-entered-in-iowa~~
26 ~~does-not-require-provision-of-medical-support-pursuant-to~~
27 ~~chapter-252E~~; or-equivalent-medical-support; the The
28 administrator may establish an order for medical support.

29 Sec. 19. Section 252C.4, subsections 1, 2, and 5, Code
30 Supplement 1993, are amended to read as follows:

31 1. A responsible person or the child support recovery unit
32 may request a hearing regarding a determination of support.
33 If a timely written request for a hearing is received, the
34 administrator shall certify the matter to the district court
35 ~~in-the-county-in-which-the-order-has-been-filed~~; or-if-no-such

1 order-has-been-filed,-then-to-a-district-court-in-the-county
2 where-the-dependent-child-resides-or,-where-the-dependent
3 child-resides-in-another-state,-to-the-district-court-where
4 the-absent-parent-resides- as follows:

5 a. If the child or children reside in Iowa, and the unit
6 is seeking an accruing obligation, in the county in which the
7 dependent child or children reside.

8 b. If the child or children received public assistance in
9 Iowa, and the unit is seeking only an accrued obligation, in
10 the county in which the dependent child or children last
11 received public assistance.

12 c. If the action is the result of a request from a foreign
13 jurisdiction to establish support by a responsible person
14 located in Iowa, in the county in which the responsible person
15 resides.

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 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 5. If a party fails to appear at the hearing, upon a
25 showing of proper notice to that party, the court may shall
26 find that party in default and enter an appropriate order.

27 Sec. 20. Section 252C.4, Code Supplement 1993, is amended
28 by adding the following new subsection:

29 NEW SUBSECTION. 7. If a responsible person contests an
30 action initiated under this chapter by denying paternity, the
31 following shall apply, as necessary:

32 a. (1) If the prior determination of paternity is based
33 on an affidavit of paternity filed pursuant to section
34 252A.3A, or an administrative order entered pursuant to
35 chapter 252F, or an order by the courts of this state, or by

1 operation of law when the mother and established father are or
2 were married to each other, the provisions of section 600B.41
3 are applicable.

4 (2) If the court determines that the prior determination
5 of paternity should not be overcome pursuant to section
6 600B.41, and that the responsible person has a duty to provide
7 support, the court shall enter an order establishing the
8 monthly child support payment and the amount of the support
9 debt accrued and accruing pursuant to section 598.21,
10 subsection 4, or medical support pursuant to chapter 252E, or
11 both.

12 b. If the prior determination of paternity is based on an
13 administrative or court order or other means, pursuant to the
14 laws of a foreign jurisdiction, an action to overcome the
15 prior determination of paternity shall be filed in that
16 jurisdiction. Unless the responsible person requests and is
17 granted a stay of an action initiated under this chapter to
18 establish child or medical support, the action shall proceed
19 as otherwise provided by this chapter.

20 Sec. 21. Section 252C.5, Code 1993, is amended to read as
21 follows:

22 252C.5 FILING AND DOCKETING OF FINANCIAL RESPONSIBILITY
23 ORDER -- ORDER EFFECTIVE AS DISTRICT COURT DECREE.

24 1. A true copy of any order entered by the administrator
25 pursuant to this chapter, along with a true copy of the return
26 of service, if applicable, may be filed in the office of the
27 clerk of the district court ~~in-the-county-in-which-the~~
28 ~~dependent-child-resides-or, where-the-dependent-child-resides~~
29 ~~in-another-state, in-the-office-of-the-district-court-in-the~~
30 ~~county-in-which-the-absent-parent-resides~~ in the manner
31 established pursuant to section 252.4, subsection 1.

32 2. The administrator's order shall be presented, ex
33 parte, to the district court for review and approval. Unless
34 defects appear on the face of the order or on the attachments,
35 the district court shall approve the order. The approved

1 order shall have all the force, effect, and attributes of a
2 docketed order or decree of the district court.

3 2 3. Upon filing, the clerk shall enter the order in the
4 judgment docket.

5 Sec. 22. Section 252D.8, subsection 1, unnumbered
6 paragraph 1, Code Supplement 1993, is amended to read as
7 follows:

8 In a support order issued or modified on or after November
9 1, 1990, for which services are being provided by the child
10 support recovery unit, and in any support orders issued or
11 modified after January 1, 1994, for which services are not
12 provided by the child support recovery unit, the income of a
13 support obligor is subject to withholding, on the effective
14 date of the order, regardless of whether support payments by
15 the obligor are in arrears. If services are being provided
16 pursuant to chapter 252B, the child support recovery unit may
17 enter an ex parte order for an immediate withholding of income
18 ~~if authorizing language is contained in the court order.~~ The
19 district court may enter an ex parte order for immediate
20 income withholding for cases in which the child support
21 recovery unit is not providing services. The income of the
22 obligor is subject to immediate withholding unless one of the
23 following occurs:

24 Sec. 23. Section 252D.23, Code 1993, is amended to read as
25 follows:

26 252D.23 FILING OF WITHHOLDING ORDER -- ORDER EFFECTIVE AS
27 DISTRICT COURT ORDER.

28 An income withholding order entered by the child support
29 recovery unit pursuant to this chapter shall be filed with the
30 clerk of the district court. Upon filing, for the purposes of
31 demonstrating compliance by the employer, trustee, or other
32 payor, the withholding order shall have all the force, effect,
33 and attributes of a docketed order of the district court
34 including, but not limited to, availability of contempt of
35 court proceedings against an employer, trustee, or other payor

1 for noncompliance. However, any information contained in the
2 income withholding order related to the amount of the accruing
3 or accrued support obligation which does not reflect the
4 correct amount of support due does not modify the underlying
5 support judgment.

6 Sec. 24. Section 252E.2, Code 1993, is amended by adding
7 the following new subsection and renumbering the subsequent
8 subsection:

9 NEW SUBSECTION. 2. An insurer who is subject to the
10 federal Omnibus Reconciliation Act of 1993, section 4301, as
11 codified in 42. U.S.C. § 1936g-1, shall provide benefits in
12 accordance with that section which meet the requirements of a
13 qualified medical child support order. For the purposes of
14 this subsection "qualified medical child support order" means
15 a child support order which creates or recognizes the
16 existence of a child's right to, or assigns to a child the
17 right to, receive benefits for which a participant or child is
18 eligible under a group health plan and which specifies the
19 following:

20 a. The name and the last known mailing address of the
21 participant and the name and mailing address of each child
22 covered by the order.

23 b. A reasonable description of the type of coverage to be
24 provided by the plan to each child, or the manner in which the
25 type of coverage is to be determined.

26 c. The period during which the coverage applies.

27 d. Each plan to which the order applies.

28 Sec. 25. Section 252E.5, Code 1993, is amended to read as
29 follows:

30 252E.5 EFFECT OF ORDER ON EMPLOYER.

31 1. When the order has been forwarded to the obligor's
32 employer pursuant to section 252E.4, the order is binding on
33 the employer and the employer's insurer to the extent that the
34 dependent is eligible to be enrolled in the plan under the
35 applicable terms and conditions of the health benefit plan.

1 The employer shall allow enrollment of the dependent at any
2 time, notwithstanding any enrollment season restrictions.

3 2. The employer shall forward a copy of the order to the
4 insurer and request enrollment of the dependent in the health
5 benefit plan. If the obligor fails to apply to obtain
6 coverage for the dependent, the employer shall accept an
7 application to enroll a dependent which has been signed by the
8 obligee or other legal custodian of a child or by the
9 department. Within sixty days of receipt of the order or
10 within sixty days of receipt of application of-the-obligor
11 pursuant-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. However, if more than one plan
19 is offered to the obligor, the plan selected shall provide
20 coverage which is accessible to the dependent.

21 3. The employer shall withhold from the employee's
22 compensation, the employee's share, if any, of premiums for
23 the health benefit plan in an amount that does not exceed the
24 amount specified in 15 U.S.C. § 1673(b) and which is
25 consistent with federal law. The employer shall forward the
26 amount withheld to the insurer.

27 4. Within thirty days of receipt of an order that requires
28 an obligor to enroll a dependent in a health benefit plan, the
29 obligor's employer shall provide the following information, as
30 applicable, regarding the enrollment status of the dependent
31 to the obligor, the obligee, or other legal custodian of the
32 child, and the department:

33 ± a. That the dependent has been enrolled in a health
34 benefit plan.

35 2---That-the-dependent-will-be-enrolled-in-the-next

1 enrollment-period-

2 3 b. That the dependent is not eligible for enrollment and
3 the reasons that the dependent is not eligible to be enrolled.

4 4 c. That the order has been forwarded to the insurer and
5 a determination of eligibility for enrollment has not been
6 made.

7 5. ~~If either-subsection-1-or-2-describes-the-enrollment~~
8 ~~status-of~~ the dependent has been enrolled in a health benefit
9 plan, all of the following information shall be provided:

10 a. The name of the insurer providing the health benefit
11 plan.

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

13 c. The health benefit plan or account number.

14 d. The type of health benefit plan under which the
15 dependent has been enrolled, including whether dental,
16 optical, office visits, and prescription drugs are covered
17 services. Additionally, the response shall include a brief
18 description of the applicable deductibles, coinsurance,
19 waiting periods for preexisting medical conditions, and other
20 significant terms or conditions which materially affect the
21 coverage.

22 6. An employer shall not revoke enrollment or eliminate
23 coverage for a dependent unless the employer is provided with
24 satisfactory written evidence that one of the following
25 conditions exists.

26 a. A court or administrative order requiring coverage in a
27 health benefit plan is no longer in effect.

28 b. The dependent is eligible for or will be enrolled in a
29 comparable health benefit plan which will take effect no later
30 than the effective date of revocation of enrollment in the
31 other plan.

32 c. The employer has eliminated dependent health coverage
33 for all employees.

34 Nothing in this section requires an employer to maintain
35 coverage for the dependent if the premiums are no longer being

1 paid by the obligor because the employer no longer owes
2 compensation to the obligor or because the obligor's
3 employment has been terminated and the obligor has not elected
4 to continue coverage.

5 PARAGRAPH DIVIDED. If an order requiring that the obligor
6 provide coverage under a health benefit plan for the dependent
7 has been forwarded to the obligor's employer pursuant to
8 section 252E.4, and the obligor's employment is terminated,
9 the employer shall provide notice to the obligee and the
10 department within ten days of termination of the obligor's
11 employment.

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

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

25 Sec. 26. Section 252E.7, Code 1993, is amended to read as
26 follows:

27 252E.7 INSURER AUTHORIZATION.

28 1. The entry of an order requiring a health benefit plan
29 is authorization for enrollment of the dependent if the
30 dependent is otherwise eligible to be enrolled. ~~If an order~~
31 ~~has been forwarded to the insurer pursuant to section 252E.5~~
32 ~~and is not accompanied by an appropriate application for~~
33 ~~enrollment of the dependent signed by the obligor, the insurer~~
34 ~~shall attempt to obtain a signed application from the obligor.~~
35 If the insurer is unsuccessful in obtaining a signed

1 application-from-the-obligor-within-thirty-days-after-the
2 insurer's-initial-request-to-the obligor fails to obtain
3 coverage for a dependent, the insurer shall accept the
4 signature of the obligee or other legal custodian of the child
5 or of an employee of the department as valid authorization on
6 the application for enrollment of the dependent under the
7 health benefit plan. The insurer shall allow enrollment of
8 the dependent at any time, notwithstanding any enrollment
9 season restrictions.

10 2. An insurer shall not deny enrollment of a child under
11 the health benefit plan of the obligor based on any of the
12 following:

13 a. The child was born out of wedlock.

14 b. The child is not claimed as a dependent on the
15 obligor's federal income tax form.

16 c. The child does not reside with the obligor or in the
17 insurer's service area.

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

30 ~~if the insurer is unsuccessful in obtaining such written~~
31 ~~authorization from the obligor within thirty days after the~~
32 ~~insurer's initial request to the obligor, the insurer shall~~
33 ~~accept the signature of the obligee or an employee of the~~
34 ~~department as valid authorization for purposes of processing~~
35 ~~any medical expense claims on behalf of the dependent for~~

1 payment-or-reimbursement-of-medical-services-rendered-to-the
2 dependent.

3 3 4. The insurer shall have immunity from any liability,
4 civil or criminal, which might otherwise be incurred or
5 imposed for actions taken in implementing this section
6 including, but not limited to, the insurer's release of any
7 information, or the payment of any claims for services by the
8 insurer, or the insurer's acceptance of applications for
9 enrollment of the dependent and medical expense claims for the
10 dependent which are signed by the obligee or an employee of
11 the department pursuant to this section.

12 4--This-section-does-not-preclude-an-insurer-from-issuing
13 payment-directly-to-the-provider-if-such-payment-procedure-is
14 consistent-with-the-health-benefit-plan-under-which-the
15 dependent-is-enrolled,-except-as-provided-pursuant-to-chapter
16 249A.

17 5. The insurer shall make payment directly to the obligee,
18 the provider, or the department for claims submitted by the
19 obligee, by the provider with the obligee's approval, or by
20 the department.

21 5 6. Payments remitted to the obligor by the insurer for
22 services received by the dependent shall be recoverable by the
23 obligee or the department from the obligor if not properly
24 paid by the obligor to the provider or the obligee.

25 Sec. 27. Section 252E.8, subsection 1, Code 1993, is
26 amended to read as follows:

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

1 section or to create a qualified medical child support order
2 pursuant to section 252E.2, subsection 2.

3 Sec. 28. Section 252E.13, Code 1993, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 3. The department may amend information
6 concerning the provider of health benefits in a court or
7 administrative order, if necessary to comply with section
8 252E.2, subsection 2, if notice of the amendment is provided
9 to the court and to the parties to the order and if the
10 amendment is filed with the clerk of court.

11 Sec. 29. Section 252F.1, subsection 3, paragraph c, Code
12 Supplement 1993, is amended by striking the paragraph.

13 Sec. 30. Section 252F.3, Code Supplement 1993, is amended
14 to read as follows:

15 252F.3 NOTICE OF ALLEGED PATERNITY AND SUPPORT DEBT --
16 CONFERENCE -- REQUEST FOR HEARING.

17 1. The unit may prepare a notice of alleged paternity and
18 support debt to be served on the putative father if the mother
19 of the child provides a written statement to the unit
20 verifying certifying in accordance with section 622.1 that the
21 putative father is or may be the biological father of the
22 child or children involved. The notice shall be accompanied
23 by a copy of the statement and served on the putative father
24 in accordance with rule of civil procedure 56.1. Service upon
25 the mother shall not constitute valid service upon the
26 putative father. The notice shall include or be accompanied
27 by all of the following:

28 a. The name of the recipient of services under chapter
29 252B and the name and birth date of the child or children
30 involved.

31 b. A statement that the putative father has been named as
32 the biological father of the child or children named.

33 c. A statement that if paternity is established, the
34 amount of the putative father's monthly support obligation and
35 the amount of the support debt accrued and accruing will be

1 established in accordance with the guidelines established in
2 section 598.21, subsection 4, and the criteria established
3 pursuant to section 252B.7A.

4 d. A statement that if paternity is established, the
5 putative father has a duty to provide accrued and accruing
6 medical support to the child or children in accordance with
7 chapter 252E.

8 e. ~~An~~ A written explanation of the procedures for
9 determining the child support obligation and a request for
10 financial or income information as necessary for application
11 of the child support guidelines established pursuant to
12 section 598.21, subsection 4.

13 f. (1) The right of the putative father to request a
14 conference with the unit to discuss paternity establishment
15 and the amount of support that the putative father ~~is~~ may be
16 required to pay, within ten days of the date of service of the
17 original notice or, if paternity is contested and paternity
18 testing is conducted, within ten days of the date of mailing
19 of the paternity test results are issued or mailed to the
20 putative father if-the-father-denies-paternity by the unit.

21 (2) A statement that if a conference is requested, the
22 putative father shall have ~~ten~~ one of the following time
23 frames, whichever is the latest, to send a written request for
24 a court hearing on the issue of support to the unit:

25 (a) Ten days from the date set for the conference or
26 twenty.

27 (b) Twenty days from the date of service of the original
28 notice, or.

29 (c) If paternity was contested and paternity testing was
30 conducted, and the putative father does not deny paternity,
31 after the testing, or challenge the paternity test results,
32 ten days from the date of-the-mailing-of paternity test
33 results are issued or mailed by the unit to the putative
34 father if-the-putative-father-no-longer-denies-paternity,
35 whichever-is-later, to send a written request for a hearing on

1 the-issue-of-support-to-the-unit.

2 (3) A statement that after the holding of the conference,
3 the administrator-may unit shall issue a new notice of alleged
4 paternity and finding of financial responsibility for child
5 support or medical support, or both, to be provided in person
6 to the putative father or sent to the putative father by
7 regular mail addressed to the putative father's last known
8 address or, if applicable, to the last known address of the
9 putative father's attorney.

10 (4) A statement that if the administrator unit issues a
11 new notice of alleged paternity and finding of financial
12 responsibility for child support or medical support, or both,
13 the putative father shall have ten one of the following time
14 frames, whichever is the latest, to send a written request for
15 a court hearing on the issue of support to the unit:

16 (a) Ten days from the date of issuance of the new notice
17 or-twenty.

18 (b) Twenty days from the date of service of the original
19 notice-or.

20 (c) If paternity was contested and paternity testing
21 conducted, and the putative father does not deny paternity
22 after the testing or challenge the paternity test results, ten
23 days from the date of the mailing-of paternity test results
24 are issued or mailed to the putative father if-the-putative
25 father-no-longer-denies-paternity,-whichever-is-later,-to-send
26 a-written-request-for-a-hearing-on-the-issue-of-support-to-the
27 unit by the unit.

28 g. A statement that if a conference is not requested, and
29 the putative father does not deny paternity or challenge the
30 results of any paternity testing conducted but objects to the
31 finding of financial responsibility or the amount of child
32 support or medical support, or both, the putative father shall
33 send a written request for a court hearing on the issue of
34 support to the unit within twenty days of the date of service
35 or of the original notice, or, if paternity was contested and

1 paternity testing conducted, and the putative father does not
2 deny paternity, after the testing, or challenge the paternity
3 test results, within ten days from the date of the mailing-of
4 paternity test results are issued or mailed to the putative
5 father if-the-putative-father-no-longer-denies-paternity, by
6 the unit, whichever is later,-send-a-written-request-for-a
7 hearing-on-the-issue-of-support-to-the-unit.

8 h. A statement that if a timely written request for a
9 hearing on the issue of support is received by the unit, the
10 putative father shall have the right to a hearing to be held
11 in district court and that if no timely written request is
12 received and paternity is not denied contested, the
13 administrator may shall enter an order in-accordance-with-the
14 notice-and-finding-of-financial-responsibility-for
15 establishing the putative father as the father of the child or
16 children and establishing child support or medical support, or
17 both, in accordance with the notice of alleged paternity and
18 support debt.

19 i. A statement written explanation of the rights and
20 responsibilities associated with the establishment of
21 paternity.

22 j. A statement written explanation of the putative
23 father's right to deny paternity, the procedures for denying
24 paternity, and the consequences of the denial.

25 k. A statement that if the putative father contests
26 paternity, the putative father shall have twenty days from the
27 date of service of the original notice to submit a written
28 denial of paternity to the unit.

29 l. A statement that if paternity is contested, the unit
30 shall, at the request of the party contesting paternity or on
31 its own initiative, enter an administrative order requiring
32 the putative father, mother, and child or children involved,
33 to submit to paternity testing.

34 m. A statement that if paternity tests are conducted, the
35 unit shall provide a copy of the test results to the putative

1 father in person or send a copy to the putative father by
2 regular mail, addressed to the putative father's last known
3 address, or, if applicable, to the last known address of the
4 putative father's attorney.

5 n. A statement setting forth the time frames for
6 contesting paternity after paternity tests are conducted.

7 o. Other information as the unit finds appropriate.

8 2. The time limitations established for the notice
9 provisions under subsection 1 are binding unless otherwise
10 specified in this chapter or waived ~~by the putative father~~
11 pursuant to section 252F.8.

12 3. If notice is served on the putative father, the unit
13 shall file a true copy of the notice and the original return
14 of service with the appropriate clerk of the district court ~~in~~
15 as follows:

16 a. In the county in which the child or children reside,
17 or, if the action is for purposes of establishing paternity
18 and future child or medical support, or both.

19 b. In the county in which the child or children involved
20 last received public assistance benefits in the state, if the
21 action is for purposes of establishing paternity and child or
22 medical support, or both, only for prior periods of time when
23 the child or children received public assistance, and no
24 ongoing child or medical support obligation is to be
25 established by this action.

26 c. If the action is the result of a request from a foreign
27 jurisdiction of another state to establish paternity of a
28 putative father located in Iowa, in the county in which the
29 putative father resides.

30 PARAGRAPH DIVIDED. All subsequent documents filed or court
31 hearings held related to the action shall be in the district
32 court in the county in which notice was filed pursuant to this
33 subsection. The clerk shall file and docket the action.

34 4. ~~If the A~~ putative father requests ~~a hearing on the~~
35 ~~issue of support, and if~~ or the child support recovery unit

1 may request a court hearing regarding establishment of
2 paternity or a determination of support, or both.

3 a. Upon receipt of a timely written response setting-forth
4 objections-and requesting a hearing is-received-by-the-unit,-a
5 hearing-shall-be-held-in-district-court-on-the-issue-of
6 support or on its own initiative, the unit shall certify the
7 matter for hearing in the district court in the county where
8 the original notice of alleged paternity and support debt is
9 filed, in accordance with section 252F.5.

10 b. If paternity establishment was contested and paternity
11 tests conducted, a court hearing on the issue of paternity
12 shall be scheduled no earlier than fifty days from the date
13 paternity test results are issued to all parties by the unit,
14 unless the parties mutually agree to waive the time frame
15 pursuant to section 255F.8.

16 c. If a court hearing is scheduled regarding the issue of
17 paternity establishment, any objection to the results of
18 paternity tests shall be filed no later than thirty days
19 before the date the court hearing is originally scheduled.
20 Any objection to paternity test results filed by a party less
21 than thirty days before the date the court hearing is
22 originally scheduled shall not be accepted or considered by
23 the court.

24 5. If a timely written response and request for a court
25 hearing is not received by the unit and the putative father
26 does not deny paternity, the administrator may shall enter an
27 order in accordance with section 252F.4 on-the-issue-of
28 support.

29 6. a. If the-putative-father-denies a party contests the
30 establishment of paternity, the putative-father party shall
31 submit, within twenty days of service of the notice on the
32 putative father; under subsection 1, a written denial-of
33 statement contesting paternity establishment to the unit.
34 Upon receipt of a written denial challenge of paternity
35 establishment, or upon initiation by the unit, the

1 administrator shall enter an ex parte administrative order
2 orders requiring the mother, child or children involved, and
3 the putative father to submit to paternity testing. Either
4 the mother or putative father may contest paternity under this
5 chapter.

6 b. The order orders shall be filed with the clerk of the
7 district court in the county where the notice was filed and
8 have the same force and effect as a court order for paternity
9 testing.

10 ~~b.--If-the-putative-father-has-signed-an-affidavit-of~~
11 ~~paternity-pursuant-to-section-252A-3A-within-the-three-year~~
12 ~~period-prior-to-the-receipt-of-notice,-and-the-putative-father~~
13 ~~contests-paternity,-the-putative-father-shall-pay-all-costs-of~~
14 ~~the-paternity-testing.~~

15 c. The unit shall issue copies of the respective
16 administrative orders for paternity testing to the mother and
17 putative father in person, or by regular mail to the last
18 known address of each, or if applicable, to the last known
19 address of the attorney for each.

20 e d. If a paternity test is required ordered under this
21 section, the administrator shall direct that inherited
22 characteristics, including but not limited to blood types, be
23 analyzed and interpreted, and shall appoint an expert
24 qualified as an examiner of genetic markers to analyze and
25 interpret the results ~~and-report-the-results-to-the~~
26 administrator.

27 d e. The putative-father party contesting paternity shall
28 be provided one opportunity to reschedule the paternity
29 testing appointment if the testing is rescheduled prior to the
30 date of the originally scheduled appointment.

31 e f. An original copy of the test results shall be sent-to
32 filed with the clerk of the district court in the county where
33 the notice was filed,-and-a-copy-shall-be-sent-to-the
34 administrator-and. The child support recovery unit shall
35 issue a copy of the filed test results to the putative father

1 and mother of the child or children in person, or by regular
2 mail to the last known address of each, or if applicable, to
3 the last known address of the attorney for each. However, if
4 the action is the result of a request from a foreign
5 jurisdiction, the unit shall issue a copy of the results to
6 the initiating agency in that foreign jurisdiction.

7 f g. Verified documentation of the chain of custody of the
8 blood or genetic specimens is competent evidence to establish
9 the chain of custody. The testimony of the appointed expert
10 is not required. A verified expert's report of test results
11 which indicate a statistical probability of paternity is
12 sufficient authenticity of the expert's conclusion.

13 h. A verified expert's report shall be admitted as
14 evidence to establish administrative paternity, and, if a
15 court hearing is scheduled to resolve the issue of paternity,
16 shall be admitted as evidence and is admissible at trial.

17 g i. If the verified expert concludes that the test
18 results show that the putative father is not excluded and that
19 the probability of the putative father's paternity is ninety-
20 five percent or higher, there shall be a rebuttable
21 presumption that the putative father is the biological father,
22 and the evidence shall be sufficient as a basis for
23 administrative establishment of paternity. A-verified
24 expert's-report-on-test-results-which-indicate-a-statistical
25 probability-of-paternity-is-sufficient-authenticity-of-the
26 expert's-conclusion-

27 h. If-the-paternity-test-results-indicate-a-probability-of
28 paternity-of-ninety-five-percent-or-greater-and-the-putative
29 father-wishes

30 (1) In order to challenge the presumption of paternity,
31 the-putative-father a party shall file a written notice of the
32 challenge with the district court and-an-application-for-a
33 hearing-by-the-district-court within twenty days of-the-filing
34 of-the-expert's-report-with-the-clerk-of-the-district-court
35 from the date the paternity test results are issued or mailed

1 to all parties by the unit, or within-ten if a court hearing
2 is scheduled to resolve the issue of paternity, no later than
3 thirty days after before the scheduled date of the conference
4 court hearing, whichever occurs later. Any subsequent
5 rescheduling or continuances of the originally scheduled
6 hearing shall not extend the initial time frame. Any
7 challenge to a presumption of paternity resulting from
8 paternity tests, or to paternity test results filed after the
9 initial time frame shall not be accepted or admissible by the
10 unit or the court.

11 (2) A copy of the notice challenging the presumption of
12 paternity shall be provided to any other party in person, or
13 by mailing the notice to the last known address of each party,
14 or if applicable, to the last known address of each party's
15 attorney.

16 ~~††~~ (3) The party challenging the presumption of paternity
17 has the burden of proving that the putative father is not the
18 father of the child.

19 ~~†‡~~ (4) The presumption of paternity may be rebutted only
20 by clear and convincing evidence.

21 ~~† k.~~ If the verified expert concludes that the test
22 results indicate that the putative father is not excluded and
23 that the probability of the putative father's paternity is
24 less than ninety-five percent, ~~test-results-shall-be-weighed~~
25 ~~along-with-other-evidence-of-paternity--To-challenge-the-test~~
26 ~~results,-a-party-shall-file-a-written-notice-of-the-challenge~~
27 ~~with-the-clerk-of-the-district-court-within-twenty-days-of-the~~
28 ~~filing-of-the-expert's-report-and-shall-send-a-copy-of-the~~
29 ~~written-notice-to-any-other-party--The~~ the administrator may
30 then shall order a second subsequent administrative paternity
31 test or certify the case to the district court for resolution
32 in accordance with the procedures and time frames specified in
33 paragraph "i" and section 252F.5.

34 l. If the results of the test or the verified expert's
35 analysis are timely challenged as provided in this subsection,

1 the administrator, upon the request of a party or upon the
2 unit's own initiative, shall order that an additional test be
3 performed by the same laboratory or an independent laboratory
4 or shall certify the case to the district court in accordance
5 with paragraph "i" in section 252F.5.

6 m. When a subsequent paternity test is conducted, the time
7 frames in this chapter associated with paternity tests shall
8 apply to the most recently completed test.

9 n. If the paternity test results exclude the putative
10 father as a potential biological father of the child or
11 children, and additional tests are not requested by either
12 party or conducted on the unit's initiative, or if additional
13 tests exclude the putative father as a potential biological
14 father, the unit shall withdraw its action against the
15 putative father and shall file a notice of the withdrawal with
16 the clerk of the district court, and shall provide a copy of
17 the notice to the putative father in person, or by regular
18 mail sent to the putative father's last known address, or if
19 applicable, the last known address of the putative father's
20 attorney.

21 o. If paternity is established and paternity testing was
22 conducted, the unit shall enter an order or, if the action
23 proceeded to a court hearing, request that the court enter a
24 judgment for the costs of the paternity tests consistent with
25 applicable federal law.

26 ~~k.--if-the-results-of-the-test-or-the-expert's-analysis-are~~
27 ~~disputed, the administrator, upon the request of a party or~~
28 ~~upon the unit's own initiative, shall order that an additional~~
29 ~~test be performed by the same laboratory or an independent~~
30 ~~laboratory, at the expense of the party requesting additional~~
31 ~~testing.~~

32 Sec. 31. Section 252F.4, subsections 1, 2, 3, 4, 6, and 7,
33 Code Supplement 1993, are amended to read as follows:

34 1. If the putative father fails to respond to the initial
35 notice within twenty days after the date of service of the

1 notice or fails to appear at the a conference pursuant to
2 section 252F.3 on the scheduled date of the conference, and
3 paternity has not been contested and the putative father fails
4 to timely request a court hearing on the issue of support, the
5 administrator may shall enter an order against the putative
6 father, declaring the putative father to be the biological
7 legal father of the child or children involved and assessing
8 the-support-obligation-and any accrued and accruing child
9 support obligation pursuant to the guidelines established
10 under section 598.21, subsection 4, and medical support
11 pursuant to chapter 252E against the father.

12 2. If paternity is contested pursuant to section 252F.3,
13 subsection 6, and the putative-father party contesting
14 paternity fails to appear for a paternity test and fails to
15 request a rescheduling pursuant to section 252F.3, or fails to
16 appear for both the initial and the rescheduled paternity
17 tests and the putative father fails to timely request a court
18 hearing on the issue of support, the administrator may shall
19 enter an order against the putative father declaring the
20 putative father to be the biological legal father of the child
21 or children involved and assessing the-support-obligation-and
22 any accrued and accruing child support obligation pursuant to
23 the guidelines established under section 598.21, subsection 4,
24 and medical support pursuant to chapter 252E, against the
25 father.

26 3. If the putative father appears at a conference pursuant
27 to section 252F.3, and paternity is not contested, and the
28 putative father fails to timely request a court hearing on the
29 issue of support, the administrator may shall enter an order
30 against the putative father ten-days after the second notice
31 has been sent declaring the putative father to be the
32 biological legal father of the child or children involved and
33 assessing the-support-obligation-and any accrued and accruing
34 child support obligation pursuant to the guidelines
35 established under section 598.21, subsection 4, and medical

1 support pursuant to chapter 252E against the father.

2 4. If paternity was contested and paternity testing was
3 performed and the putative father was not excluded, if the
4 test results indicate that the probability of the putative
5 father's paternity is ninety-five percent or greater, and the
6 putative-father-fails-to-timely-challenge-paternity-testing,
7 if the test results are not timely challenged, and if the
8 putative father fails to timely request a court hearing on the
9 issue of support, the administrator may shall enter an order
10 against the putative father declaring the putative father to
11 be the biological legal father of the child or children
12 involved and assessing the support-obligation-and any accrued
13 and accruing child support obligation pursuant to the
14 guidelines established under section 598.21, subsection 4, and
15 medical support pursuant to chapter 252E, against the father.

16 6. The order shall contain all of the following:

17 a. A declaration of paternity.

18 b. The amount of monthly support to be paid, with
19 direction as to the manner of payment.

20 c. The amount of accrued support.

21 d. The name of the custodial parent or caretaker.

22 e. The name and birth date of the child or children to
23 whom the order applies.

24 f. A statement that property of the putative father is
25 subject to income withholding, liens, garnishment, tax offset,
26 and other collection actions.

27 g. The medical support required pursuant to chapter 598
28 and chapter 252E.

29 h. A statement that the father is required to inform the
30 child support recovery unit, on a continuing basis, of the
31 name and address of the father's current employer, whether the
32 father has access to health insurance coverage through
33 employment or at reasonable cost through other sources, and if
34 so, the health insurance policy information.

35 i. If paternity was contested, the amount of any judgment

1 assessed to the father for costs of paternity tests conducted
2 pursuant to this chapter.

3 7. ~~If the putative father does not deny~~ paternity is not
4 contested but the putative father does wish to challenge the
5 issues of child or medical support, the administrator may
6 shall enter an order establishing paternity and reserving the
7 issues of child or medical support for determination by the
8 district court.

9 Sec. 32. Section 252F.5, subsections 2, 3, 6, and 7, Code
10 Supplement 1993, are amended to read as follows:

11 2. An action under this chapter may be certified to the
12 district court if a party ~~challenges the administrator's~~
13 ~~finding of~~ timely contests paternity, ~~or the amount of~~
14 establishment or paternity test results, or if the putative
15 father requests a court hearing on the issues of child or
16 medical support, or both, or upon the initiation of the unit
17 as provided in this chapter. Review by the district court
18 shall be an original hearing before the court.

19 3. In any action brought under this chapter, the action
20 shall not be certified to the district court in a contested
21 paternity action unless all of the following have occurred:

22 a. Paternity testing has been completed.

23 b. The results of the paternity test have been sent issued
24 ~~to the putative father~~ all parties.

25 c. A timely written objection to the ~~entry of an order~~
26 paternity establishment or paternity test results has been
27 received from a party, or a timely written request for a court
28 hearing on the issue of support has been received from the
29 putative father by the unit, or the unit has requested a court
30 hearing on the unit's own initiative.

31 d. At least fifty days have expired since the test results
32 have been issued to the parties by the unit or the time frame
33 has been waived pursuant to section 252F.8.

34 6. If the court determines that the putative father is the
35 biological legal father, the court shall establish the amount

1 of the ~~monthly-support-payment-and-the~~ accrued and accruing
2 child support pursuant to the guidelines established under
3 section 598.21, subsection 4, and shall establish medical
4 support pursuant to chapter 252E.

5 7. If a the putative father or another party contesting
6 paternity fails to appear at the hearing, upon a showing that
7 proper notice has been provided to the party, the court may
8 shall find the party in default and enter an appropriate order
9 establishing paternity and support.

10 Sec. 33. Section 252F.8, Code Supplement 1993, is amended
11 to read as follows:

12 252F.8 WAIVER OF TIME LIMITATIONS BY-PUTATIVE-FATHER.

13 1. A putative father or other party may waive the time
14 limitations established in this chapter.

15 2. Upon If a party does not contest paternity or wish to
16 request a conference or court hearing on the issue of support,
17 upon receipt of a signed statement from the putative father
18 and any other party that may contest establishment of
19 paternity, waiving the time limitations, the administrator may
20 shall enter an order establishing paternity and support and
21 the court may approve the order, notwithstanding the
22 expiration of the period of the time limitations if paternity
23 is established.

24 3. If a putative father or other party waives the time
25 limitations and an order establishing paternity and or
26 determining support, or both, is entered under this chapter,
27 the signed statement of the putative father and other party
28 waiving the time limitations shall be filed with the order for
29 support.

30 Sec. 34. Section 252G.1, Code Supplement 1993, is amended
31 to read as follows:

32 252G.1 DEFINITIONS.

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

35 1. "Compensation" means payment owed by the payor of

1 income for:

2 a. Labor or services rendered by an employee or contractor
3 nontraditional employee to the payor of income.

4 b. Benefits including, but not limited to, vacation,
5 holiday, and sick leave, and severance payments which are due
6 an employee under an agreement with the employer or under a
7 policy of the employer.

8 ~~2. -- "Contractor" means a natural person who is an~~
9 ~~independent contractor, including an independent trucking~~
10 ~~owner or operator.~~

11 3 2. "Date of hire" means ~~the earlier of~~ either of the
12 following:

13 a. The first day for which the an employee ~~or contractor~~
14 is owed compensation by the payor of income.

15 b. The first day that ~~an employee or contractor reports to~~
16 work or a nontraditional employee performs labor or services
17 for the payor of income.

18 4 3. "Days" means calendar days.

19 5 4. "Department" means the department of human services.

20 6 5. "Dependent" includes a spouse or child or any other
21 person who is in need of and entitled to support from a person
22 who is declared to be legally liable for the support of that
23 dependent.

24 7 6. "Employee" means a natural person who performs labor
25 in this state and is employed by an employer in this state for
26 compensation and for whom the employer withholds federal or
27 state tax liabilities from the employee's compensation.

28 8 7. "Employer" means a person doing business in the this
29 state who engages an employee for compensation and for whom
30 the employer withholds federal or state tax liabilities from
31 the employee's compensation.

32 8. "Natural person" means an individual and not a
33 corporation, government, business trust, estate, partnership,
34 proprietorship, or other legal entity, however organized.

35 9. "Nontraditional employee" means a natural person who

1 performs labor in this state to whom a payor of income makes
2 payments which are not subject to withholding and for whom the
3 payor of income is required by the internal revenue service to
4 complete a 1099-MISC form.

5 9 10. "Payor of income" includes both an employer and a
6 person doing engaged in a trade or business in the this state
7 who engages a contractor nontraditional employee for
8 compensation.

9 ~~10~~ 11. "Registry" means the central employee registry
10 created in section 252G.2.

11 ~~11~~ 12. "Rehire" means the earlier-of-either-of-the
12 following:

13 a.--The first day for which the an employee or contractor
14 is owed compensation by the payor of income following an
15 unpaid-absence-of a termination of employment lasting a
16 minimum of six consecutive weeks. Termination of employment
17 does not include temporary separations from employment such as
18 unpaid medical leave, an unpaid leave of absence, or a
19 temporary layoff.

20 b.--The first day that an employee or contractor reports to
21 work or performs labor or services for the payor of income
22 following an unpaid absence of a minimum of six consecutive
23 weeks.

24 ~~12~~ 13. "Unit" means the child support recovery unit
25 created in section 252B.2.

26 Sec. 35. Section 252G.3, subsection 1, Code Supplement
27 1993, is amended to read as follows:

28 1. Beginning January 1, 1994, an employer who hires or
29 rehires an employee on or after January 1, 1994, shall report
30 all-of-the-following the hiring or rehiring of the employee to
31 the centralized employee registry within ten fifteen days of
32 the hiring or rehiring of an the employee. Employers shall
33 report employees who are eighteen years of age or older on the
34 date of hire or rehire, and may report employees who are under
35 eighteen years of age on the date of hire or rehire. Only

1 employees who are reasonably expected to earn at least one
2 dollar in compensation for any day on which the employee works
3 shall be reported. The report submitted shall contain all of
4 the following:

5 a. The employer's name, address, and federal
6 identification number.

7 b. The employee's name, address, social security number,
8 and date of birth.

9 c. Information regarding availability of whether the
10 employer has employee dependent health care coverage available
11 and whether or not the appropriate date on which the employee
12 is qualified may qualify for the coverage.

13 ~~d. Whether the payroll of the employer is prepared at the~~
14 ~~address of the employer or at a separate location, and the~~
15 ~~address of the separate location, if applicable. The address~~
16 to which income withholding orders and garnishments should be
17 sent.

18 Sec. 36. Section 252G.4, Code Supplement 1993, is amended
19 to read as follows:

20 252G.4 ALTERNATIVE REPORTING REQUIREMENTS FOR
21 NONTRADITIONAL EMPLOYEES -- PENALTY.

22 1. Beginning January 1, 1994, a payor of income to whom
23 section 252G.3 is inapplicable, who ~~engages a contractor on or~~
24 ~~after January 1, 1994 on or after January 1, 1994,~~ enters into
25 an agreement for the performance of services with a
26 nontraditional employee who is eighteen years of age or older
27 on the date of the entering of the agreement, shall report a
28 of the following the nontraditional employee to the registry.
29 Payors of income shall report nontraditional employees for
30 whom it is reasonably anticipated that a 1099-MISC form will
31 be prepared. The report shall be filed with the registry
32 within ten fifteen days of hiring or rehiring of a contractor
33 the date the nontraditional employee first performs services
34 for the payor of income, or within fifteen days of the
35 nontraditional employee's initial request for payment. The

1 payor of income is not required to report nontraditional
2 employees with whom the payor of income establishes subsequent
3 agreements to perform services. The report submitted to the
4 registry shall contain all of the following:

5 a. The name, address, and federal identification number of
6 the payor of income.

7 b. The contractor's name, address, social security number,
8 and if known, the contractor's date of birth of the
9 nontraditional employee.

10 ~~2.--Payers of income to whom section 2526.3 is inapplicable~~
11 ~~shall report under this section only when all of the following~~
12 ~~conditions are met:~~

13 ~~a.--The contractor is not being engaged for the sole~~
14 ~~purpose of performing services on the residential property of~~
15 ~~the payer of income.~~

16 ~~b.--Payment of income under the contract is reasonably~~
17 ~~expected to equal or exceed one thousand dollars in any~~
18 ~~twelve-month period.~~

19 ~~c.--The contractor will perform labor or services for a~~
20 ~~minimum period of two months.~~

21 3 2. A payor of income required to report under this
22 section may report the information required under subsection 1
23 by any written means authorized by the unit which results in
24 timely reporting.

25 4 3. Information reported under this section shall be
26 received and maintained as provided in section 252G.2.

27 5 4. A payor of income required to report under this
28 section who fails to report is subject to the penalty provided
29 in section 252G.3, subsection 4.

30 Sec. 37. Section 421.17, subsection 21A, paragraphs c and
31 d, Code Supplement 1993, are amended to read as follows:

32 c. The individual shall remit the payment to the
33 department of revenue and finance separate from any tax
34 liability payments, identify the payment as a support payment,
35 and make the payment payable to the collection services

1 center. The department shall forward all payments received
2 pursuant to this section to the collection services center
3 established pursuant to chapter 252B, for processing and
4 disbursement. The department of revenue and finance may
5 establish by-rule a process for the child support recovery
6 unit or collection services center to directly receive the
7 payments. For purposes of crediting the support payments
8 pursuant to sections 252B.14 and 598.22, payments received by
9 the department of revenue and finance and forwarded to the
10 collection services center shall be credited as if received
11 directly by the collection services center.

12 d. The notice shall provide that, as an alternative to the
13 provisions of paragraph "b", the individual may contact the
14 child support recovery unit to formalize a repayment plan and
15 obtain an exemption from the quarterly payment filing
16 requirement when payments are made pursuant to the repayment
17 plan or to contest the balance due listed in the notice ~~when~~
18 ~~payments-are-made-pursuant-to-the-plan.~~

19 Sec. 38. Section 600B.9, Code 1993, is amended to read as
20 follows:

21 600B.9 TIME OF INSTITUTING PROCEEDINGS.

22 The proceedings may be instituted during the pregnancy of
23 the mother or after the birth of the child, but, except with
24 the consent of ~~the-person-charged-with-being-the-father~~ all
25 parties, the trial shall not be ~~had~~ held until after the birth
26 of the child and shall be held no earlier than twenty days
27 from the date the alleged father is served with notice of the
28 action or, if blood or genetic tests are conducted, no earlier
29 than fifty days from the date the test results are filed with
30 the clerk of the district court as provided under section
31 600B.41.

32 Sec. 39. Section 600B.24, Code 1993, is amended to read as
33 follows:

34 600B.24 JUDGMENT IN GENERAL.

35 1. If the defendant, after being served with notice as

S.F. _____ H.F. _____

1 required under section 600B.15, fails to timely respond to the
2 notice, or to appear for blood or genetic tests pursuant to a
3 court or administrative order, or to appear at a scheduled
4 hearing after being provided notice of the hearing, the court
5 shall find the defendant in default and enter a default
6 judgment.

7 2. If-the-findings Upon a finding or verdict be of
8 paternity against the defendant, the court shall give enter a
9 judgment against him the defendant declaring paternity and for
10 ordering support of the child.

11 Sec. 40. Section 600B.41, subsections 3, 5, and 6, Code
12 Supplement 1993, are amended to read as follows:

13 3. Verified documentation of the chain of custody of the
14 blood or genetic specimen is competent evidence to establish
15 the chain of custody. The testimony of the court-appointed
16 expert at trial is not required.

17 5. The results of the tests shall have the following
18 effects:

19 a. Test results which show a statistical probability of
20 paternity are admissible. To challenge the test results, a
21 party shall file a notice of the challenge, with the court,
22 within twenty days of the filing of the expert's report with
23 the clerk of the district court, or, if a court hearing is
24 scheduled to resolve the issue of paternity, no later than
25 thirty days before the original court hearing date.

26 (1) Any subsequent rescheduling or continuances of the
27 originally scheduled hearing shall not extend the original
28 time frame.

29 (2) Any challenge filed after the time frame is not
30 acceptable or admissible by the court.

31 (3) If a challenge is not timely filed, the test results
32 shall be admitted as evidence of paternity without the need of
33 additional proof of authenticity or accuracy.

34 b. If the expert concludes that the test results show that
35 the alleged father is not excluded and that the probability of

1 the alleged father's paternity is ninety-five percent or
2 higher, there shall be a rebuttable presumption that the
3 alleged father is the father, and this evidence must be
4 admitted.

5 (1) To challenge this presumption of paternity, a party
6 must file a notice of the challenge with the court within
7 ~~twenty-days-of-the-filing-of-the-expert's-report-with-the~~
8 ~~clerk-of-the-district-court~~ the time frames prescribed in
9 paragraph "a".

10 (2) The party challenging the presumption of the alleged
11 father's paternity has the burden of proving that the alleged
12 father is not the father of the child.

13 (3) The presumption of paternity can be rebutted only by
14 clear and convincing evidence.

15 c. If the expert concludes that the test results show that
16 the alleged father is not excluded and that the probability of
17 the alleged father's paternity is less than ninety-five
18 percent, test results shall be weighed along with other
19 evidence of the alleged father's paternity. To challenge the
20 test results, a party must file a notice of the challenge with
21 the court within ~~twenty-days-of-the-filing-of-the-expert's~~
22 ~~report-with-the-clerk-of-the-district-court~~ the time frames
23 prescribed in paragraph "a".

24 6. If the results of the tests or the expert's analysis of
25 inherited characteristics is disputed in a timely fashion, the
26 court, upon reasonable request of a party, shall order that an
27 additional test be made by the same laboratory or an
28 independent laboratory at the expense of the party requesting
29 additional testing. When a subsequent test is conducted, all
30 time frames prescribed in this chapter associated with blood
31 or genetic tests shall apply to the most recently completed
32 test.

33 Sec. 41. Section 602.6111, Code Supplement 1993, is
34 amended by adding the following new subsection:

35 NEW SUBSECTION. 3. The requirements of subsection 1 do

1 not apply to actions filed by the child support recovery unit
2 established pursuant to chapter 252B. For actions filed by
3 the child support recovery unit, the clerk of the district
4 court shall generate an alternative personal identification
5 number if the party's social security number or driver's
6 license number is not provided or available through other
7 sources.

8 Sec. 42. Section 627.13, Code 1993, is amended to read as
9 follows:

10 627.13 WORKERS' COMPENSATION.

11 Any compensation due or that may become due an employee or
12 dependent under chapter 85 is exempt from garnishment,
13 attachment, execution, and assignment of income, except for
14 the purposes of enforcing child, spousal, or medical support
15 obligations. For the purposes of enforcing child, spousal, or
16 medical support obligations, the an assignment of income,
17 garnishment or attachment of or the execution against
18 compensation due an employee ~~or dependent~~ under chapter 85 is
19 not exempt but shall be limited as specified in 15 U.S.C. §
20 1673(b).

21 Sec. 43. Section 669.2, subsection 4, Code Supplement
22 1993, is amended by adding the following new unnumbered
23 paragraph:

24 NEW UNNUMBERED PARAGRAPH. "Employee of the state" also
25 includes an individual performing unpaid community service
26 under an order of the district court pursuant to section
27 598.23A.

28 Sec. 44. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

29 1. Section 252D.23 as amended by this Act, relating to
30 income withholding orders, being deemed of immediate
31 importance, takes effect upon enactment and applies
32 retroactively to July 1, 1992.

33 2. Section 602.6111 as amended by this Act, relating to
34 use of alternative personal identification numbers on
35 documents filed with the clerk of the district court, being

1 deemed of immediate importance, takes effect upon enactment
2 and applies retroactively to July 1, 1993.

3 3. Section 252D.8, subsection 1, unnumbered paragraph 1,
4 as amended by this Act, relating to immediate income
5 withholding, and sections 252G.1, 252G.3, subsection 1, and
6 252G.4, as amended by this Act, relating to the central
7 employee registry, being deemed of immediate importance, take
8 effect upon enactment and apply retroactively to January 1,
9 1994.

10 4. Section 85.59, unnumbered paragraph 2, as amended by
11 this Act, relating to community service for obligors found in
12 contempt of court, section 252B.20, subsection 1, paragraph b,
13 as amended by this Act, relating to recipients of public
14 assistance, section 252B.21, subsection 1, as amended by this
15 Act, relating to notice for seek employment orders, and
16 section 669.2, subsection 4, as amended by this Act, relating
17 to liability for persons performing community service, being
18 deemed of immediate importance, take effect upon enactment.

19

EXPLANATION

20 This bill makes various changes related to child support
21 recovery. The bill clarifies liability for the performance of
22 community service relative to a contempt order against a
23 person who fails to pay child support; provides that the same
24 force and effect be applicable to child support orders whether
25 established by the judicial process or by the expedited
26 departmental process; provides that the child support recovery
27 unit administrator may establish a support debt or medical
28 support if an existing order does not address the payment of
29 the debt or medical support; clarifies terms used relative to
30 child support; expands the recognized forms of paternity
31 establishment; clarifies that the provision of information in
32 hospitals regarding paternity establishment procedures is to
33 be provided to the alleged father only if possible; lists the
34 provisions for establishment of paternity under which the
35 department has authority; provides the type of information

1 which is included in the compiled listing of cases for
2 publication regarding outstanding child support obligations;
3 clarifies that in cases of suspension of an obligation the
4 child is the person who is not receiving public assistance;
5 provides for mailing administrative seek employment orders to
6 an obligor; alters where administrative actions are to be
7 filed; provides that immediate withholding of income is
8 automatic even if not authorized in a court order; provides
9 that inaccurate information contained in an income withholding
10 order regarding the amount of support does not modify the
11 order; makes the provisions of the centralized employee
12 registry mandatory only as to employees 18 years of age or
13 older unless the employer chooses to include those under 18
14 years of age and provides the terms for reporting of
15 nontraditional employees; provides that payments made directly
16 to the department of revenue and finance by self-employed
17 obligors are to be credited as though directly remitted to the
18 collection services center; provides that the personal
19 identification number of a party to an action for which a
20 document is filed with the clerk of the district court by the
21 child support recovery unit may be other than the party's
22 social security number or driver's license number in order to
23 comply with confidentiality requirements; states that an
24 assignment of income relative to workers' compensation is one
25 means of enforcing child support recovery provisions; provides
26 for changes in the area of paternity establishment and medical
27 child support orders to provide conformity with the federal
28 Omnibus Budget Reconciliation Act (OBRA) of 1993; and provides
29 for effective dates and retroactive applicability of certain
30 provisions.

31 BACKGROUND STATEMENT

32 SUBMITTED BY THE AGENCY

33 Section 1 is necessary to address liability for the
34 performance of community service. Without this language,
35 assurances cannot be provided to sponsors of the community

1 service, and the provisions cannot be effectively implemented.

2 Sections 2, 3, and 4 amend sections of the Code to meet the
3 requirements of the federal Omnibus Budget Reconciliation Act
4 (OBRA) of 1993 regarding the provision of information between
5 agencies when an affidavit of paternity has been filed and the
6 duties of the clerk of court in amending a birth certificate
7 when paternity is legally established by court or
8 administrative order.

9 Sections 5 and 6 make changes to conform with changes made
10 in chapters 252A and 252C during the 1993 Regular Session to
11 meet the requirements set forth in 45 CFR § 303.101(c)(1),
12 which requires that under a state's expedited process, which
13 is chapter 252C in Iowa, orders established must have the same
14 force and effect under state law as orders established by full
15 judicial process with the state.

16 Section 7 incorporates an OBRA of 1993 requirement by
17 authorizing the department of human services to recoup amounts
18 to the extent necessary to reimburse the department for
19 medical assistance expenditures, through garnishment, income
20 withholding, and interception of state tax refunds, and third-
21 party payments which are improperly retained by the support
22 obligor.

23 Sections 8 and 9 add definitions of birthing hospital,
24 birth center, and institution to chapter 252A in which the
25 paternity affidavit process is established.

26 Section 10 adds establishment of paternity in a foreign
27 jurisdiction to the list of recognized paternity establishment
28 procedures. This provision is required under OBRA of 1993.

29 Section 11 reorganizes and rewrites the establishment of
30 paternity by affidavit section of the Code to accommodate
31 changes as required by OBRA of 1993. The section specifies
32 that the only affidavit that can be used to establish
33 paternity is the form developed by the Iowa department of
34 public health; specifies the conditions under which an
35 affidavit can be used when the mother was married to someone

1 other than the biological father at birth or conception of the
2 child; delineates the information which must be included on or
3 with the affidavit; specifies that paternity is established
4 upon filing of the affidavit with the state registrar and
5 requires that the registrar make copies of the affidavit
6 available to the child support recovery unit; specifies the
7 legal effect of the affidavit; makes the provision of this
8 service by birthing hospitals and birth centers mandatory;
9 specifies the conditions under which institutions may be
10 reimbursed for providing the service; and makes the
11 reimbursement amount a uniform amount of \$20 per completed and
12 filed affidavit.

13 Section 12 includes requirements of OBRA of 1993 to specify
14 time frames for challenging paternity test results prior to a
15 hearing regarding paternity and for the entering of a default
16 judgment when the alleged father does not respond to notice,
17 appear for blood or genetic testing, or appear at a scheduled
18 hearing. The section also specifies conditions which must be
19 met if paternity is denied.

20 Section 13 provides for an increase in the application fee
21 to the amount charged prior to 1993 for services of the child
22 support recovery unit for individuals who are not otherwise
23 eligible as recipients of public assistance.

24 Section 14 provides a more inclusive list of chapters under
25 which paternity may be established or support may be
26 determined with the assistance of the unit.

27 Section 15 relates to the notification of obligors and the
28 notice required regarding publication of names concerning
29 outstanding child support obligations.

30 Section 16 relates to suspension of a support obligation.
31 The language stricken in the bill addresses situations where a
32 recipient of public assistance may have children in the home
33 that do not share the same noncustodial parent. Under the
34 current law, the recipient of public assistance would have to
35 stop receiving benefits before the noncustodial parent could

1 have the support obligation suspended. However, the recipient
2 may still have other eligible minors that are not children of
3 the noncustodial parent. This allows the suspension to be
4 based on a change in circumstances of the children of the
5 noncustodial parent.

6 Section 17 clarifies how administrative seek employment
7 orders are to be served upon an obligor.

8 Section 18 authorizes the administrator to establish a
9 support debt or medical support if the unit is involved in
10 collection of the support.

11 Section 19 as it amends section 252C.4, subsections 2 and
12 5, and section 20 include a requirement of OBRA that a default
13 order is entered when a party, after proper notification of a
14 hearing, fails to appear at the hearing and adds conforming
15 provisions in situations where paternity is denied.

16 Section 19 as it amends section 252C.4, subsection 1, and
17 section 21 clarify where administrative actions should be
18 filed.

19 Section 22 provides for to conformity with federal
20 requirements which require states to be able to implement
21 immediate income withholding upon the entry of a support
22 order, without further action.

23 Section 23 clarifies that, while income withholding orders
24 are binding on the employer, a mistake of fact regarding the
25 amount of the accrued or accruing support does not
26 automatically modify the amount of support due by the support
27 obligor. This serves to protect both obligors in the event a
28 support amount is overstated and obligees in the event a
29 support amount is understated.

30 Section 24 incorporates the definition of a "qualified
31 medical child support order" as specified in OBRA of 1993 and
32 references procedures which insurers subject to OBRA are to
33 use in determining the status of the order.

34 Section 25 incorporates OBRA of 1993 requirements for
35 employers regarding implementation of health care coverage;

1 requires an obligor to provide enrollment in an accessible
2 plan for a dependent when that choice is available; includes a
3 legal custodian as a person who is entitled to apply for and
4 receive information about coverage; and specifies that an
5 employer is not required to maintain coverage when an order
6 for coverage is no longer in effect, when the dependent is
7 otherwise enrolled in a plan, when the employer no longer
8 provides coverage to all employees, or when premiums are no
9 longer paid by the obligor.

10 Section 26 incorporates OBRA of 1993 requirements for
11 insurers regarding implementation of health care coverage.
12 Specifically, insurers are required to permit enrollment
13 without regard to enrollment season restrictions; cannot deny
14 enrollment if a child was born out of wedlock, is not claimed
15 as a dependent on the parent's federal income tax return, or
16 does not reside with the parent or in the insurer's service
17 area; and requires payment directly to the obligee, the
18 department, or the provider, depending on the manner of
19 submission of a claim. The section also requires an insurer
20 to accept the signature of a legal custodian of a child on an
21 application or medical expense claim form.

22 Section 27 includes the legal custodian of a child as a
23 person who may receive information necessary to complete an
24 application or file a claim for medical expenses, or to create
25 a qualified medical child support order.

26 Section 28 provides that the department may amend the
27 information concerning the provider of health benefits in a
28 court or administrative order if necessary to create a
29 qualified medical child support order. The department is
30 required to send notice of the amendment to the court, the
31 obligor and the obligee, and to file the amendment with the
32 clerk of court.

33 Section 29 strikes the portion of the definition of
34 "paternity is at issue" which refers to establishment of
35 paternity by the filing of an affidavit of paternity which is

1 later contested.

2 Section 30 makes changes required by OBRA of 1993 and other
3 technical conforming changes. Changes are made to the
4 information requirements of the notice of alleged paternity
5 and support debt. Other changes specify that notices and
6 paternity test results may be issued in person; provide that
7 test results are issued to both the mother and father or to
8 their respective attorneys; specify time frames within which
9 objections can be filed when tests have been conducted;
10 include the requirement to enter a default order when an
11 objection is not filed; specify where an action must be filed;
12 allow the unit to request a court hearing and specify time
13 frames related to the scheduling of a court hearing; allow
14 either the mother or the father to contest paternity; and
15 provide for subsequent paternity tests if the results of the
16 tests determine paternity of the alleged father of less than a
17 95 percent probability.

18 Sections 31 and 32 provide for conformity with requirements
19 of OBRA of 1993 relative to administrative establishment of
20 paternity regarding requesting and scheduling a court hearing
21 and requiring the entry of a default order when the putative
22 father fails to contest the action to establish paternity or
23 fails to request a court hearing on the issue of support,
24 makes technical changes by adding a statement that the father
25 is required to keep the child support recovery unit informed
26 of his current employer and provide information regarding
27 health insurance which is available, and a statement as to the
28 amount of any judgment assessed for paternity testing.

29 Section 33 provides for the waiver of time limitations by
30 any party to an administrative action to establish paternity
31 or support.

32 Sections 34, 35, and 36 are amendments related to reporting
33 the hiring of new employees to the central registry. The
34 amendments are intended to provide some relief to employers by
35 recognizing that the target populations for the payment of

1 child support do not generally include employees under 18
2 years of age. Employers may report employees under 18 years
3 of age under the bill, which also redefines terms used in the
4 registry chapter.

5 Section 37 clarifies that payments for child support
6 forwarded to the department of revenue and finance shall be
7 credited to the official child support payment record and
8 clarifies language related to payment of child support by
9 self-employed obligors.

10 Sections 38, 39, and 40 provide for conformity with the
11 requirements of OBRA of 1993 related to the scheduling of a
12 court hearing on the issue of paternity, to the entry of a
13 default order under certain circumstances, and to time frames
14 within which paternity test results may be challenged.

15 Section 41 exempts the child support recovery unit from the
16 requirement that social security numbers be provided to the
17 clerk of the district court.

18 Section 42 clarifies that income withholding is one
19 enforcement mechanism to collect child support that can be
20 used against workers' compensation benefits, and that
21 dependent benefits are excluded.

22 Section 43 addresses liability for community service
23 workers as in section 1.

24 Section 44 sets forth retroactive applicability
25 requirements. Under the bill, section 23 is immediately
26 effective and retroactive to July 1, 1992, the date the Code
27 section was effective. Section 41 is immediately effective
28 and retroactive to July 1, 1993, to conform with other
29 statutory changes effective that date. Sections 22, 34, 35,
30 and 36 are immediately effective and retroactive to January 1,
31 1994, allowing the child support recovery unit to proceed with
32 child support initiatives adopted in the 1993 Regular Session.
33 Sections 1, 16, 17, and 43 are effective upon enactment.

34
35

HOUSE FILE 2410

AN ACT

RELATING TO CHILD SUPPORT RECOVERY INCLUDING PATERNITY ESTABLISHMENT PROVISIONS, MAKING A PENALTY APPLICABLE, AND PROVIDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

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

Section 1. Section 85.59, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows: For purposes of this section, "inmate" includes a person who is performing unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232. For purposes of this section, "unpaid community service under the direction of the district court" includes but is not limited to community service ordered and performed pursuant to section 598.23A.

Sec 2. Section 143.13, subsection 3, paragraph a, Code Supplement 1993, is amended to read as follows:

a. In the case of a child born-on-of-wedlock, if an affidavit of paternity is obtained directly from the county registrar and is filed pursuant to section 252A.3A shall be filed directly with the county registrar shall be filed in original affidavit to the state registrar.

Sec. 3. Section 145.13, subsection 4, Code Supplement 1993, is amended to read as follows:

4. The division shall make all of the following available to the child support recovery unit, upon request:

- 3. A copy of a child's birth certificate;
4. The social security numbers of the mother and the father.

3. A copy of the affidavit of paternity if provided filed pursuant to section 252A.3A

4. Information, other than information for medical and health use only, identified on a child's birth certificate or on an affidavit of paternity filed pursuant to section 252A.3A, for information may be provided as mutually agreed upon by the division and the child support recovery unit, including by automated exchange.

Sec 4. Section 141.40, Code Supplement 1993, is amended to read as follows:

141.40 PATERNITY OF CHILDREN ORF-OR-WEBBER BIRTH CERTIFICATES.

Upon request and receipt of a sworn acknowledgment of paternity of a child born out of wedlock signed by both parents including an affidavit of paternity completed and filed pursuant to section 252A.3A, or a certified copy or certification by the clerk of court of a court of administrative order establishing paternity, the state registrar shall amend a certificate of birth to show paternity if paternity is not shown on the birth certificate. Upon written request of the parents, the surname of the child may be changed on the certificate to that of the father. The certificate shall not be marked "amended".

Sec 5. Section 144.43, subsection 3, Code 1993, is amended to read as follows:

3. A record of birth if that birth did not occur out of wedlock.

Sec 6. Section 41.14, Code 1993, is amended to read as follows:

41.14 OPEN ACCESS TO VITAL RECORDS.

The department may permit access to vital statistics by professional genealogists and historians, and may authorize the disclosure of data contained in vital statistics records when deemed essential for genealogical research purposes which are not for private gain. Information in vital statistics records indicating that a birth occurred out of wedlock shall not be disclosed except as provided by regulation or upon

order-of-a-district-court. The department shall adopt rules which establish the parameters for access to and authorized disclosure of vital statistics and data contained in vital statistics records relating to birth and adoption records under this section.

Sec. 7. Section 232.4, Code 1993, is amended to read as follows:

232.4 JURISDICTION -- SUPPORT OBLIGATION.

~~Notwithstanding any other provision of this chapter, and for the purposes of establishing a parental liability obligation for a child under the jurisdiction of the juvenile court, the court shall establish a support obligation shall be established pursuant to section 234.39 or the department shall establish a support obligation pursuant to chapter 252E, provided that a support obligation has not previously been established under an order of the district court or chapter 252E.~~

Sec. 8. Section 234.39, subsection 1, Code 1993, is amended to read as follows:

1. For an individual to whom section 234.35, subsection 1, is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to chapter 252C, shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's support obligation for the cost of foster care provided by the department: ~~if a support obligation has not previously been established under an order of the district court or court of comparable jurisdiction in another state or pursuant to chapter 252E.~~ The court, or the department of human services in establishing support by administrative order, shall establish the amount of the parent's or guardian's support obligation and the amount of support debt accrued and accruing in accordance with the child support guidelines prescribed under section 598.21, subsection 1. However, the court, or the department of human services in establishing support by administrative order, may deviate from the prescribed

obligation after considering a recommendation by the department for expenses related to goals and objectives of a case permanency plan as defined under section 237.15, and upon written findings of fact which specify the reason for deviation and the prescribed guidelines amount. Any order for support shall direct the payment of the support obligation to the collection services center for the use of the department's foster care recovery unit. The order shall be filed with the clerk of the district court in which the responsible parent or guardian resides and has the same force and effect as a judgment when entered in the judgment docket and lien index. The collection services center shall disburse the payments pursuant to the order and record the disbursements. If payments are not made as ordered, the child support recovery unit may certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23 or the child support recovery unit may enforce the judgment as allowed by law. An order entered under this subsection may be modified only in accordance with the guidelines prescribed under section 598.21, subsection 8.

Sec. 9. NEW SECTION. 249A.4A GARNISHMENT.

When payment is made by the department for medical care or expenses through the medical assistance program on behalf of a recipient, the department may garnish the wages, salary, or other compensation of the person obligated to pay child support or may withhold amounts pursuant to chapter 252D from the income of the person obligated to pay support, and shall withhold amounts from state income tax refunds of a person obligated to pay support, to the extent necessary to reimburse the department for expenditures for medical care or expenses in behalf of a recipient if all of the following conditions apply:

1. The person is required by court or administrative order to provide medical support to a recipient.
2. The person has received payment from a third party for the costs of medical assistance to the recipient and has not used the payments to reimburse the costs of medical care or expenses.

Sec. 10. Section 252A.2, Code Supplement 1993, is amended by adding the following new subsections before subsection 1 and renumbering the subsequent subsections:

NEW SUBSECTION. 1. "Birthing hospital" means a private or public hospital licensed pursuant to chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services, or a licensed birthing center associated with a hospital.

NEW SUBSECTION. 1A. "Birth center" means birth center as defined in section 135G.2.

Sec. 11. Section 252A.2, Code Supplement 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. "Institution" means a birthing hospital or birth center.

NEW SUBSECTION. 6A. "Putative father" means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the birth of the child.

Sec. 12. Section 252A.3, subsection 9, Code Supplement 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. By establishment of paternity in a foreign jurisdiction in any manner provided for by the laws of that jurisdiction.

Sec. 13. Section 252A.3A, Code Supplement 1993, is amended by striking the section and inserting in lieu thereof the following:

252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.

1. The paternity of a child born out of wedlock may be legally established by the completion and filing of an affidavit of paternity only as provided by this section.

2. Establishment of paternity by affidavit under this section may be used to establish paternity of the following children:

a. The child of a woman who was unmarried at the time of conception and birth of the child.

b. The child of a woman who is married at the time of conception or birth of the child if a court of competent

jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

3. a. Prior to or at the time of completion of an affidavit of paternity, written information about paternity establishment, developed by the child support recovery unit created in section 252B.2, shall be provided to the mother and putative father.

b. The information provided shall include a description of parental rights and responsibilities, including the duty to provide financial support for the child, and the benefits of establishing paternity.

c. Copies of the written information shall be made available by the child support recovery unit or the Iowa department of public health to those entities where an affidavit of paternity may be obtained as provided under subsection 4.

4. a. The affidavit of paternity form developed and used by the Iowa department of public health is the only affidavit of paternity form recognized for the purpose of establishing paternity under this section.

b. The form shall be available from the state registrar, each county registrar, the child support recovery unit, and any institution in the state.

c. The Iowa department of public health shall make copies of the form available to the entities identified in paragraph 2(b) for distribution.

5. A completed affidavit of paternity shall contain or have attached all of the following:

a. A statement by the mother consenting to the assertion of paternity and the identity of the father and acknowledging either of the following:

(1) That the mother was unmarried at the time of conception and birth of the child.

(2) That the mother was married at the time of conception or birth of the child, and that a court order has been entered ruling that the individual to whom the mother was married at that time is not the father of the child.

b. If paragraph "a", subparagraph (2), is applicable, a certified copy of the filed order ruling that the husband is not the father of the child.

c. A statement from the putative father that the putative father is the father of the child.

d. The name of the child at birth and the child's birth date.

e. The signatures of the mother and putative father.

f. The social security numbers of the mother and putative father.

g. The addresses of the mother and putative father, as available.

h. The signature of a notary public attesting to the identities of the parties signing the affidavit of paternity.

i. Instructions for filing the affidavit.

6. A completed affidavit of paternity shall be filed with the state registrar. However, if the affidavit of paternity is obtained directly from the county registrar, the completed affidavit may be filed with the county registrar who shall forward the original affidavit to the state registrar. For the purposes of legal establishment of paternity under this section, paternity is legally established only upon filing of the affidavit with the state registrar.

7. The state registrar shall make copies of affidavits of paternity and identifying information from the affidavits filed pursuant to this section available to the child support recovery unit created under section 2529.2 in accordance with section 141.13, subsection 4.

8. An affidavit of paternity completed and filed pursuant to this section has all of the following effects:

a. Is admissible as evidence of paternity.

b. Has the same legal force and effect as a judicial determination of paternity.

c. Serves as a basis for seeking child or medical support without further determination of paternity.

9. All institutions in the state shall provide the following services with respect to any newborn child born out of wedlock:

a. Prior to discharge of the newborn from the institution, the institution where the birth occurs shall provide the mother and, if present, the putative father, with all of the following:

(1) Written information about establishment of paternity pursuant to subsection 1.

(2) An affidavit of paternity form.

(3) An opportunity for consultation with the staff of the institution regarding the written information provided under subparagraph (1).

(4) An opportunity to complete an affidavit of paternity at the institution, as provided in this section.

b. The institution shall file any affidavit of paternity completed at the institution with the state registrar, pursuant to subsection 6, accompanied by a copy of the child's birth certificate, within ten days of the birth of the child.

10. a. An institution may be reimbursed by the child support recovery unit created in section 2529.2 for providing the services described under subsection 9, or may provide the services at no cost.

b. An institution electing reimbursement shall enter into a written agreement with the child support recovery unit for this purpose.

c. An institution entering into an agreement for reimbursement shall assist the parents of a child born out of wedlock in completing and filing an affidavit of paternity.

11. Reimbursement shall be based only on the number of affidavits completed in compliance with this section and submitted to the state registrar during the duration of the written agreement with the child support recovery unit.

12. The reimbursement rate is twenty dollars for each completed affidavit filed with the state registrar.

Sec. 14. NEW SECTION. 252A.6A. ADDITIONAL PROVISIONS REGARDING PATERNITY ESTABLISHMENT.

1. When a court of this state is acting as the responding state in an action initiated under this chapter to establish paternity, all of the following shall apply:

4. Except with the consent of all parties, the trial shall not be held until after the birth of the child and shall be held no earlier than twenty days from the date the respondent is served with notice of the action or, if blood or genetic tests are conducted, no earlier than fifty days from the date the test results are filed with the clerk of the district court as provided under section 600B.4).

b. If the respondent, after being served with notice as required under section 252A.6, fails to timely respond to the notice, or to appear for blood or genetic tests pursuant to a court or administrative order, or to appear at a scheduled hearing after being provided notice of the hearing, the court shall find the respondent in default, and shall enter an order establishing paternity and establishing the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21, subsection 4, or medical support pursuant to chapter 752E, or both.

2. When a court of this state is acting as the responding state in an action initiated under this chapter to establish child or medical support based on a prior determination of paternity and the respondent files an answer to the notice required under section 252A.6 denying paternity, all of the following shall apply:

a. (1) If the prior determination of paternity is based on an affidavit of paternity filed pursuant to section 252A.3A, or an administrative order entered pursuant to chapter 752E, or an order of the courts of this state, or by operation of law when the mother and establish either she or were married to each other, the provisions of section 600B.4 are applicable.

(2) If the court determines that the prior determination of paternity should not be overcome, pursuant to section 600B.41, and that the respondent has a duty to provide support, the court shall enter an order establishing the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21, subsection 4, or medical support pursuant to chapter 752E, or both.

b. If the prior determination of paternity is based on an administrative or court order or by any other means, pursuant to the laws of a foreign jurisdiction, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the respondent requests and is granted a stay of an action initiated under this chapter to establish child or medical support, the action shall proceed as otherwise provided in this chapter.

Sec. 15. Section 252B.5, subsection 2, Code Supplement 1993, is amended to read as follows:

2. Aid in establishing paternity and securing a court or administrative order for support pursuant to chapter 252A, 252C, 252E, or 600B, or any other chapter providing for the establishment of paternity or support.

Sec. 16. Section 252B.9, subsection 2, paragraph b, subparagraph 12), Code Supplement 1993, is amended to read as follows:

(2) For support orders entered in Iowa which are being enforced by the unit, the unit may compile and make available for publication a listing of cases in which no payment has been credited to an accrued or accruing support obligation during a previous three-month period. Each case on the list shall be identified only by the name of the support obligor, the address, if known, of the support obligor, unless the information pertaining to the address of the support obligor is provided through confidentiality requirements established by law and has not otherwise been verified with the unit; the support obligor's court order number or case number, the county in which the obligor's support order is filed, and the collection services center case number, and may range with which the balance of the support obligation delinquency is established. The department shall determine dates for the release of information, the specific format of the information released, and the three-month period used as a basis for identifying cases. The department may not release the information more than twice annually. In compiling the listing of cases, no prior public notice to the obligor is

required, by the unit may send notice annually by first-class mail to the last current known address of any individual being a support obligation which is being enforced by the unit. The notice shall inform the individual of the provisions of this subparagraph. Actions taken pursuant to this subparagraph are not subject to review under chapter 17A, and the lack of receipt of a notice does not prevent the unit from proceeding in implementing this subparagraph.

Sec. 17. Section 252B.18, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

252B.18 CHILD SUPPORT ADVISORY COMMITTEE --

ESTABLISHED -- DUTIES.

1. a. The department shall establish a child support advisory committee. Members shall include at least one district judge and representatives of custodial parent groups, noncustodial parent groups, the general assembly, the office of citizens' aids, the Iowa state bar association, the Iowa county attorneys' association, and other constituencies which have an interest in child support enforcement issues, appointed by the respective entity.

b. The legislative members of the committee shall be appointed by the majority leader of the senate, after consultation with the president of the senate, and the minority leader of the senate, and by the speaker of the house, after consultation with the majority leader and the minority leader of the house of representatives. Members shall serve staggered terms of two years. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled by the original appointing authority and in the manner of the original appointments.

3. Legislative members shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 78.6. Legislative members shall receive compensation pursuant to section 2.12

2. The committee shall select a chairperson, annually, from its membership. A majority of the members of the committee shall constitute a quorum.

3. The child support advisory committee shall assist the department in all of the following activities:

- a. Review of existing child support guidelines and recommendations for revision.
- b. Examination of the operation of the child support system to identify program improvements or enhancements which would increase the effectiveness of securing parental support and parental involvement.
- c. Recommendation of legislation which would clarify and improve state law regarding support for children.

4. The committee shall receive input from the public regarding the issues identified in subsection 3. The methods by which public input may be accessed may include but are not limited to public hearings, focus groups, and surveys.

Sec. 18. Section 252B.20, subsection 1, paragraph b, Code Supplement 1993, is amended to read as follows:

b. The person ~~entitled to receive support~~ and the child for whom support is ordered ~~are~~ is not receiving public assistance pursuant to chapter 239, 249A, or a comparable law of a foreign jurisdiction, unless the person against whom support is ordered is considered to be a member of the same household as the head for the purposes of public assistance eligibility.

Sec. 19. Section 552B.31, subsection 1, Code Supplement 1993, is amended to read as follows:

For any support order being enforced by the unit, the ~~supporter unit may enter an ex parte order requiring the debtor to seek employment if employment of the obligor cannot be verified and if the obligor has failed to make support payments. Such an order is not required prior to entering the ex parte order. The order shall be served upon the obligor by regular mail, with proof of service completed as provided in rule of civil procedure 32. The unit shall file a copy of the order with the clerk of the district court.~~

Sec. 20. Section 252C.2, subsections 2, 3, and 4, Code 1993, are amended to read as follows:

2. The payment of public assistance to or for the benefit of a dependent child or a dependent child's caretaker creates a support debt due and owing to the department by the responsible person in an amount equal to the public assistance payment, except that the support debt is limited to the amount of a support obligation established by court order or by the administrator. If a court order has not been entered in Iowa, or if an order does not address accrued support owed to the state for public assistance expended, the administrator may establish a support debt as to amounts accrued and accruing pursuant to section 598.21, subsection 4. However, a support debt is not created in favor of the department against a responsible person for the period during which the responsible person is a recipient on the person's own behalf of public assistance for the benefit of the dependent child or the dependent child's caretaker.

3. The provision of child support collection or paternity determination services under chapter 252A to an individual, even though the individual is ineligible for public assistance, creates a support debt due and owing to the individual or the individual's child or ward by the responsible person if the amount of a support obligation established by court order or by the administrator. If a court order has not been entered in Iowa, the administrator may establish a support debt in favor of the individual or the individual's child or ward and submit the responsible person, both as to amounts accrued and accruing, pursuant to section 598.21, subsection 4.

4. The payment of medical assistance pursuant to chapter 249A for the benefit of a dependent child or a dependent child's caretaker creates a support debt due and owing to the department. If a court order has not been entered in Iowa, or if an administrative order of a court order entered in Iowa does not require provision of medical assistance pursuant to chapter 249A, the administrator may establish in order for medical assistance.

Sec. 21. Section 252C.4, subsections 1, 2, and 5, Code Supplement 1993, are amended to read as follows:

1. A responsible person or the child support recovery unit may request a hearing regarding a determination of support. If a timely written request for a hearing is received, the administrator shall certify the matter to the district court in the county in which the order has been filed, or if no such order has been filed, then to a district court in the county where the dependent child resides or where the dependent child resides in another state, to the district court where the absent parent resides, as follows:

a. If the child or children reside in Iowa, and the unit is seeking an accruing obligation, in the county in which the dependent child or children reside.

b. If the child or children received public assistance in Iowa, and the unit is seeking only an accrued obligation, in the county in which the dependent child or children last received public assistance.

5. If the action is the result of a request from a foreign jurisdiction to establish support by a responsible person located in Iowa, in the county in which the responsible person resides.

2. If the matter has not been heard previously by the district court or an existing administrative order does not provide for treatment support pursuant to chapter 252B, the administrator shall include true copies of the notice and finding of liability, 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.

3. If a party fails to appear at the hearing, upon a finding of proper notice to that party, the court may find that that party is in default and enter an appropriate order pursuant to section 252C.4, Code Supplement 1993, as amended by adding the following new subsection:

4. If a responsible person contests an action entered under this chapter by denying liability, the following shall apply, as necessary:

a. (1) If the prior determination of paternity is based on an affidavit of paternity filed pursuant to section 252A.3A, or an administrative order entered pursuant to chapter 252E, or an order by the courts of this state, or by operation of law when the mother and established father are or were married to each other, the provisions of section 600B.4 are applicable.

(2) If the court determines that the prior determination of paternity should not be overcome pursuant to section 600B.41, and that the responsible person has a duty to provide support, the court shall enter an order establishing the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 59A.21, subsection 4, or medical support pursuant to chapter 252E, or both.

b. If the prior determination of paternity is based on an administrative or court order or other means, pursuant to the laws of a foreign jurisdiction, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the responsible person requests and is granted a stay of an action initiated under this chapter to establish child or medical support, the action shall proceed as otherwise provided by this chapter.

Sec. 21. Section 252C.5, Code 1993, is amended to read as follows:

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

1. A true copy of any order entered by the administrator pursuant to this chapter, along with a true copy of the return of service, if applicable, may be filed in the office of the clerk of the district court in the county in which the dependent child resides or where the dependent child resides or where the parent resides in another county in which the absent parent resides in the manner established pursuant to section 252C.3, subsection 1.

2. The administrator's order shall be preferred, as pertain to the district court for review and execution, unless

defects appear on the face of the order or on the attachments, the district court shall approve the order. The approved order shall have all the force, effect, and attributes of a decreed order or decree of the district court.

2.3. Upon filing, the clerk shall enter the order in the judgment docket.

Sec. 24. Section 252D.6, subsection 1, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

In a support order issued or modified on or after November 1, 1990, for which services are being provided by the child support recovery unit, and in any support orders issued or modified after January 1, 1994, for which services are not provided by the child support recovery unit, the income of a support obligor is subject to withholding, on the effective date of the order, regardless of whether support payments by the obligor are in arrears. If services are being provided pursuant to chapter 252B, the child support recovery unit may enter an ex parte order for an immediate withholding of income if authorizing language is contained in the court order. The district court may enter an ex parte order for immediate income withholding for cases in which the child support recovery unit is not providing services. The income of the obligor is subject to immediate withholding unless one of the following occurs:

Sec. 25. Section 252D.23, Code 1993, is amended to read as follows:

252D.23. WITHHOLDING ORDER -- ORDER EFFECTIVE AS DISTRICT COURT DECREE.

An income withholding order entered by the child support recovery unit pursuant to this chapter shall be filed with the clerk of the district court. Upon filing, for the purposes of demonstrating compliance by the employer, trustee, or other party, the withholding order shall have all the force, effect, and attributes of a decreed order of the district court including, but not limited to, availability of contempt of court proceedings, a judgment of an employer, trustee, or other party

for noncompliance. However, any information contained in the income withholding order related to the amount of the accruing or accrued support obligation which does not reflect the correct amount of support due does not modify the underlying support judgment.

Sec. 26. Section 2525.2, Code 1993, is amended by adding the following new subsection and renumbering the subsequent subsection:

NEW SUBSECTION. 2. An insurer who is subject to the Federal Omnibus Reconciliation Act of 1993, Section 101, as codified in 47 U.S.C. § 19369-1, shall provide benefits in accordance with that section which meet the requirements of a qualified medical child support order. For the purposes of this subsection "qualified medical child support order" means a child support order which creates or recognizes the existence of a child's right to, or assigns to a child the right to, receive benefits for which a participant or child is eligible under a group health plan and which specifies the following:

- a. The name and the last known mailing address of the participant and the name and mailing address of each child covered by the order.
- b. A reasonable description of the type of coverage to be provided by the plan to each child, in the manner in which the type of coverage is to be determined.
- c. The period during which the coverage applies.
- d. Each plan to which the order applies.

Sec. 27. Section 2525.5, Code 1993, is amended to read as follows:

2525.5. EFFECT OF ORDER ON EMPLOYER

- 1. When the order has been forwarded to the employer pursuant to section 2525.2, 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 and the standard enrollment guidelines of the insurer. The employer shall allow enrollment of the dependent at any time, notwithstanding any enrollment restrictions.

2. The employer shall forward a copy of the order to the insurer and request enrollment of the dependent in the health benefit plan. If the obligor fails to apply to obtain coverage for the dependent, the employer shall accept an application to enroll a dependent which has been signed by the obligor or other legal custodian of a child as by the department, 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. However, if more than one plan is offered to the obligor, the plan selected shall provide coverage which is accessible to the dependent.

3. The employer shall withhold from the employee's compensation, the employee's share, if any, of premiums for the health benefit plan in an amount that does not exceed the amount specified in 15 U.S.C. § 1673(b) and which is consistent with Federal law. The employer shall forward the amount withheld to the insurer.

4. 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, as applicable, regarding the enrollment status of the dependent to the obligor, the obligor or other legal custodian of the child, and the department:

- 1. That the dependent has been enrolled in a health benefit plan.
- 2. If the dependent will be enrolled in the next enrollment period.
- 3. If the dependent is not eligible for enrollment and the reason that the dependent is not eligible to be enrolled.

4 c. 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 has been enrolled in a health benefit plan, all of the following information shall be provided:

- 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.

6. An employer shall not revoke enrollment or eliminate coverage for a dependent unless the employer is provided with satisfactory written evidence that one of the following conditions exists:

- a. A court or administrative order requiring coverage in a health benefit plan is no longer in effect.
- b. The dependent is eligible but will be enrolled in a comparable health benefit plan which will take effect no later than the effective date of revocation of enrollment in the study plan.
- c. The employer has eliminated dependent health coverage for all employees.

Nothing in this section requires an employer to maintain coverage for the dependent if the premiums are no longer being paid by the obligor because the employer no longer owes compensation to the obligor or because the obligor's employment has been terminated and the obligor has not elected to continue coverage.

PASADENA DIVISION 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.

7. 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 or become self-insured, the employer shall provide notice to the obligee or other legal custodian of the child and the department ten days prior to the termination of coverage or change in insurer.

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

Sec. 28. Section 252E.7, Code 1993, is amended to read as follows:

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.4 and is not accompanied by an appropriate application for enrollment for 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 fails to obtain coverage for a dependent, the insurer shall accept the signature of the obligee or other legal custodian of the child or of an employee of the department, authorized and designated by the application for enrollment of the dependent under the

health benefit plan. If the dependent is otherwise eligible to be enrolled in the plan pursuant to the applicable terms and conditions of the health benefit plan and the standard enrollment guidelines of the insurer, the insurer shall allow enrollment of the dependent at any time, notwithstanding any enrollment season restrictions.

3. An insurer shall not deny enrollment of a child under the health benefit plan of the obligor based on any of the following:

- a. The child was born out of wedlock.
- b. The child is not claimed as a dependent on the obligor's federal income tax form.
- c. The child does not reside with the obligor or in the insurer's service area.

3.3. 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 other legal custodian of the child or of 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.

3.4. The insurer shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed for services 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 making 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. If a dependent has coverage under the health benefit plan of and through the insurer of the obligor, the insurer shall make payment directly to the obligee, the provider, or the department for claims submitted by the obligee, by the provider with the obligor's approval, or by the department.

6. 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. 29. Section 252E.4, subsection 1, Code 1993, is amended to read as follows:

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 other legal custodian of the child 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 release of such information from the obligor pursuant to this section or to create a qualified medical judgment order pursuant to section 252E.2, subsection 2.

Sec. 30. Section 252E.1, Code 1993, is amended by adding the following new subsection:

252E.1(1). The department may attend information concerning the provisions regarding health benefits in a court

of administrative order, if necessary to comply with section 252E.2, subsection 7, if notice of the amendment is provided to the court and to the parties to the order and if the amendment is filed with the clerk of court.

Sec. 31. Section 252E.1, subsection 3, paragraph c, Code Supplement 1993, is amended by striking the paragraph.

Sec. 32. Section 252E.3, Code Supplement 1993, is amended to read as follows:

252E.3 NOTICE OF ALLEGED PATERNITY AND SUPPORT HEARINGS -- REQUEST FOR HEARING.

1. The unit may prepare a notice of alleged paternity and support debt to be served on the putative father if the mother of the child provides a written statement to the unit verifying certifying in accordance with section 622.1 that the putative father is or may be the biological father of the child or children involved. The notice shall be accompanied by a copy of the statement and served on the putative father in accordance with rule of civil procedure 56.1. Service upon the mother shall not constitute valid service upon the putative father. The notice shall include or be accompanied by all of the following:

a. The name of the recipient of services under chapter 252E and the name and birth date of the child or children involved.

b. A statement that the putative father has been named by the biological father or the child or children named.

c. A statement that if paternity is established, the amount of the putative father's monthly support obligation and the amount of the support debt accrued and accrued will be calculated in accordance with the guidelines established in section 252E.21, subsection 1, and the criteria established pursuant to section 252E.2A.

d. A statement that if paternity is established, the putative father has a duty to provide accrued and accruing medical support to the child or children in accordance with chapter 252E.

e. An A written explanation of the procedures for determining the child support obligation and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 59A.21, subsection 4.

f. (1) The right of the putative father to request a conference with the unit to discuss paternity establishment and the amount of support that the putative father is required to pay, within ten days of the date of service of the original notice of, if paternity is contested and paternity testing is conducted, within ten days of the date of mailing of the paternity test results are issued or mailed to the putative father if the father denies paternity by the unit.

(2) A statement that if a conference is requested, the putative father shall have ten days of the following time frame, whichever is the latest, to send a written request for a court hearing on the issue of support to the unit:

(a) Ten days from the date set for the conference or twenty;

(b) Twenty days from the date of service of the original notice;

(c) If paternity was contested and paternity testing was conducted, and the putative father does not deny paternity, after the receipt of challenge the paternity test results, ten days from the date of the mailing of paternity test results are issued or mailed by the unit to the putative father if the putative father denies paternity, whichever is later to send a written request for a hearing on the issue of support to the unit.

(3) A statement that after the holding of the conference, the unit may issue a notice of alleged paternity and financial support obligations for child support or medical support, or both, to be provided by the putative father if sent to the putative father by regular mail addressed to the putative father's last known address or, if applicable, to the last known address of the putative father's attorney.

(4) A statement that if the administrator unit issues a new notice of alleged paternity and finding of financial responsibility for child support or medical support, or both, the putative father shall have ten of the following time frames, whichever is the latest, to send a written request for a court hearing on the issue of support to the unit:

(a) Ten days from the date of issuance of the new notice or twenty;

(b) Twenty days from the date of service of the original notice; or

(c) If paternity was contested and paternity testing conducted, and the putative father does not deny paternity after the testing or challenge the paternity test results, ten days from the date of the mailing of paternity test results are issued or mailed to the putative father if the putative father no longer denies paternity, whichever is later, to send a written request for a hearing on the issue of support to the unit by the unit.

g. A statement that if a conference is not requested, and the putative father does not deny paternity or challenge the results of any paternity testing conducted but objects to the finding of financial responsibility or the amount of child support or medical support, or both, the putative father shall send a written request for a court hearing on the issue of support to the unit within twenty days of the date of service or of the original notice, or, if paternity was contested and paternity testing conducted, and the putative father does not deny paternity, after the testing, or challenge the paternity test results, within ten days from the date of the mailing of paternity test results are issued or mailed to the putative father if the putative father no longer denies paternity by the unit, whichever is later, send a written request for a hearing on the issue of support to the unit.

h. A statement that if a timely written request for a hearing on the issue of support is received by the unit, the putative father shall have the right to a hearing to be held in district court and that if no timely written request is

received and paternity is not denied contested, the administrator may shall enter an order in accordance with the notice and finding of financial responsibility for establishing the putative father as the father of the child or childing and establishing child support or medical support, or both, in accordance with the notice of alleged paternity and support debt.

i. A statement written explanation of the rights and responsibilities associated with the establishment of paternity.

j. A statement written explanation of the putative father's right to deny paternity, the procedures for denying paternity, and the consequences of the denial.

k. A statement that if the putative father contests paternity, the putative father shall have twenty days from the date of service of the original notice to submit a written denial of paternity to the unit.

l. A statement that if paternity is contested, the unit shall, at the request of the party contesting paternity or on its own initiative, enter an administrative order requiring the putative father, mother, and child or children involved, to submit to paternity testing.

m. A statement that if paternity tests are conducted, the unit shall provide a copy of the test results to the putative father, in person or send a copy to the putative father by regular mail, addressed to the putative father's last known address, or, if applicable, to the last known address of the putative father, if it is

n. A statement setting forth the time frame for contesting paternity after paternity tests are conducted.

o. Other information as the unit finds appropriate.

p. The time limitations established for the notice provisions under subsection 1 are binding unless otherwise specified in this chapter or waived by the putative father pursuant to section 252F.8.

q. If service is served on the putative father, the unit shall file a true copy of the notice and the original return

of service with the appropriate clerk of the district court as follows:

a. In the county in which the child or children resides or if the action is for purposes of establishing paternity and future child or medical support, or both.

b. In the county in which the child or children involved last received public assistance benefits in the state, if the action is for purposes of establishing paternity and child or medical support, or both, only for prior periods of time when the child or children received public assistance, and no ongoing child or medical support obligation is to be established by this action.

c. If the action is the result of a request from a foreign jurisdiction of another state to establish paternity of a putative father located in Iowa, in the county in which the putative father resides.

PARAGRAPHS DIVIDED. All subsequent documents filed or court hearings held related to the action shall be in the district court in the county in which notice was filed pursuant to this subsection. The clerk shall file and docket the action.

4. If the putative father requests a hearing on the issue of support and if the child support recovery unit may request a court hearing regarding establishment of paternity or a determination of support, or both.

a. Upon receipt of a timely written response seeking term objections and requesting a hearing is received by the court, a hearing shall be held in district court on the issue of support or on its own initiative, the unit shall notify the mother for hearing in the district court in the county where the original notice of alleged paternity and support debt is filed, in accordance with section 252F.5.

b. If paternity establishment has occurred and paternity tests conducted, a court hearing on the issue of paternity shall be scheduled no earlier than fifty days from the date paternity test results are issued to all parties of the unit, unless the parties mutually agree to waive the time frame pursuant to section 252F.8.

5. If a court hearing is scheduled regarding the issue of paternity establishment, any objection to the results of paternity tests shall be filed no later than thirty days before the date the court hearing is originally scheduled. Any objection to paternity test results filed by a party less than thirty days before the date the court hearing is originally scheduled shall not be accepted or considered by the court.

6. If a timely written response and request for a court hearing is not received by the unit and the putative father does not deny paternity, the administrator may shall enter an order in accordance with section 252F.4 on the issue of support.

7. a. If the putative father denies a party contests the establishment of paternity, the putative father party shall submit, within twenty days of service of the notice on the putative father under subsection 1, a written denial of statement contesting paternity establishment to the unit. Upon receipt of a written denial challenge of paternity establishment, or upon initiation by the unit, the administrator shall enter an ex parte administrative order orders requiring the mother, child or children involved, and the putative father to submit to paternity testing. Either the mother or putative father may contest paternity under this chapter.

b. The order orders shall be filed with the clerk of the district court in the county where the notice was filed and have the same force and effect as a court order for paternity testing.

c. If the putative father has signed an affidavit of paternity pursuant to section 252A.3A within the three-year period preceding the receipt of notice and the putative father contests paternity, the putative father shall pay all costs of the paternity hearing.

d. The unit shall issue copies of the respective administrative orders for paternity testing to the mother and putative father in person, or by regular mail to the last

five percent or higher, there shall be a rebuttable presumption that the putative father is the biological father, and the evidence shall be sufficient as a basis for administrative establishment of paternity. A verified expert's report on test results which indicate a statistical probability of paternity is sufficient authentication of the expert's conclusion.

h. If the paternity test results indicate a probability of paternity of ninety-five percent or greater and the putative father wishes

11. in order to challenge the presumption of paternity, the putative father a party shall file a written notice of the challenge with the district court and an application for a hearing by the district court within twenty days of the filing of the expert's report with the clerk of the district court from the date the paternity test results are issued or mailed to all parties by the unit, or within ten if a court hearing is scheduled to resolve the issue of paternity, no later than thirty days after before the scheduled date of the conference court hearing, whichever occurs later. Any subsequent rescheduling or continuance of the originally scheduled hearing shall not extend the initial time frame. Any challenge to a presumption of paternity resulting from paternity test results or paternity test results filed after the initial time frame shall not be accepted or admissible by the unit or the court.

12. A copy of the notice challenging the presumption of paternity shall be provided to any other party in person, or by mailing the notice to the last known address of such party or affixed to the last known address of each party's attorney.

13. The party challenging the presumption of paternity has the burden of proving that the putative father is not the father of the child.

14. The presumption of paternity may be rebutted only by clear and convincing evidence.

known address of each, or if applicable, to the last known address of the attorney for each.

e. If a paternity test is requested under this section, the administrator shall direct that inherited characteristics, including but not limited to blood types, be analyzed and interpreted, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results and report the results to the administrator.

d. The putative father party contesting paternity shall be provided an opportunity to reschedule the paternity testing appointment if the testing is rescheduled prior to the date of the originally scheduled appointment.

e. An original copy of the test results shall be sent to filed with the clerk of the district court in the county where the notice was filed, and a copy shall be sent to the administrator and the child support recovery unit shall issue a copy of the filed test results to the putative father and mother of the child of children in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each. However, if the action is the result of a request from a foreign jurisdiction, the unit shall issue a copy of the results to the initiating agency in that foreign jurisdiction.

f. Verified documentation of the chain of custody of the blood or genetic specimens is competent evidence to establish the chain of custody. The testimony of the appointed expert is not required. A verified expert's report of test results which indicate a statistical probability of paternity is sufficient authentication of the expert's conclusion.

h. A verified expert's report shall be admissible in evidence to establish administrative paternity, and if a court hearing is scheduled to resolve the issue of paternity, shall be admissible as evidence and is admissible at trial.

g. If the genetic expert concludes that the test results show that the putative father is not excluded and that the probability of the putative father's paternity is ninety-

j. If the verified expert concludes that the test results indicate that the putative father is not excluded and that the probability of the putative father's paternity is less than ninety-five percent, test results shall be weighed along with other evidence of paternity. If the test results, a party shall file a written notice of the challenge with the clerk of the district court within twenty days of the filing of the expert's report and shall send a copy of the written notice to any other party. The administrator may then shall order a second subsequent administrative paternity test or certify the case to the district court for resolution in accordance with the procedures and time frames specified in paragraph "i" and section 252F.5.

k. If the results of the test or the verified expert's analysis are timely challenged as provided in this subsection, the administrator, upon the request of a party or upon the unit's own initiative, shall order that an additional test be performed by the same laboratory or an independent laboratory or shall certify the case to the district court in accordance with paragraph "i" and section 252F.5.

1. When a subsequent paternity test is conducted, the time frames in this chapter associated with paternity tests shall apply to the most recently completed test.

m. If the paternity test results exclude the putative father as a potential biological father of the child or children, and additional tests are not requested by either party or conducted on the unit's initiative, or if additional tests exclude the putative father as a potential biological father, the unit shall withdraw its action against the putative father and shall file a notice of the withdrawal with the clerk of the district court, and shall provide a copy of the notice to the putative father, in person, or by regular mail sent to the putative father's last known address, or if applicable, the last known address of the putative father's attorney.

n. If paternity is established and paternity testing was conducted, the unit shall enter an order, or, if the hearing

proceeded to a court hearing, request that the court enter a judgment for the costs of the paternity tests, consistent with applicable federal law.

k. If the results of the test or the expert's analysis are disputed, the administrator, upon the request of a party or upon the unit's own initiative, shall order that an additional test be performed by the same laboratory or an independent laboratory, at the expense of the party requesting additional testing.

Sec. 33. Section 252F.4, subsections 1, 2, 3, 4, 6, and 7, Code Supplement 1993, are amended to read as follows:

1. If the putative father fails to respond to the initial notice within twenty days after the date of service of the notice or fails to appear at the a conference pursuant to section 252F.3 on the scheduled date of the conference, and paternity has not been contested and the putative father fails to timely request a court hearing on the issue of support, the administrator may shall enter an order against the putative father, declaring the putative father to be the biological legal father of the child or children involved and assessing the support obligation and any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E, against the father.

2. If paternity is contested pursuant to section 252F.3, subsection 6, and the putative father party contesting paternity fails to appear for a paternity test and fails to request a rescheduled pursuant to section 252F.3, or fails to appear for both the initial and the rescheduled paternity tests and the putative father fails to timely request a court hearing on the issue of support, the administrator may shall enter an order against the putative father declaring the putative father to be the biological legal father of the child or children involved and assessing the support obligation and any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E, against the father.

3. The medical support required pursuant to chapter 598 and chapter 252E.

4. A statement that the father is required to inform the child support recovery unit, on a continuing basis, of the name and address of the father's current employer, whether the father has access to health insurance coverage through employment or a responsible cost through other sources, and if so, the health insurance policy information.

5. If paternity was contested, the amount of any judgment assessed to the father for costs of paternity tests conducted pursuant to this chapter.

6. If the putative-father-does-not-deny paternity is not contested but the putative father does wish to challenge the issues of child or medical support, the administrator may shall enter an order establishing paternity and reserving the issues of child or medical support for determination by the district court.

Sec. 34. Section 252F.5, subsections 2, 3, 6, and 7, Code Supplement 1993, are amended to read as follows:

2. An action under this chapter may be certified to the district court if a party challenges the administrator's finding of timely contests paternity or the amount of establishment of paternity test results, or if the putative father requests a court hearing on the issues of child or medical support, or both, within the jurisdiction of the unit as provided in this chapter. Review by the district court shall be an original hearing before the court.

3. In any action brought under this chapter, the action shall not be certified to the district court in a contested paternity action unless all of the following have occurred:

a. Paternity testing has been completed.

b. The results of the paternity test have been sent issued to the putative father and the child.

c. A timely written objection to the entry of an order establishing paternity or paternity test results has been received from a party, or a timely written request for a court hearing on the issues of child or medical support has been received from the

3. If the putative father appears at a conference pursuant to section 252F.3, and paternity is not contested, and the putative father fails to timely request a court hearing on the issue of support, the administrator may shall enter an order against the putative father ten-days after the second notice has been sent declaring the putative father to be the biological legal father of the child or children involved and assessing the support obligation and any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

4. If paternity was contested and paternity testing was performed and the putative father was not excluded, if the test results indicate that the probability of the putative father's paternity is ninety-five percent or greater, and the putative-father-fails-to-timely-challenge-paternity-testing, if the test results are not timely challenged, and if the putative father fails to timely request a court hearing on the issue of support, the administrator may shall enter an order against the putative father declaring the putative father to be the biological legal father of the child or children involved and assessing the support obligation and any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

5. The order shall declare all of the following:

- a. A declaration of paternity;
- b. The amount of monthly support to be paid, with direction as to the manner of payment;
- c. The amount of accrued support;
- d. The name and birth date of the child or children to whom the debt applies;
- e. A statement that property of the putative father is subject to income withholding, liens, garnishment, tax offset, and other collection actions.

putative father by the unit, or the unit has requested a court hearing on the unit's own initiative.

4. At least fifty days have expired since the test results have been issued to the parties by the unit or the time frame has been waived pursuant to section 252F.8.

6. If the court determines that the putative father is the biological legal father, the court shall establish the amount of the monthly support payment and the accrued and accruing child support pursuant to the guidelines established under section 598.21, subsection 4, and shall establish medical support pursuant to chapter 252E.

7. If a the putative father or another party contesting paternity fails to appear at the hearing, upon a showing that proper notice has been provided to the party, the court may shall find the party in default and enter an appropriate order establishing paternity and support.

Sec. 35. Section 252F.8, Code Supplement 1991, is amended to read as follows:

252F.8 WAIVER OF TIME LIMITATIONS BY PUTATIVE-FATHER

1. A putative father or other party may waive the time limitations established in this chapter.

2. Upon if a party does not contest paternity or wish to request a conference or court hearing on the issue of support, upon receipt of a signed statement from the putative father and any other party that may contest establishment of paternity, waiving the time limitation, the administrator may shall enter an order establishing paternity and support and the court may approve the order, notwithstanding the expiration or the pertain of the time limitations of paternity as established.

3. If a putative father or other party waives the time limitations and an order establishing paternity and or determining support, or both, is entered under this chapter, the signed statement of the putative father and other party waiving the time limitations shall be filed with the order for support.

Sec. 36. Section 252G.1, Code Supplement 1991, is amended to read as follows:

252G.1 DEFINITIONS.

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

1. "Compensation" means payment owed by the payor of income for:

a. Labor or services rendered by an employee or contractor to the payor of income.

b. Benefits including, but not limited to, vacation, holiday, and sick leave, and severance payments which are due an employee under an agreement with the employer or under a policy of the employer.

2. "Contractor" means a natural person who is an independent-contractor-including an independent-tracking owner-or operator eighteen years of age or older, who performs labor in this state to whom a payor of income makes payments which are not subject to withholding and for whom the payor of income is required by the internal revenue service to complete a 1099-MISC form.

3. "Date of hire" means the earlier of either of the following:

a. The first day for which the an employee or contractor is owed compensation by the payor of income.

b. The first day that an employee or a contractor reports to work or performs labor or services for the payor of income.

4. "Days" means calendar days.

5. "Department" means the department of human services.

6. "Dependent" includes a spouse or child or any other person who is in need of and entitled to support from a person who is declared to be legally liable for the support of that dependent.

7. "Employee" means a natural person who performs labor in this state and is employed by an employer in this state for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation.

8. "Employer" means a person doing business in the this state who engages an employee for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation.

8. "Natural person" means an individual and not a corporation, government, business trust, estate, partnership, proprietorship, or other legal entity, however organized.

9. "Payor of income" includes both an employer and a person doing engaged in a trade or business in the this state who engages a contractor for compensation.

10. "Registry" means the central employee registry created in section 252G.2.

11. "Rehire" means the earlier of either of the following:

a. The first day for which the an employee or contractor is owed compensation by the payor of income following an unpaid absence of a termination of employment lasting a minimum of six consecutive weeks. Termination of employment does not include temporary separations from employment such as unpaid medical leave, an unpaid leave of absence, or a temporary layoff.

b. The first day that an employee or contractor reports to work or performs labor or services for the payor of income following an unpaid absence of a minimum of six consecutive weeks.

12. "Unit" means the child support recovery unit created in section 252B.2.

Sec. 37. Section 252G.1, subsection 1, Code Supplement 1993, is amended to read as follows:

Beginning January 1, 1994, an employer who hires or rehires an employee on or after January 1, 1994, shall report at or after the earlier of the hiring or rehiring of the employee to the centralized employee registry within ten fifteen days of the hiring or rehiring of an the employee. Employers shall report employees who, on the date of hire or rehiring, are eighteen years of age or older, and may report employees who, on the date of hire or rehiring, are under eighteen years of

age. Only employers who are reasonably expected to earn at least one dollar in compensation for any day on which the employee works shall be reported. The report submitted shall contain all of the following:

a. The employer's name, address, and federal identification number.

b. The employer's name, address, social security number, and date of birth.

c. Information regarding availability of whether the employer has employee dependent health care coverage available and whether or not the appropriate date on which the employee is qualified may qualify for the coverage.

d. Whether the payroll of the employer is prepared at the address of the employer or at a separate location and the address of the separate location, if applicable. The address to which income withholding orders and garnishments should be sent.

Sec. 38. Section 252G.4, Code Supplement 1993, is amended to read as follows:

252G.4 ALTERNATIVE REPORTING REQUIREMENTS -- PENALTY.

1. Beginning January 1, 1994, a payor of income to whom section 252G.3 is inapplicable, who engages a contractor on or after January 1, 1994 or on or after January 1, 1994, enters into an agreement for the performance of services with a contractor, shall report all of the following the contractor to the registry. Payors of income shall report contractors performing labor under an agreement within ten fifteen days of hiring or rehiring of a contractor the date on which all of the following conditions are met:

a. The payor makes payment to the contractor in an amount which exceeds the amount required for the filing of a 1992 MIS report.

b. Payment to the contractor under an agreement is made in a form which is other than a lump sum payment within a calendar year.

The payor of income is not required to file more than one report for any contractor.

2. The report submitted to the registry shall contain all of the following:

a. The name, address, and federal identification number of the payor of income.

b. The contractor's name, address, social security number, and if known, the contractor's date of birth.

2.--Payers of income to whom section 2526(1) is inapplicable shall report under this section only when all of the following conditions are met:

a.--The contractor is not being engaged for the sole purpose of performing services on the residential property of the payor of income.

b.--Payment of income under the contract is reasonably expected to equal or exceed one thousand dollars in any twelve-month period.

c.--The contractor will perform labor or services for a minimum period of two months.

3. A payor of income required to report under this section may report the information required under subsection 1 by any written means authorized by the unit which results in timely reporting.

4. Information reported under this section shall be received and maintained as provided in section 2526.2.

5. A payor of income required to report under this section who fails to report is subject to the penalty provided in section 2526.3, subsection 4.

Sec. 37. Section 421.14, subsection 21A, paragraphs c and d, Code Supplement 1993, are amended to read as follows:

c. The individual shall remit the payment to the department of revenue and finance separate from any tax liability payments, identify the payment as a support payment, and make the payment payable to the collection services center. The department shall forward all payments received pursuant to this section to the collection services center established pursuant to chapter 252B, for processing and disbursement. The department of revenue and finance may establish by rule a process for the child support recovery

unit or collection services center to directly receive the payments. For purposes of crediting the support payments pursuant to sections 252B.14 and 598.27, payments received by the department of revenue and finance and forwarded to the collection services center shall be credited as if received directly by the collection services center.

d. The notice shall provide that, as an alternative to the provisions of paragraph "b", the individual may contact the child support recovery unit to formalize a repayment plan and obtain an exemption from the quarterly payment filing requirement when payments are made pursuant to the repayment plan or to contest the balance due listed in the notice when payments are made pursuant to the plan.

Sec. 40. Section 598.21, Code Supplement 1993, is amended by adding the following new subsection:

NFW SUBSECTION. 4A. If, during an action initiated under this chapter or any other chapter in which a child or medical support obligation may be established based upon a prior determination of paternity, a party wishes to contest the paternity of the child or children involved, all of the following apply:

1. If the prior determination of paternity is based on an affidavit of paternity filed pursuant to section 252A.1A, or a court or administrative order entered in this state or by operation of law when the mother and established father are or were married to each other, the provisions of section 600B.11A apply.

2. If following the proceedings under section 600B.11A the court determines that the prior determination of paternity should not be overcome, and that the established father has a duty to provide support, the court shall enter an order exacting the monthly child support payment and the amount of the support debt accrued and accruing pursuant to subsection 4, in the medical support obligation pursuant to chapter 252B, in forma.

3. If a determination of paternity is based on an administrative or court order or other means pursuant to the

laws of a foreign jurisdiction, any action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless a stay of the action initiated in this State to establish child or medical support is requested and granted by the court, pending a resolution of the contested paternity issue by the foreign jurisdiction, the action shall proceed.

c. Notwithstanding paragraph "a", a prior determination of paternity by operation of law through the marriage of the established father and mother of the child may be overcome under this chapter if the established father and mother of the child submit a statement that both parties agree that the established father is not the biological father of the child and the court finds that it is in the best interest of the child to overcome the established paternity. In determining the best interest of the child, the court shall consider the criteria provided in section 600B.41A, subsection 3, paragraph "g".

Sec. 41. Section 598.21, subsection 8, paragraph k, Code Supplement 1993, is amended by striking the paragraph.

Sec. 42. Section 598.21, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4B. If an action to overcome paternity is brought pursuant to subsection 4A, paragraph "c", the court shall appoint a guardian ad litem for the child for the pendency of the proceedings.

Sec. 43. Section 600B.9, Code 1993, is amended to read as follows:

600B.9. TIME OF INSTITUTING PROCEEDINGS.

The proceedings may be instituted during the pregnancy of the mother or after the birth of the child, but, except as to the consent of the person charged with bearing the child, the trial shall not be held until after the birth of the child and shall be held no earlier than twenty days from the date the alleged father is served with notice of the institution of legal proceedings. If proceedings are conducted, the child's paternity shall be determined from the date the test results are filed with

the clerk of the district court as provided under section 600B.41.

Sec. 44. Section 600B.21, Code 1993, is amended to read as follows:

600B.24. JUDGMENT IN GENERAL.

1. If the defendant, after being served with notice as required under section 600B.15, fails to timely respond to the notice; or to appear for blood or genetic tests pursuant to a court or administrative order; or to appear at a scheduled hearing after being provided notice of the hearing, the court shall find the defendant in default and enter a default judgment.

2. If the findings upon a finding or verdict be of paternity against the defendant, the court shall give enter a judgment against him the defendant declaring paternity and for ordering support of the child.

Sec. 45. Section 600B.41, subsections 3, 5, and 6, Code Supplement 1993, are amended to read as follows:

3. Verified documentation of the chain of custody of the blood or genetic specimen is competent evidence to establish the chain of custody. The testimony of the court-appointed expert at trial is not required.

5. The results of the tests shall have the following effect:

a. Test results which show a statistical probability of paternity are admissible. To challenge the test results, a party must file a notice of the challenge with the court within twenty days of the filing of the expert's report with the clerk of the district court. If a court hearing is conducted to resolve the issue of paternity, no later than thirty days before the original court hearing date.

b. If any subsequent independent confirmances of the paternity test results shall not extend the original time frame.

12. Any challenge filed after the time frame is not admissible for admission by the court.

(3) If a challenge is not timely filed, the test results shall be admitted as evidence of paternity without the need of additional proof of authenticity or accuracy.

b. If the expert concludes that the test results show that the alleged father is not excluded and that the probability of the alleged father's paternity is ninety-five percent or higher, there shall be a rebuttable presumption that the alleged father is the father, and this evidence must be admitted.

(1) To challenge this presumption of paternity, a party must file a notice of the challenge with the court within twenty days of the filing of the expert's report with the clerk of the district court the time frames prescribed in paragraph "a".

(2) The party challenging the presumption of the alleged father's paternity has the burden of proving that the alleged father is not the father of the child.

(3) The presumption of paternity can be rebutted only by clear and convincing evidence.

c. If the expert concludes that the test results show that the alleged father is not excluded and that the probability of the alleged father's paternity is less than ninety-five percent, test results shall be weighed along with other evidence of the alleged father's paternity. To challenge the test results, a party must file a notice of the challenge with the court within twenty days of the filing of the expert's report with the clerk of the district court the time frames prescribed in paragraph "a".

4. If the results or the tests or the expert's analysis of inherited characteristics is disputed in a timely fashion, the court, upon reasonable request of a party, shall order that an additional test be made by the same laboratory or at independent laboratory at the expense of the party requesting additional testing. When a subsequent test is requested, all time frames prescribed in this chapter associated with blood or genetic tests shall apply to the most recently completed test.

Sec. 36. Section 600B.41, subsection 7, Code Supplement 1991, is amended by striking the subsection.

Sec. 47. Section 600B.41, subsection 8, Code Supplement 1991, is amended to read as follows:

8. All costs shall be paid by the parties or parents in proportions and at times determined by the court, except as otherwise provided pursuant to section 600B.41A.

Sec. 48. NEW SECTION. 600B.41A. ACTIONS TO OVERCOME PATERNITY -- APPLICABILITY -- CONDITIONS.

1. Paternity which is legally established may be overcome as provided in this section if subsequent blood or genetic testing indicates that the previously established father of a child is not the biological father of the child. Unless otherwise provided in this section, this section applies to the overcoming of paternity which has been established according to any of the means provided in section 252A.3, subsection 9, by operation of law when the established father and the mother of the child are or were married to each other, or as determined by a court of this state under any other applicable chapter.

2. This section does not apply to any of the following:

A. A paternity determination made in or by a foreign jurisdiction and, notwithstanding section 252A.20, a paternity determination which has been made in or by a foreign jurisdiction and registered in this state in accordance with section 252A.8.

B. A paternity determination based upon a court or administrative order if the order was entered based upon blood or genetic test results which demonstrate that the alleged father was not excluded and that the probability of the alleged father's paternity was ninety-five percent or higher, unless the tests were conducted prior to July 1, 1991.

3. Establishment of paternity may be overcome under this section if all of the following conditions are met:

a. The action to overcome paternity is filed with the clerk prior to the child reaching majority.

(1) A petition to overcome paternity may be filed only by the mother of the child, the established father of the child, the child, or the legal representative of any of these parties.

(2) If paternity was established by court or administrative order, a petition to overcome paternity shall be filed in the county in which the order is filed.

(3) In all other determinations of paternity, a petition to overcome paternity shall be filed in an appropriate county in accordance with the rules of civil procedure.

b. The petition contains, at a minimum, all of the following:

- (1) The legal name, age, and domicile, if any, of the child.
- (2) The names, residences, and domicile of the following:
 - (a) Living parents of the child.
 - (b) Guardian of the child.
 - (c) Custodian of the child.
 - (d) Guardian ad litem of the child.
 - (e) Petitioner.
 - (f) Person standing in the place of the parents of the child.

(3) A plain statement that the petitioner believes that the established father is not the biological father of the child, any reasons for this belief, and that the petitioner wishes to have the paternity determination set aside.

(4) A plain statement explaining why the petitioner does not know any of the information required under subsections 1.(1) and 1.(2).

c. Notice of the action to overcome paternity is served on any parent of the child not initiating the action and any insurance or the support obligations, in accordance with the rules of civil procedure and in accordance with the following:

(1) If enforcement services are being provided by the child support recovery unit pursuant to chapter 200A, service shall also be served on the child support recovery unit.

(2) The responding party shall have twenty days from the date of the service of the notice to file a written response with the court.

d. A guardian ad litem is appointed for the child.

e. Blood or genetic testing is conducted in accordance with section 600B.41 of chapter 202F.

(1) Unless otherwise specified pursuant to subsection 2 or 8, blood or genetic testing shall be conducted in all cases prior to the determination by the court of the best interest of the child in an action to overcome the establishment of paternity.

(2) Unless otherwise specified in this section, section 600B.41 applies to blood or genetic tests conducted as the result of an action brought to overcome paternity.

(3) The court may order additional testing to be conducted by the expert or an independent expert in order to confirm a test upon which an expert concludes that the established father is not the biological father of the child.

f. The court finds that the conclusion of the expert as disclosed by the evidence based upon blood or genetic testing demonstrates that the established father is not the biological father of the child.

g. The court finds that it is in the best interest of the child to overcome the establishment of paternity. In determining the best interest of the child, the court shall consider all of the following:

(1) The age of the child.

(2) The length of time since the establishment of paternity.

(3) The previous relationship between the child and the established father, including but not limited to the duration and frequency of any time periods during which the child and established father resided in the same household or engaged in a parent-child relationship as defined in section 600A.2.

(4) The possibility that the child would benefit by establishing the child's actual paternity.

- 15) Additional factors which the court deems relevant are relevant to the individual situation.
- 4. If the court finds that the establishment of paternity is overcome, in accordance with all of the conditions prescribed, the established father is relieved of all future support obligations owed on behalf of the child.
 - a. The effective date of termination of any future support obligation is the date on which an order determining that the established father is not the biological father is filed with the court.
 - b. Any periodic support payment, due prior to the date the order determining that the established father is not the biological father is filed, is unaffected by this action and remains a judgment subject to enforcement.
- 5. An action brought under this section shall be heard and decided by the court, and shall not be subject to a jury trial.
- 6. If the court determines that test results conducted in accordance with section 600B-41 or chapter 252F exclude the established father as the biological father, but the court dismisses the action to overcome paternity, the court may enter an order relieving the established father of any or all future support obligations owed on behalf of the child, while preserving the paternity determination. The court's determination and the effective date of the determination shall be in accordance with subsection 1, paragraphs 1 and 2, and shall be made based upon the unique circumstances of each case and the interests of all parties.
- 7. The costs of testing, the fee of the genetic adviser, and all court costs shall be paid by the person bringing the action to overcome paternity.
- 8. This section shall not be construed as a basis for termination of an adoptive decree or for discharge of the obligation of an adoptive father to an adoptive child pursuant to section 600B-5.
- 9. Unless specifically addressed in an order entered pursuant to this section, provisions heretofore established by

- the court order regarding custody or visitation of the child are unaffected by an action brought under this section.
 - 10. Participation of the child support recovery unit created in section 252P-2 in an action brought under this section shall be limited as follows:
 - a. The unit shall only participate in actions if services are being provided by the unit pursuant to chapter 252P.
 - b. When services are being provided by the unit under chapter 252P, the unit may enter an administrative order for blood and genetic tests pursuant to chapter 252F.
 - c. The unit is not responsible for or required to provide for or assist in obtaining blood or genetic tests in any case in which services are not being provided by the unit.
 - d. The unit is not responsible for the costs of blood or genetic testing conducted pursuant to an action brought under this section.
 - e. Pursuant to section 242B.7, subsection 4, an attorney employed by the unit represents the state in any action under this section. The unit's attorney is not the legal representative of the mother, the established father, or the child in any action brought under this section.
- Sec. 49. Section 602.611, Code Supplement 1993, is amended by adding the following new subsection:
- NEW SUBSECTION. 3. The requirements of subsection 1 do not apply to actions filed by the child support recovery unit established pursuant to chapter 252P. For actions filed by the child support recovery unit, the clerk of the district court shall generate an alternative personal identification number for the parent's social security number or driver's license number if one is provided or available through other sources.
- Sec. 50. Section 625.13, Code 1993, is amended to read as follows:
- (27.1) WORKERS' COMPENSATION.
- Any compensation due or that may become due an employee or dependent under chapter 85 is exempt from garnishment, attachment, execution, and assignment of actions, except for

section 669.2, subsection 4, as amended by this Act, relating to liability for persons performing community service, being deemed of immediate importance, take effect upon enactment.

5. Sections 40, 41 and 46 through 48 of this Act, being deemed of immediate importance, take effect upon enactment.

6. Sections 40, 41 and 46 through 48 of this Act apply to any action to overcome paternity, including any paternity determination made prior to the effective date of sections 40, 41 and 46 through 48 of this Act.

 HAROLD VAN MAAREN
 Speaker of the House

 LEONARD L. BOSWELL
 President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2410, Seventy-fifth General Assembly.

 ELIZABETH ISAACSON
 Chief Clerk of the House

Approved
May 11 1991

 JOHN L. GRAUSTADT
 Governor

the purposes of enforcing child, spousal, or medical support obligations. For the purposes of enforcing child, spousal, or medical support obligations, the assignment of income, garnishment or attachment of or the execution against compensation due an employee or dependent under chapter 85 is not exempt but shall be limited as specified in 15 J.S.C. 5 1673(b).

Sec. 51 section 669.2, subsection 4, Code Supplement 1993, is amended by adding the following new unnumbered paragraph

NEW UNNUMBERED PARAGRAPH. "Employee of the state" also includes an individual performing unpaid community service under an order of the district court pursuant to section 598.23A.

SEC. 52. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

1. Section 2570.23 as amended by this Act, relating to income withholding orders, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1992.
2. Section 602.611 as amended by this Act, relating to use of alternative personal identification numbers on documents filed with the clerk of the district court, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1991.
3. Section 2570.8, subsection 1, unnumbered paragraph 1, as amended by this Act, relating to immediate income withholding, and sections 2570.1, 2570.3, subsection 1, and 2570.4, as amended by this Act, relating to the central employee log unit, being deemed of immediate importance, take effect upon enactment and apply retroactively to January 1, 1991.
4. Section 85.94, unnumbered paragraph 2, as amended by this Act, relating to community service for obligations found to be exempt by court, section 2598.01, subsection 1, paragraph 1, as amended by this Act, relating to recipients of public assistance, section 2528.01, subsection 1, as amended by this Act, relating to notice for sick employees, and