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SENATE FILE 350
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 209)

Passed Senate, Date 3/29/93 Passed House, Date _____
Vote: Ayes 48 Nays 0 Vote: Ayes _____ Nays _____
Approved May 3, 1993

## A BILL FOR

An Act relating to child support and providing for civil penalties and an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 350

TLSB 1461SV 75
pf/sc/14

S.F. 350 H.F. _____

1 DIVISION I
2 TITLE
3 Section 1. This Act shall be known and may be referred to
4 as the "Iowa Child Support Recovery Act of 1993".
5 DIVISION II
6 CENTRALIZED EMPLOYEE REGISTRY
7 Sec. 2. NEW SECTION. 252G.1 DEFINITIONS.
8 As used in this chapter, unless the context otherwise
9 requires:
10 1. "Compensation" means payment owed by the employer for:
11 a. Labor or services rendered by an employee to the
12 employer.
13 b. Benefits including, but not limited to, vacation,
14 holiday, and sick leave, and severance payments which are due
15 an employee under an agreement with the employer or under a
16 policy of the employer.
17 2. "Date of hire" means the earlier of either of the
18 following:
19 a. The first day for which the employee is owed
20 compensation by the employer.
21 b. The first day that an employee reports to work or
22 performs labor or services for the employer.
23 3. "Days" means calendar days.
24 4. "Department" means the department of human services.
25 5. "Dependent" includes a spouse or child or any other
26 person who is in need of and entitled to support from a person
27 who is declared to be legally liable for the support of that
28 dependent.
29 6. "Employee" means a natural person who is employed by an
30 employer in this state for compensation, including but not
31 limited to independent contractors and independent trucking
32 owners or operators.
33 7. "Employer" means a person doing business in the state
34 who engages an employee. "Employer" does not include a
35 client, patient, customer, or other person who obtains

1 professional services from a person who is licensed to provide
2 a particular service on a fee for service basis.
3 8. "Registry" means the central employee registry created
4 in section 252G.2.
5 9. "Rehire" means the earlier of either of the following:
6 a. The first day for which the employee is owed
7 compensation by the employer following an unpaid absence of a
8 minimum of six consecutive weeks.
9 b. The first day that the employee reports to work or
10 performs labor or services for the employer following an
11 unpaid absence of six consecutive weeks.
12 10. "Unit" means the child support recovery unit created
13 in section 252B.2.
14 Sec. 3. NEW SECTION. 252G.2 ESTABLISHMENT OF CENTRAL
15 EMPLOYEE REGISTRY.
16 By January 1, 1994, the unit shall establish a centralized
17 employee registry database for the purpose of receiving and
18 maintaining information on newly hired or rehired employees
19 from employers. The unit shall establish the database and the
20 department may adopt rules in conjunction with the department
21 of revenue and finance and the department of employment
22 services to identify appropriate uses of the registry and to
23 implement this chapter, including implementation through the
24 entering of agreements pursuant to chapter 28E.
25 Sec. 4. NEW SECTION. 252G.3 EMPLOYER REPORTING
26 REQUIREMENTS -- PENALTY.
27 1. Beginning January 1, 1994, an employer who hires or
28 rehires an employee on or after January 1, 1994, shall report
29 all of the following to the centralized employee registry
30 within ten days of the hiring or rehiring of an employee:
31 a. The employer's name, address, and federal
32 identification number.
33 b. The employee's name, address, social security number,
34 and date of birth.
35 c. Information regarding availability of employee health

1 care coverage and whether or not the employee is qualified for
2 the coverage.
3 d. Whether the payroll of the employer is prepared at the
4 address of the employer or at a separate location, and the
5 address of the separate location, if applicable.
6 2. Employers required to report may report the information
7 required under subsection 1 by any of the following means:
8 a. By mailing a copy of the employee's Iowa employee's
9 withholding allowance certificate to the registry.
10 b. By submitting electronic media in a format approved by
11 the unit in advance.
12 c. By submitting a fax transmission of the employee's Iowa
13 employee's withholding allowance certificate to the registry.
14 d. By any other means authorized by the unit in advance if
15 the means will result in timely reporting.
16 3. If an employer fails to report as required under this
17 section, an action may be brought against the employer by any
18 state agency accessing or administering the registry, or by
19 the attorney general as follows:
20 a. The action may be brought in district court in the
21 county in which the employer is doing business, in a county in
22 which an employee is performing labor or service for
23 compensation, or in Polk county to determine noncompliance
24 with this section.
25 b. If the employer is found to not be in compliance with
26 this section, the employer may be assessed a civil penalty not
27 to exceed one hundred dollars for each separate violation.
28 c. Moneys collected pursuant to this subsection shall be
29 deposited in the state general fund.
30 d. The employer may be assessed costs and reasonable
31 attorney fees related to an action under this subsection and
32 notwithstanding paragraph "c", moneys collected under this
33 paragraph shall be remitted to the state agency bringing the
34 action to be used to defray administrative costs related to
35 the centralized registry program.

1 Sec. 5. NEW SECTION. 252G.4 ACCESS TO CENTRALIZED
2 EMPLOYEE REGISTRY.
3 The information within the registry is owned by the state
4 and not by any single state agency and may be accessed only as
5 provided in this section. When a state agency accesses
6 information in the registry, the agency may use the
7 information to update the agency's own records. Access to and
8 use of the information contained in the registry shall be
9 limited to the following:
10 1. The unit for administration of the child support
11 enforcement program, including but not limited to activities
12 related to establishment and enforcement of child and medical
13 support obligations through administrative or judicial
14 processes, and other services authorized pursuant to chapter
15 252B.
16 2. State agencies which utilize income information for the
17 determination of eligibility or calculation of payments for
18 benefit or entitlement payments.
19 3. State agencies which utilize income information for the
20 recoupment of debts to the state.
21 Sec. 6. NEW SECTION. 252G.5 ADMINISTRATION AND COSTS OF
22 THE CENTRALIZED EMPLOYEE REGISTRY.
23 1. The registry shall maintain the information received
24 from employers for a minimum period of six months.
25 2. State agencies accessing the centralized registry shall
26 participate in a proportionate cost sharing to defray the
27 administrative costs of the registry. The amount of a state
28 agency's proportionate share shall be established by rule of
29 the department.
30 DIVISION III
31 PATERNITY BY AFFIDAVIT
32 Sec. 7. Section 144.13, Code 1993, is amended to read as
33 follows:
34 144.13 BIRTH CERTIFICATES.
35 1. Certificates of births shall be filed as follows:

1 ~~1~~ a. A certificate of birth for each live birth which
2 occurs in this state shall be filed with the county registrar
3 of the county in which the birth occurs within ten days after
4 the birth and shall be registered by the registrar if it has
5 been completed and filed in accordance with this chapter.
6 However, when a birth occurs in a moving conveyance, a birth
7 certificate shall be filed in the county in which the child
8 was first removed from the conveyance.
9 ~~2~~ b. When a birth occurs in an institution, the person in
10 charge of the institution or the person's designated
11 representative shall obtain the personal data, prepare the
12 certificate, secure the signatures required by the
13 certificate, and file the certificate with the county
14 registrar. The physician in attendance or the person in
15 charge of the institution or the person's designee shall
16 certify to the facts of birth and provide the medical
17 information required by the certificate within six days after
18 the birth.
19 ~~3~~ c. When a birth occurs outside an institution, the
20 certificate shall be prepared and filed by one of the
21 following in the indicated order of priority:
22 ~~a.~~ (1) The physician in attendance at or immediately after
23 the birth.
24 ~~b.~~ (2) Any other person in attendance at or immediately
25 after the birth.
26 ~~c.~~ (3) The father or the mother.
27 ~~d.~~ (4) The person in charge of the premises where the
28 birth occurred.
29 ~~4~~ d. In the case of a child born out of wedlock, the
30 certificate shall be filed directly with the state registrar.
31 e. In the case of a child born out of wedlock, an
32 affidavit of paternity filed pursuant to section 252A.3A shall
33 be filed directly with the state registrar.
34 2. If the mother was married either at the time of
35 conception or birth, the name of the husband shall be entered

1 on the certificate as the father of the child unless paternity
2 has been determined otherwise by a court of competent
3 jurisdiction, in which case the name of the father as
4 determined by the court shall be entered by the department.
5 3. If the mother was not married either at the time of
6 conception or birth, the name of the father shall not be
7 entered on the certificate of birth without the written
8 consent of the mother and the person to be named as the
9 father, unless a determination of paternity has been made ~~by a~~
10 ~~court of competent jurisdiction~~ pursuant to section 252A.3, in
11 which case the name of the father as ~~determined by the court~~
12 established shall be entered by the department.
13 4. The division shall make available to the child support
14 recovery unit, upon request, a copy of a child's birth
15 certificate, the social security numbers of the mother and the
16 father, and a copy of the affidavit of paternity if provided
17 pursuant to section 252A.3A.
18 Sec. 8. Section 144.40, Code 1993, is amended to read as
19 follows:
20 144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK.
21 Upon request and receipt of a sworn acknowledgment of
22 paternity of a child born out of wedlock signed by both
23 parents including an affidavit of paternity completed and
24 filed pursuant to section 252A.3A, the state registrar shall
25 amend a certificate of birth to show paternity if paternity is
26 not shown on the birth certificate. Upon written request of
27 the parents, the surname of the child may be changed on the
28 certificate to that of the father. The certificate shall not
29 be marked "amended". ~~A fee established by the department by~~
30 ~~rule based on average administrative cost shall be collected~~
31 ~~for each certificate of birth amended to show paternity. Fees~~
32 ~~collected under this section shall be deposited in the general~~
33 ~~fund of the state.~~
34 Sec. 9. Section 252A.2, Code 1993, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 11A. "State registrar" means state
2 registrar as defined in section 144.1.
3 Sec. 10. Section 252A.3, subsection 9, Code 1993, is
4 amended to read as follows:
5 9. The ~~natural~~ parents of a child born out of wedlock
6 shall be severally liable for the support of the child, but
7 the liability of the ~~natural~~ father shall not be enforceable
8 unless ~~the natural father has been adjudicated to be the~~
9 ~~child's father by a court of competent jurisdiction, or the~~
10 ~~natural father has acknowledged paternity of the child in open~~
11 ~~court or by written statement~~ paternity has been legally
12 established. Paternity may be established as follows:
13 a. By order of a court of competent jurisdiction or by
14 administrative order when authorized by state law.
15 b. By the statement of the person admitting paternity in
16 court and upon concurrence of the mother. If the mother was
17 married, at the time of birth or conception of the child, to
18 an individual other than the person admitting paternity, the
19 individual to whom the mother was married at the time of birth
20 or conception must deny paternity in order to establish the
21 paternity of the person admitting paternity upon the sole
22 basis of the admission.
23 c. By the filing of an affidavit of paternity executed on
24 or after July 1, 1993, as provided in section 252A.3A,
25 provided that the mother of the child was unmarried at the
26 time of birth and conception of the child or if the mother was
27 married at the time of birth or conception of the child, a
28 court of competent jurisdiction has determined that the
29 individual to whom the mother was married at that time is not
30 the father of the child.
31 Sec. 11. NEW SECTION. 252A.3A PATERNITY BY AFFIDAVIT.
32 1. Upon the birth of a child to a woman who was unmarried
33 at the time of birth and conception of the child, the
34 institution where the birth occurred shall provide the mother
35 and the individual alleged to be the father all of the

1 following:
2 a. Written information, available from the Iowa department
3 of public health and developed by the child support recovery
4 unit established in section 252B.2, explaining the
5 implications of filing the affidavit, parental rights and
6 responsibilities, and the benefits of establishing paternity.
7 b. Upon request, an affidavit of paternity form from the
8 Iowa department of public health to be completed by the
9 parties, or instructions regarding the process for obtaining a
10 form from the Iowa department of public health.
11 An institution is not required to assist in the completion
12 or filing of an affidavit of paternity except as provided
13 under subsection 2.
14 2. An institution may either voluntarily, or under an
15 agreement with the child support recovery unit, assist the
16 mother and the individual alleged to be the father in
17 completing an affidavit of paternity and submitting a
18 completed affidavit of paternity to the state registrar
19 accompanied by a copy of the birth certificate. A completed
20 affidavit of paternity shall contain or have attached all of
21 the following:
22 a. The signature of a notary public attesting to the
23 identity of the parties signing the affidavit of paternity.
24 b. A statement by the mother consenting to the assertion
25 of paternity and the identity of the father and acknowledging
26 that the mother was unmarried at the time of birth and
27 conception of the child.
28 c. A statement by the individual admitting paternity that
29 the individual is the father of the child.
30 d. The social security numbers of both persons signing the
31 affidavit.
32 3. The child support recovery unit may reimburse an
33 institution for the costs of administering the provisions of
34 this section if the institution has entered into a written
35 agreement with the child support recovery unit. Reimbursement

1 shall be based only on the number of affidavits submitted to
2 the state registrar that are completed in compliance with this
3 section and shall be limited to the lesser of actual costs or
4 twenty dollars for each affidavit filed. An institution
5 entering into an agreement for reimbursement shall assist the
6 parents of a child born out of wedlock in completing and
7 submitting an affidavit for paternity upon the request of the
8 parties and within ten days following the birth.
9 4. The mother and the individual admitting paternity of a
10 child born out of wedlock may directly obtain an affidavit of
11 paternity from the Iowa department of public health or the
12 child support recovery unit and complete and file the
13 affidavit of paternity with the state registrar, without
14 utilizing the services of an institution, provided that all
15 other requirements under this section are met. Upon the
16 request for an affidavit of paternity from the Iowa department
17 of public health or child support recovery unit, the Iowa
18 department of public health or child support recovery unit
19 shall also make available the information provided pursuant to
20 subsection 1.
21 5. If a court of competent jurisdiction has determined
22 that the husband of the mother at the time of birth or
23 conception is not the father of the child, the mother may
24 utilize the proceedings to establish paternity by affidavit
25 provided in this section with respect to unmarried mothers.
26 DIVISION IV
27 ADMINISTRATIVE ESTABLISHMENT OF PATERNITY
28 Sec. 12. NEW SECTION. 252F.1 DEFINITIONS.
29 As used in this chapter unless the context otherwise
30 requires:
31 1. "Administrator" means the administrator of the child
32 support recovery unit of the department of human services or
33 the administrator's designee.
34 2. "Mother" means a mother of the child for whom paternity
35 is being established.

1 3. "Paternity is at issue" means any of the following
2 conditions:
3 a. A child was not born or conceived within marriage.
4 b. A child was born or conceived within marriage but a
5 court has declared that the child is not the issue of the
6 marriage.
7 c. Paternity has been established by the filing of an
8 affidavit of paternity and the father is contesting paternity
9 within the statute of limitations period.
10 4. "Paternity test" means and includes any form of blood,
11 tissue, or genetic testing administered to determine the
12 biological father of a child.
13 5. "Putative father" means a person alleged to be the
14 biological father of a child.
15 6. "Unit" means the child support recovery unit created in
16 section 252B.2.
17 Sec. 13. NEW SECTION. 252F.2 JURISDICTION.
18 In any case in which the unit is providing services
19 pursuant to chapter 252B and paternity is at issue,
20 proceedings may be initiated by the unit pursuant to this
21 chapter for the sole purpose of establishing paternity and any
22 accrued or accruing child support or medical support
23 obligations. Proceedings under this chapter are in addition
24 to other means of establishing paternity or support. Issues
25 in addition to establishment of paternity or support
26 obligations shall not be addressed in proceedings initiated
27 under this chapter.
28 Sec. 14. NEW SECTION. 252F.3 NOTICE OF ALLEGED PATERNITY
29 AND SUPPORT DEBT -- NEGOTIATION CONERENCE -- REQUEST FOR
30 HEARING.
31 1. The unit may prepare a notice of alleged paternity and
32 support debt to be served on the putative father if the mother
33 of the child provides a statement to the unit verifying that
34 the putative father is or may be the biological father of the
35 child or children involved. The notice shall be accompanied

1 by a copy of the statement and served on the putative father
2 in accordance with rule of civil procedure 56.1. Service upon
3 the mother shall not constitute valid service upon the
4 putative father. The notice shall include all of the
5 following:
6 a. The name of the recipient of services under chapter
7 252B and the name and birth date of the child or children
8 involved.
9 b. A statement that the putative father has been named as
10 the biological father of the child or children named.
11 c. A statement that the amount of the putative father's
12 monthly support obligation and the amount of the support debt
13 accrued and accruing will be established in accordance with
14 the guidelines established in section 598.21, subsection 4,
15 and the criteria established pursuant to section 252B.7A.
16 d. A statement that the putative father has a duty to
17 provide accrued and accruing medical support to the child or
18 children in accordance with chapter 252E.
19 e. A directive that the putative father is to provide the
20 unit with all relevant financial information, as established
21 by rule of the department and requested in the notice, within
22 twenty days of the date of service or within ten days of the
23 date of the mailing of paternity test results to the putative
24 father if the father denies paternity.
25 f. (1) The right of the putative father to request a
26 negotiation conference with the unit to discuss the amount of
27 support that the putative father is required to pay, within
28 ten days of the date of service or within ten days of the date
29 of mailing of the paternity test results to the putative
30 father if the father denies paternity.
31 (2) A statement that if a negotiation conference is
32 requested, the putative father shall have ten days from the
33 date set for the negotiation conference or twenty days from
34 the date of service of the original notice, or ten days from
35 the date of the mailing of paternity test results to the

1 putative father if the father denies paternity, whichever is
2 later, to send a request for a hearing to the unit.
3 (3) A statement that after the holding of the negotiation
4 conference, the administrator may issue a new notice and
5 finding of financial responsibility for child support or
6 medical support, or both, to be sent to the putative father by
7 regular mail addressed to the putative father's last known
8 address.
9 (4) A statement that if the administrator issues a new
10 notice and finding of financial responsibility for child
11 support or medical support, or both, the putative father shall
12 have ten days from the date of issuance of the new notice or
13 twenty days from the date of service of the original notice,
14 or ten days from the date of the mailing of paternity test
15 results to the putative father if the father denies paternity,
16 whichever is later, to send a request for a hearing to the
17 unit.
18 g. A statement that if a negotiation conference is not
19 requested, and the putative father objects to the finding of
20 financial responsibility or the amount of child support or
21 medical support, or both, the putative father shall within
22 twenty days of the date of service or within ten days from the
23 date of the mailing of paternity test results to the putative
24 father if the father denies paternity, send a written response
25 setting forth any objections to the unit, requesting a
26 hearing.
27 h. A statement that if a timely written request for a
28 hearing on the issue of support is received by the unit, the
29 putative father shall have the right to a hearing to be held
30 in district court and that if no timely written request is
31 received and paternity is not denied, the administrator may
32 enter an order in accordance with the notice and finding of
33 financial responsibility for child support or medical support,
34 or both.
35 i. A statement of the rights and responsibilities

1 associated with the establishment of paternity.
2 j. A statement of the putative father's right to deny
3 paternity, the procedures for denying paternity, and the
4 consequences of the denial.
5 2. If notice is served on the putative father, the unit
6 shall file a true copy of the notice and the original return
7 of service with the clerk of the district court in the county
8 in which an order would be filed pursuant to section 252F.6.
9 The clerk shall file and docket the action.
10 3. If the putative father requests a hearing on the issue
11 of support, and if a timely written response setting forth
12 objections and requesting a hearing is received by the unit, a
13 hearing shall be held in district court on the issue of
14 support.
15 4. If a timely written response and request for hearing is
16 not received by the unit and the putative father does not deny
17 paternity, the administrator may enter an order in accordance
18 with section 252F.4 on the issue of support.
19 5. a. If the putative father denies paternity, the
20 putative father shall file a denial of paternity with the
21 clerk of the district court in the county where the original
22 notice was filed and shall send a copy of the written denial
23 to the unit. Upon receipt of a written denial of paternity,
24 the administrator shall enter an ex parte administrative order
25 requiring the mother, child or children, and the putative
26 father to submit to paternity testing. The order shall be
27 filed with the clerk of the district court in the county where
28 the original notice was filed.
29 b. If the putative father has signed an affidavit of
30 paternity pursuant to section 252A.3A within the three-year
31 period prior to the receipt of notice, and the putative father
32 contests paternity, the putative father shall pay all costs of
33 the paternity testing.
34 c. If a paternity test is required under this section, the
35 administrator shall direct that inherited characteristics,

1 including but not limited to blood types, be analyzed and
2 interpreted, and shall appoint an expert qualified as an
3 examiner of genetic markers to analyze and interpret the
4 results and report the results to the administrator.
5 d. The putative father shall be provided one opportunity
6 to reschedule the paternity testing appointment if the testing
7 is rescheduled prior to the date of the originally scheduled
8 appointment.
9 e. An original copy of the test results shall be sent to
10 the clerk of the district court in the county where the
11 original notice was filed, and a copy shall be sent to the
12 administrator and to the putative father.
13 f. Verified documentation of the chain of custody of the
14 blood specimens is competent evidence to establish the chain
15 of custody.
16 g. A verified expert's report shall be a sufficient basis
17 for administrative establishment of paternity.
18 h. Test results which show a statistical probability of
19 paternity are a sufficient basis for administrative
20 establishment of paternity.
21 i. If the expert concludes that the test results show that
22 the putative father is not excluded and that the probability
23 of the putative father's paternity is ninety-five percent or
24 higher, there shall be a rebuttable presumption that the
25 putative father is the biological father, and the evidence
26 shall be sufficient as a basis for administrative
27 establishment of paternity.
28 j. Upon receipt of the paternity test results, if the
29 putative father does not challenge results which indicate a
30 probability of paternity of ninety-five percent or greater,
31 the unit shall schedule a conference to be held no sooner than
32 ten days after the date of the mailing of the paternity test
33 results by regular mail. The putative father may request
34 rescheduling of the conference if the rescheduled conference
35 is held within five working days of the date of the originally

1 scheduled conference.
2 k. If the paternity test results indicate a probability of
3 paternity of ninety-five percent or greater and the putative
4 father wishes to challenge the presumption of paternity, the
5 putative father shall file a written notice of the challenge
6 with the district court and an application for review by the
7 district court within twenty days of the filing of the
8 expert's report with the clerk of the district court or within
9 ten days after the scheduled date of the conference, whichever
10 occurs later.
11 (1) The party challenging the presumption of paternity has
12 the burden of proving that the putative father is not the
13 father of the child.
14 (2) The presumption of paternity may be rebutted only by
15 clear and convincing evidence.
16 1. If the expert concludes that the test results indicate
17 that the putative father is not excluded and that the
18 probability of the putative father's paternity is less than
19 ninety-five percent, test results shall be weighed along with
20 other evidence of paternity. To challenge the test results, a
21 party shall file a written notice of the challenge with the
22 clerk of the district court within twenty days of the filing
23 of the expert's report and shall send a copy of the written
24 notice to any other party. The administrator may then order a
25 second test or certify the case to the district court for
26 resolution.
27 m. If the paternity test results exclude the putative
28 father as a potential biological father of the child, and
29 additional tests are not requested by either party, the unit
30 shall withdraw its action against the putative father and
31 shall file a notice of the withdrawal with the clerk of the
32 district court.
33 n. If the results of the test or the expert's analysis are
34 disputed, the administrator, upon the request of a party or
35 upon the unit's own initiative, shall order that an additional

1 test be performed by the same laboratory or an independent
2 laboratory, at the expense of the party requesting additional
3 testing.
4 Sec. 15. NEW SECTION. 252F.4 ENTRY OF ORDER.
5 1. If the putative father fails to respond to the initial
6 notice within twenty days after the date of service of the
7 notice or fails to appear at the negotiation conference
8 pursuant to section 252F.3 on the scheduled date of the
9 conference, the administrator may enter an order against the
10 putative father, declaring the putative father to be the
11 biological father and assessing the support obligation and
12 accrued and accruing child support pursuant to the guidelines
13 established under section 598.21, subsection 4, and medical
14 support pursuant to chapter 252E against the father.
15 2. If the putative father fails to appear for a paternity
16 test and fails to request a rescheduling pursuant to section
17 252F.3, or fails to appear for both the initial and the
18 rescheduled paternity tests, the administrator may enter an
19 order against the putative father declaring the putative
20 father to be the biological father of the child and assessing
21 the support obligation and accrued and accruing child support
22 pursuant to the guidelines established under section 598.21,
23 subsection 4, and medical support pursuant to chapter 252E
24 against the father.
25 3. If the putative father appears at a negotiation
26 conference, the administrator may enter an order against the
27 putative father ten days after the second notice has been sent
28 declaring the putative father to be the biological father of
29 the child and assessing the support obligation and accrued and
30 accruing child support pursuant to the guidelines established
31 under section 598.21, subsection 4, and medical support
32 pursuant to chapter 252E against the father.
33 4. The administrator shall establish a support obligation
34 under this section based upon the best information available
35 to the unit and pursuant to section 252B.7A.

1 5. The order shall contain all of the following:
2 a. A declaration of paternity.
3 b. The amount of monthly support to be paid, with
4 direction as to the manner of payment.
5 c. The amount of accrued support.
6 d. The name of the custodial parent or caretaker.
7 e. The name and birth date of the child or children to
8 whom the order applies.
9 f. A statement that property of the putative father is
10 subject to income withholding, liens, garnishment, tax offset,
11 and other collection actions.
12 g. The medical support required pursuant to chapter 598
13 and chapter 252E.
14 6. If the putative father does not deny paternity but does
15 wish to challenge the issues of child or medical support, the
16 administrator may enter an order establishing paternity and
17 reserving the issues of child or medical support for
18 determination by the district court.
19 Sec. 16. NEW SECTION. 252F.5 CERTIFICATION TO DISTRICT
20 COURT.
21 1. Actions initiated under this chapter are not subject to
22 contested case proceedings or further review pursuant to
23 chapter 17A.
24 2. An action under this chapter may be certified to the
25 district court if a party challenges the administrator's
26 finding of paternity, or the amount of support, or both.
27 Review by the district court shall be an original hearing
28 before the court.
29 3. In any action brought under this chapter, the action
30 shall not be certified to the district court in a contested
31 paternity action unless all of the following have occurred:
32 a. Paternity testing has been completed.
33 b. The results of the paternity test have been sent to the
34 putative father.
35 c. A written objection to the entry of an order has been

1 received from the putative father.
2 4. A matter shall be certified to the district court in
3 the county in which the child or children reside or, if the
4 matter is the result of a foreign judgment from another state,
5 the matter shall be filed in the county in which the putative
6 father resides.
7 5. The court shall set the matter for hearing and notify
8 the parties of the time of and place for hearing.
9 6. If the court determines that the putative father is the
10 biological father, the court shall establish the amount of the
11 monthly support payment and the accrued and accruing child
12 support pursuant to the guidelines established under section
13 598.21, subsection 4, and shall establish medical support
14 pursuant to chapter 252E.
15 7. If a party fails to appear at the hearing, upon a
16 showing that proper notice has been provided to the party, the
17 court may find the party in default and enter an appropriate
18 order.
19 Sec. 17. NEW SECTION. 252F.6 FILING WITH THE DISTRICT
20 COURT.
21 Following issuance of an order by the administrator, the
22 order shall be presented to an appropriate district court
23 judge for review and approval. Unless a defect appears on the
24 face of the order, the district court shall approve the order.
25 Upon approval by the district court judge, the order shall be
26 filed in the district court in the county in which the child
27 or children reside or, if the order is the result of a foreign
28 judgment, the order shall be filed in the county in which the
29 putative father resides. Upon filing, the order has the same
30 force and effect as a district court order.
31 Sec. 18. NEW SECTION. 252F.7 REPORT TO VITAL STATISTICS.
32 Upon the filing of an order with the district court
33 pursuant to this chapter, the clerk of the district court
34 shall report the information from the order to the bureau of
35 vital statistics in the manner provided in section 600B.36.

1 Sec. 19. Section 600B.41, subsection 7, paragraph a,
2 unnumbered paragraph 1, Code 1993, is amended to read as
3 follows:
4 Notwithstanding section 598.21, subsection 8, paragraph
5 "k", the establishment of paternity by court order, including
6 a court order based on an administrative establishment of
7 paternity, or by affidavit may be overcome if all of the
8 following conditions are met:
9 DIVISION V
10 ADMINISTRATIVELY INSTITUTED SUSPENSIONS OF SUPPORT
11 Sec. 20. NEW SECTION. 252B.20 SUSPENSION OF SUPPORT.
12 1. If the unit is providing child support enforcement
13 services pursuant to chapter 252B, the parents of a dependent
14 child for whom support has been ordered pursuant to chapter
15 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly
16 request the assistance of the unit in suspending the
17 obligation for support if all of the following conditions
18 exist:
19 a. The parents have reconciled and are cohabiting, and the
20 child for whom support is ordered is living in the same
21 residence as the parents, or the child is currently residing
22 with the parent who is ordered to pay support.
23 b. The person entitled to receive support and the child
24 for whom support is ordered are not receiving public
25 assistance pursuant to chapter 239, 249A, or a comparable law
26 of a foreign jurisdiction, unless the person against whom
27 support is ordered is also receiving public assistance under
28 the same household grant as the child.
29 c. The parents have signed a notarized affidavit attesting
30 to the conditions under paragraphs "a" and "b", have consented
31 to suspension of the support order, and have submitted the
32 affidavit to the unit.
33 d. No prior request for suspension has been filed with the
34 unit during the two-year period preceding the request.
35 e. Any other criteria established by rule of the

1 department.
2 2. Upon receipt of the application for suspension and
3 properly executed and notarized affidavit, the unit shall
4 review the application and affidavit to determine that the
5 necessary criteria have been met. The unit shall then do one
6 of the following:
7 a. Deny the request and notify the parents in writing that
8 the application is being denied, providing reasons for the
9 denial and notifying the parents of the right to proceed
10 through private counsel. Denial of the application is not
11 subject to contested case proceedings or further review
12 pursuant to chapter 17A.
13 b. Approve the request and prepare an order which shall be
14 submitted, along with the affidavit, to a judge of a district
15 court for approval, suspending the accruing support
16 obligation.
17 3. An order approved by the court for suspension of an
18 accruing support obligation is effective upon the date of
19 filing of the suspension order.
20 4. An order suspending an accruing support obligation
21 entered by the court pursuant to this section shall be
22 considered a temporary order for the period of six months from
23 the date of filing of the suspension order.
24 5. During the six-month period the unit may request that
25 the court reinstate the accruing support order if any of the
26 following conditions exist:
27 a. Upon application to the unit by either parent or other
28 person who has physical custody of the child.
29 b. Upon the receipt of public assistance benefits,
30 pursuant to chapter 239, 249A, or a comparable law of a
31 foreign jurisdiction, by the person entitled to receive
32 support and the child on whose behalf support is paid,
33 provided that the person owing the support is not also
34 receiving public assistance under the same public assistance
35 grant as the child.

1 6. Upon filing of an application for reinstatement,
2 service of the application shall be made either in person or
3 by first class mail upon both parents. Within ten days
4 following the date of service, the parents may file a written
5 objection with the clerk of the district court to the entry of
6 an order for reinstatement.
7 a. If no objection is filed, the court may enter an order
8 reinstating the accruing support obligation without additional
9 notice.
10 b. If an objection is filed, the clerk of court shall set
11 the matter for hearing and send notice of the hearing to both
12 parents and the unit.
13 7. The reinstatement is effective as follows:
14 a. For reinstatements initiated under subsection 5,
15 paragraph "a", the date the notices were served on both
16 parents pursuant to subsection 6.
17 b. For reinstatements initiated under subsection 5,
18 paragraph "b", the date the child began receiving public
19 assistance benefits during the suspension of the obligation.
20 c. Support which became due during the period of
21 suspension but prior to the reinstatement is waived and not
22 due and owing.
23 8. If the order suspending a support obligation has been
24 on file with the court for a period exceeding six months, the
25 order becomes final by operation of law and terminates the
26 support obligation, and thereafter, a party seeking to
27 establish a support obligation against either party shall
28 bring a new action for support as provided by law.
29 9. This section shall not limit the rights of the parents
30 or the unit to proceed by other means to suspend, terminate,
31 modify, reinstate, or establish support.
32 10. This section does not provide for the suspension,
33 waiver, satisfaction, or retroactive modification of support
34 obligations which accrued prior to the entry of an order
35 suspending enforcement and collection of support pursuant to

1 this section.
2 11. Nothing in this section shall prohibit or limit the
3 unit or a party entitled to receive support from enforcing and
4 collecting any unpaid support that accrued prior to the
5 suspension of the accruing obligation.
6 DIVISION VI
7 CONTEMPT OF COURT
8 Sec. 21. Section 252B.1, Code 1993, is amended by adding
9 the following new subsection:
10 NEW SUBSECTION. 4A. "Obligor" means the person legally
11 responsible for the support of a child as defined in section
12 598.1 under a support order issued in this state or a foreign
13 jurisdiction.
14 Sec. 22. NEW SECTION. 252B.21 ADMINISTRATIVE SEEK
15 EMPLOYMENT ORDERS.
16 1. For any support order being enforced by the unit, the
17 administrator may enter an ex parte order requiring the
18 obligor to seek employment if employment of the obligor cannot
19 be verified and if the obligor has failed to make support
20 payments. Advance notice is not required prior to entering
21 the ex parte order. The unit shall file a copy of the order
22 with the clerk of the district court.
23 2. The order to seek employment shall contain directives,
24 including all of the following:
25 a. That the obligor seek employment within a determinate
26 amount of time.
27 b. That the obligor file with the unit and the clerk of
28 the district court on a weekly basis, in the county where the
29 support order is entered, a report of at least five new
30 attempts to find employment or of having found employment.
31 The obligor shall report to the unit and the clerk of the
32 district court, in writing, on at least a weekly basis, the
33 names, addresses, and the telephone numbers of any employers
34 or businesses with whom the obligor attempted to seek
35 employment and the name of the individual contact to whom the

1 obligor made application for employment or to whom an inquiry
2 was directed.
3 c. That failure to comply with the notice is evidence of a
4 willful failure to pay support under section 598.23A.
5 d. That the obligor shall provide the child support
6 recovery unit and the clerk of the district court with
7 verification of any reason for noncompliance with the order.
8 e. The duration of the order, not to exceed three months.
9 3. The department may establish additional criteria or
10 requirements relating to seek employment orders by rule as
11 necessary to implement this section.
12 Sec. 23. Section 598.23A, subsection 1, Code 1993, is
13 amended to read as follows:
14 1. If a person against whom an order or decree for support
15 has been entered pursuant to this chapter or chapter 234,
16 252A, 252C, 252F, 600B, or any other support chapter, or a
17 comparable chapter of a foreign jurisdiction, fails to make
18 payments or provide medical support pursuant to that order or
19 decree, the person may be cited and punished by the court for
20 contempt under section 598.23 or this section. Failure to
21 comply with a seek employment order entered pursuant to
22 section 252B.21 is evidence of willful failure to pay support.
23 Sec. 24. Section 598.23A, subsection 2, Code 1993, is
24 amended by striking the subsection and inserting in lieu
25 thereof the following:
26 2. If a person is cited for contempt, the court may do
27 either of the following:
28 a. Require the posting of a cash bond, within seven
29 calendar days, in an amount equivalent to the current
30 arrearages and an additional amount which is equivalent to at
31 least twelve months of future support obligations. If the
32 arrearages are not paid within three months of the hearing,
33 the bond shall be automatically forfeited to cover payment of
34 the full portion of the arrearages and the portion of the bond
35 representing future support obligations shall be automatically

1 forfeited to cover future support payments as payments become
2 due.
3 b. (1) Require the performance of community service work
4 of up to twenty hours per week for six weeks for each finding
5 of contempt. The contemnor may, at any time during the six-
6 week period, apply to the court to be released from the
7 community service work requirement under any of the following
8 conditions:
9 (a) The contemnor provides proof to the court that the
10 contemnor is gainfully employed and submits to an order for
11 income withholding pursuant to chapter 252D or to a court-
12 ordered wage assignment.
13 (b) The contemnor provides proof of payment of an amount
14 equal to at least six months' child support. The payment does
15 not relieve the contemnor's obligation for arrearages or
16 future payments.
17 (c) The contemnor provides proof to the court that,
18 subsequent to entry of the order, the contemnor's
19 circumstances have so changed that the contemnor is no longer
20 able to fulfill the terms of the community service order.
21 (2) The contemnor shall report in writing to the court the
22 following information on a weekly basis while subject to the
23 community service requirements:
24 (a) The duties performed as community service in the
25 previous week.
26 (b) The number of hours of community service performed in
27 the previous week.
28 (c) The name, address, and telephone number of the person
29 supervising or arranging for the performance of the community
30 service.
31 (3) The performance of community service does not relieve
32 the contemnor of any unpaid accrued or accruing support
33 obligation.
34 DIVISION VII
35 CHILD SUPPORT REFEREE AUTHORIZATION

1 Sec. 25. NEW SECTION. 602.6608 CHILD SUPPORT REFEREE.
2 1. The chief judge may appoint and may remove for cause
3 with due process a referee to preside over child support
4 proceedings.
5 2. Qualifications for a referee appointed under this
6 section include, at a minimum, all of the following:
7 a. The referee shall be an attorney currently licensed to
8 practice law in the state.
9 b. The referee shall have at least five years of
10 experience in the practice of law.
11 c. The referee shall have at least two years of experience
12 in the practice of family law, including experience in the
13 area of child support, in the state of Iowa.
14 3. Duties of the referee are limited to presiding over
15 child and medical support proceedings which are delegated to
16 the referee by the chief judge or jointly by the chief judges
17 of the affected judicial districts if the referee is
18 authorized to preside over proceedings in more than one
19 judicial district.
20 4. The compensation of the referee shall be established by
21 the court.
22 DIVISION VIII
23 RELEASE OF INFORMATION
24 Sec. 26. Section 252B.9, Code 1993, is amended by adding
25 the following new subsection:
26 NEW SUBSECTION. 1A. Notwithstanding other statutory pro-
27 visions to the contrary, including but not limited to chapters
28 22 and 217, as the chapters relate to confidentiality of
29 records maintained by the department, the payment records of
30 the collection services center maintained under section
31 252B.13A are public records only as follows:
32 a. Payment records of the collection services center which
33 are maintained pursuant to chapter 598 are public records and
34 may be released upon request.
35 b. Except as otherwise provided in subsection 1, the

1 department shall not release details related to payment
2 records or provide alternative formats for release of the
3 information, with the following additional exceptions:
4 (1) The unit or collection services center may provide
5 additional detail or present the information in an alternative
6 format to an individual or to the individual's legal repre-
7 sentative if the individual owes or is owed a support obliga-
8 tion, to an agency assigned the obligation as the result of
9 receipt by a party of public assistance, to an agency charged
10 with enforcing child support pursuant to Title IV-D of the
11 federal Social Security Act, or to the court.
12 (2) For support orders entered in Iowa which are being
13 enforced by the unit, the unit may compile and make available
14 for publication a listing of cases in which no payment has
15 been credited to an accrued or accruing support obligation
16 during a previous three-month period. Each case on the list
17 shall be identified only by the name of the support obligor,
18 the support obligor's court order docket or case number, the
19 county in which the obligor's support order is filed, and the
20 collection services center case numbers. The department shall
21 determine dates for the release of information, the specific
22 format of the information released, and the three-month period
23 used as a basis for identifying cases. The department may not
24 release the information more than twice annually. In
25 compiling the listing of cases, no prior public notice to the
26 obligor is required, but the unit may send notice annually by
27 first-class mail to the last known address of any individual
28 owing a support obligation which is being enforced by the
29 unit. The notice shall inform the individual of the
30 provisions of this subparagraph. Actions taken pursuant to
31 this subparagraph are not subject to review under chapter 17A,
32 and the lack of receipt of a notice does not prevent the unit
33 from proceeding in implementing this subparagraph.
34 (3) The provisions of subparagraph (2) may be applied to
35 support obligations entered in another state, at the request

1 of an initiating state if the initiating state has
2 demonstrated that the provisions of subparagraph (2) are not
3 in conflict with the laws of the state where the support
4 obligation is entered and the unit is enforcing the support
5 obligation. For the purposes of this subparagraph,
6 "initiating state" means any child support enforcement agency
7 operating under the provisions of Title IV-D of the federal
8 Social Security Act.
9 c. The attorney general may utilize information of the
10 unit to secure, modify, or enforce a support obligation of an
11 individual, unless otherwise prohibited by federal law.
12 d. This subsection shall not permit or require the release
13 of information contained in the case records of the unit,
14 except to the extent provided in this section.
15 Sec. 27. Section 252B.9, subsection 2, Code 1993, is
16 amended to read as follows:
17 2. Except as otherwise provided in subsection 1, paragraph
18 "b", and in subsection 1A, information recorded by the
19 department pursuant to this section shall be available only to
20 the unit, attorneys prosecuting a case in which the unit may
21 participate according to sections 252B.5 and 252B.6, courts
22 having jurisdiction in support or abandonment proceedings, and
23 agencies in other states charged with support collection and
24 paternity determination responsibilities as determined by the
25 rules of the department and the provisions of Title IV of the
26 federal Social Security Act. However, information relating to
27 the location of an absent parent shall be made available,
28 pursuant to federal regulations, to a resident parent, legal
29 guardian, attorney, or agent of a child who is not receiving
30 assistance under Title IV-A of the federal Social Security
31 Act. Unless otherwise prohibited by federal statute or
32 regulation, the child support recovery unit shall release
33 information relating to an absent parent to another unit of
34 the department pursuant to a written request for the
35 information approved by the director.

1 DIVISION IX
2 TECHNICAL AND CONFORMING PROVISIONS
3 Sec. 28. Section 252A.6, subsection 15, Code 1993, is
4 amended to read as follows:
5 15. Any order of support issued by a court of the state
6 acting as a responding state shall not supersede any previous
7 order of support issued in a divorce or separate maintenance
8 action, but the amounts for a particular period paid pursuant
9 to either order shall be credited against amounts accruing or
10 accrued for the same period under both. This subsection also
11 applies to orders entered following an administrative process
12 including, but not limited to, the administrative processes
13 provided pursuant to chapters 252C and 252F.
14 Sec. 29. Section 252B.3, unnumbered paragraph 1, Code
15 1993, is amended to read as follows:
16 Upon receipt by the department of an application for public
17 assistance on behalf of a child and determination by the
18 department that the child has been abandoned by its parents or
19 that the child and one parent have been abandoned by the other
20 parent or that the parent or other person responsible for the
21 care, support or maintenance of the child has failed or
22 neglected to give proper care or support to the child, the
23 department shall take appropriate action under the provisions
24 of this chapter or under other appropriate statutes of this
25 state including but not limited to chapters 239, 252A, 252F,
26 598, and 600B, to ensure that the parent or other person
27 responsible for the support of the child fulfills the support
28 obligation.
29 Sec. 30. Section 252B.4, unnumbered paragraph 1, Code
30 1993, is amended to read as follows:
31 The child support and paternity determination services
32 established by the department pursuant to this chapter and
33 other appropriate services provided by law including but not
34 limited to the provisions of chapters 239, 252A, 252C, 252D,
35 252E, 252F, 598, and 600B shall be made available by the unit

1 to an individual not otherwise eligible as a public assistance
2 recipient upon application by the individual for the services.
3 The application shall be filed with the department.
4 Sec. 31. Section 252B.5, subsections 2 and 3, Code 1993,
5 are amended to read as follows:
6 2. Aid in establishing paternity and securing a court or
7 administrative order for support pursuant to chapter 252A,
8 252F, or 600B.
9 3. Aid in enforcing through court or administrative
10 proceedings an existing court order for support issued
11 pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any
12 other chapter under which child or medical support is granted.
13 Sec. 32. Section 252B.14, unnumbered paragraph 1, Code
14 1993, is amended to read as follows:
15 All support payments required pursuant to orders entered
16 under this chapter and chapter 234, 252A, 252C, 252F, 598,
17 600B, or any other chapter shall be directed and processed as
18 follows:
19 Sec. 33. Section 252C.1, subsection 5, Code 1993, is
20 amended to read as follows:
21 5. "Dependent child" means a person who meets the
22 eligibility criteria established in chapter 234 or 239 and
23 whose support is required by chapter 234, 239, 252A, 252F,
24 598, or 600B.
25 Sec. 34. Section 252D.1, subsection 2, Code 1993, is
26 amended to read as follows:
27 2. If support payments ordered under chapter 232, 234,
28 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other
29 applicable chapter, or under a comparable statute of a foreign
30 jurisdiction, as certified to the child support recovery unit
31 established in section 252B.2, are not paid to the clerk of
32 the district court or the collection services center pursuant
33 to section 598.22 and become delinquent in an amount equal to
34 the payment for one month, upon application of a person
35 entitled to receive the support payments, the child support

1 recovery unit or the district court may enter an ex parte
2 order notifying the person whose income is to be assigned, of
3 the delinquent amount, of the amount of income or wages to be
4 withheld, and of the procedure to file a motion to quash the
5 order of assignment, and shall order an assignment of income
6 and notify an employer, trustee, or other payor by regular
7 mail, with proof of service completed according to rule of
8 civil procedure 82, of the order of the assignment of income
9 requiring the withholding of specified sums to be deducted
10 from the delinquent person's periodic earnings, trust income,
11 or other income sufficient to pay the support obligation and,
12 except as provided in section 598.22, requiring the payment of
13 such sums to the clerk of the district court or the collection
14 services center. The assignment of income is binding on an
15 existing or future employer, trustee, or other payor ten days
16 after the receipt of the order. The amount of an assignment
17 of income shall not exceed the amount specified in 15 U.S.C. §
18 1673(b). The assignment of income has priority over a
19 garnishment or an assignment for a purpose other than the
20 support of the dependents in the court order being enforced.
21 The child support recovery unit or the district court, upon
22 the application of any party, by ex parte order, may modify
23 the assignment of income on the full payment of the
24 delinquency or in an instance where the amount being withheld
25 exceeds the amount specified in 15 U.S.C. § 1673(b), or may
26 revoke the assignment of income upon the termination of
27 parental rights, emancipation, death or majority of the child,
28 or upon a change of custody.
29 Sec. 35. Section 252E.1, subsection 1, Code 1993, is
30 amended to read as follows:
31 1. "Child" means a person for whom child or medical
32 support may be ordered pursuant to chapter 234, 239, 252A,
33 252C, 252F, 598, 600B or any other chapter of the Code or
34 pursuant to a comparable statute of a foreign jurisdiction.
35 Sec. 36. Section 252E.2, Code 1993, is amended to read as

1 follows:
2 252E.2 ORDER FOR MEDICAL SUPPORT.
3 The entry of an order, pursuant to chapter 234, 252A, 252C,
4 252F, 598, 600B or any other chapter of the Code or pursuant
5 to a comparable statute of a foreign jurisdiction, requiring
6 the provision of coverage under a health benefit plan is
7 authorization for enrollment of the dependent if the dependent
8 is otherwise eligible to be enrolled. The dependent's
9 eligibility and enrollment for coverage under such a plan
10 shall be governed by all applicable terms and conditions,
11 including, but not limited to, eligibility and insurability
12 standards. The dependent, if eligible, shall be provided the
13 same coverage as the obligor.
14 Sec. 37. Section 598.21, subsection 8, unnumbered
15 paragraph 3, Code 1993, is amended to read as follows:
16 Judgments for child support or child support awards entered
17 pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B,
18 or any other chapter of the Code which are subject to a
19 modification proceeding may be retroactively modified only
20 from the date the notice of the pending petition for
21 modification is served on the opposing party.
22 Sec. 38. Section 598.22, unnumbered paragraph 1, Code
23 1993, is amended to read as follows:
24 Except as otherwise provided in section 598.22A, this
25 section applies to all initial or modified orders for support
26 entered under this chapter, chapter 234, 252A, 252C, 252F,
27 600B, or any other chapter of the Code. All orders or
28 judgments entered under chapter 234, 252A, 252C, 252F, or
29 600B, or under this chapter or any other chapter which provide
30 for temporary or permanent support payments shall direct the
31 payment of those sums to the clerk of the district court or
32 the collection services center in accordance with section
33 252B.14 for the use of the person for whom the payments have
34 been awarded. Payments to persons other than the clerk of the
35 district court and the collection services center do not

1 satisfy the support obligations created by the orders or
2 judgments, except as provided for trusts governed by the
3 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
4 tax refunds or rebates in section 602.8102, subsection 47, or
5 for dependent benefits paid to the child support obligee as
6 the result of disability benefits awarded to the child support
7 obligor under the federal Social Security Act. For trusts
8 governed by the federal Retirement Equity Act of 1984, Pub. L.
9 No. 98-397, the assignment of income shall require the payment
10 of such sums to the alternate payee in accordance with the
11 federal Act.
12 Sec. 39. Section 602.8102, subsection 47, Code 1993, is
13 amended to read as follows:
14 47. Record support payments made pursuant to an order
15 entered under chapter 252A, 252F, 598, or 600B, or under a
16 comparable statute of a foreign jurisdiction and through
17 setoff of a state or federal income tax refund or rebate, as
18 if the payments were received and disbursed by the clerk;
19 forward support payments received under section 252A.6 to the
20 department of human services and furnish copies of orders and
21 decrees awarding support to parties receiving welfare
22 assistance as provided in section 252A.13.
23 Sec. 40. Section 252C.9, Code 1993, is repealed.
24 Sec. 41. INTENT -- APPOINTMENT OF REFEREE. It is the
25 intent of the general assembly that the costs associated with
26 the appointment of a referee pursuant to section 602.6608 be
27 defrayed using current funding.
28 Sec. 42. INTENT -- RELEASE OF RECORDS -- EFFECTIVE DATE.
29 It is the intent of the general assembly that the child
30 support recovery unit request review of division VIII of this
31 Act by the United States department of health and human
32 services and obtain federal approval prior to implementation
33 of these sections. Division VIII of this Act is effective
34 upon receipt of approval by the federal government. If
35 approval is not received and if implementation of the sections

1 would place the state at risk of loss of federal funding, the
2 division shall not be implemented.
3 EXPLANATION
4 This bill establishes various new provisions related to
5 child support.
6 Division I establishes the title of the bill as "The Iowa
7 Child Support Recovery Act of 1993".
8 Division II establishes a centralized registry for the
9 purpose of receiving and maintaining information on newly
10 hired and rehired employees in the state to facilitate the
11 enforcement of child support orders. The bill includes
12 requirements for the information to be reported by an
13 employer, provides for the accessing of the information in the
14 registry by specific state agencies, and provides for
15 proportionate cost sharing by agencies accessing the registry.
16 Division III provides for the establishment of paternity
17 through an affidavit process rather than through a judicial
18 process and contains conforming provisions relating to the
19 information included on birth certificates.
20 Division IV provides a process for the establishment of
21 paternity through an administrative process.
22 Division V provides for the administrative suspension of a
23 support order and provides certain specific criteria to
24 expedite the suspension of support.
25 Division VI provides for the use of seek employment orders
26 and the use of community service orders in contempt of court
27 actions.
28 Division VII provides for the appointment of child support
29 referees to preside over child support proceedings. The
30 appointment of a referee is contingent upon the use of current
31 funding levels.
32 Division VIII provides for the release of certain
33 information in the cases of delinquent obligors, which is only
34 effective upon approval of such release by the federal
35 government.

Division IX provides for technical and conforming provisions necessitated by the provisions in the bill.

# SENATE FILE 350
# FISCAL NOTE

A fiscal note for **Senate File 350** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 350, known as the "Iowa Child Support Recovery Act of 1993", makes several changes in statutory provisions pertaining to child support enforcement. The Divisions of the bill are as follows:

Division 2 establishes a centralized registry to receive and maintain information on newly hired and rehired employees to facilitate the enforcement of child support orders. The bill requires certain kinds of information to be reported by all employers, provides that certain State agencies can access this data, and provides that agencies accessing the data will share the costs of operating the registry.

Division 3 permits the establishment of paternity through an affidavit process, instead of the current judicial process, to expedite paternity establishment and child support recoveries.

Division 4 provides a process for the establishment of paternity through an administrative process.

Division 5 provides for the administrative suspension of a support order and provides certain specific criteria to expedite the suspension of support in specified circumstances.

Division 6 provides that a Court can order persons in contempt of court actions to seek employment or to participate in community service.

Division 7 authorizes the appointment of a child support referee to preside over child support proceedings, contingent upon the use of current funding levels.

Division 8 provides for the release of certain information about delinquent obligors, if approval from the federal government is received.

***FISCAL EFFECT:***

The various provisions of Senate File 350 are projected to result in additional costs and revenues as indicated in the following table. The FY 1994 costs and revenues are reflected in the appropriations contained in House File 518, the Human Services Appropriations Bill. The Bill would result in substantial net additional child support revenues in FY 1995, allowing reductions in the State appropriation for Aid to Families with Dependent Children.

PAGE 2 , FISCAL NOTE, SENATE FILE 350



(Dollars in Thousands)

| | Fiscal Year 1994 | Fiscal Year 1995 |
|---|---|---|
| REVENUE | | |
| Employment Report | $ 170 | $ 1,040 |
| Paternity Affidavit | 4 | 79 |
| Administrative Process | 93 | 136 |
| Contempt | 8 | 0 |
| Release of Information | 138 | 138 |
| Total | $ 413 | $ 1,393 |
| EXPENDITURES | | |
| Employment Report | $ 147 | $ 21 |
| Paternity Affidavit | 87 | 109 |
| Administrative Process | 75 | 38 |
| Contempt | 0 | 0 |
| Release of Information | 37 | 28 |
| Total | $ 346 | $ 196 |
| NET EFFECT | $ 67 | $ 1,197 |

Source: Department of Human Services (LSB 1461sv, JMN)

FILED MARCH 29, 1993 BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 350

S-3274

1 Amend Senate File 350 as follows:
2 1. Page 3, line 24, by inserting after the word
3 "section." the following: "A willful failure to
4 provide the information shall be punishable as
5 contempt."

By TOM VILSACK

S-3274 FILED MARCH 29, 1993
WITHDRAWN

SENATE FILE 350

S-3276

1 Amend the amendment, S-3173, to Senate File 350 as
2 follows:
3 1. Page 1, line 15, by inserting after the word
4 "section." the following: "A willful failure to
5 provide the information shall be punishable as
6 contempt."

By TOM VILSACK

S-3276 FILED MARCH 29, 1993
ADOPTED

SENATE FILE 350

S-3280

1 Amend Senate File 350 as follows:
2 1. Page 10, line 9, by inserting after the word
3 "period" the following: "pursuant to section 600B.41,
4 subsection 7".
5 2. Page 10, by inserting after line 27 the
6 following:
7 "An action to establish paternity and support under
8 this chapter may be brought within the time
9 limitations set forth in section 614.8."

By RANDAL J. GIANNETTO
LINN FUHRMAN

S-3280 FILED MARCH 29, 1993
ADOPTED

SENATE FILE 350

S-3283

1 Amend Senate File 350 as follows:
2 1. Page 33, by inserting after line 2, the
3 following:
4 "Sec. ___. INTENT -- VISITATION RIGHTS. The
5 judicial department shall review the issue of
6 compliance with visitation rights awarded pursuant to
7 section 598.41 and shall make recommendations to the
8 committee on judiciary of the senate and the committee
9 on judiciary and law enforcement of the house of
10 representatives by January 15, 1994, regarding
11 improvements in enforcement of and compliance with the
12 visitation rights awarded under a child custody
13 order."
14 2. By renumbering and correcting internal
15 references as necessary.

By JIM KERSTEN
JEAN LLOYD-JONES

S-3283 FILED MARCH 29, 1993
ADOPTED

## SENATE FILE 350

S-3263

1 Amend Senate File 350 as follows:
2 1. Page 32, by inserting after line 22 the fol-
3 lowing:
4 "Sec. ___. 1990 Iowa Acts, chapter 1224, section
5 1, unnumbered paragraph 1, as amended by 1991 Iowa
6 Acts, chapter 62, section 1, and 1992 Iowa Acts,
7 chapter 1028, section 1, is amended to read as
8 follows:
9 In order to implement this Act, the department of
10 human services and the judicial department shall
11 mutually agree on a schedule to complete the transfer
12 of support payment collection and disbursement
13 responsibilities from the collection services center
14 to the clerks of the district court. The schedule
15 shall provide for the completion of the transfer of
16 the responsibilities for all affected orders by June
17 30, ~~1994~~ 1996. The following procedure shall be used
18 for any order affected by the initial transfer of
19 responsibilities:"
20 2. By renumbering as necessary.

By JEAN LLOYD-JONES

S-3263 FILED MARCH 29, 1993
ADOPTED

## SENATE FILE 350

S-3273

1 Amend the amendment, S-3252, to Senate File 350 as
2 follows;
3 1. Page 1, by striking line 4 and inserting the
4 following:
5 "Sec. 100. Section 598.22A, subsection 3, Code".
6 2. Page 1, by inserting after line 22 the
7 following:
8 "___. Page 33, by inserting after line 2, the
9 following:
10 "Sec. ___. RETROACTIVITY. Section 100 of this Act
11 applies retroactively to January 1, 1986.""
12 3. Title page, by striking line 2 and inserting
13 the following: "penalties, an effective date, and a
14 retroactive applicability date."
15 4. By renumbering as necessary.

By JIM RIORDAN
WILLIAM D. PALMER

S-3273 FILED MARCH 29, 1993
ADOPTED

## SENATE FILE 350

S-3173

1 Amend Senate File 350 as follows:
2 1. Page 3, by inserting after line 15, the
3 following:
4 "___. Until such time as the Iowa employees'
5 withholding allowance certificate is amended to
6 provide for inclusion of all of the information
7 required under subsection 1, submission of the
8 certificate constitutes compliance with this section."
9 2. Page 3, by striking lines 19 through 35, and
10 inserting the following: "the attorney general. The
11 action may be brought in district court in the county
12 in which the employer is doing business, in a county
13 in which an employee is performing labor or service
14 for compensation, or in Polk county to determine
15 noncompliance with this section."
16 3. By renumbering as necessary.

By MERLIN E. BARTZ
PATTY JUDGE

S-3173 FILED MARCH 22, 1993

adopted 3/29/93 (p. 859)
motion to r/c 3/29/93 – motion prevailed 3/29/93

## SENATE FILE 350

S-3234

1 Amend Senate File 350 as follows:
2 1. Page 31, by inserting after line 21, the
3 following:
4 "Sec. ___. Section 598.21, subsection 8, Code
5 1993, is amended by adding the following new
6 unnumbered paragraph after unnumbered paragraph 3:
7 NEW UNNUMBERED PARAGRAPH. Upon application for
8 modification of a child support order, the court may
9 enter a temporary order determining on a temporary
10 basis the obligation of each parent towards the
11 continuing education of a child between the ages of
12 eighteen and twenty-two years, as provided in section
13 598.1, subsection 6, pending a modification hearing."
14 2. By renumbering as necessary.

By RANDAL J. GIANNETTO

S-3234 FILED MARCH 24, 1993

WITHDRAWN
3-29-93

WITHDRAWN

SENATE FILE 350

S-3252

1 Amend Senate File 350 as follows:
2 1. Page 32, by inserting after line 11, the
3 following:
4 "Sec. ___. Section 598.22A, subsection 3, Code
5 1993, is amended to read as follows:
6 3. The court shall not enter an order for
7 satisfaction of payments not made through the clerk of
8 the district court or collection services center if
9 those payments have been assigned as a result of
10 public funds expended pursuant to chapter 234, 239, or
11 249A, or similar statutes in other states and the
12 support payments accrued during the months in which
13 public funds were expended. For any support payments
14 which accrued during the months in which public funds
15 were not expended, however, the court may enter an
16 order for satisfaction of payments not made through
17 the clerk of the district court or the collection
18 services center if documentation of the financial
19 instrument used in the payment of support is presented
20 to the court and the parties to the order submit a
21 written affidavit confirming that the financial
22 instrument was used as payment for support."
23 2. By renumbering as necessary.

By WILLIAM D. PALMER

S-3252 FILED MARCH 25, 1993

Adopted
3/29/93
(S. 854)

SENATE FILE 350

S-3221

1 Amend Senate File 350 as follows:
2 1. Page 27, by inserting after line 35, the
3 following:
4 "DIVISION ___
5 SELF-EMPLOYED OBLIGORS
6 Sec. ___. Section 252B.5, Code 1993, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 8. a. Assistance, in
9 consultation with the department of revenue and
10 finance, in identifying and taking action against
11 self-employed individuals as identified by the
12 following conditions:
13 (1) The individual owes support pursuant to a
14 court or administrative order being enforced by the
15 unit and is delinquent in an amount equal to or
16 greater than the support obligation amount assessed
17 for one month.
18 (2) The individual has filed a state income tax
19 return in the preceding twelve months.
20 (3) The individual has no reported tax withholding
21 amount on the most recent state income tax return.
22 (4) The individual has failed to enter into or
23 comply with a formalized repayment plan with the unit.
24 (5) The individual has failed to make either all
25 current support payments in accordance with the court
26 or administrative order or to make payments against
27 any delinquency in each of the preceding twelve
28 months.
29 b. Notwithstanding section 252B.9, the unit may
30 forward information to the department of revenue and
31 finance as necessary to implement this subsection,
32 including but not limited to both of the following:
33 (1) The name and social security number of the
34 individual.
35 (2) Support obligation information in the specific
36 case, including the amount of the delinquency.
37 Sec. ___. Section 421.17, Code 1993, is amended by
38 adding the following new subsections:
39 NEW SUBSECTION. 21A. To cooperate with the child
40 support recovery unit created in chapter 252B to
41 establish and maintain a process to implement the
42 provisions of section 252B.5, subsection 8. The
43 department of revenue and finance shall forward to
44 individuals meeting the criteria under section 252B.5,
45 subsection 8, paragraph "a", a notice by first-class
46 mail that the individual is obligated to file a state
47 estimated tax form and to remit a separate child
48 support payment.
49 a. Individuals notified shall submit a state
50 estimated tax form on a quarterly basis.

S-3221
Page 2

1 b. The individual shall pay monthly, the lesser of
2 the total delinquency or one hundred fifty percent of
3 the current or most recent monthly obligation.
4 c. The individual shall remit the payment to the
5 department of revenue and finance separate from any
6 tax liability payments, identify the payment as a
7 support payment, and make the payment payable to the
8 collection services center. The department shall
9 forward all payments received pursuant to this section
10 to the collection services center established pursuant
11 to chapter 252B, for processing and disbursement. The
12 department of revenue and finance may establish by
13 rule a process for the child support recovery unit or
14 collection services center to directly receive the
15 payments.
16 d. The notice shall provide that, as an
17 alternative to the provisions of paragraph "b", the
18 individual may contact the child support recovery unit
19 to formalize a repayment plan and obtain an exemption
20 from the quarterly payment requirement or to contest
21 the balance due listed in the notice when payments are
22 made pursuant to the plan.
23 e. The department of revenue and finance, in
24 cooperation with the child support recovery unit, may
25 adopt rules, if necessary, to implement this
26 subsection.
27 NEW SUBSECTION. 21B. To provide information
28 contained in state individual tax returns to the child
29 support recovery unit for the purposes of
30 establishment or enforcement of support obligations.
31 The department of revenue and finance and child
32 support recovery unit may exchange information in a
33 manual or automated fashion. The department of
34 revenue and finance, in cooperation with the child
35 support recovery unit, may adopt rules, if necessary,
36 to implement this subsection."
37 2. By renumbering as necessary.

By JEAN LLOYD-JONES

S-3221 FILED MARCH 24, 1993

adopted
3/29/93
(p. 859)

3/30/93 Human Res.
4/8/93 Amend / Do Pass w/H-3824

SENATE FILE 350
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 209)

(AS AMENDED AND PASSED BY THE SENATE MARCH 29, 1993)

_____ - New Language by the Senate

Passed Senate, Date 4/23/93 (p. 1639) Passed House, Date _____
Vote: Ayes 94 Nays 5 Vote: Ayes _____ Nays _____
Re-passed Senate 49-0 4/27/93 (p. 1364) Approved May 3, 1993

## A BILL FOR

1 An Act relating to child support and providing for civil
2 penalties, an effective date, and a retroactive applicability
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. 350

1 DIVISION I
2 TITLE
3 Section 1. This Act shall be known and may be referred to
4 as the "Iowa Child Support Recovery Act of 1993".
5 DIVISION II
6 CENTRALIZED EMPLOYEE REGISTRY
7 Sec. 2. NEW SECTION. 252G.1 DEFINITIONS.
8 As used in this chapter, unless the context otherwise
9 requires:
10 1. "Compensation" means payment owed by the employer for:
11 a. Labor or services rendered by an employee to the
12 employer.
13 b. Benefits including, but not limited to, vacation,
14 holiday, and sick leave, and severance payments which are due
15 an employee under an agreement with the employer or under a
16 policy of the employer.
17 2. "Date of hire" means the earlier of either of the
18 following:
19 a. The first day for which the employee is owed
20 compensation by the employer.
21 b. The first day that an employee reports to work or
22 performs labor or services for the employer.
23 3. "Days" means calendar days.
24 4. "Department" means the department of human services.
25 5. "Dependent" includes a spouse or child or any other
26 person who is in need of and entitled to support from a person
27 who is declared to be legally liable for the support of that
28 dependent.
29 6. "Employee" means a natural person who is employed by an
30 employer in this state for compensation, including but not
31 limited to independent contractors and independent trucking
32 owners or operators.
33 7. "Employer" means a person doing business in the state
34 who engages an employee. "Employer" does not include a
35 client, patient, customer, or other person who obtains

1 professional services from a person who is licensed to provide
2 a particular service on a fee for service basis.
3 8. "Registry" means the central employee registry created
4 in section 252G.2.
5 9. "Rehire" means the earlier of either of the following:
6 a. The first day for which the employee is owed
7 compensation by the employer following an unpaid absence of a
8 minimum of six consecutive weeks.
9 b. The first day that the employee reports to work or
10 performs labor or services for the employer following an
11 unpaid absence of six consecutive weeks.
12 10. "Unit" means the child support recovery unit created
13 in section 252B.2.
14 Sec. 3. NEW SECTION. 252G.2 ESTABLISHMENT OF CENTRAL
15 EMPLOYEE REGISTRY.
16 By January 1, 1994, the unit shall establish a centralized
17 employee registry database for the purpose of receiving and
18 maintaining information on newly hired or rehired employees
19 from employers. The unit shall establish the database and the
20 department may adopt rules in conjunction with the department
21 of revenue and finance and the department of employment
22 services to identify appropriate uses of the registry and to
23 implement this chapter, including implementation through the
24 entering of agreements pursuant to chapter 28E.
25 Sec. 4. NEW SECTION. 252G.3 EMPLOYER REPORTING
26 REQUIREMENTS -- PENALTY.
27 1. Beginning January 1, 1994, an employer who hires or
28 rehires an employee on or after January 1, 1994, shall report
29 all of the following to the centralized employee registry
30 within ten days of the hiring or rehiring of an employee:
31 a. The employer's name, address, and federal
32 identification number.
33 b. The employee's name, address, social security number,
34 and date of birth.
35 c. Information regarding availability of employee health

1 care coverage and whether or not the employee is qualified for
2 the coverage.
3 d. Whether the payroll of the employer is prepared at the
4 address of the employer or at a separate location, and the
5 address of the separate location, if applicable.
6 2. Employers required to report may report the information
7 required under subsection 1 by any of the following means:
8 a. By mailing a copy of the employee's Iowa employee's
9 withholding allowance certificate to the registry.
10 b. By submitting electronic media in a format approved by
11 the unit in advance.
12 c. By submitting a fax transmission of the employee's Iowa
13 employee's withholding allowance certificate to the registry.
14 d. By any other means authorized by the unit in advance if
15 the means will result in timely reporting.
16 3. Until such time as the Iowa employees' withholding
17 allowance certificate is amended to provide for inclusion of
18 all of the information required under subsection 1, submission
19 of the certificate constitutes compliance with this section.
20 4. If an employer fails to report as required under this
21 section, an action may be brought against the employer by any
22 state agency accessing or administering the registry, or by
23 the attorney general. The action may be brought in district
24 court in the county in which the employer is doing business,
25 in a county in which an employee is performing labor or
26 service for compensation, or in Polk county to determine
27 noncompliance with this section. A willful failure to provide
28 the information shall be punishable as contempt.
29 Sec. 5. NEW SECTION. 252G.4 ACCESS TO CENTRALIZED
30 EMPLOYEE REGISTRY.
31 The information within the registry is owned by the state
32 and not by any single state agency and may be accessed only as
33 provided in this section. When a state agency accesses
34 information in the registry, the agency may use the
35 information to update the agency's own records. Access to and

1 use of the information contained in the registry shall be
2 limited to the following:
3 1. The unit for administration of the child support
4 enforcement program, including but not limited to activities
5 related to establishment and enforcement of child and medical
6 support obligations through administrative or judicial
7 processes, and other services authorized pursuant to chapter
8 252B.
9 2. State agencies which utilize income information for the
10 determination of eligibility or calculation of payments for
11 benefit or entitlement payments.
12 3. State agencies which utilize income information for the
13 recoupment of debts to the state.
14 Sec. 6. NEW SECTION. 252G.5 ADMINISTRATION AND COSTS OF
15 THE CENTRALIZED EMPLOYEE REGISTRY.
16 1. The registry shall maintain the information received
17 from employers for a minimum period of six months.
18 2. State agencies accessing the centralized registry shall
19 participate in a proportionate cost sharing to defray the
20 administrative costs of the registry. The amount of a state
21 agency's proportionate share shall be established by rule of
22 the department.
23 DIVISION III
24 PATERNITY BY AFFIDAVIT
25 Sec. 7. Section 144.13, Code 1993, is amended to read as
26 follows:
27 144.13 BIRTH CERTIFICATES.
28 1. Certificates of births shall be filed as follows:
29 ~~1~~ a. A certificate of birth for each live birth which
30 occurs in this state shall be filed with the county registrar
31 of the county in which the birth occurs within ten days after
32 the birth and shall be registered by the registrar if it has
33 been completed and filed in accordance with this chapter.
34 However, when a birth occurs in a moving conveyance, a birth
35 certificate shall be filed in the county in which the child

1 was first removed from the conveyance.
2 ~~2~~ b. When a birth occurs in an institution, the person in
3 charge of the institution or the person's designated
4 representative shall obtain the personal data, prepare the
5 certificate, secure the signatures required by the
6 certificate, and file the certificate with the county
7 registrar. The physician in attendance or the person in
8 charge of the institution or the person's designee shall
9 certify to the facts of birth and provide the medical
10 information required by the certificate within six days after
11 the birth.
12 ~~3~~ c. When a birth occurs outside an institution, the
13 certificate shall be prepared and filed by one of the
14 following in the indicated order of priority:
15 ~~a.~~ (1) The physician in attendance at or immediately after
16 the birth.
17 ~~b.~~ (2) Any other person in attendance at or immediately
18 after the birth.
19 ~~c.~~ (3) The father or the mother.
20 ~~d.~~ (4) The person in charge of the premises where the
21 birth occurred.
22 ~~4~~ d. In the case of a child born out of wedlock, the
23 certificate shall be filed directly with the state registrar.
24 e. In the case of a child born out of wedlock, an
25 affidavit of paternity filed pursuant to section 252A.3A shall
26 be filed directly with the state registrar.
27 2. If the mother was married either at the time of
28 conception or birth, the name of the husband shall be entered
29 on the certificate as the father of the child unless paternity
30 has been determined otherwise by a court of competent
31 jurisdiction, in which case the name of the father as
32 determined by the court shall be entered by the department.
33 3. If the mother was not married either at the time of
34 conception or birth, the name of the father shall not be
35 entered on the certificate of birth without the written

consent of the mother and the person to be named as the father, unless a determination of paternity has been made ~~by a court of competent jurisdiction~~ pursuant to section 252A.3, in which case the name of the father as ~~determined by the court~~ established shall be entered by the department.

4. The division shall make available to the child support recovery unit, upon request, a copy of a child's birth certificate, the social security numbers of the mother and the father, and a copy of the affidavit of paternity if provided pursuant to section 252A.3A.

Sec. 8. Section 144.40, Code 1993, is amended to read as follows:

144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK.

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, 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". ~~A fee established by the department by rule based on average administrative cost shall be collected for each certificate of birth amended to show paternity. Fees collected under this section shall be deposited in the general fund of the state.~~

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

NEW SUBSECTION. 11A. "State registrar" means state registrar as defined in section 144.1.

Sec. 10. Section 252A.3, subsection 9, Code 1993, is amended to read as follows:

9. The ~~natural~~ parents of a child born out of wedlock shall be severally liable for the support of the child, but the liability of the ~~natural~~ father shall not be enforceable

1 unless ~~the natural father has been adjudicated to be the~~
2 ~~child's father by a court of competent jurisdiction, or the~~
3 ~~natural father has acknowledged paternity of the child in open~~
4 ~~court or by written statement~~ paternity has been legally
5 established. Paternity may be established as follows:
6 a. By order of a court of competent jurisdiction or by
7 administrative order when authorized by state law.
8 b. By the statement of the person admitting paternity in
9 court and upon concurrence of the mother. If the mother was
10 married, at the time of birth or conception of the child, to
11 an individual other than the person admitting paternity, the
12 individual to whom the mother was married at the time of birth
13 or conception must deny paternity in order to establish the
14 paternity of the person admitting paternity upon the sole
15 basis of the admission.
16 c. By the filing of an affidavit of paternity executed on
17 or after July 1, 1993, as provided in section 252A.3A,
18 provided that the mother of the child was unmarried at the
19 time of birth and conception of the child or if the mother was
20 married at the time of birth or conception of the child, a
21 court of competent jurisdiction has determined that the
22 individual to whom the mother was married at that time is not
23 the father of the child.
24 Sec. 11. NEW SECTION. 252A.3A PATERNITY BY AFFIDAVIT.
25 1. Upon the birth of a child to a woman who was unmarried
26 at the time of birth and conception of the child, the
27 institution where the birth occurred shall provide the mother
28 and the individual alleged to be the father all of the
29 following:
30 a. Written information, available from the Iowa department
31 of public health and developed by the child support recovery
32 unit established in section 252B.2, explaining the
33 implications of filing the affidavit, parental rights and
34 responsibilities, and the benefits of establishing paternity.
35 b. Upon request, an affidavit of paternity form from the

1 Iowa department of public health to be completed by the
2 parties, or instructions regarding the process for obtaining a
3 form from the Iowa department of public health.
4 An institution is not required to assist in the completion
5 or filing of an affidavit of paternity except as provided
6 under subsection 2.
7 2. An institution may either voluntarily, or under an
8 agreement with the child support recovery unit, assist the
9 mother and the individual alleged to be the father in
10 completing an affidavit of paternity and submitting a
11 completed affidavit of paternity to the state registrar
12 accompanied by a copy of the birth certificate. A completed
13 affidavit of paternity shall contain or have attached all of
14 the following:
15 a. The signature of a notary public attesting to the
16 identity of the parties signing the affidavit of paternity.
17 b. A statement by the mother consenting to the assertion
18 of paternity and the identity of the father and acknowledging
19 that the mother was unmarried at the time of birth and
20 conception of the child.
21 c. A statement by the individual admitting paternity that
22 the individual is the father of the child.
23 d. The social security numbers of both persons signing the
24 affidavit.
25 3. The child support recovery unit may reimburse an
26 institution for the costs of administering the provisions of
27 this section if the institution has entered into a written
28 agreement with the child support recovery unit. Reimbursement
29 shall be based only on the number of affidavits submitted to
30 the state registrar that are completed in compliance with this
31 section and shall be limited to the lesser of actual costs or
32 twenty dollars for each affidavit filed. An institution
33 entering into an agreement for reimbursement shall assist the
34 parents of a child born out of wedlock in completing and
35 submitting an affidavit for paternity upon the request of the

1 parties and within ten days following the birth.
2 4. The mother and the individual admitting paternity of a
3 child born out of wedlock may directly obtain an affidavit of
4 paternity from the Iowa department of public health or the
5 child support recovery unit and complete and file the
6 affidavit of paternity with the state registrar, without
7 utilizing the services of an institution, provided that all
8 other requirements under this section are met. Upon the
9 request for an affidavit of paternity from the Iowa department
10 of public health or child support recovery unit, the Iowa
11 department of public health or child support recovery unit
12 shall also make available the information provided pursuant to
13 subsection 1.
14 5. If a court of competent jurisdiction has determined
15 that the husband of the mother at the time of birth or
16 conception is not the father of the child, the mother may
17 utilize the proceedings to establish paternity by affidavit
18 provided in this section with respect to unmarried mothers.
19 DIVISION IV
20 ADMINISTRATIVE ESTABLISHMENT OF PATERNITY
21 Sec. 12. NEW SECTION. 252F.1 DEFINITIONS.
22 As used in this chapter unless the context otherwise
23 requires:
24 1. "Administrator" means the administrator of the child
25 support recovery unit of the department of human services or
26 the administrator's designee.
27 2. "Mother" means a mother of the child for whom paternity
28 is being established.
29 3. "Paternity is at issue" means any of the following
30 conditions:
31 a. A child was not born or conceived within marriage.
32 b. A child was born or conceived within marriage but a
33 court has declared that the child is not the issue of the
34 marriage.
35 c. Paternity has been established by the filing of an

1 affidavit of paternity and the father is contesting paternity
2 within the statute of limitations period pursuant to section
3 600B.41, subsection 7.
4 4. "Paternity test" means and includes any form of blood,
5 tissue, or genetic testing administered to determine the
6 biological father of a child.
7 5. "Putative father" means a person alleged to be the
8 biological father of a child.
9 6. "Unit" means the child support recovery unit created in
10 section 252B.2.
11 Sec. 13. NEW SECTION. 252F.2 JURISDICTION.
12 In any case in which the unit is providing services
13 pursuant to chapter 252B and paternity is at issue,
14 proceedings may be initiated by the unit pursuant to this
15 chapter for the sole purpose of establishing paternity and any
16 accrued or accruing child support or medical support
17 obligations. Proceedings under this chapter are in addition
18 to other means of establishing paternity or support. Issues
19 in addition to establishment of paternity or support
20 obligations shall not be addressed in proceedings initiated
21 under this chapter.
22 An action to establish paternity and support under this
23 chapter may be brought within the time limitations set forth
24 in section 614.8.
25 Sec. 14. NEW SECTION. 252F.3 NOTICE OF ALLEGED PATERNITY
26 AND SUPPORT DEBT -- NEGOTIATION CONERENCE -- REQUEST FOR
27 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 statement to the unit verifying that
31 the putative father is or may be the biological father of the
32 child or children involved. The notice shall be accompanied
33 by a copy of the statement and served on the putative father
34 in accordance with rule of civil procedure 56.1. Service upon
35 the mother shall not constitute valid service upon the

1 putative father. The notice shall include all of the
2 following:
3 a. The name of the recipient of services under chapter
4 252B and the name and birth date of the child or children
5 involved.
6 b. A statement that the putative father has been named as
7 the biological father of the child or children named.
8 c. A statement that the amount of the putative father's
9 monthly support obligation and the amount of the support debt
10 accrued and accruing will be established in accordance with
11 the guidelines established in section 598.21, subsection 4,
12 and the criteria established pursuant to section 252B.7A.
13 d. A statement that the putative father has a duty to
14 provide accrued and accruing medical support to the child or
15 children in accordance with chapter 252E.
16 e. A directive that the putative father is to provide the
17 unit with all relevant financial information, as established
18 by rule of the department and requested in the notice, within
19 twenty days of the date of service or within ten days of the
20 date of the mailing of paternity test results to the putative
21 father if the father denies paternity.
22 f. (1) The right of the putative father to request a
23 negotiation conference with the unit to discuss the amount of
24 support that the putative father is required to pay, within
25 ten days of the date of service or within ten days of the date
26 of mailing of the paternity test results to the putative
27 father if the father denies paternity.
28 (2) A statement that if a negotiation conference is
29 requested, the putative father shall have ten days from the
30 date set for the negotiation conference or twenty days from
31 the date of service of the original notice, or ten days from
32 the date of the mailing of paternity test results to the
33 putative father if the father denies paternity, whichever is
34 later, to send a request for a hearing to the unit.
35 (3) A statement that after the holding of the negotiation

1 conference, the administrator may issue a new notice and
2 finding of financial responsibility for child support or
3 medical support, or both, to be sent to the putative father by
4 regular mail addressed to the putative father's last known
5 address.
6 (4) A statement that if the administrator issues a new
7 notice and finding of financial responsibility for child
8 support or medical support, or both, the putative father shall
9 have ten days from the date of issuance of the new notice or
10 twenty days from the date of service of the original notice,
11 or ten days from the date of the mailing of paternity test
12 results to the putative father if the father denies paternity,
13 whichever is later, to send a request for a hearing to the
14 unit.
15 g. A statement that if a negotiation conference is not
16 requested, and the putative father objects to the finding of
17 financial responsibility or the amount of child support or
18 medical support, or both, the putative father shall within
19 twenty days of the date of service or within ten days from the
20 date of the mailing of paternity test results to the putative
21 father if the father denies paternity, send a written response
22 setting forth any objections to the unit, requesting a
23 hearing.
24 h. A statement that if a timely written request for a
25 hearing on the issue of support is received by the unit, the
26 putative father shall have the right to a hearing to be held
27 in district court and that if no timely written request is
28 received and paternity is not denied, the administrator may
29 enter an order in accordance with the notice and finding of
30 financial responsibility for child support or medical support,
31 or both.
32 i. A statement of the rights and responsibilities
33 associated with the establishment of paternity.
34 j. A statement of the putative father's right to deny
35 paternity, the procedures for denying paternity, and the

1 consequences of the denial.
2 2. If notice is served on the putative father, the unit
3 shall file a true copy of the notice and the original return
4 of service with the clerk of the district court in the county
5 in which an order would be filed pursuant to section 252F.6.
6 The clerk shall file and docket the action.
7 3. If the putative father requests a hearing on the issue
8 of support, and if a timely written response setting forth
9 objections and requesting a hearing is received by the unit, a
10 hearing shall be held in district court on the issue of
11 support.
12 4. If a timely written response and request for hearing is
13 not received by the unit and the putative father does not deny
14 paternity, the administrator may enter an order in accordance
15 with section 252F.4 on the issue of support.
16 5. a. If the putative father denies paternity, the
17 putative father shall file a denial of paternity with the
18 clerk of the district court in the county where the original
19 notice was filed and shall send a copy of the written denial
20 to the unit. Upon receipt of a written denial of paternity,
21 the administrator shall enter an ex parte administrative order
22 requiring the mother, child or children, and the putative
23 father to submit to paternity testing. The order shall be
24 filed with the clerk of the district court in the county where
25 the original notice was filed.
26 b. If the putative father has signed an affidavit of
27 paternity pursuant to section 252A.3A within the three-year
28 period prior to the receipt of notice, and the putative father
29 contests paternity, the putative father shall pay all costs of
30 the paternity testing.
31 c. If a paternity test is required under this section, the
32 administrator shall direct that inherited characteristics,
33 including but not limited to blood types, be analyzed and
34 interpreted, and shall appoint an expert qualified as an
35 examiner of genetic markers to analyze and interpret the

1 results and report the results to the administrator.
2 d. The putative father shall be provided one opportunity
3 to reschedule the paternity testing appointment if the testing
4 is rescheduled prior to the date of the originally scheduled
5 appointment.
6 e. An original copy of the test results shall be sent to
7 the clerk of the district court in the county where the
8 original notice was filed, and a copy shall be sent to the
9 administrator and to the putative father.
10 f. Verified documentation of the chain of custody of the
11 blood specimens is competent evidence to establish the chain
12 of custody.
13 g. A verified expert's report shall be a sufficient basis
14 for administrative establishment of paternity.
15 h. Test results which show a statistical probability of
16 paternity are a sufficient basis for administrative
17 establishment of paternity.
18 i. If the expert concludes that the test results show that
19 the putative father is not excluded and that the probability
20 of the putative father's paternity is ninety-five percent or
21 higher, there shall be a rebuttable presumption that the
22 putative father is the biological father, and the evidence
23 shall be sufficient as a basis for administrative
24 establishment of paternity.
25 j. Upon receipt of the paternity test results, if the
26 putative father does not challenge results which indicate a
27 probability of paternity of ninety-five percent or greater,
28 the unit shall schedule a conference to be held no sooner than
29 ten days after the date of the mailing of the paternity test
30 results by regular mail. The putative father may request
31 rescheduling of the conference if the rescheduled conference
32 is held within five working days of the date of the originally
33 scheduled conference.
34 k. If the paternity test results indicate a probability of
35 paternity of ninety-five percent or greater and the putative

1 father wishes to challenge the presumption of paternity, the
2 putative father shall file a written notice of the challenge
3 with the district court and an application for review by the
4 district court within twenty days of the filing of the
5 expert's report with the clerk of the district court or within
6 ten days after the scheduled date of the conference, whichever
7 occurs later.
8 (1) The party challenging the presumption of paternity has
9 the burden of proving that the putative father is not the
10 father of the child.
11 (2) The presumption of paternity may be rebutted only by
12 clear and convincing evidence.
13 l. If the expert concludes that the test results indicate
14 that the putative father is not excluded and that the
15 probability of the putative father's paternity is less than
16 ninety-five percent, test results shall be weighed along with
17 other evidence of paternity. To challenge the test results, a
18 party shall file a written notice of the challenge with the
19 clerk of the district court within twenty days of the filing
20 of the expert's report and shall send a copy of the written
21 notice to any other party. The administrator may then order a
22 second test or certify the case to the district court for
23 resolution.
24 m. If the paternity test results exclude the putative
25 father as a potential biological father of the child, and
26 additional tests are not requested by either party, the unit
27 shall withdraw its action against the putative father and
28 shall file a notice of the withdrawal with the clerk of the
29 district court.
30 n. If the results of the test or the expert's analysis are
31 disputed, the administrator, upon the request of a party or
32 upon the unit's own initiative, shall order that an additional
33 test be performed by the same laboratory or an independent
34 laboratory, at the expense of the party requesting additional
35 testing.

1 Sec. 15. NEW SECTION. 252F.4 ENTRY OF ORDER.
2 1. If the putative father fails to respond to the initial
3 notice within twenty days after the date of service of the
4 notice or fails to appear at the negotiation conference
5 pursuant to section 252F.3 on the scheduled date of the
6 conference, the administrator may enter an order against the
7 putative father, declaring the putative father to be the
8 biological father and assessing the support obligation and
9 accrued and accruing child support pursuant to the guidelines
10 established under section 598.21, subsection 4, and medical
11 support pursuant to chapter 252E against the father.
12 2. If the putative father fails to appear for a paternity
13 test and fails to request a rescheduling pursuant to section
14 252F.3, or fails to appear for both the initial and the
15 rescheduled paternity tests, the administrator may enter an
16 order against the putative father declaring the putative
17 father to be the biological father of the child and assessing
18 the support obligation and accrued and accruing child support
19 pursuant to the guidelines established under section 598.21,
20 subsection 4, and medical support pursuant to chapter 252E
21 against the father.
22 3. If the putative father appears at a negotiation
23 conference, the administrator may enter an order against the
24 putative father ten days after the second notice has been sent
25 declaring the putative father to be the biological father of
26 the child and assessing the support obligation and accrued and
27 accruing child support pursuant to the guidelines established
28 under section 598.21, subsection 4, and medical support
29 pursuant to chapter 252E against the father.
30 4. The administrator shall establish a support obligation
31 under this section based upon the best information available
32 to the unit and pursuant to section 252B.7A.
33 5. The order shall contain all of the following:
34 a. A declaration of paternity.
35 b. The amount of monthly support to be paid, with

1 direction as to the manner of payment.
2 c. The amount of accrued support.
3 d. The name of the custodial parent or caretaker.
4 e. The name and birth date of the child or children to
5 whom the order applies.
6 f. A statement that property of the putative father is
7 subject to income withholding, liens, garnishment, tax offset,
8 and other collection actions.
9 g. The medical support required pursuant to chapter 598
10 and chapter 252E.
11 6. If the putative father does not deny paternity but does
12 wish to challenge the issues of child or medical support, the
13 administrator may enter an order establishing paternity and
14 reserving the issues of child or medical support for
15 determination by the district court.
16 Sec. 16. NEW SECTION. 252F.5 CERTIFICATION TO DISTRICT
17 COURT.
18 1. Actions initiated under this chapter are not subject to
19 contested case proceedings or further review pursuant to
20 chapter 17A.
21 2. An action under this chapter may be certified to the
22 district court if a party challenges the administrator's
23 finding of paternity, or the amount of support, or both.
24 Review by the district court shall be an original hearing
25 before the court.
26 3. In any action brought under this chapter, the action
27 shall not be certified to the district court in a contested
28 paternity action unless all of the following have occurred:
29 a. Paternity testing has been completed.
30 b. The results of the paternity test have been sent to the
31 putative father.
32 c. A written objection to the entry of an order has been
33 received from the putative father.
34 4. A matter shall be certified to the district court in
35 the county in which the child or children reside or, if the

1 matter is the result of a foreign judgment from another state,
2 the matter shall be filed in the county in which the putative
3 father resides.
4 5. The court shall set the matter for hearing and notify
5 the parties of the time of and place for hearing.
6 6. If the court determines that the putative father is the
7 biological father, the court shall establish the amount of the
8 monthly support payment and the accrued and accruing child
9 support pursuant to the guidelines established under section
10 598.21, subsection 4, and shall establish medical support
11 pursuant to chapter 252E.
12 7. If a party fails to appear at the hearing, upon a
13 showing that proper notice has been provided to the party, the
14 court may find the party in default and enter an appropriate
15 order.
16 Sec. 17. NEW SECTION. 252F.6 FILING WITH THE DISTRICT
17 COURT.
18 Following issuance of an order by the administrator, the
19 order shall be presented to an appropriate district court
20 judge for review and approval. Unless a defect appears on the
21 face of the order, the district court shall approve the order.
22 Upon approval by the district court judge, the order shall be
23 filed in the district court in the county in which the child
24 or children reside or, if the order is the result of a foreign
25 judgment, the order shall be filed in the county in which the
26 putative father resides. Upon filing, the order has the same
27 force and effect as a district court order.
28 Sec. 18. NEW SECTION. 252F.7 REPORT TO VITAL STATISTICS.
29 Upon the filing of an order with the district court
30 pursuant to this chapter, the clerk of the district court
31 shall report the information from the order to the bureau of
32 vital statistics in the manner provided in section 600B.36.
33 Sec. 19. Section 600B.41, subsection 7, paragraph a,
34 unnumbered paragraph 1, Code 1993, is amended to read as
35 follows:

1 Notwithstanding section 598.21, subsection 8, paragraph
2 "k", the establishment of paternity by court order, including
3 a court order based on an administrative establishment of
4 paternity, or by affidavit may be overcome if all of the
5 following conditions are met:
6 DIVISION V
7 ADMINISTRATIVELY INSTITUTED SUSPENSIONS OF SUPPORT
8 Sec. 20. NEW SECTION. 252B.20 SUSPENSION OF SUPPORT.
9 1. If the unit is providing child support enforcement
10 services pursuant to chapter 252B, the parents of a dependent
11 child for whom support has been ordered pursuant to chapter
12 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly
13 request the assistance of the unit in suspending the
14 obligation for support if all of the following conditions
15 exist:
16 a. The parents have reconciled and are cohabiting, and the
17 child for whom support is ordered is living in the same
18 residence as the parents, or the child is currently residing
19 with the parent who is ordered to pay support.
20 b. The person entitled to receive support and the child
21 for whom support is ordered are not receiving public
22 assistance pursuant to chapter 239, 249A, or a comparable law
23 of a foreign jurisdiction, unless the person against whom
24 support is ordered is also receiving public assistance under
25 the same household grant as the child.
26 c. The parents have signed a notarized affidavit attesting
27 to the conditions under paragraphs "a" and "b", have consented
28 to suspension of the support order, and have submitted the
29 affidavit to the unit.
30 d. No prior request for suspension has been filed with the
31 unit during the two-year period preceding the request.
32 e. Any other criteria established by rule of the
33 department.
34 2. Upon receipt of the application for suspension and
35 properly executed and notarized affidavit, the unit shall

1 review the application and affidavit to determine that the
2 necessary criteria have been met. The unit shall then do one
3 of the following:
4 a. Deny the request and notify the parents in writing that
5 the application is being denied, providing reasons for the
6 denial and notifying the parents of the right to proceed
7 through private counsel. Denial of the application is not
8 subject to contested case proceedings or further review
9 pursuant to chapter 17A.
10 b. Approve the request and prepare an order which shall be
11 submitted, along with the affidavit, to a judge of a district
12 court for approval, suspending the accruing support
13 obligation.
14 3. An order approved by the court for suspension of an
15 accruing support obligation is effective upon the date of
16 filing of the suspension order.
17 4. An order suspending an accruing support obligation
18 entered by the court pursuant to this section shall be
19 considered a temporary order for the period of six months from
20 the date of filing of the suspension order.
21 5. During the six-month period the unit may request that
22 the court reinstate the accruing support order if any of the
23 following conditions exist:
24 a. Upon application to the unit by either parent or other
25 person who has physical custody of the child.
26 b. Upon the receipt of public assistance benefits,
27 pursuant to chapter 239, 249A, or a comparable law of a
28 foreign jurisdiction, by the person entitled to receive
29 support and the child on whose behalf support is paid,
30 provided that the person owing the support is not also
31 receiving public assistance under the same public assistance
32 grant as the child.
33 6. Upon filing of an application for reinstatement,
34 service of the application shall be made either in person or
35 by first class mail upon both parents. Within ten days

1 following the date of service, the parents may file a written
2 objection with the clerk of the district court to the entry of
3 an order for reinstatement.
4 a. If no objection is filed, the court may enter an order
5 reinstating the accruing support obligation without additional
6 notice.
7 b. If an objection is filed, the clerk of court shall set
8 the matter for hearing and send notice of the hearing to both
9 parents and the unit.
10 7. The reinstatement is effective as follows:
11 a. For reinstatements initiated under subsection 5,
12 paragraph "a", the date the notices were served on both
13 parents pursuant to subsection 6.
14 b. For reinstatements initiated under subsection 5,
15 paragraph "b", the date the child began receiving public
16 assistance benefits during the suspension of the obligation.
17 c. Support which became due during the period of
18 suspension but prior to the reinstatement is waived and not
19 due and owing.
20 8. If the order suspending a support obligation has been
21 on file with the court for a period exceeding six months, the
22 order becomes final by operation of law and terminates the
23 support obligation, and thereafter, a party seeking to
24 establish a support obligation against either party shall
25 bring a new action for support as provided by law.
26 9. This section shall not limit the rights of the parents
27 or the unit to proceed by other means to suspend, terminate,
28 modify, reinstate, or establish support.
29 10. This section does not provide for the suspension,
30 waiver, satisfaction, or retroactive modification of support
31 obligations which accrued prior to the entry of an order
32 suspending enforcement and collection of support pursuant to
33 this section.
34 11. Nothing in this section shall prohibit or limit the
35 unit or a party entitled to receive support from enforcing and

1 collecting any unpaid support that accrued prior to the
2 suspension of the accruing obligation.
3 DIVISION VI
4 CONTEMPT OF COURT
5 Sec. 21. Section 252B.1, Code 1993, is amended by adding
6 the following new subsection:
7 NEW SUBSECTION. 4A. "Obligor" means the person legally
8 responsible for the support of a child as defined in section
9 598.1 under a support order issued in this state or a foreign
10 jurisdiction.
11 Sec. 22. NEW SECTION. 252B.21 ADMINISTRATIVE SEEK
12 EMPLOYMENT ORDERS.
13 1. For any support order being enforced by the unit, the
14 administrator 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 unit shall file a copy of the order
19 with the clerk of the district court.
20 2. The order to seek employment shall contain directives,
21 including all of the following:
22 a. That the obligor seek employment within a determinate
23 amount of time.
24 b. That the obligor file with the unit and the clerk of
25 the district court on a weekly basis, in the county where the
26 support order is entered, a report of at least five new
27 attempts to find employment or of having found employment.
28 The obligor shall report to the unit and the clerk of the
29 district court, in writing, on at least a weekly basis, the
30 names, addresses, and the telephone numbers of any employers
31 or businesses with whom the obligor attempted to seek
32 employment and the name of the individual contact to whom the
33 obligor made application for employment or to whom an inquiry
34 was directed.
35 c. That failure to comply with the notice is evidence of a

1 willful failure to pay support under section 598.23A.
2 d. That the obligor shall provide the child support
3 recovery unit and the clerk of the district court with
4 verification of any reason for noncompliance with the order.
5 e. The duration of the order, not to exceed three months.
6 3. The department may establish additional criteria or
7 requirements relating to seek employment orders by rule as
8 necessary to implement this section.
9 Sec. 23. Section 598.23A, subsection 1, Code 1993, is
10 amended to read as follows:
11 1. If a person against whom an order or decree for support
12 has been entered pursuant to this chapter or chapter 234,
13 252A, 252C, 252F, 600B, or any other support chapter, or a
14 comparable chapter of a foreign jurisdiction, fails to make
15 payments or provide medical support pursuant to that order or
16 decree, the person may be cited and punished by the court for
17 contempt under section 598.23 or this section. Failure to
18 comply with a seek employment order entered pursuant to
19 section 252B.21 is evidence of willful failure to pay support.
20 Sec. 24. Section 598.23A, subsection 2, Code 1993, is
21 amended by striking the subsection and inserting in lieu
22 thereof the following:
23 2. If a person is cited for contempt, the court may do
24 either of the following:
25 a. Require the posting of a cash bond, within seven
26 calendar days, in an amount equivalent to the current
27 arrearages and an additional amount which is equivalent to at
28 least twelve months of future support obligations. If the
29 arrearages are not paid within three months of the hearing,
30 the bond shall be automatically forfeited to cover payment of
31 the full portion of the arrearages and the portion of the bond
32 representing future support obligations shall be automatically
33 forfeited to cover future support payments as payments become
34 due.
35 b. (1) Require the performance of community service work

1 of up to twenty hours per week for six weeks for each finding
2 of contempt. The contemnor may, at any time during the six-
3 week period, apply to the court to be released from the
4 community service work requirement under any of the following
5 conditions:
6 (a) The contemnor provides proof to the court that the
7 contemnor is gainfully employed and submits to an order for
8 income withholding pursuant to chapter 252D or to a court-
9 ordered wage assignment.
10 (b) The contemnor provides proof of payment of an amount
11 equal to at least six months' child support. The payment does
12 not relieve the contemnor's obligation for arrearages or
13 future payments.
14 (c) The contemnor provides proof to the court that,
15 subsequent to entry of the order, the contemnor's
16 circumstances have so changed that the contemnor is no longer
17 able to fulfill the terms of the community service order.
18 (2) The contemnor shall report in writing to the court the
19 following information on a weekly basis while subject to the
20 community service requirements:
21 (a) The duties performed as community service in the
22 previous week.
23 (b) The number of hours of community service performed in
24 the previous week.
25 (c) The name, address, and telephone number of the person
26 supervising or arranging for the performance of the community
27 service.
28 (3) The performance of community service does not relieve
29 the contemnor of any unpaid accrued or accruing support
30 obligation.
31 DIVISION VII
32 CHILD SUPPORT REFEREE AUTHORIZATION
33 Sec. 25. NEW SECTION. 602.6608 CHILD SUPPORT REFEREE.
34 1. The chief judge may appoint and may remove for cause
35 with due process a referee to preside over child support

1 proceedings.
2 2. Qualifications for a referee appointed under this
3 section include, at a minimum, all of the following:
4 a. The referee shall be an attorney currently licensed to
5 practice law in the state.
6 b. The referee shall have at least five years of
7 experience in the practice of law.
8 c. The referee shall have at least two years of experience
9 in the practice of family law, including experience in the
10 area of child support, in the state of Iowa.
11 3. Duties of the referee are limited to presiding over
12 child and medical support proceedings which are delegated to
13 the referee by the chief judge or jointly by the chief judges
14 of the affected judicial districts if the referee is
15 authorized to preside over proceedings in more than one
16 judicial district.
17 4. The compensation of the referee shall be established by
18 the court.
19 DIVISION VIII
20 RELEASE OF INFORMATION
21 Sec. 26. Section 252B.9, Code 1993, is amended by adding
22 the following new subsection:
23 NEW SUBSECTION. 1A. Notwithstanding other statutory pro-
24 visions to the contrary, including but not limited to chapters
25 22 and 217, as the chapters relate to confidentiality of
26 records maintained by the department, the payment records of
27 the collection services center maintained under section
28 252B.13A are public records only as follows:
29 a. Payment records of the collection services center which
30 are maintained pursuant to chapter 598 are public records and
31 may be released upon request.
32 b. Except as otherwise provided in subsection 1, the
33 department shall not release details related to payment
34 records or provide alternative formats for release of the
35 information, with the following additional exceptions:

1 (1) The unit or collection services center may provide
2 additional detail or present the information in an alternative
3 format to an individual or to the individual's legal repre-
4 sentative if the individual owes or is owed a support obliga-
5 tion, to an agency assigned the obligation as the result of
6 receipt by a party of public assistance, to an agency charged
7 with enforcing child support pursuant to Title IV-D of the
8 federal Social Security Act, or to the court.
9 (2) For support orders entered in Iowa which are being
10 enforced by the unit, the unit may compile and make available
11 for publication a listing of cases in which no payment has
12 been credited to an accrued or accruing support obligation
13 during a previous three-month period. Each case on the list
14 shall be identified only by the name of the support obligor,
15 the support obligor's court order docket or case number, the
16 county in which the obligor's support order is filed, and the
17 collection services center case numbers. The department shall
18 determine dates for the release of information, the specific
19 format of the information released, and the three-month period
20 used as a basis for identifying cases. The department may not
21 release the information more than twice annually. In
22 compiling the listing of cases, no prior public notice to the
23 obligor is required, but the unit may send notice annually by
24 first-class mail to the last known address of any individual
25 owing a support obligation which is being enforced by the
26 unit. The notice shall inform the individual of the
27 provisions of this subparagraph. Actions taken pursuant to
28 this subparagraph are not subject to review under chapter 17A,
29 and the lack of receipt of a notice does not prevent the unit
30 from proceeding in implementing this subparagraph.
31 (3) The provisions of subparagraph (2) may be applied to
32 support obligations entered in another state, at the request
33 of an initiating state if the initiating state has
34 demonstrated that the provisions of subparagraph (2) are not
35 in conflict with the laws of the state where the support

1 obligation is entered and the unit is enforcing the support
2 obligation. For the purposes of this subparagraph,
3 "initiating state" means any child support enforcement agency
4 operating under the provisions of Title IV-D of the federal
5 Social Security Act.
6 c. The attorney general may utilize information of the
7 unit to secure, modify, or enforce a support obligation of an
8 individual, unless otherwise prohibited by federal law.
9 d. This subsection shall not permit or require the release
10 of information contained in the case records of the unit,
11 except to the extent provided in this section.
12 Sec. 27. Section 252B.9, subsection 2, Code 1993, is
13 amended to read as follows:
14 2. Except as otherwise provided in subsection 1, paragraph
15 "b", and in subsection 1A, information recorded by the
16 department pursuant to this section shall be available only to
17 the unit, attorneys prosecuting a case in which the unit may
18 participate according to sections 252B.5 and 252B.6, courts
19 having jurisdiction in support or abandonment proceedings, and
20 agencies in other states charged with support collection and
21 paternity determination responsibilities as determined by the
22 rules of the department and the provisions of Title IV of the
23 federal Social Security Act. However, information relating to
24 the location of an absent parent shall be made available,
25 pursuant to federal regulations, to a resident parent, legal
26 guardian, attorney, or agent of a child who is not receiving
27 assistance under Title IV-A of the federal Social Security
28 Act. Unless otherwise prohibited by federal statute or
29 regulation, the child support recovery unit shall release
30 information relating to an absent parent to another unit of
31 the department pursuant to a written request for the
32 information approved by the director.
33 DIVISION IX
34 SELF-EMPLOYED OBLIGORS
35 Sec. 28. Section 252B.5, Code 1993, is amended by adding

1 the following new subsection:
2 NEW SUBSECTION. 8. a. Assistance, in consultation with
3 the department of revenue and finance, in identifying and
4 taking action against self-employed individuals as identified
5 by the following conditions:
6 (1) The individual owes support pursuant to a court or
7 administrative order being enforced by the unit and is
8 delinquent in an amount equal to or greater than the support
9 obligation amount assessed for one month.
10 (2) The individual has filed a state income tax return in
11 the preceding twelve months.
12 (3) The individual has no reported tax withholding amount
13 on the most recent state income tax return.
14 (4) The individual has failed to enter into or comply with
15 a formalized repayment plan with the unit.
16 (5) The individual has failed to make either all current
17 support payments in accordance with the court or
18 administrative order or to make payments against any
19 delinquency in each of the preceding twelve months.
20 b. Notwithstanding section 252B.9, the unit may forward
21 information to the department of revenue and finance as
22 necessary to implement this subsection, including but not
23 limited to both of the following:
24 (1) The name and social security number of the individual.
25 (2) Support obligation information in the specific case,
26 including the amount of the delinquency.
27 Sec. 29. Section 421.17, Code 1993, is amended by adding
28 the following new subsections:
29 NEW SUBSECTION. 21A. To cooperate with the child support
30 recovery unit created in chapter 252B to establish and
31 maintain a process to implement the provisions of section
32 252B.5, subsection 8. The department of revenue and finance
33 shall forward to individuals meeting the criteria under
34 section 252B.5, subsection 8, paragraph "a", a notice by
35 first-class mail that the individual is obligated to file a

1 state estimated tax form and to remit a separate child support
2 payment.
3 a. Individuals notified shall submit a state estimated tax
4 form on a quarterly basis.
5 b. The individual shall pay monthly, the lesser of the
6 total delinquency or one hundred fifty percent of the current
7 or most recent monthly obligation.
8 c. The individual shall remit the payment to the
9 department of revenue and finance separate from any tax
10 liability payments, identify the payment as a support payment,
11 and make the payment payable to the collection services
12 center. The department shall forward all payments received
13 pursuant to this section to the collection services center
14 established pursuant to chapter 252B, for processing and
15 disbursement. The department of revenue and finance may
16 establish by rule a process for the child support recovery
17 unit or collection services center to directly receive the
18 payments.
19 d. The notice shall provide that, as an alternative to the
20 provisions of paragraph "b", the individual may contact the
21 child support recovery unit to formalize a repayment plan and
22 obtain an exemption from the quarterly payment requirement or
23 to contest the balance due listed in the notice when payments
24 are made pursuant to the plan.
25 e. The department of revenue and finance, in cooperation
26 with the child support recovery unit, may adopt rules, if
27 necessary, to implement this subsection.
28 NEW SUBSECTION. 21B. To provide information contained in
29 state individual tax returns to the child support recovery
30 unit for the purposes of establishment or enforcement of
31 support obligations. The department of revenue and finance
32 and child support recovery unit may exchange information in a
33 manual or automated fashion. The department of revenue and
34 finance, in cooperation with the child support recovery unit,
35 may adopt rules, if necessary, to implement this subsection.

1 DIVISION X
2 TECHNICAL AND CONFORMING PROVISIONS
3 Sec. 30. Section 252A.6, subsection 15, Code 1993, is
4 amended to read as follows:
5 15. Any order of support issued by a court of the state
6 acting as a responding state shall not supersede any previous
7 order of support issued in a divorce or separate maintenance
8 action, but the amounts for a particular period paid pursuant
9 to either order shall be credited against amounts accruing or
10 accrued for the same period under both. This subsection also
11 applies to orders entered following an administrative process
12 including, but not limited to, the administrative processes
13 provided pursuant to chapters 252C and 252F.
14 Sec. 31. Section 252B.3, unnumbered paragraph 1, Code
15 1993, is amended to read as follows:
16 Upon receipt by the department of an application for public
17 assistance on behalf of a child and determination by the
18 department that the child has been abandoned by its parents or
19 that the child and one parent have been abandoned by the other
20 parent or that the parent or other person responsible for the
21 care, support or maintenance of the child has failed or
22 neglected to give proper care or support to the child, the
23 department shall take appropriate action under the provisions
24 of this chapter or under other appropriate statutes of this
25 state including but not limited to chapters 239, 252A, 252F,
26 598, and 600B, to ensure that the parent or other person
27 responsible for the support of the child fulfills the support
28 obligation.
29 Sec. 32. Section 252B.4, unnumbered paragraph 1, Code
30 1993, is amended to read as follows:
31 The child support and paternity determination services
32 established by the department pursuant to this chapter and
33 other appropriate services provided by law including but not
34 limited to the provisions of chapters 239, 252A, 252C, 252D,
35 252E, 252F, 598, and 600B shall be made available by the unit

1 to an individual not otherwise eligible as a public assistance
2 recipient upon application by the individual for the services.
3 The application shall be filed with the department.
4 Sec. 33. Section 252B.5, subsections 2 and 3, Code 1993,
5 are amended to read as follows:
6 2. Aid in establishing paternity and securing a court or
7 administrative order for support pursuant to chapter 252A,
8 252F, or 600B.
9 3. Aid in enforcing through court or administrative
10 proceedings an existing court order for support issued
11 pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any
12 other chapter under which child or medical support is granted.
13 Sec. 34. Section 252B.14, unnumbered paragraph 1, Code
14 1993, is amended to read as follows:
15 All support payments required pursuant to orders entered
16 under this chapter and chapter 234, 252A, 252C, 252F, 598,
17 600B, or any other chapter shall be directed and processed as
18 follows:
19 Sec. 35. Section 252C.1, subsection 5, Code 1993, is
20 amended to read as follows:
21 5. "Dependent child" means a person who meets the
22 eligibility criteria established in chapter 234 or 239 and
23 whose support is required by chapter 234, 239, 252A, 252F,
24 598, or 600B.
25 Sec. 36. Section 252D.1, subsection 2, Code 1993, is
26 amended to read as follows:
27 2. If support payments ordered under chapter 232, 234,
28 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other
29 applicable chapter, or under a comparable statute of a foreign
30 jurisdiction, as certified to the child support recovery unit
31 established in section 252B.2, are not paid to the clerk of
32 the district court or the collection services center pursuant
33 to section 598.22 and become delinquent in an amount equal to
34 the payment for one month, upon application of a person
35 entitled to receive the support payments, the child support

1 recovery unit or the district court may enter an ex parte
2 order notifying the person whose income is to be assigned, of
3 the delinquent amount, of the amount of income or wages to be
4 withheld, and of the procedure to file a motion to quash the
5 order of assignment, and shall order an assignment of income
6 and notify an employer, trustee, or other payor by regular
7 mail, with proof of service completed according to rule of
8 civil procedure 82, of the order of the assignment of income
9 requiring the withholding of specified sums to be deducted
10 from the delinquent person's periodic earnings, trust income,
11 or other income sufficient to pay the support obligation and,
12 except as provided in section 598.22, requiring the payment of
13 such sums to the clerk of the district court or the collection
14 services center. The assignment of income is binding on an
15 existing or future employer, trustee, or other payor ten days
16 after the receipt of the order. The amount of an assignment
17 of income shall not exceed the amount specified in 15 U.S.C. §
18 1673(b). The assignment of income has priority over a
19 garnishment or an assignment for a purpose other than the
20 support of the dependents in the court order being enforced.
21 The child support recovery unit or the district court, upon
22 the application of any party, by ex parte order, may modify
23 the assignment of income on the full payment of the
24 delinquency or in an instance where the amount being withheld
25 exceeds the amount specified in 15 U.S.C. § 1673(b), or may
26 revoke the assignment of income upon the termination of
27 parental rights, emancipation, death or majority of the child,
28 or upon a change of custody.
29 Sec. 37. Section 252E.1, subsection 1, Code 1993, is
30 amended to read as follows:
31 1. "Child" means a person for whom child or medical
32 support may be ordered pursuant to chapter 234, 239, 252A,
33 252C, 252F, 598, 600B or any other chapter of the Code or
34 pursuant to a comparable statute of a foreign jurisdiction.
35 Sec. 38. Section 252E.2, Code 1993, is amended to read as

1 follows:
2 252E.2 ORDER FOR MEDICAL SUPPORT.
3 The entry of an order, pursuant to chapter 234, 252A, 252C,
4 252F, 598, 600B or any other chapter of the Code or pursuant
5 to a comparable statute of a foreign jurisdiction, requiring
6 the provision of coverage under a health benefit plan is
7 authorization for enrollment of the dependent if the dependent
8 is otherwise eligible to be enrolled. The dependent's
9 eligibility and enrollment for coverage under such a plan
10 shall be governed by all applicable terms and conditions,
11 including, but not limited to, eligibility and insurability
12 standards. The dependent, if eligible, shall be provided the
13 same coverage as the obligor.
14 Sec. 39. Section 598.21, subsection 8, unnumbered
15 paragraph 3, Code 1993, is amended to read as follows:
16 Judgments for child support or child support awards entered
17 pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B,
18 or any other chapter of the Code which are subject to a
19 modification proceeding may be retroactively modified only
20 from the date the notice of the pending petition for
21 modification is served on the opposing party.
22 Sec. 40. Section 598.22, unnumbered paragraph 1, Code
23 1993, is amended to read as follows:
24 Except as otherwise provided in section 598.22A, this
25 section applies to all initial or modified orders for support
26 entered under this chapter, chapter 234, 252A, 252C, 252F,
27 600B, or any other chapter of the Code. All orders or
28 judgments entered under chapter 234, 252A, 252C, 252F, or
29 600B, or under this chapter or any other chapter which provide
30 for temporary or permanent support payments shall direct the
31 payment of those sums to the clerk of the district court or
32 the collection services center in accordance with section
33 252B.14 for the use of the person for whom the payments have
34 been awarded. Payments to persons other than the clerk of the
35 district court and the collection services center do not

1 satisfy the support obligations created by the orders or
2 judgments, except as provided for trusts governed by the
3 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
4 tax refunds or rebates in section 602.8102, subsection 47, or
5 for dependent benefits paid to the child support obligee as
6 the result of disability benefits awarded to the child support
7 obligor under the federal Social Security Act. For trusts
8 governed by the federal Retirement Equity Act of 1984, Pub. L.
9 No. 98-397, the assignment of income shall require the payment
10 of such sums to the alternate payee in accordance with the
11 federal Act.
12 Sec. 41. Section 598.22A, subsection 3, Code 1993, is
13 amended to read as follows:
14 3. The court shall not enter an order for satisfaction of
15 payments not made through the clerk of the district court or
16 collection services center if those payments have been
17 assigned as a result of public funds expended pursuant to
18 chapter 234, 239, or 249A, or similar statutes in other states
19 and the support payments accrued during the months in which
20 public funds were expended. For any support payments which
21 accrued during the months in which public funds were not
22 expended, however, the court may enter an order for
23 satisfaction of payments not made through the clerk of the
24 district court or the collection services center if
25 documentation of the financial instrument used in the payment
26 of support is presented to the court and the parties to the
27 order submit a written affidavit confirming that the financial
28 instrument was used as payment for support.
29 Sec. 42. Section 602.8102, subsection 47, Code 1993, is
30 amended to read as follows:
31 47. Record support payments made pursuant to an order
32 entered under chapter 252A, 252F, 598, or 600B, or under a
33 comparable statute of a foreign jurisdiction and through
34 setoff of a state or federal income tax refund or rebate, as
35 if the payments were received and disbursed by the clerk;

1 forward support payments received under section 252A.6 to the
2 department of human services and furnish copies of orders and
3 decrees awarding support to parties receiving welfare
4 assistance as provided in section 252A.13.
5 Sec. 43. 1990 Iowa Acts, chapter 1224, section 1,
6 unnumbered paragraph 1, as amended by 1991 Iowa Acts, chapter
7 62, section 1, and 1992 Iowa Acts, chapter 1028, section 1, is
8 amended to read as follows:
9 In order to implement this Act, the department of human
10 services and the judicial department shall mutually agree on a
11 schedule to complete the transfer of support payment
12 collection and disbursement responsibilities from the
13 collection services center to the clerks of the district
14 court. The schedule shall provide for the completion of the
15 transfer of the responsibilities for all affected orders by
16 June 30, ~~1994~~ 1996. The following procedure shall be used for
17 any order affected by the initial transfer of
18 responsibilities:
19 Sec. 44. Section 252C.9, Code 1993, is repealed.
20 Sec. 45. INTENT -- APPOINTMENT OF REFEREE. It is the
21 intent of the general assembly that the costs associated with
22 the appointment of a referee pursuant to section 602.6608 be
23 defrayed using current funding.
24 Sec. 46. INTENT -- RELEASE OF RECORDS -- EFFECTIVE DATE.
25 It is the intent of the general assembly that the child
26 support recovery unit request review of division VIII of this
27 Act by the United States department of health and human
28 services and obtain federal approval prior to implementation
29 of these sections. Division VIII of this Act is effective
30 upon receipt of approval by the federal government. If
31 approval is not received and if implementation of the sections
32 would place the state at risk of loss of federal funding, the
33 division shall not be implemented.
34 Sec. 47. INTENT -- VISITATION RIGHTS. The judicial
35 department shall review the issue of compliance with

1 visitation rights awarded pursuant to section 598.41 and shall
2 make recommendations to the committee on judiciary of the
3 senate and the committee on judiciary and law enforcement of
4 the house of representatives by January 15, 1994, regarding
5 improvements in enforcement of and compliance with the
6 visitation rights awarded under a child custody order.
7 Sec. 48. RETROACTIVITY. Section 41 of this Act applies
8 retroactively to January 1, 1986.
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SENATE FILE 350

H-4188

1 Amend the amendment, H-3824, to Senate File 350, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 24, the
5 following:
6 "___. Page 9, by inserting after line 18 the
7 following:
8 "6. Paternity established by affidavit under this
9 section may be overcome as provided in section
10 252F.7A."
11 ___. Page 10, by striking line 3, and inserting
12 the following: "252F.7A.""
13 2. Page 2, by inserting after line 37, the
14 following:
15 ""Sec. ___. NEW SECTION. 252F.7A OVERCOMING
16 ESTABLISHMENT OF PATERNITY -- LIMITATIONS.
17 1. Notwithstanding section 598.21, subsection 8,
18 paragraph "k", and section 600B.41, subsection 7, the
19 administrative establishment of paternity or the
20 establishment of paternity by affidavit may be
21 overcome if all of the following conditions are met:
22 a. The court finds that the conclusion of the
23 expert as disclosed by the evidence based upon blood
24 or genetic tests demonstrates that the established
25 father is not the biological father of the child.
26 b. The action to overcome paternity is filed prior
27 to the child reaching majority.
28 c. Notice of the action to overcome paternity is
29 served on any parent of the child not initiating the
30 action and any assignee of the support judgment.
31 2. The court may order additional tests to be
32 conducted by the expert or an independent expert in
33 order to confirm a test upon which an expert concludes
34 that the established father is not the biological
35 father of the child.
36 3. If the court finds that the establishment of
37 paternity is overcome, in accordance with all of the
38 conditions prescribed, the established father is
39 relieved of all future support obligations owed on
40 behalf of the child.
41 4. The costs of testing and all court costs shall
42 be paid by the person bringing the action to overcome
43 paternity.
44 5. This section shall not be construed as a basis
45 for terminating an adoption decree or for discharging
46 the obligation of an adoptive father to an adopted
47 child pursuant to section 600B.5."
48 3. Page 3, by striking lines 4 through 11 and
49 inserting the following:
50 "___. By striking page 18, line 33, through page

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Page 2
1 19, line 5."
2 4. By renumbering as necessary.
By HALVORSON of Webster

H-4188 FILED APRIL 23, 1993
LOST

SENATE FILE 350

H-4185
1 Amend Senate File 350, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 33, by inserting after line 13 the
4 following:
5 "Sec. ___. Section 252H.2, unnumbered paragraph 1,
6 if enacted by 1993 Iowa Acts, Senate File 349, section
7 25, is amended to read as follows:
8 252H.2 DEFINITIONS.
9 As used in this chapter, unless the context
10 otherwise requires "administrator", "caretaker",
11 "court order", "department", "dependent child",
12 "medical support", ~~"public assistance",~~ and
13 "responsible person", mean the same as defined in
14 section 252C.1."
15 2. By renumbering and correcting internal
16 references as necessary.
By HAVERLAND of Polk

H-4185 FILED APRIL 23, 1993
ADOPTED

SENATE FILE 350

H-4187
1 Amend the amendment, H-4167, to Senate File 350, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking line 27 and inserting the
5 following:
6 "___. Page 35, by striking lines 5 through 18 and
7 inserting the".
8 2. By renumbering as necessary.
By McNEAL of Hardin

H-4187 FILED APRIL 23, 1993
ADOPTED

## SENATE FILE 350

H-4167

1 Amend Senate File 350, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 31, by striking lines 13 through 18 and
4 inserting the following:
5 "Sec. 101. Section 252B.13A, subsection 1, Code
6 1993, is amended to read as follows:
7 ~~1.~~ The department shall establish within the unit
8 a collection services center for the receipt and
9 disbursement of support payments as defined in section
10 598.1 as required ~~pursuant to an order for which the~~
11 ~~unit is providing enforcement services under this~~
12 ~~chapter~~ orders by section 252B.14. For purposes of
13 this section, support payments do not include attorney
14 fees, ~~or~~ court costs, or property settlements.
15 Sec. 102. Section 252B.13A, subsections 2 and 3,
16 Code 1993, are amended by striking the subsections.
17 Sec. 103. Section 252B.14, Code 1993, is amended
18 to read as follows:
19 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES
20 CENTER -- CLERK OF THE DISTRICT COURT.
21 ~~All support payments required pursuant to orders~~
22 ~~entered under this chapter and chapter 234, 252A,~~
23 ~~252C, 598, 600B, or any other chapter shall be~~
24 ~~directed and processed as follows:~~
25 1. For the purposes of this section, "support
26 order" includes any order entered pursuant to chapter
27 234, 252A, 252C, 598, 600B, or any other support
28 chapter or proceeding which establishes support
29 payments as defined in section 598.1.
30 ~~1.~~ 2. ~~If~~ For support orders being enforced by the
31 child support recovery unit ~~is providing enforcement~~
32 ~~services for a support order~~, support payments made
33 pursuant to the order shall be directed to and
34 ~~processed as follows:~~ disbursed by the collection
35 services center.
36 ~~a. Payments made through income withholding, wage~~
37 ~~assignment, unemployment insurance offset, or tax~~
38 ~~offset shall be directed to and disbursed by the~~
39 ~~collection services center.~~
40 ~~b. Payments made through electronic transfer of~~
41 ~~funds, including but not limited to use of an~~
42 ~~automated teller machine, a telephone initiated bank~~
43 ~~account withdrawal, or an automatic bank account~~
44 ~~withdrawal shall be directed to and disbursed by the~~
45 ~~collection services center.~~
46 ~~c. Payments made through any other method shall be~~
47 ~~directed to the clerk of the district court in the~~
48 ~~county in which the order for support is filed and~~
49 ~~shall be disbursed by the collection services center.~~
50 ~~2~~ 3. ~~If the child support recovery unit is not~~

1 ~~providing-enforcement-services-for-a-support-order~~ For
2 a support order as to which subsection 2 does not
3 apply, support payments made pursuant to the order
4 shall be directed to and disbursed by the clerk of the
5 district court in the county in which the order for
6 support is filed.
7 ~~3~~ 4. Payments to persons other than the clerk of
8 the district court or the collection services center
9 do not satisfy the support obligations created by a
10 support order or judgment, except as provided for
11 ~~trusts-and-social-security-income~~ in ~~section~~ sections
12 ~~252B.1,~~ 598.22~~,-or-598.23,-or-for-tax-refunds-or~~
13 ~~rebates-in-section-602.8102,-subsection-47,~~ and ~~except~~
14 ~~as-provided-in-section~~ 598.22A.
15 Sec. 104. Section 252B.15, subsections 1, 3, and
16 4, Code 1993, are amended by striking the subsections.
17 Sec. 105. Section 252B.16, Code 1993, is amended
18 by adding the following new subsection:
19 NEW SUBSECTION. 3. Once the responsibility for
20 receiving and disbursing support payments has been
21 transferred from a clerk of the district court to the
22 collection services center, the responsibility shall
23 remain with the collection services center even if the
24 child support recovery unit is no longer providing
25 enforcement services, unless redirected by court
26 order."
27 2. Page 35, by inserting after line 4 the
28 following:
29 "Sec. 106. Section 642.23, Code 1993, is amended
30 to read as follows:
31 642.23 SUPPORT DISBURSEMENTS BY THE CLERK.
32 Notwithstanding the seventy-day period in section
33 626.16 for the return of an execution in garnishment
34 for the payment of a support obligation, the sheriff
35 shall promptly deposit any amounts collected with the
36 clerk of the district court, and the clerk shall
37 disburse the amounts, after subtracting applicable
38 fees, within ~~ten~~ two working days of ~~deposit-to~~ the
39 filing of an order condemning funds as follows:
40 a. To the person entitled to the support payments
41 when the clerk of the district court is the official
42 entity responsible for the receipt and disbursement of
43 support payments pursuant to section 252B.14.
44 b. To the collection services center when the
45 collection services center is the official entity
46 responsible for the receipt and disbursement of
47 support payments pursuant to section 252B.14."
48 3. Page 35, by inserting after line 19, the
49 following:
50 "Sec. 107. REPEAL. 1990 Iowa Acts, chapter 1224,

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Page 3
1 section 1, as amended by 1991 Iowa Acts, chapter 62,
2 section 1, and 1992 Iowa Acts, chapter 1028, section
3 1, is repealed."
4 4. Page 35, by inserting after line 33 the
5 following:
6 "Sec. ___. EFFECTIVE DATE. Sections 101 through
7 107 of this Act, being deemed of immediate importance,
8 take effect upon enactment."
9 5. By renumbering as necessary.

By McNEAL of Hardin
HAVERLAND of Polk

H-4167 FILED APRIL 22, 1993
adopted 4/23/93 (P. 1637)

SENATE FILE 350

H-4158
1 Amend the amendment, H-3824, to Senate File 350, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 6, by striking line 21 and inserting the
5 following:
6 "___. By striking page 32, line 35 through page
7 33, line 13.
8 ___. Page 33, by inserting before line 14 the"."
9 2. By renumbering as necessary.

By HAVERLAND of Polk

H-4158 FILED APRIL 22, 1993
adopted 4/23/93 (P. 1632)

SENATE FILE 350

H-4118

1 Amend Senate File 350, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 10 through 12 and
4 inserting the following:
5 "1. "Compensation" means payment owed by the payor
6 of income for:
7 a. Labor or services rendered by an employee or
8 contractor to the payor of income."
9 2. Page 1, by inserting after line 16 the
10 following:
11 "1A. "Contractor" means a natural person who is an
12 independent contractor, including an independent
13 trucking owner or operator."
14 3. Page 1, by striking lines 19 through 22 and
15 inserting the following:
16 "a. The first day for which the employee or
17 contractor is owed compensation by the payor of
18 income.
19 b. The first day that an employee or contractor
20 reports to work or performs labor or services for the
21 payor of income."
22 4. Page 1, by striking lines 30 through 32 and
23 inserting the following: "employer in this state for
24 compensation and for whom the employer withholds
25 federal or state tax liabilities from the employee's
26 compensation."
27 5. By striking page 1, line 34 through page 2,
28 line 2 and inserting the following: "who engages an
29 employee for compensation and for whom the employer
30 withholds federal or state tax liabilities from the
31 employee's compensation."
32 6. Page 2, by inserting before line 3 the
33 following:
34 "7A. "Payor of income" includes both an employer
35 and a person doing business in the state who engages a
36 contractor for compensation."
37 7. Page 2, by striking lines 6 through 11 and
38 inserting the following:
39 "a. The first day for which the employee or
40 contractor is owed compensation by the payor of income
41 following an unpaid absence of a minimum of six
42 consecutive weeks.
43 b. The first day that an employee or contractor
44 reports to work or performs labor or services for the
45 payor of income following an unpaid absence of a
46 minimum of six consecutive weeks."
47 8. Page 3, by inserting after line 28, the
48 following:
49 "Sec. ___. NEW SECTION. 252G.3A ALTERNATIVE
50 REPORTING REQUIREMENTS -- PENALTY.

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Page 2

1 1. Beginning January 1, 1994, a payor of income to
2 whom section 252G.3 is inapplicable, who engages a
3 contractor on or after January 1, 1994, shall report
4 all of the following to the registry within ten days
5 of hiring or rehiring of a contractor:
6 a. The name, address, and federal identification
7 number of the payor of income.
8 b. The contractor's name, address, social security
9 number, and if known, the contractor's date of birth.
10 2. Payors of income to whom section 252G.3 is
11 inapplicable shall report under this section only when
12 all of the following conditions are met.
13 a. The contractor is not being engaged for the
14 sole purpose of performing services on the residential
15 property of the payor of income.
16 b. Payment of income under the contract is
17 reasonably expected to equal or exceed one thousand
18 dollars in any twelve-month period.
19 c. The contractor will perform labor or services
20 for a minimum period of two months.
21 3. A payor of income required to report under this
22 section may report the information required under
23 subsection 1 by any written means authorized by the
24 unit which results in timely reporting.
25 4. Information reported under this section shall
26 be received and maintained as provided in section
27 252G.2.
28 5. A payor of income required to report under this
29 section who fails to report is subject to the penalty
30 provided in section 252G.3, subsection 4."
31 9. By renumbering as necessary.

By PLASIER of Sioux
ERTL of Dubuque

H-4118 FILED APRIL 21, 1993

adopted
4/23/93
(p. 1634)

## SENATE FILE 350

H-4089

1 Amend the amendment, H-3824, to Senate File 350, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 3 the
5 following:
6 "___. Page 18, line 33, by striking the words
7 "paragraph a,".
8 ___. By striking page 18, line 34, through page
9 19, line 5, and inserting the following: "Code 1993,
10 is amended by striking the subsection and inserting in
11 lieu thereof the following:
12 7. a. Notwithstanding section 598.21, subsection
13 8, paragraph "k", the establishment of paternity by
14 court order, including a court order based on
15 administrative establishment of paternity, or by
16 affidavit, may be overcome if all of the following
17 conditions are met:
18 (1) The court finds that the conclusion of the
19 expert as disclosed by the evidence based upon blood
20 or genetic tests demonstrates that the established
21 father is not the biological father of the child.
22 (2) The action to overcome paternity is filed
23 prior to the child reaching majority.
24 (3) Notice of the action to overcome paternity is
25 served on any parent of the child not initiating the
26 action and any assignee of the support judgment.
27 b. The court may order additional tests to be
28 conducted by the expert or an independent expert in
29 order to confirm a test upon which an expert concludes
30 that the established father is not the biological
31 father of the child.
32 c. If the court finds that the establishment of
33 paternity is overcome, in accordance with all of the
34 conditions prescribed, the established father is
35 relieved of all future support obligations owed on
36 behalf of the child.
37 d. The costs of testing and all court costs shall
38 be paid by the person bringing the action to overcome
39 paternity.
40 e. This subsection shall not be construed as a
41 basis for terminating an adoption decree or for
42 discharging the obligation of an adoptive father to an
43 adopted child pursuant to section 600B.5.""
44 2. Page 3, by striking lines 4 through 11.
45 3. By renumbering as necessary.

By HALVORSON of Webster
CORBETT of Linn

H-4089 FILED APRIL 20, 1993

Not Germane
4/23/93
(P. 1631)

SENATE FILE 350

H-4053

1 Amend the amendment, H-3824, to Senate File 350, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 7 through 11, and
5 inserting the following: "paragraphs a and d, Code
6 1993, are amended to read as follows:
7 a. Notwithstanding section 598.21, subsection 8,
8 paragraph "k", the establishment of paternity by court
9 order may be overcome if all of the following
10 conditions are met:
11 ~~(1)--Prior-blood-or-genetic-tests-have-not-been~~
12 ~~performed-to-establish-paternity-of-the-child.~~
13 ~~(2)--The-court-finds-that-it-is-in-the-best~~
14 ~~interest-of-the-child-to-overcome-the-establishment-of~~
15 ~~paternity.--In-determining-the-best-interest-of-the~~
16 ~~child,-the-court-shall-consider-the-possibility-of~~
17 ~~establishing-actual-paternity-of-the-child.~~
18 ~~(3)~~ (1) The court finds that the conclusion of the
19 expert as disclosed by the evidence based upon blood
20 or genetic tests demonstrates that the established
21 father is not the biological father of the child.
22 ~~(4)--The-action-to-overcome-paternity-is-filed-no~~
23 ~~later-than-three-years-after-the-entry-of-an-order-of~~
24 ~~paternity.~~
25 ~~(5)~~ (2) The action to overcome paternity is filed
26 prior to the child reaching majority.
27 ~~(6)~~ (3) Notice of the action to overcome paternity
28 is served on any parent of the child not initiating
29 the action and any assignee of the support judgment.
30 ~~(7)--A-guardian-ad-litem-is-appointed-for-the~~
31 ~~child.~~
32 d. The costs of testing~~,-the-fee-of-the-guardian~~
33 ~~ad-litem,~~ and all court costs shall be paid by the
34 person bringing the action to overcome paternity."

By HALVORSON of Webster

H-4053 FILED APRIL 19, 1993

WITHDRAWN
4/23/93

(p. 1631)

**SENATE FILE 350**

3997

Amend the amendment, H-3824, to Senate File 350, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 35 and 36, and inserting the following:

"___. Page 11, by striking line 23 and inserting the following: "conference with the unit to discuss paternity establishment and the amount of"."

2. Page 1, by striking lines 41 and 42, and inserting the following:

"___. Page 11, by striking lines 33 and 34, and inserting the following: "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.""

3. Page 1, by striking lines 45 and 46, and inserting the following:

"___. Page 12, by striking lines 12 and 13 and inserting the following: "results 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"."

4. Page 1, by inserting after line 48, the following:

"___. Page 12, by striking lines 21 through 23 and inserting the following: "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.""

5. Page 1, by inserting before line 49 the following:

"___. Page 13, by inserting after line 1 the following:

"1A. 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.""

6. Page 2, by striking lines 9 and 10 and inserting the following:

"___. Page 13, by striking lines 17 through 19 and inserting the following: "putative father shall submit, within twenty days of service of the notice under subsection 1, a written denial of paternity"."

7. Page 2, by inserting after line 20 the following:

"___. Page 14, by striking lines 25 through 33."

8. Page 2, by inserting after line 26 the following:

"___. Page 16, by inserting after line 29 the

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Page 2
1 following:
2 "3A. If paternity testing was performed and the
3 putative father was not excluded, and the putative
4 father fails to timely challenge paternity testing,
5 the administrator may enter an order against the
6 putative father declaring the putative father to be
7 the biological father of the child and assessing the
8 support obligation and accrued and accruing child
9 support pursuant to the guidelines established under
10 section 598.21, subsection 4, and medical support
11 pursuant to chapter 252E against the father.""
12 9. By renumbering as necessary.

By HAVERLAND of Polk

H-3997 FILED APRIL 15, 1993
ADOPTED

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**SENATE FILE 350**

**H-4003**
1 Amend the amendment, H-3824, to Senate File 350, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 4, line 1, through page 6,
5 line 20.
6 2. By striking page 7, line 5, through page 8,
7 line 3.
8 3. By renumbering as necessary.

By McNEAL of Hardin

**H-4003** FILED APRIL 15, 1993
adopted 4-21-93 (p. 1521)

**SENATE FILE 350**

**H-4009**
1 Amend the amendment, H-3824, to Senate File 350, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 8, by striking lines 4 and 5.
5 2. By renumbering as necessary.

By HANSEN of Woodbury
HALVORSON of Webster

**H-4009** FILED APRIL 15, 1993
adopted 4/23/93 (p. 1632)

SENATE FILE 350

H-3974

1 Amend the amendment, H-3824, to Senate File 350, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 35 and 36, and
5 inserting the following:
6 "___. Page 11, by striking line 23 and inserting
7 the following: "conference with the unit to discuss
8 paternity establishment and the amount of"."
9 2. Page 1, by striking lines 41 and 42, and
10 inserting the following:
11 "___. Page 11, by striking lines 33 and 34, and
12 inserting the following: "putative father if the
13 putative father no longer denies paternity, whichever
14 is later, to send a written request for a hearing on
15 the issue of support to the unit.""
16 3. Page 1, by striking lines 45 and 46, and
17 inserting the following:
18 "___. Page 12, by striking lines 12 and 13 and
19 inserting the following: "results to the putative
20 father if the putative father no longer denies
21 paternity, whichever is later, to send a written
22 request for a hearing on the issue of support to
23 the"."
24 4. Page 1, by inserting after line 48, the
25 following:
26 "___. Page 12, by striking lines 21 through 23
27 and inserting the following: "father if the putative
28 father no longer denies paternity, whichever is later,
29 to send a written request for a hearing on the issue
30 of support to the unit.""
31 5. Page 1, by inserting before line 49 the
32 following:
33 "___. Page 13, by inserting after line 1 the
34 following:
35 "1A. The time limitations established for the
36 notice provisions under subsection 1 are binding
37 unless otherwise specified in this chapter or waived
38 by the putative father pursuant to section 252F.8.""
39 6. Page 2, by striking lines 9 and 10 and
40 inserting the following:
41 "___. Page 13, by striking lines 17 through 19
42 and inserting the following: "putative father shall
43 submit, within twenty days of service of the notice
44 under subsection 1, a written device of paternity"."
45 7. Page 2, by inserting after line 20 the
46 following:
47 "___. Page 14, by striking lines 25 through 33."
48 8. Page 2, by inserting after line 26 the
49 following:
50 "___. Page 16, by inserting after line 29 the

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Page 2
1 following:
2 "3A. If paternity testing was performed and the
3 putative father was not excluded, and the putative
4 father fails to timely challenge paternity testing,
5 the administrator may enter an order against the
6 putative father declaring the putative father to be
7 the biological father of the child and assessing the
8 support obligation and accrued and accruing child
9 support pursuant to the guidelines established under
10 section 598.21, subsection 4, and medical support
11 pursuant to chapter 252E against the father.""
12 9. By renumbering as necessary.

By HAVERLAND of Polk

H-3974 FILED APRIL 14, 1993

Withdrawn
4-15-93
(p. 1306)

SENATE FILE 350

H-3824

1 Amend Senate File 350 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting after line 6, the
4 following:
5 "Sec. ___. Section 22.7, Code 1993, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 29. The information contained in
8 records of the centralized employee registry created
9 in chapter 252G, except to the extent that disclosure
10 is authorized pursuant to chapter 252G."
11 2. Page 2, line 35, by inserting after the word
12 "employee" the following: "dependent".
13 3. Page 3, by striking lines 24 and 25, and
14 inserting the following: "court in the county in
15 which the employer has its principal place of
16 business, or if the employer has no principal place of
17 business, in any county in which an employee is
18 performing labor or".
19 4. Page 3, by striking lines 31 through 33 and
20 inserting the following:
21 "The records of the centralized employee registry
22 are confidential records pursuant to section 22.7, and
23 may be accessed only by state agencies as provided in
24 this section. When a state agency accesses".
25 5. Page 10, line 26, by striking the words
26 "NEGOTIATION CONERENCE" and inserting the following:
27 "CONFERENCE".
28 6. Page 11, by striking lines 16 through 21, and
29 inserting the following:
30 "___. An explanation of the procedures for
31 determining the child support obligation and a request
32 for financial or income information as necessary for
33 application of the child support guidelines
34 established pursuant to section 598.21, subsection 4."
35 7. Page 11, line 23, by striking the word
36 "negotiation".
37 8. Page 11, line 28, by striking the word
38 "negotiation".
39 9. Page 11, line 30, by striking the word
40 "negotiation".
41 10. Page 11, line 34, by inserting before the
42 word "request" the following: "written".
43 11. Page 11, line 35, by striking the word
44 "negotiation".
45 12. Page 12, line 13, by inserting before the
46 word "request" the following: "written".
47 13. Page 12, line 15, by striking the word
48 "negotiation".
49 14. Page 13, by striking line 5 and inserting the
50 following: "in which the child or children reside,

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Page 2
1 or, if the action is the result of a request from a
2 foreign jurisdiction of another state to establish
3 paternity of a putative father located in Iowa, in the
4 county in which the putative father resides. All
5 subsequent documents filed or court hearings held
6 related to the action shall be in the district court
7 in the county in which notice was filed pursuant to
8 this subsection."
9 15. Page 13, line 18, by striking the word
10 "original".
11 16. Page 13, line 25, by striking the word
12 "original".
13 17. Page 14, line 8, by striking the word
14 "original".
15 18. Page 14, by striking lines 13 through 17.
16 19. Page 14, line 24, by inserting after the word
17 "paternity." the following: "A verified expert's
18 report on test results which indicate a statistical
19 probability of paternity is sufficient authenticity of
20 the expert's conclusion."
21 20. Page 15, line 3, by striking the word
22 "review" and inserting the following: "a hearing".
23 21. Page 16, line 4, by striking the word
24 "negotiation".
25 22. Page 16, line 22, by striking the word
26 "negotiation".
27 23. By striking page 17, line 35 through page 18,
28 line 3, and inserting the following: "the county in
29 which the notice was filed pursuant to section 252F.3,
30 subsection 2."
31 24. Page 18, by striking lines 23 through 26, and
32 inserting the following: "filed in the district court
33 in the county in which the notice was filed pursuant
34 to section 252F.3, subsection 2. Upon filing, the
35 order has the same".
36 25. Page 18, by inserting after line 32 the
37 following:
38 "Sec. ___. NEW SECTION. 252F.8 WAIVER OF TIME
39 LIMITATIONS BY PUTATIVE FATHER.
40 1. A putative father may waive the time
41 limitations established in this chapter.
42 2. Upon receipt of a signed statement from the
43 putative father waiving the time limitations, the
44 administrator may enter an order establishing
45 paternity and support and the court may approve the
46 order, notwithstanding the expiration of the period of
47 the time limitations.
48 3. If a putative father waives the time
49 limitations and an order establishing paternity and
50 support is entered under this chapter, the signed

1 statement of the putative father waiving the time
2 limitations shall be filed with the order for
3 support."
4 26. Page 19, by inserting after line 5, the
5 following:
6 "Sec. ___. Section 600B.41, subsection 7,
7 paragraph a, subparagraph (4), Code 1993, is amended
8 to read as follows:
9 (4) The action to overcome paternity is filed no
10 later than three years after the ~~entry-of-an-order~~
11 establishment of paternity."
12 27. Page 19, by striking lines 24 and 25 and
13 inserting the following: "support is ordered is
14 considered to be a member of the same household as the
15 child for the purposes of public assistance
16 eligibility."
17 28. Page 20, by striking lines 30 through 32 and
18 inserting the following: "provided that the person
19 owing the support is not considered to be a member of
20 the same household as the child for the purposes of
21 public assistance eligibility."
22 29. Page 21, line 19, by inserting after the word
23 "owing" the following: "unless the parties requested
24 and agreed to the suspension under false pretenses".
25 30. Page 22, by striking lines 24 through 29, and
26 inserting the following:
27 "b. That the obligor file with the unit on a
28 weekly basis a report of at least five new attempts to
29 find employment or of having found employment. The
30 report shall include the".
31 31. Page 23, by striking line 3 and inserting the
32 following: "recovery unit with".
33 32. Page 24, by striking lines 18 through 24 and
34 inserting the following:
35 "(2) The contemnor shall keep a record of and
36 provide the following information to the court at the
37 court's request, or to the child support recovery unit
38 established pursuant to chapter 252B, at the unit's
39 request, when the unit is providing enforcement
40 services pursuant to chapter 252B:
41 (a) The duties performed as community service
42 during each week that the contemnor is subject to the
43 community service requirements.
44 (b) The number of hours of community service
45 performed during each week that the contemnor is
46 subject to the community service requirements."
47 33. Page 24, by inserting after line 30 the
48 following:
49 "Sec. ___. Section 598.23A, subsection 3, Code
50 1993, is amended by striking the subsection."

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Page 4

1 34. Page 31, by striking lines 13 through 18 and
2 inserting the following:
3 "Sec. 101. Section 252B.13A, subsection 1, Code
4 1993, is amended to read as follows:
5 ~~1.~~ The department shall establish within the unit
6 a collection services center for the receipt and
7 disbursement of support payments as defined in section
8 598.1 as required ~~pursuant to an order~~ for ~~which the~~
9 ~~unit is providing enforcement services under this~~
10 ~~chapter~~ orders by section 252B.14. For purposes of
11 this section, support payments do not include attorney
12 fees, ~~or~~ court costs, or property settlements.
13 Sec. 102. Section 252B.13A, subsections 2 and 3,
14 Code 1993, are amended by striking the subsections.
15 Sec. 103. Section 252B.14, Code 1993, is amended
16 to read as follows:
17 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES
18 CENTER -- CLERK OF THE DISTRICT COURT.
19 ~~All support payments required pursuant to orders~~
20 ~~entered under this chapter and chapter 234, 252A,~~
21 ~~252C, 598, 600B, or any other chapter shall be~~
22 ~~directed and processed as follows:~~
23 1. For the purposes of this section, "support
24 order" includes any order entered pursuant to chapter
25 234, 252A, 252C, 598, 600B, or any other support
26 chapter or proceeding which establishes support
27 payments as defined in section 598.1.
28 ~~1.~~ 2. ~~If~~ For support orders being enforced by the
29 child support recovery unit ~~is providing enforcement~~
30 ~~services for a support order~~, support payments made
31 pursuant to the order shall be directed to and
32 ~~processed as follows:~~ disbursed by the collection
33 services center.
34 ~~a. Payments made through income withholding, wage~~
35 ~~assignment, unemployment insurance offset, or tax~~
36 ~~offset shall be directed to and disbursed by the~~
37 ~~collection services center.~~
38 ~~b. Payments made through electronic transfer of~~
39 ~~funds, including but not limited to use of an~~
40 ~~automated teller machine, a telephone initiated bank~~
41 ~~account withdrawal, or an automatic bank account~~
42 ~~withdrawal shall be directed to and disbursed by the~~
43 ~~collection services center.~~
44 ~~c. Payments made through any other method shall be~~
45 ~~directed to the clerk of the district court in the~~
46 ~~county in which the order for support is filed and~~
47 ~~shall be disbursed by the collection services center.~~
48 3. For any new or modified support order issued on
49 or after January 1, 1994, which includes a provision
50 for immediate income withholding, support payments

1 made pursuant to the order shall be directed to and
2 disbursed by the collection services center.
3 4. For any support order not identified under
4 subsection 2 or 3, upon agreement of the person
5 obligated to pay the support and the person entitled
6 to receive the support, the responsibility for the
7 receipt and disbursement of support payments may be
8 transferred from the clerk of the district court to
9 the collection services center. The transfer may be
10 accomplished by either of the following:
11 a. As the result of an action of the court
12 including but not limited to a modification of the
13 support obligation.
14 b. By the parties filing a written statement
15 requesting the transfer signed by both parties with
16 the clerk of the district court where support payments
17 are directed and with the collection services center.
18 ~~2~~ 5. ~~If the child support recovery unit is not~~
19 ~~providing enforcement services for a support order~~ For
20 a support order as to which subsection 2, 3, or 4 does
21 not apply, support payments made pursuant to the order
22 shall be directed to and disbursed by the clerk of the
23 district court in the county in which the order for
24 support is filed.
25 ~~3~~ 6. Payments to persons other than the clerk of
26 the district court or the collection services center
27 do not satisfy the support obligations created by a
28 support order or judgment, except as provided for
29 ~~trusts and social security income~~ in ~~section~~ sections
30 ~~252B.1,~~ 598.22~~,or 598.23, or for tax refunds or~~
31 ~~rebates in section 602.8102, subsection 47,~~ and ~~except~~
32 ~~as provided in section~~ 598.22A.
33 Sec. 104. Section 252B.15, subsections 1, 3, and
34 4, Code 1993, are amended by striking the subsections.
35 Sec. 105. Section 252B.16, Code 1993, is amended
36 by adding the following new subsections:
37 NEW SUBSECTION. 3. Once the responsibility for
38 receiving and disbursing support payments has been
39 transferred from a clerk of the district court to the
40 collection services center, the responsibility shall
41 remain with the collection services center even if the
42 child support recovery unit is no longer providing
43 enforcement services.
44 NEW SUBSECTION. 4. Upon the filing of a new or
45 modified support order to which section 252B.14,
46 subsection 2, 3, or 4 is applicable, the clerk of the
47 district court shall forward a copy of the order to
48 the collection services center within five working
49 days of the filing.
50 a. For the purposes of this subsection, "support

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Page 6
1 order" includes any order entered pursuant to chapter
2 234, 252A, 252C, 598, 600B, or any other support
3 chapter or procedure which establishes support
4 payments as defined in section 598.1, and any
5 subsequent court action which affects the underlying
6 support order.
7 b. In the case of a support order in which a
8 history of support payments or court actions exist,
9 the clerk of the district court shall also include
10 with the copy of the court order a copy of the payment
11 history, the last known addresses of the person
12 ordered to pay support and of the person ordered to
13 receive support, and copies of the support orders,
14 modifications, and other court actions that affect the
15 accrued or accruing support obligation.
16 c. When the child support recovery unit is
17 involved in the enforcement of a support order, the
18 clerk of the district court shall provide copies of
19 court documents to the child support recovery unit as
20 necessary to enforce the support obligation."
21 35. Page 33, by inserting after line 13, the
22 following:
23 "Sec. ___. Section 598.21, subsection 4,
24 unnumbered paragraph 1, Code 1993, is amended to read
25 as follows:
26 The supreme court shall maintain uniform child
27 support guidelines and criteria and review the
28 guidelines and criteria at least once every four
29 years, pursuant to the federal Family Support Act of
30 1988, Pub. L. No. 100-485. The initial review shall
31 be performed within four years of October 12, 1989,
32 and subsequently within the four-year period of the
33 most recent review. It is the intent of the general
34 assembly that, to the extent possible within the
35 requirements of federal law, the court and the child
36 support recovery unit consider the individual facts of
37 each judgment or case in the application of the
38 guidelines and determine the support obligation, ac-
39 cordingly. It is also the intent of the general
40 assembly that in the supreme court's review of the
41 guidelines, the supreme court shall do both of the
42 following: emphasize the ability of a court to apply
43 the guidelines in a just and appropriate manner based
44 upon the individual facts of a judgment or case; and
45 in determining monthly child support payments,
46 consider other children for whom either parent is
47 legally responsible for support and other child
48 support obligations actually paid by either party
49 pursuant to a court or administrative order."
50 36. Page 34, by striking line 20 and inserting

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Page 7
1 the following: "public funds were expended. If the
2 support order did not direct payments to a clerk of
3 the district court or the collection services center,
4 and the support payments in question".
5 37. Page 35, by striking lines 5 through 18, and
6 inserting the following:
7 "Sec. 106. Section 602.8102, Code 1993, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 47B. Perform duties related to
10 support payment processing by the collection services
11 center or the clerk as specified in sections 252B.14
12 and 252B.16.
13 Sec. 107. Section 642.23, Code 1993, is amended to
14 read as follows:
15 642.23 SUPPORT DISBURSEMENTS BY THE CLERK.
16 Notwithstanding the seventy-day period in section
17 626.16 for the return of an execution in garnishment
18 for the payment of a support obligation, the sheriff
19 shall promptly deposit any amounts collected with the
20 clerk of the district court, and the clerk shall
21 disburse the amounts, after subtracting applicable
22 fees, within ~~ten~~ two working days of ~~deposit to~~ the
23 filing of an order condemning funds as follows:
24 a. To the person entitled to the support payments
25 when the clerk of the district court is the official
26 entity responsible for the receipt and disbursement of
27 support payments pursuant to section 252B.14.
28 b. To the collection services center when the
29 collection services center is the official entity
30 responsible for the receipt and disbursement of
31 support payments pursuant to section 252B.14."
32 38. Page 35, by inserting after line 19, the
33 following:
34 "Sec. 108. REPEAL. 1990 Iowa Acts, chapter 1224,
35 section 1, as amended by 1991 Iowa Acts, chapter 62,
36 section 1, and 1992 Iowa Acts, chapter 1028, section
37 1, is repealed.
38 Sec. 109. COLLECTION OF SUPPORT PAYMENTS. The
39 department of human services and the judicial
40 department shall prepare and submit a report to the
41 general assembly on the status of support payment
42 processing by the collection services center and the
43 clerks of the district court on or before January 1,
44 1998. The report shall include data that will assist
45 the general assembly in analyzing support payment
46 processing and a recommendation on future public
47 policy decisions related to support payment
48 processing."
49 39. Page 35, by inserting after line 33, the
50 following:

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Page 8
1 "Sec. 110. EFFECTIVE DATE. Sections 101 through
2 110 of this Act, being deemed of immediate importance,
3 take effect upon enactment."
4 40. By striking page 35, line 34 through page 36,
5 line 6.
6 41. Page 36, by striking lines 7 and 8.
7 42. Title page, by striking lines 2 and 3 and
8 inserting the following: "penalties and an effective
9 date."
10 43. By renumbering, relettering, and correcting
11 internal references as necessary.

adopted 4/23/93 (P.1639) By COMMITTEE ON HUMAN RESOURCES
PLASIER of Sioux, Chairperson

H-3824 FILED APRIL 8, 1993

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SENATE FILE 350

H-3868
1 Amend the amendment, H-3824, to Senate File 350, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 24 and
5 inserting the following:
6 "___. By striking page 1, line 5 through page 4,
7 line 22.""
8 2. By renumbering as necessary.

By BURKE of Marshall

H-3868 FILED APRIL 12, 1993
Withdrawn 4-15-93 (P.1306)

HOUSE AMENDMENT TO
SENATE FILE 350

S-3624

1 Amend Senate File 350 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting after line 6, the
4 following:
5 "Sec. ___. Section 22.7, Code 1993, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 29. The information contained in
8 records of the centralized employee registry created
9 in chapter 252G, except to the extent that disclosure
10 is authorized pursuant to chapter 252G."
11 2. Page 1, by striking lines 10 through 12 and
12 inserting the following:
13 "1. "Compensation" means payment owed by the payor
14 of income for:
15 a. Labor or services rendered by an employee or
16 contractor to the payor of income."
17 3. Page 1, by inserting after line 16 the
18 following:
19 "1A. "Contractor" means a natural person who is an
20 independent contractor, including an independent
21 trucking owner or operator."
22 4. Page 1, by striking lines 19 through 22 and
23 inserting the following:
24 "a. The first day for which the employee or
25 contractor is owed compensation by the payor of
26 income.
27 b. The first day that an employee or contractor
28 reports to work or performs labor or services for the
29 payor of income."
30 5. Page 1, by striking lines 30 through 32 and
31 inserting the following: "employer in this state for
32 compensation and for whom the employer withholds
33 federal or state tax liabilities from the employee's
34 compensation."
35 6. By striking page 1, line 34 through page 2,
36 line 2 and inserting the following: "who engages an
37 employee for compensation and for whom the employer
38 withholds federal or state tax liabilities from the
39 employee's compensation."
40 7. Page 2, by inserting before line 3 the
41 following:
42 "7A. "Payor of income" includes both an employer
43 and a person doing business in the state who engages a
44 contractor for compensation."
45 8. Page 2, by striking lines 6 through 11 and
46 inserting the following:
47 "a. The first day for which the employee or
48 contractor is owed compensation by the payor of income
49 following an unpaid absence of a minimum of six
50 consecutive weeks.

1 b. The first day that an employee or contractor
2 reports to work or performs labor or services for the
3 payor of income following an unpaid absence of a
4 minimum of six consecutive weeks."
5 9. Page 2, line 35, by inserting after the word
6 "employee" the following: "dependent".
7 10. Page 3, by striking lines 24 and 25, and
8 inserting the following: "court in the county in
9 which the employer has its principal place of
10 business, or if the employer has no principal place of
11 business, in any county in which an employee is
12 performing labor or".
13 11. Page 3, by inserting after line 28, the
14 following:
15 "Sec. ___. NEW SECTION. 252G.3A ALTERNATIVE
16 REPORTING REQUIREMENTS -- PENALTY.
17 1. Beginning January 1, 1994, a payor of income to
18 whom section 252G.3 is inapplicable, who engages a
19 contractor on or after January 1, 1994, shall report
20 all of the following to the registry within ten days
21 of hiring or rehiring of a contractor:
22 a. The name, address, and federal identification
23 number of the payor of income.
24 b. The contractor's name, address, social security
25 number, and if known, the contractor's date of birth.
26 2. Payors of income to whom section 252G.3 is
27 inapplicable shall report under this section only when
28 all of the following conditions are met.
29 a. The contractor is not being engaged for the
30 sole purpose of performing services on the residential
31 property of the payor of income.
32 b. Payment of income under the contract is
33 reasonably expected to equal or exceed one thousand
34 dollars in any twelve-month period.
35 c. The contractor will perform labor or services
36 for a minimum period of two months.
37 3. A payor of income required to report under this
38 section may report the information required under
39 subsection 1 by any written means authorized by the
40 unit which results in timely reporting.
41 4. Information reported under this section shall
42 be received and maintained as provided in section
43 252G.2.
44 5. A payor of income required to report under this
45 section who fails to report is subject to the penalty
46 provided in section 252G.3, subsection 4."
47 12. Page 3, by striking lines 31 through 33 and
48 inserting the following:
49 "The records of the centralized employee registry
50 are confidential records pursuant to section 22.7, and

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Page 3

1 may be accessed only by state agencies as provided in
2 this section. When a state agency accesses".
3 13. Page 10, line 26, by striking the words
4 "NEGOTIATION CONERENCE" and inserting the following:
5 "CONFERENCE".
6 14. Page 11, by striking lines 16 through 21, and
7 inserting the following:
8 "___. An explanation of the procedures for
9 determining the child support obligation and a request
10 for financial or income information as necessary for
11 application of the child support guidelines
12 established pursuant to section 598.21, subsection 4."
13 15. Page 11, by striking line 23 and inserting
14 the following: "conference with the unit to discuss
15 paternity establishment and the amount of".
16 16. Page 11, line 28, by striking the word
17 "negotiation".
18 17. Page 11, line 30, by striking the word
19 "negotiation".
20 18. Page 11, by striking lines 33 and 34, and
21 inserting the following: "putative father if the
22 putative father no longer denies paternity, whichever
23 is later, to send a written request for a hearing on
24 the issue of support to the unit."
25 19. Page 11, line 35, by striking the word
26 "negotiation".
27 20. Page 12, by striking lines 12 and 13 and
28 inserting the following: "results to the putative
29 father if the putative father no longer denies
30 paternity, whichever is later, to send a written
31 request for a hearing on the issue of support to the".
32 21. Page 12, line 15, by striking the word
33 "negotiation".
34 22. Page 12, by striking lines 21 through 23 and
35 inserting the following: "father if the putative
36 father no longer denies paternity, whichever is later,
37 to send a written request for a hearing on the issue
38 of support to the unit."
39 23. Page 13, by inserting after line 1 the
40 following:
41 "1A. The time limitations established for the
42 notice provisions under subsection 1 are binding
43 unless otherwise specified in this chapter or waived
44 by the putative father pursuant to section 252F.8."
45 24. Page 13, by striking line 5 and inserting the
46 following: "in which the child or children reside,
47 or, if the action is the result of a request from a
48 foreign jurisdiction of another state to establish
49 paternity of a putative father located in Iowa, in the
50 county in which the putative father resides. All

1 subsequent documents filed or court hearings held
2 related to the action shall be in the district court
3 in the county in which notice was filed pursuant to
4 this subsection."
5 25. Page 13, by striking lines 17 through 19 and
6 inserting the following: "putative father shall
7 submit, within twenty days of service of the notice
8 under subsection 1, a written denial of paternity".
9 26. Page 13, line 25, by striking the word
10 "original".
11 27. Page 14, line 8, by striking the word
12 "original".
13 28. Page 14, by striking lines 13 through 17.
14 29. Page 14, line 24, by inserting after the word
15 "paternity." the following: "A verified expert's
16 report on test results which indicate a statistical
17 probability of paternity is sufficient authenticity of
18 the expert's conclusion."
19 30. Page 14, by striking lines 25 through 33.
20 31. Page 15, line 3, by striking the word
21 "review" and inserting the following: "a hearing".
22 32. Page 16, line 4, by striking the word
23 "negotiation".
24 33. Page 16, line 22, by striking the word
25 "negotiation".
26 34. Page 16, by inserting after line 29 the
27 following:
28 "3A. If paternity testing was performed and the
29 putative father was not excluded, and the putative
30 father fails to timely challenge paternity testing,
31 the administrator may enter an order against the
32 putative father declaring the putative father to be
33 the biological father of the child and assessing the
34 support obligation and accrued and accruing child
35 support pursuant to the guidelines established under
36 section 598.21, subsection 4, and medical support
37 pursuant to chapter 252E against the father."
38 35. By striking page 17, line 35 through page 18,
39 line 3, and inserting the following: "the county in
40 which the notice was filed pursuant to section 252F.3,
41 subsection 2."
42 36. Page 18, by striking lines 23 through 26, and
43 inserting the following: "filed in the district court
44 in the county in which the notice was filed pursuant
45 to section 252F.3, subsection 2. Upon filing, the
46 order has the same".
47 37. Page 18, by inserting after line 32 the
48 following:
49 "Sec. ___. NEW SECTION. 252F.8 WAIVER OF TIME
50 LIMITATIONS BY PUTATIVE FATHER.

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1 1. A putative father may waive the time
2 limitations established in this chapter.
3 2. Upon receipt of a signed statement from the
4 putative father waiving the time limitations, the
5 administrator may enter an order establishing
6 paternity and support and the court may approve the
7 order, notwithstanding the expiration of the period of
8 the time limitations.
9 3. If a putative father waives the time
10 limitations and an order establishing paternity and
11 support is entered under this chapter, the signed
12 statement of the putative father waiving the time
13 limitations shall be filed with the order for
14 support."
15 38. Page 19, by inserting after line 5, the
16 following:
17 "Sec. ___. Section 600B.41, subsection 7,
18 paragraph a, subparagraph (4), Code 1993, is amended
19 to read as follows:
20 (4) The action to overcome paternity is filed no
21 later than three years after the ~~entry of an order~~
22 establishment of paternity."
23 39. Page 19, by striking lines 24 and 25 and
24 inserting the following: "support is ordered is
25 considered to be a member of the same household as the
26 child for the purposes of public assistance
27 eligibility."
28 40. Page 20, by striking lines 30 through 32 and
29 inserting the following: "provided that the person
30 owing the support is not considered to be a member of
31 the same household as the child for the purposes of
32 public assistance eligibility."
33 41. Page 21, line 19, by inserting after the word
34 "owing" the following: "unless the parties requested
35 and agreed to the suspension under false pretenses".
36 42. Page 22, by striking lines 24 through 29, and
37 inserting the following:
38 "b. That the obligor file with the unit on a
39 weekly basis a report of at least five new attempts to
40 find employment or of having found employment. The
41 report shall include the".
42 43. Page 23, by striking line 3 and inserting the
43 following: "recovery unit with".
44 44. Page 24, by striking lines 18 through 24 and
45 inserting the following:
46 "(2) The contemnor shall keep a record of and
47 provide the following information to the court at the
48 court's request, or to the child support recovery unit
49 established pursuant to chapter 252B, at the unit's
50 request, when the unit is providing enforcement

1 services pursuant to chapter 252B:
2 (a) The duties performed as community service
3 during each week that the contemnor is subject to the
4 community service requirements.
5 (b) The number of hours of community service
6 performed during each week that the contemnor is
7 subject to the community service requirements."
8 45. Page 24, by inserting after line 30 the
9 following:
10 "Sec. ___. Section 598.23A, subsection 3, Code
11 1993, is amended by striking the subsection."
12 46. Page 31, by striking lines 13 through 18 and
13 inserting the following:
14 "Sec. 101. Section 252B.13A, subsection 1, Code
15 1993, is amended to read as follows:
16 ~~1.~~ The department shall establish within the unit
17 a collection services center for the receipt and
18 disbursement of support payments as defined in section
19 598.1 as required ~~pursuant-to-an-order~~ for ~~which-the~~
20 ~~unit-is-providing-enforcement-services-under-this~~
21 ~~chapter~~ orders by section 252B.14. For purposes of
22 this section, support payments do not include attorney
23 fees, ~~or~~ court costs, or property settlements.
24 Sec. 102. Section 252B.13A, subsections 2 and 3,
25 Code 1993, are amended by striking the subsections.
26 Sec. 103. Section 252B.14, Code 1993, is amended
27 to read as follows:
28 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES
29 CENTER -- CLERK OF THE DISTRICT COURT.
30 ~~All-support-payments-required-pursuant-to-orders~~
31 ~~entered-under-this-chapter-and-chapter-234,-252A,~~
32 ~~252C,-598,-600B,-or-any-other-chapter-shall-be~~
33 ~~directed-and-processed-as-follows:~~
34 1. For the purposes of this section, "support
35 order" includes any order entered pursuant to chapter
36 234, 252A, 252C, 598, 600B, or any other support
37 chapter or proceeding which establishes support
38 payments as defined in section 598.1.
39 ~~1~~ 2. ~~If~~ For support orders being enforced by the
40 child support recovery unit ~~is-providing-enforcement~~
41 ~~services-for-a-support-order~~, support payments made
42 pursuant to the order shall be directed to and
43 ~~processed-as-follows:~~ disbursed by the collection
44 services center.
45 ~~a.--Payments-made-through-income-withholding,-wage~~
46 ~~assignment,-unemployment-insurance-offset,-or-tax~~
47 ~~offset-shall-be-directed-to-and-disbursed-by-the~~
48 ~~collection-services-center.~~
49 ~~---b.--Payments-made-through-electronic-transfer-of~~
50 ~~funds,-including-but-not-limited-to-use-of-an~~

~~automated-teller-machine,-a-telephone-initiated-bank account-withdrawal,-or-an-automatic-bank-account withdrawal-shall-be-directed-to-and-disbursed-by-the collection-services-center.~~

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

~~2~~ 3. ~~If-the-child-support-recovery-unit-is-not providing-enforcement-services-for-a-support-order~~ For a support order as to which subsection 2 does not apply, support payments made pursuant to the order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed.

~~3~~ 4. Payments to persons other than the clerk of the district court or the collection services center do not satisfy the support obligations created by a support order or judgment, except as provided for ~~trusts-and-social-security-income~~ in ~~section~~ sections ~~252B.1,~~ 598.22~~,-or-598.23,-or-for-tax-refunds-or rebates-in-section-602.8102,-subsection-47,~~ and ~~except as-provided-in-section~~ 598.22A.

Sec. 104. Section 252B.15, subsections 1, 3, and 4, Code 1993, are amended by striking the subsections.

Sec. 105. Section 252B.16, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Once the responsibility for receiving and disbursing support payments has been transferred from a clerk of the district court to the collection services center, the responsibility shall remain with the collection services center even if the child support recovery unit is no longer providing enforcement services, unless redirected by court order."

47. By striking page 32, line 35 through page 33, line 13.

48. Page 33, by inserting after line 13 the following:

"Sec. ___. Section 252H.2, unnumbered paragraph 1, if enacted by 1993 Iowa Acts, Senate File 349, section 25, is amended to read as follows:

252H.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires "administrator", "caretaker", "court order", "department", "dependent child", "medical support", ~~"public-assistance",~~ and "responsible person", mean the same as defined in section 252C.1."

49. Page 33, by inserting before line 14 the

1 following:
2 "Sec. ___. Section 598.21, subsection 4,
3 unnumbered paragraph 1, Code 1993, is amended to read
4 as follows:
5 The supreme court shall maintain uniform child
6 support guidelines and criteria and review the
7 guidelines and criteria at least once every four
8 years, pursuant to the federal Family Support Act of
9 1988, Pub. L. No. 100-485. The initial review shall
10 be performed within four years of October 12, 1989,
11 and subsequently within the four-year period of the
12 most recent review. It is the intent of the general
13 assembly that, to the extent possible within the
14 requirements of federal law, the court and the child
15 support recovery unit consider the individual facts of
16 each judgment or case in the application of the
17 guidelines and determine the support obligation, ac-
18 cordingly. It is also the intent of the general
19 assembly that in the supreme court's review of the
20 guidelines, the supreme court shall do both of the
21 following: emphasize the ability of a court to apply
22 the guidelines in a just and appropriate manner based
23 upon the individual facts of a judgment or case; and
24 in determining monthly child support payments,
25 consider other children for whom either parent is
26 legally responsible for support and other child
27 support obligations actually paid by either party
28 pursuant to a court or administrative order."
29 50. Page 34, by striking line 20 and inserting
30 the following: "public funds were expended. If the
31 support order did not direct payments to a clerk of
32 the district court or the collection services center,
33 and the support payments in question".
34 51. Page 35, by striking lines 5 through 18 and
35 inserting the following:
36 "Sec. 106. Section 642.23, Code 1993, is amended
37 to read as follows:
38 642.23 SUPPORT DISBURSEMENTS BY THE CLERK.
39 Notwithstanding the seventy-day period in section
40 626.16 for the return of an execution in garnishment
41 for the payment of a support obligation, the sheriff
42 shall promptly deposit any amounts collected with the
43 clerk of the district court, and the clerk shall
44 disburse the amounts, after subtracting applicable
45 fees, within ~~ten~~ two working days of ~~deposit to~~ the
46 filing of an order condemning funds as follows:
47 a. To the person entitled to the support payments
48 when the clerk of the district court is the official
49 entity responsible for the receipt and disbursement of
50 support payments pursuant to section 252B.14.

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1 b. To the collection services center when the
2 collection services center is the official entity
3 responsible for the receipt and disbursement of
4 support payments pursuant to section 252B.14."
5 52. Page 35, by inserting after line 19, the
6 following:
7 "Sec. 107. REPEAL. 1990 Iowa Acts, chapter 1224,
8 section 1, as amended by 1991 Iowa Acts, chapter 62,
9 section 1, and 1992 Iowa Acts, chapter 1028, section
10 1, is repealed."
11 53. Page 35, by inserting after line 33 the
12 following:
13 "Sec. ___. EFFECTIVE DATE. Sections 101 through
14 107 of this Act, being deemed of immediate importance,
15 take effect upon enactment."
16 54. Page 36, by striking lines 7 and 8.
17 55. Title page, by striking lines 2 and 3 and
18 inserting the following: "penalties and an effective
19 date."
20 56. By renumbering, relettering, or redesignating
21 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3624 FILED APRIL 26, 1993

Senate concurred 4/27/93 (p. 1364)

JUDGE, CH.
LLOYD-JONES
BARTZ

SSB 209
HUMAN RESOURCES

SENATE/HOUSE FILE 350
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

## A BILL FOR

1 An Act relating to child support and providing for civil
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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TLSB 1461XL 75
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1 DIVISION I
2 TITLE
3 Section 1. This Act shall be known and may be referred to
4 as the "Iowa Child Support Recovery Act of 1993".
5 DIVISION II
6 CENTRALIZED EMPLOYEE REGISTRY
7 Sec. 2. NEW SECTION. 252G.1 DEFINITIONS.
8 As used in this chapter, unless the context otherwise
9 requires:
10 1. "Compensation" means payment owed by the employer for:
11 a. Labor or services rendered by an employee to the
12 employer.
13 b. Benefits including, but not limited to, vacation,
14 holiday, and sick leave, and severance payments which are due
15 an employee under an agreement with the employer or under a
16 policy of the employer.
17 2. "Date of hire" means the earlier of either of the
18 following:
19 a. The first day for which the employee is owed
20 compensation by the employer.
21 b. The first day that an employee reports to work or
22 performs labor or services for the employer.
23 3. "Days" means calendar days.
24 4. "Department" means the department of human services.
25 5. "Dependent" includes a spouse or child or any other
26 person who is in need of and entitled to support from a person
27 who is declared to be legally liable for the support of that
28 dependent.
29 6. "Employee" means a natural person who is employed by an
30 employer in this state for compensation, including but not
31 limited to independent contractors and independent trucking
32 owners or operators.
33 7. "Employer" means a person doing business in the state
34 who engages an employee. "Employer" does not include a
35 client, patient, customer, or other person who obtains

1 professional services from a person who is licensed to provide
2 a particular service on a fee for service basis or as an
3 independent contractor.
4 8. "Registry" means the central employee registry created
5 in section 252G.2.
6 9. "Rehire" means the earlier of either of the following:
7 a. The first day for which the employee is owed
8 compensation by the employer following an unpaid absence of a
9 minimum of six consecutive weeks.
10 b. The first day that the employee reports to work or
11 performs labor or services for the employer following an
12 unpaid absence of six consecutive weeks.
13 10. "Unit" means the child support recovery unit created
14 in section 252B.2.
15 Sec. 3. NEW SECTION. 252G.2 ESTABLISHMENT OF CENTRAL
16 EMPLOYEE REGISTRY.
17 By January 1, 1994, the unit shall establish a centralized
18 employee registry database for the purpose of receiving and
19 maintaining information on newly hired or rehired employees
20 from employers. The unit shall establish the database and the
21 department shall adopt rules in conjunction with the
22 department of revenue and finance and the department of
23 employment services to identify appropriate uses of the
24 registry and to implement this chapter, including
25 implementation through the entering of agreements pursuant to
26 chapter 28E.
27 Sec. 4. NEW SECTION. 252G.3 EMPLOYER REPORTING
28 REQUIREMENTS -- PENALTY.
29 1. Beginning January 1, 1994, an employer who hires or
30 rehires an employee on or after January 1, 1994, shall report
31 all of the following to the centralized employee registry
32 within ten days of the hiring or rehiring of an employee:
33 a. The employer's name, address, and federal
34 identification number.
35 b. The employee's name, address, social security number,

1 and date of birth.
2 c. Information regarding availability of employee health
3 care coverage and whether or not the employee is qualified for
4 the coverage.
5 d. Whether the payroll of the employer is prepared at the
6 address of the employer or at a separate location, and the
7 address of the separate location, if applicable.
8 2. Employers required to report may report the information
9 required under subsection 1 by any of the following means:
10 a. By mailing a copy of the employee's Iowa employee's
11 withholding allowance certificate to the registry.
12 b. By submitting a computer tape to the registry, if
13 approved by the unit in advance.
14 c. By submitting a fax transmission of the employee's Iowa
15 employee's withholding allowance certificate to the registry.
16 d. By any other means authorized by the unit in advance if
17 the means will result in timely reporting.
18 3. If an employer fails to report as required under this
19 section, an action may be brought against the employer by any
20 state agency accessing or administering the registry, or by
21 the attorney general as follows:
22 a. The action may be brought in district court in the
23 county in which the employer is doing business, in a county in
24 which an employee is performing labor or service for
25 compensation, or in Polk county to determine noncompliance
26 with this section.
27 b. If the employer is found to not be in compliance with
28 this section, the employer may be assessed a civil penalty not
29 to exceed one thousand dollars for each separate violation.
30 c. Moneys collected pursuant to this subsection shall be
31 deposited in the state general fund.
32 d. The employer may be assessed costs and reasonable
33 attorney fees related to an action under this subsection and
34 notwithstanding paragraph "c", moneys collected under this
35 paragraph shall be remitted to the state agency bringing the

1 action to be used to defray administrative costs related to
2 the centralized registry program.
3 Sec. 5. NEW SECTION. 252G.4 ACCESS TO CENTRALIZED
4 EMPLOYEE REGISTRY.
5 The information within the registry is owned by the state
6 and not by any single state agency and may be accessed only as
7 provided in this section. When a state agency accesses
8 information in the registry, the agency may use the
9 information to update the agency's own records. Access to and
10 use of the information contained in the registry shall be
11 limited to the following:
12 1. The unit for administration of the child support
13 enforcement program, including but not limited to activities
14 related to establishment and enforcement of child and medical
15 support obligations through administrative or judicial
16 processes, and other services authorized pursuant to chapter
17 252B.
18 2. State agencies which utilize income information for the
19 determination of eligibility or calculation of payments for
20 benefit or entitlement payments.
21 3. State agencies which utilize income information for the
22 recoupment of debts to the state.
23 4. Other state agencies as determined by rule of the
24 department, in consultation with the department of revenue and
25 finance and the department of employment services, to utilize
26 the information for appropriate uses.
27 Sec. 6. NEW SECTION. 252G.5 ADMINISTRATION AND COSTS OF
28 THE CENTRALIZED EMPLOYEE REGISTRY -- EXPANSION.
29 1. The registry shall maintain the information received
30 from employers for a minimum period of six months.
31 2. State agencies accessing the centralized registry shall
32 participate in a proportionate cost sharing to defray the
33 administrative costs of the registry. The amount of a state
34 agency's proportionate share shall be established by rule of
35 the department.

1 3. It is the intent of the general assembly that following
2 initial establishment and administration of the centralized
3 employee registry by the unit, the registry may be expanded to
4 facilitate related duties of state agencies and certain
5 administrative functions of the registry may be transferred to
6 the department of revenue and finance or the department of
7 employment services, as determined by rule of the department.
8 DIVISION III
9 PATERNITY BY AFFIDAVIT
10 Sec. 7. Section 144.13, Code 1993, is amended to read as
11 follows:
12 144.13 BIRTH CERTIFICATES.
13 1. Certificates of births shall be filed as follows:
14 ~~1~~ a. A certificate of birth for each live birth which
15 occurs in this state shall be filed with the county registrar
16 of the county in which the birth occurs within ten days after
17 the birth and shall be registered by the registrar if it has
18 been completed and filed in accordance with this chapter.
19 However, when a birth occurs in a moving conveyance, a birth
20 certificate shall be filed in the county in which the child
21 was first removed from the conveyance.
22 ~~2~~ b. When a birth occurs in an institution, the person in
23 charge of the institution or the person's designated
24 representative shall obtain the personal data, prepare the
25 certificate, secure the signatures required by the
26 certificate, and file the certificate with the county
27 registrar. The physician in attendance or the person in
28 charge of the institution or the person's designee shall
29 certify to the facts of birth and provide the medical
30 information required by the certificate within six days after
31 the birth.
32 ~~3~~ c. When a birth occurs outside an institution, the
33 certificate shall be prepared and filed by one of the
34 following in the indicated order of priority:
35 ~~a.~~ (1) The physician in attendance at or immediately after

1 the birth.
2 ~~b.~~ (2) Any other person in attendance at or immediately
3 after the birth.
4 ~~c.~~ (3) The father or the mother.
5 ~~d.~~ (4) The person in charge of the premises where the
6 birth occurred.
7 ~~4~~ d. In the case of a child born out of wedlock, the
8 certificate shall be filed directly with the state registrar.
9 e. In the case of a child born out of wedlock, an
10 affidavit of paternity filed pursuant to section 600B.6B shall
11 be filed directly with the state registrar.
12 2. If the mother was married either at the time of
13 conception or birth, the name of the husband shall be entered
14 on the certificate as the father of the child unless paternity
15 has been determined otherwise by a court of competent
16 jurisdiction, in which case the name of the father as
17 determined by the court shall be entered by the department.
18 3. If the mother was not married either at the time of
19 conception or birth, the name of the father shall not be
20 entered on the certificate of birth without the written
21 consent of the mother and the person to be named as the
22 father, unless a determination of paternity has been made ~~by a~~
23 ~~court of competent jurisdiction~~ pursuant to section 252A.3 or
24 section 600B.6A, in which case the name of the father as
25 ~~determined~~ established by the court shall be entered by the
26 department.
27 4. The division shall make available to the child support
28 recovery unit, upon request, a copy of a child's birth
29 certificate, the social security numbers of the mother and the
30 father, and a copy of the affidavit of paternity if provided
31 pursuant to section 600B.6B.
32 Sec. 8. Section 144.40, Code 1993, is amended to read as
33 follows:
34 144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK.
35 Upon request and receipt of a sworn acknowledgment of

1 paternity of a child born out of wedlock signed by both
2 parents including an affidavit of paternity completed and
3 filed pursuant to section 600B.6B, the state registrar shall
4 amend a certificate of birth to show paternity if paternity is
5 not shown on the birth certificate. Upon written request of
6 the parents, the surname of the child may be changed on the
7 certificate to that of the father. The certificate shall not
8 be marked "amended". ~~A-fee-established-by-the-department-by~~
9 ~~rule-based-on-average-administrative-cost-shall-be-collected~~
10 ~~for-each-certificate-of-birth-amended-to-show-paternity.--Fees~~
11 ~~collected-under-this-section-shall-be-deposited-in-the-general~~
12 ~~fund-of-the-state.~~
13 Sec. 9. Section 252A.3, subsection 9, Code 1993, is
14 amended to read as follows:
15 9. The natural parents of a child born out of wedlock
16 shall be severally liable for the support of the child, but
17 the liability of the ~~natural~~ father shall not be enforceable
18 unless ~~the-natural-father-has-been-adjudicated-to-be-the~~
19 ~~child's-father-by-a-court-of-competent-jurisdiction,-or-the~~
20 ~~natural-father-has-acknowledged-paternity-of-the-child-in-open~~
21 ~~court-or-by-written-statement~~ paternity has been legally
22 established in any manner provided pursuant to section
23 600B.6A.
24 Sec. 10. NEW SECTION. 600B.6A NONJUDICIAL ESTABLISHMENT
25 OF PATERNITY.
26 In addition to the establishment of paternity as otherwise
27 provided in this chapter, paternity is also legally
28 established through any of the following processes:
29 1. By order of a court of competent jurisdiction or by
30 administrative order when authorized by state law.
31 2. By the statement of the person admitting paternity in
32 court and upon concurrence of the mother. If the mother was
33 married, at the time of birth or conception of the child, to
34 an individual other than the person admitting paternity, the
35 individual to whom the mother was married at the time of birth

1 or conception must deny paternity in order to establish the
2 paternity of the person admitting paternity upon the sole
3 basis of the admission.
4 3. By the filing of an affidavit of paternity executed on
5 or after July 1, 1993, as provided in section 600B.6B,
6 provided that the mother of the child was unmarried at the
7 time of birth and conception of the child or if the mother was
8 married at the time of birth or conception of the child, a
9 court of competent jurisdiction has determined that the
10 individual to whom the mother was married at that time is not
11 the father of the child.
12 Sec. 11. NEW SECTION. 600B.6B PATERNITY BY AFFIDAVIT.
13 1. Upon the birth of a child to a woman who was unmarried
14 at the time of birth and conception of the child, the person
15 in charge of the institution where the birth occurred shall
16 provide the mother and the person alleging paternity an
17 opportunity to complete an affidavit acknowledging paternity
18 by providing both of the following:
19 a. Written information, available from the department of
20 human services and developed by the child support recovery
21 unit established in section 252B.2, explaining the
22 implications of filing the affidavit, parental rights and
23 responsibilities, and the benefits of establishing paternity.
24 b. Upon request, an affidavit of paternity form from the
25 department of human services to be completed by the parties,
26 or instructions regarding the process for obtaining a form
27 from the department of human services.
28 2. An institution may either voluntarily, or under an
29 agreement with the child support recovery unit, submit a
30 completed affidavit of paternity to the department of human
31 services accompanied by a copy of the birth certificate. A
32 completed affidavit of paternity shall contain or have
33 attached all of the following:
34 a. The signature of a notary public attesting to the
35 identity of the parties signing the affidavit of paternity.

1 b. A statement by the mother consenting to the assertion
2 of paternity and the identity of the father and acknowledging
3 that the mother was unmarried at the time of birth and
4 conception of the child.
5 c. A statement by the individual admitting paternity that
6 the individual is the father of the child.
7 d. The social security numbers of both persons signing the
8 affidavit.
9 3. The child support recovery unit may reimburse an
10 institution for the costs of administering the provisions of
11 this section if the institution has entered into a written
12 agreement with the child support recovery unit. Reimbursement
13 shall be based only on the number of affidavits submitted to
14 the department of human services that are completed in
15 compliance with this section and shall be limited to the
16 lesser of actual costs or twenty dollars for each affidavit
17 filed. An institution entering into an agreement for
18 reimbursement shall assist the parents of a child born out of
19 wedlock in completing and submitting an affidavit for
20 paternity upon the request of the parties and within ten days
21 following the birth.
22 4. The mother and the individual admitting paternity of a
23 child born out of wedlock may directly obtain an affidavit of
24 paternity from the department of human services or the child
25 support recovery unit and complete and file the affidavit of
26 paternity with the department of human services, without
27 utilizing the services of an institution, provided that all
28 other requirements under this section are met. Upon the
29 request for an affidavit of paternity from the department or
30 child support recovery unit, the department or child support
31 recovery unit shall also make available the information
32 provided pursuant to subsection 1.
33 5. If a court of competent jurisdiction has determined
34 that the husband of the mother at the time of birth or
35 conception is not the father of the child, the mother may

1 utilize the proceedings to establish paternity by affidavit
2 provided in this section with respect to unmarried mothers.
3 DIVISION IV
4 ADMINISTRATIVE ESTABLISHMENT OF PATERNITY
5 Sec. 12. Section 252C.3, subsection 3, Code 1993, is
6 amended to read as follows:
7 3. If a timely written response setting forth objections
8 and requesting a hearing is received by the appropriate office
9 of the child support recovery unit, a hearing shall be held in
10 district court <u>including cases in which the paternity is</u>
11 <u>currently being contested and in which paternity was</u>
12 <u>previously established by affidavit pursuant to section 252A.3</u>
13 <u>or 600B.6B</u>.
14 Sec. 13. <u>NEW SECTION</u>. 252F.1 DEFINITIONS.
15 As used in this chapter unless the context otherwise
16 requires:
17 1. "Administrator" means the administrator of the child
18 support recovery unit of the department of human services or
19 the administrator's designee.
20 2. "Mother" means a mother of the child for whom paternity
21 is being established.
22 3. "Paternity is at issue" means any of the following
23 conditions:
24 a. A child was not born and conceived within marriage.
25 b. A child was born or conceived within marriage but a
26 court has declared that the child is not the issue of the
27 marriage.
28 c. Paternity has been established by the filing of an
29 affidavit of paternity and the father is contesting paternity
30 within the statute of limitations period.
31 4. "Paternity test" means and includes any form of blood,
32 tissue, or genetic testing administered to determine the
33 biological father of a child.
34 5. "Putative father" means a person alleged to be the
35 biological father of a child.

1 6. "Unit" means the child support recovery unit created in
2 section 252B.2.
3 Sec. 14. NEW SECTION. 252F.2 JURISDICTION.
4 In any case in which the unit is providing services
5 pursuant to chapter 252B and paternity is at issue,
6 proceedings may be initiated by the unit pursuant to this
7 chapter for the sole purpose of establishing paternity and any
8 accrued or accruing child support or medical support
9 obligations. Proceedings under this chapter are not exclusive
10 of other means of establishing paternity or support and issues
11 in addition to establishment of paternity or support
12 obligations shall not be addressed in proceedings initiated
13 under this chapter.
14 Sec. 15. NEW SECTION. 252F.3 NOTICE OF ALLEGED PATERNITY
15 AND SUPPORT DEBT.
16 1. The unit may prepare a notice of alleged paternity and
17 support debt to be served on the putative father if the mother
18 of the child provides a sworn statement or affidavit to the
19 unit verifying that the putative father is or may be the
20 biological father of the child or children involved. The
21 notice shall be accompanied by a copy of the affidavit and
22 served on the putative father in accordance with rule of civil
23 procedure 56.1. Service upon the mother shall not constitute
24 valid service upon the putative father.
25 2. The notice shall include all of the following:
26 a. The name of the recipient of services under chapter
27 252B and the name and birth date of the child or children
28 involved.
29 b. A statement that the putative father has been named as
30 the biological father of the child or children involved.
31 c. A statement that the amount of the putative father's
32 monthly support obligation and the amount of the support debt
33 accrued and accruing will be established in accordance with
34 the guidelines established in section 598.21 and the criteria
35 established pursuant to section 252B.7A.

1 d. A statement that the putative father has a duty to
2 provide accrued and accruing medical support to the child or
3 children in accordance with chapter 252E.
4 e. The rights and responsibilities involved in the
5 establishment of paternity.
6 f. A statement of the putative father's right to deny
7 paternity, the procedures for denying paternity, and the
8 consequences of the denial.
9 g. A directive that the putative father is to provide the
10 unit with all relevant financial information, as established
11 by rules of the department and requested in the notice, within
12 twenty days of the date of service or within ten days of the
13 date of mailing of paternity test results to the putative
14 father if the father denies paternity.
15 h. The right of the putative father to request a
16 conference with the unit within ten days of the date of
17 service or within ten days of the date of mailing of the
18 paternity test results to the putative father if the father
19 denies paternity.
20 Sec. 16. NEW SECTION. 252F.4 PATERNITY TESTING.
21 1. If a putative father denies paternity, the putative
22 father shall submit a written denial of paternity to the unit.
23 Upon the receipt of a written denial of paternity, the
24 administrator shall enter an ex parte administrative order
25 requiring the mother, child or children, and putative father
26 to submit to paternity testing.
27 2. If the putative father has signed an affidavit of
28 paternity pursuant to sections 252A.3 and 600B.6A within the
29 three-year period prior to the receipt of notice, and the
30 putative father contests paternity, the putative father shall
31 pay all costs of paternity testing.
32 3. If a paternity test is required under this section, the
33 administrator shall direct that inherited characteristics,
34 including but not limited to blood types, be analyzed and
35 interpreted, and shall appoint an expert qualified as an

1 examiner of genetic markers to analyze and interpret the
2 results and report the results to the administrator.
3 4. The putative father shall be provided one opportunity
4 to reschedule the paternity testing appointment if the testing
5 is rescheduled prior to the date of the originally scheduled
6 appointment.
7 5. The paternity test results shall be sent to the
8 administrator and to the putative father simultaneously.
9 6. Verified documentation of the chain of custody of the
10 blood specimens is competent evidence to establish the chain
11 of custody.
12 7. A verified expert's report shall be a sufficient basis
13 for administrative establishment of paternity.
14 8. Test results which show a statistical probability of
15 paternity are a sufficient basis for administrative
16 establishment of paternity.
17 9. If the expert concludes that the test results show that
18 the putative father is not excluded and that the probability
19 of the putative father's paternity is ninety-five percent or
20 higher, there shall be a rebuttable presumption that the
21 putative father is the biological father, and the evidence
22 shall be sufficient as a basis for administrative
23 establishment of paternity.
24 10. Upon receipt of the paternity test results, if the
25 putative father does not challenge results which indicate a
26 probability of paternity of ninety-five percent or greater,
27 the unit shall schedule a conference to be held no sooner than
28 ten days after the date of the mailing of the notice of the
29 conference by regular mail. The putative father may request
30 rescheduling of the conference if the rescheduled conference
31 is held within five working days of the date of the originally
32 scheduled conference.
33 11. If the paternity test results indicate a probability
34 of paternity of ninety-five percent or greater and the
35 putative father wishes to challenge the presumption of

1 paternity, the putative father shall file a written notice of
2 the challenge with the district court and an application for
3 review by the district court within twenty days of the mailing
4 of the expert's report following receipt of the blood test
5 results or within ten days after the scheduled date of the
6 conference, whichever occurs later.
7 a. The party challenging the presumption of paternity has
8 the burden of proving that the putative father is not the
9 father of the child.
10 b. The presumption of paternity may be rebutted only by
11 clear and convincing evidence.
12 12. If the expert concludes that the test results indicate
13 that the putative father is not excluded and that the
14 probability of the putative father's paternity is less than
15 ninety-five percent, test results shall be weighed along with
16 other evidence of paternity. To challenge the test results, a
17 party shall file a written notice of the challenge with the
18 unit within ten days of the mailing of the expert's report to
19 the putative father.
20 13. If the paternity test results exclude the putative
21 father as a potential biological father of the child, and
22 additional tests are not requested by either party, the unit
23 shall withdraw its action against the putative father.
24 14. If the results of the tests or the expert's analysis
25 are disputed, the administrator, upon request of a party or
26 upon the unit's initiative, shall order that an additional
27 test be performed by the same laboratory or an independent
28 laboratory, at the expense of the party requesting additional
29 testing.
30 Sec. 17. NEW SECTION. 252F.5 SECOND NOTICE SERVED.
31 1. After the holding of a requested conference, the
32 administrator may issue a second notice and finding of
33 financial responsibility for child support or medical support,
34 or both.
35 2. A second notice shall be served or mailed by the unit

1 within ten days after the date of the scheduled conference
2 required pursuant to section 252F.4.
3 3. The putative father shall, within ten days from the
4 date of mailing or service of the second notice, provide
5 additional financial information, or the putative father may
6 request review of the support amount within the same time
7 period.
8 Sec. 18. NEW SECTION. 252F.6 ENTRY OF ORDER.
9 1. If the putative father fails to respond to the initial
10 notice within twenty days after the date of service of the
11 notice or fails to appear at the negotiation conference
12 pursuant to section 252F.4 on the scheduled date of the
13 conference, the administrator may enter an order against the
14 putative father, declaring the putative father to be the
15 biological father and assessing the support obligation and
16 accrued and accruing child support pursuant to section 598.21
17 and medical support pursuant to chapter 252E against the
18 father.
19 2. If the putative father fails to appear for a paternity
20 test, the administrator may enter an order against the
21 putative father declaring the putative father to be the
22 biological father of the child and assessing the support
23 obligation and accrued and accruing child support pursuant to
24 the guidelines established under section 598.21, subsection 4,
25 and medical support pursuant to chapter 252E against the
26 father.
27 3. If the putative father appears at a conference, the
28 administrator may enter an order against the putative father
29 ten days after the second notice has been sent declaring the
30 putative father to be the biological father of the child and
31 assessing the support obligation and accrued and accruing
32 child support pursuant to section 598.21, subsection 4, and
33 medical support pursuant to chapter 252E against the father.
34 4. The administrator shall establish a support obligation
35 under this section based upon the best information available

1 to the unit and pursuant to section 252B.7A.
2 5. The order shall contain all of the following:
3 a. A declaration of paternity.
4 b. The amount of monthly support to be paid, with
5 direction as to the manner of payment.
6 c. The amount of accrued support.
7 d. The name of the custodial parent or caretaker.
8 e. The name and birth date of the child or children to
9 whom the order applies.
10 f. A statement that property of the putative father is
11 subject to income withholding, liens, garnishment, tax offset,
12 and other actions.
13 g. The medical support required pursuant to chapter 598
14 and chapter 252E.
15 Sec. 19. NEW SECTION. 252F.7 CERTIFICATION TO DISTRICT
16 COURT.
17 1. In any action brought under this chapter, the action
18 shall not be certified to the district court in an uncontested
19 paternity action.
20 2. In any action brought under this chapter, the action
21 shall not be certified to the district court in a contested
22 paternity action unless all of the following have occurred:
23 a. Paternity testing has been completed.
24 b. The results of the paternity test have been sent to the
25 putative father.
26 c. A written objection to the entry of an order has been
27 received from the putative father.
28 3. A matter shall be certified to the district court in
29 the county in which the child or children reside or, if the
30 matter is the result of a foreign judgment from another state,
31 the matter shall be filed in the county in which the putative
32 father resides.
33 4. The court shall set the matter for hearing and notify
34 the parties of the time and place for hearing.
35 5. If the court determines that the putative father is the

1 biological father, the court shall establish the amount of the
2 monthly support payment and the accrued and accruing child
3 support pursuant to the guidelines established under section
4 598.21 and medical support pursuant to chapter 252E.
5 6. If a party fails to appear at the hearing, upon a
6 showing that proper notice has been provided to the party, the
7 court may find the party in default and enter an appropriate
8 order.
9 Sec. 20. NEW SECTION. 252F.8 FILING WITH THE DISTRICT
10 COURT.
11 Following issuance of an order by the administrator, the
12 order shall be presented to an appropriate district court
13 judge for review and approval. Upon approval by the district
14 court judge, the order shall then be filed in the district
15 court in the county in which the child or children reside or,
16 if the order is the result of a foreign judgment, the order
17 shall be filed in the county in which the putative father
18 resides. Unless defects appear on the face of the order, the
19 district court shall approve the order. Upon filing, the
20 order has the same force and effect as a district court order.
21 Sec. 21. NEW SECTION. 252F.9 REPORT TO VITAL STATISTICS.
22 Upon the filing of an order with the district court
23 pursuant to this chapter, the clerk of the district court
24 shall report the information from the order to the bureau of
25 vital statistics in the manner provided in section 600B.36.
26 Sec. 22. Section 600B.41, subsection 7, paragraph a,
27 unnumbered paragraph 1, Code 1993, is amended to read as
28 follows:
29 Notwithstanding section 598.21, subsection 8, paragraph
30 "k", the establishment of paternity by court order, including
31 a court order based on an administrative establishment of
32 paternity, or by affidavit may be overcome if all of the
33 following conditions are met:
34 DIVISION V
35 ADMINISTRATIVELY INSTITUTED MODIFICATIONS

1 Sec. 23. NEW SECTION. 252B.20 SUSPENSION OF SUPPORT.
2 1. If the unit is providing child support enforcement
3 services pursuant to chapter 252B, the parents of a dependent
4 child for whom support has been ordered pursuant to chapter
5 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly
6 request the assistance of the unit in suspending the
7 obligation for support if all of the following conditions
8 exist:
9 a. The parents have reconciled and are cohabiting, and the
10 child for whom support is ordered is living in the same
11 residence as the parents, or the child is currently residing
12 with the parent for whom the support order is being suspended.
13 b. The person entitled to receive support and the child
14 for whom support is ordered are not receiving public
15 assistance pursuant to chapter 239, 249A, or a comparable law
16 of a foreign jurisdiction, unless the person against whom
17 support is ordered is also receiving public assistance under
18 the same household grant as the child.
19 c. The parents have signed a notarized affidavit attesting
20 to the conditions under paragraphs "a" and "b", have consented
21 to suspension of the support order, and have submitted the
22 affidavit to the unit.
23 d. No prior request for suspension has been filed with the
24 unit during the two-year period preceding the request.
25 e. Any other criteria established by rule of the
26 department.
27 2. Upon receipt of the application for suspension and
28 properly executed and notarized affidavit, the unit shall
29 review the application and affidavit to determine that the
30 necessary criteria have been met. The unit shall then do one
31 of the following:
32 a. Deny the request and notify the parents in writing that
33 the application is being denied, providing reasons for the
34 denial and notifying the parents of the right to proceed
35 through private counsel. Denial of the application is not

1 subject to contested case proceedings or further review
2 pursuant to chapter 17A.
3 b. Approve the request and prepare an order which shall be
4 submitted, along with the affidavit, to a judge of a district
5 court for approval, suspending enforcement and collection of
6 the accruing support obligation.
7 3. An order approved by the court for suspension of an
8 accruing support obligation is effective upon the date of
9 filing of the suspension order.
10 4. An order suspending the enforcement and collection of a
11 support obligation entered by the court pursuant to this
12 section shall be considered a temporary order for the period
13 of six months from the date of filing of the suspension order.
14 5. During the six-month period the unit may request that
15 the court reinstate the enforcement and collection of the
16 accruing support order if any of the following conditions
17 exist:
18 a. Upon application to the unit by either parent or other
19 person who has physical custody of the child.
20 b. Upon the receipt of public assistance benefits,
21 pursuant to chapter 239, 249A, or a comparable law of a
22 foreign jurisdiction, by the person entitled to receive
23 support and the child on whose behalf support is paid,
24 provided that the person owing the support is not also
25 receiving public assistance under the same public assistance
26 grant as the child.
27 6. Upon filing of an application for reinstatement,
28 service of the application shall be made either in person or
29 by first class mail upon both parents. Within ten days
30 following the date of service, the parents may file a written
31 objection with the clerk of the district court to the entry of
32 an order for reinstatement.
33 a. If no objection is filed, the court may enter an order
34 reinstating enforcement and collection of the accruing support
35 obligation without additional notice.

1 b. If an objection is filed, the clerk of court shall set
2 the matter for hearing and send notice of the hearing to both
3 parents and the unit.
4 7. The reinstatement is effective as follows:
5 a. For reinstatements initiated under subsection 5,
6 paragraph "a", the date the notices were served on both
7 parents pursuant to subsection 6.
8 b. For reinstatements initiated under subsection 5,
9 paragraph "b", the date the child began receiving public
10 assistance benefits during the suspension of the obligation.
11 c. Support which became due during the period of
12 suspension but prior to the reinstatement is waived and not
13 due and owing.
14 8. If the order suspending a support obligation has been
15 on file with the court for a period exceeding six months, the
16 order becomes final by operation of law and terminates the
17 support obligation, and thereafter, a party seeking to
18 establish a support obligation against either party shall
19 bring a new action for support as provided by law.
20 9. This section shall not limit the rights of the parents
21 or the unit to proceed by other means to suspend, terminate,
22 reinstate, or establish support.
23 10. This section does not provide for the suspension,
24 waiver, satisfaction, or retroactive modification of support
25 obligations which accrued prior to the entry of an order
26 suspending enforcement and collection of support pursuant to
27 this section.
28 DIVISION VI
29 CONTEMPT OF COURT
30 Sec. 24. Section 252B.1, Code 1993, is amended by adding
31 the following new subsection:
32 NEW SUBSECTION. 4A. "Obligor" means the person legally
33 responsible for the support of a child as defined in section
34 598.1 under a support order issued in this state or a foreign
35 jurisdiction.

1 Sec. 25. NEW SECTION. 252B.21 ADMINISTRATIVE SEEK
2 EMPLOYMENT ORDERS.
3 1. For any support order being enforced by the unit, the
4 administrator may enter an ex parte order requiring the
5 obligor to seek employment if employment of the obligor cannot
6 be verified and if the obligor has failed to make support
7 payments. Advance notice is not required prior to entering
8 the ex parte order. The unit shall file a copy of the order
9 with the court.
10 2. The order to seek employment shall contain directives,
11 including all of the following:
12 a. That the obligor seek employment within a determinate
13 amount of time.
14 b. That the obligor report to the unit on a weekly basis
15 of at least five new attempts to find employment or of having
16 found employment. The obligor shall report to the unit, in
17 writing, on at least a weekly basis, the names, addresses, and
18 the telephone numbers of any employers or businesses with whom
19 the obligor attempted to seek employment and the name of the
20 individual contact to whom the obligor made application for
21 employment or to whom an inquiry was directed.
22 c. That failure to comply with the notice is evidence of a
23 willful failure to pay support under section 598.23A.
24 d. That the obligor shall provide the child support
25 recovery unit with verification of any reason for
26 noncompliance with the order.
27 e. The duration of the order, not to exceed three months.
28 3. The department may establish additional criteria or
29 requirements relating to seek employment orders by rule as
30 necessary to implement this section.
31 Sec. 26. Section 598.23A, subsection 1, Code 1993, is
32 amended to read as follows:
33 1. If a person against whom an order or decree for support
34 has been entered pursuant to this chapter or chapter 234,
35 252A, 252C, 252F, 600B, or any other support chapter, or a

1 comparable chapter of a foreign jurisdiction, fails to make
2 payments or provide medical support pursuant to that order or
3 decree, the person may be cited and punished by the court for
4 contempt under section 598.23 or this section. Failure to
5 comply with a seek employment order entered pursuant to
6 section 252B.21 is evidence of willful failure to pay support.
7 Sec. 27. Section 598.23A, subsection 2, Code 1993, is
8 amended by striking the subsection and inserting in lieu
9 thereof the following:
10 2. If a person is cited for contempt, the court may do
11 either of the following:
12 a. Require the posting of a cash bond, within seven
13 calendar days, in an amount equivalent to the current
14 arrearages and an additional amount which is equivalent to at
15 least twelve months of future support obligations. If the
16 arrearages are not paid within three months of the hearing,
17 the bond shall be automatically forfeited to cover payment of
18 the full portion of the arrearages and the portion of the bond
19 representing future support obligations shall be automatically
20 forfeited to cover future support payments as payments become
21 due.
22 b. (1) Require the performance of community service work
23 of up to twenty hours per week for six weeks for each finding
24 of contempt. The contemnor may, at any time during the six-
25 week period, apply to the court to be released from the
26 community service work requirement under any of the following
27 conditions:
28 (a) The contemnor provides proof to the court that the
29 contemnor is gainfully employed and consents to the entry of
30 an order for income withholding pursuant to chapter 252D.
31 (b) The contemnor provides proof of payment of an amount
32 equal to at least six months' child support. The payment does
33 not relieve the contemnor's obligation for arrearages or
34 future payments.
35 (c) The contemnor provides proof to the court that,

1 subsequent to entry of the order, the contemnor's
2 circumstances have so changed that the contemnor is no longer
3 able to fulfill the terms of the community service order.
4 (2) The contemnor shall report in writing to the court the
5 following information on a weekly basis while subject to the
6 community service requirements:
7 (a) The duties performed as community service in the
8 previous week.
9 (b) The number of hours of community service performed in
10 the previous week.
11 (c) The name, address, and telephone number of the person
12 supervising or arranging for the performance of the community
13 service.
14 DIVISION VII
15 CHILD SUPPORT REFEREE AUTHORIZATION
16 Sec. 28. NEW SECTION. 602.6608 CHILD SUPPORT REFEREE.
17 1. The chief judge may appoint and may remove for cause
18 with due process a referee to preside over child support
19 proceedings.
20 2. Qualifications for a referee appointed under this
21 section include, at a minimum, all of the following:
22 a. The referee shall be an attorney currently licensed to
23 practice law in the state.
24 b. The referee shall have at least five years of
25 experience in the practice of law.
26 c. The referee shall have at least two years of experience
27 in the practice of family law in the state of Iowa.
28 3. Duties of the referee are limited to presiding over
29 child and medical support proceedings which are delegated to
30 the referee by the chief judge or jointly by the chief judges
31 of the affected judicial districts if the referee is
32 authorized to preside over proceedings in more than one
33 judicial district.
34 4. The compensation of the referee shall be established by
35 the court.

1 DIVISION VIII
2 SELF-EMPLOYED OBLIGORS
3 Sec. 29. Section 252B.5, Code 1993, is amended by adding
4 the following new subsection:
5 NEW SUBSECTION. 8. a. Assistance, in consultation with
6 the department of revenue and finance, in identifying and
7 taking action against self-employed individuals as identified
8 by the following conditions:
9 (1) The individual owes support pursuant to a court or
10 administrative order being enforced by the unit and is de-
11 linquent in an amount equal to or greater than the support
12 obligation amount assessed for one month.
13 (2) The individual has filed a state income tax return in
14 the preceding twelve months.
15 (3) The individual has no reported tax withholding amount
16 on the most recent state income tax return.
17 (4) The individual has failed to enter into or comply with
18 a formalized repayment plan with the unit.
19 (5) The individual has failed to make either all current
20 support payments in accordance with the court or administra-
21 tive order or to make payments against any delinquency in each
22 of the preceding twelve months.
23 b. Notwithstanding section 252B.9, the unit may forward
24 information to the department of revenue and finance as
25 necessary to implement this subsection, including but not
26 limited to both of the following:
27 (1) The name and social security number of the individual.
28 (2) Support obligation information in the specific case,
29 including the amount of the delinquency.
30 Sec. 30. Section 421.17, Code 1993, is amended by adding
31 the following new subsections:
32 NEW SUBSECTION. 21A. To cooperate with the child support
33 recovery unit created in chapter 252B to establish and
34 maintain a process to implement the provisions of section
35 252B.5, subsection 8. The department of revenue and finance

1 shall forward to individuals meeting the criteria under
2 section 252B.5, subsection 8, paragraph "a", a notice by
3 first-class mail that the individual is obligated to file a
4 state estimated tax form and to remit a separate child support
5 payment.
6 a. Individuals notified shall submit a state estimated tax
7 form on a quarterly basis.
8 b. The individual shall pay monthly, the lesser of the
9 total delinquency or one hundred fifty percent of the current
10 or most recent monthly obligation.
11 c. The individual shall remit the payment to the depart-
12 ment of revenue and finance separate from any tax liability
13 payments, identify the payment as a support payment, and make
14 the payment payable to the collection services center. The
15 department shall forward all payments received pursuant to
16 this section to the collection services center established
17 pursuant to chapter 252B, for processing and disbursement.
18 The department of revenue and finance may establish by rule a
19 process for the child support recovery unit or collection
20 services center to directly receive the payments.
21 d. The notice shall provide that, as an alternative to the
22 provisions of paragraph "b", the individual may contact the
23 child support recovery unit to formalize a repayment plan and
24 obtain an exemption from the quarterly payment requirement or
25 to contest the balance due listed in the notice when payments
26 are made pursuant to the plan.
27 e. The department of revenue and finance, in cooperation
28 with the child support recovery unit, may adopt rules, if
29 necessary, to implement this subsection.
30 NEW SUBSECTION. 21B. To provide information contained in
31 state individual tax returns to the child support recovery
32 unit for the purposes of establishment or enforcement of
33 support obligations. The department of revenue and finance
34 and child support recovery unit may exchange information in a
35 manual or automated fashion. The department of revenue and

1 finance, in cooperation with the child support recovery unit,
2 may adopt rules, if necessary, to implement this subsection.
3 DIVISION IX
4 CENTRALIZED LIEN INDEX
5 Sec. 31. NEW SECTION. 252B.19 CENTRALIZED LIEN FILING.
6 The unit, in cooperation with the department of revenue and
7 finance and the secretary of state, shall establish a
8 centralized computer data bank for the filing of liens as
9 provided in section 624.24, subsection 2, pertaining to all
10 persons against whom the unit is enforcing child support
11 obligations and as to whom a judgment has been obtained.
12 1. The unit shall establish an electronic data link with
13 the secretary of state to file the liens. The unit shall
14 provide to the data bank the name of the obligor, obligation
15 information based on the records of the unit, including but
16 not limited to the date that the final support installment is
17 due, the name of the county in which the support order is
18 filed, and the court order or docket number of the support
19 order. The unit shall also provide the social security number
20 of the person owing the support obligation unless prohibited
21 by federal law. The unit and secretary of state shall
22 establish procedures for periodically updating the data bank
23 to include new filings and to remove liens against individuals
24 for whom the unit has discontinued enforcement action.
25 2. Notwithstanding any other statutory provisions to the
26 contrary, the unit may release the information identified in
27 subsection 1 to the secretary of state or to the department of
28 revenue and finance to enforce support obligations through the
29 filing of liens. The information identified in subsection 1,
30 once entered into the data bank as a lien, is a public record
31 which may be accessed through the data bank. The actual,
32 original records compiled and maintained by the unit under
33 this chapter are subject to the confidentiality restrictions
34 established in this chapter.
35 3. A computer terminal link shall be provided in each

1 county courthouse to facilitate the dissemination of
2 information pertaining to the liens.
3 Sec. 32. NEW SECTION. 558.6A SOCIAL SECURITY NUMBERS
4 PROVIDED -- EXEMPTION FROM LIABILITY.
5 An attorney or abstractor performing a search of or an
6 officer recording information on the centralized lien data
7 bank established pursuant to section 252B.19 is not liable for
8 any damages caused as a result of false representation of a
9 social security number by a party to a real estate transaction
10 when the search is performed in good faith and is based upon
11 use of the social security number.
12 Sec. 33. Section 558.41, Code 1993, is amended to read as
13 follows:
14 558.41 RECORDING.
15 a. ~~No~~ Except as otherwise provided in paragraph "b", no
16 instrument affecting real estate is of any validity against
17 subsequent purchasers for a valuable consideration, without
18 notice, unless filed in the office of the recorder of the
19 county in which the same lies, as hereinafter provided.
20 b. A lien based upon a judgment or order for child support
21 being enforced by the child support recovery unit is valid
22 against subsequent purchasers, without notice, when the lien
23 attaches as provided in section 624.24, subsection 2.
24 Sec. 34. Section 624.24, Code 1993, is amended to read as
25 follows:
26 624.24 WHEN JUDGMENT LIEN ATTACHES.
27 1. When the real estate lies in the county ~~wherein~~ in
28 which the judgment of the district court of this state or of
29 the circuit or district courts of the United States was
30 entered in the judgment docket and lien index kept by the
31 clerk of the district court having jurisdiction, the lien
32 ~~shall attach~~ attaches from the date of ~~such~~ the entry of
33 judgment~~, but~~. Except as otherwise provided in subsection 2,
34 if ~~in another it~~ the real estate is located in a county other
35 than the county in which the judgment was entered, the lien

1 will not attach until an attested copy of the judgment is
2 filed in the office of the clerk of the district court of the
3 county in which the real estate lies.
4 2. For judgments containing support orders being enforced
5 by the child support recovery unit created in chapter 252B,
6 the lien attaches to any real property in any county in the
7 state of Iowa from the date the support obligor's name is
8 entered on the centralized lien data bank established pursuant
9 to section 252B.19. The lien is effective against the support
10 obligor and subsequent mortgagees, purchasers, or lien holders
11 of record, for value and without notice of the lien, on any
12 real property owned by the debtor within the state.
13 Notwithstanding section 624.23, subsection 1, liens under this
14 subsection are liens upon the real property owned by the
15 obligor at the time the lien attaches, and also upon all real
16 property that the obligor may subsequently acquire for a
17 period of ten years from the date that the final installment
18 under the support judgment is due. An index of support liens
19 relating to orders being enforced by the child support
20 recovery unit shall be maintained in accordance with section
21 252B.19.
22 DIVISION X
23 RELEASE OF INFORMATION
24 Sec. 35. Section 252B.9, Code 1993, is amended by adding
25 the following new subsection:
26 NEW SUBSECTION. 1A. Notwithstanding other statutory pro-
27 visions to the contrary, including but not limited to chapters
28 22 and 217, as the chapters relate to confidentiality of
29 records maintained by the department, the payment records of
30 the collection services center maintained under section
31 252B.13A are public records only as follows:
32 a. Payment records of the collection services center which
33 are maintained pursuant to chapter 598 are public records and
34 may be released upon request.
35 b. Except as otherwise provided in subsection 1, the

1 department shall not release details related to payment
2 records or provide alternative formats for release of the
3 information, with the following additional exceptions:
4 (1) The unit or collection services center may provide
5 additional detail or present the information in an alternative
6 format to an individual or to the individual's legal repre-
7 sentative if the individual owes or is owed a support obliga-
8 tion to an agency assigned or enforcing the obligation as the
9 result of receipt of a party of public assistance.
10 (2) For support orders entered in Iowa which are being
11 enforced by the unit, the unit may compile and make available
12 for publication a listing of cases in which no payment has
13 been credited to an accrued or accruing support obligation
14 during a previous three-month period. Each case on the list
15 shall be identified only by the name of the support obligor,
16 the support obligor's court order docket or case number, the
17 county in which the obligor's support order is filed, and the
18 collection services center case numbers. The department shall
19 determine dates for the release of information, the specific
20 format of the information released, and the three-month period
21 used as a basis for identifying cases. The department may not
22 release the information more than twice annually. In
23 compiling the listing of cases, no prior public notice to the
24 obligor is required, but the unit may send notice annually by
25 first-class mail to the last known address of any individual
26 owing a support obligation which is being enforced by the
27 unit. The notice shall inform the individual of the
28 provisions of this subparagraph. Actions taken pursuant to
29 this subparagraph are not subject to review under chapter 17A,
30 and the lack of receipt of a notice does not prevent the unit
31 from proceeding in implementing this subparagraph.
32 (3) The provisions of subparagraph (2) may be applied to
33 support obligations entered in another state, at the request
34 of an initiating state if the initiating state has
35 demonstrated that the provisions of subparagraph (2) are not

1 in conflict with the laws of the state where the support
2 obligation is entered and the unit is enforcing the support
3 obligation. For the purposes of this subparagraph,
4 "initiating state" means any child support enforcement agency
5 operating under the provisions of Title IV-D of the federal
6 Social Security Act.
7 c. The attorney general, under a contract with the
8 department, may utilize information of the unit to secure,
9 modify, or enforce a support obligation of an individual,
10 unless otherwise prohibited by federal law.
11 d. This subsection shall not permit or require the release
12 of information contained in the case records of the unit,
13 except to the extent provided in this section.
14 e. The department may utilize statistical information
15 related to publication of delinquent obligations in publicly
16 addressing issues related to the program.
17 Sec. 36. Section 252B.9, subsection 2, Code 1993, is
18 amended to read as follows:
19 2. Except as otherwise provided in subsection 1, paragraph
20 "b", and in subsection 1A, information recorded by the
21 department pursuant to this section shall be available only to
22 the unit, attorneys prosecuting a case in which the unit may
23 participate according to sections 252B.5 and 252B.6, courts
24 having jurisdiction in support or abandonment proceedings, and
25 agencies in other states charged with support collection and
26 paternity determination responsibilities as determined by the
27 rules of the department and the provisions of Title IV of the
28 federal Social Security Act. However, information relating to
29 the location of an absent parent shall be made available,
30 pursuant to federal regulations, to a resident parent, legal
31 guardian, attorney, or agent of a child who is not receiving
32 assistance under Title IV-A of the federal Social Security
33 Act. Unless otherwise prohibited by federal statute or
34 regulation, the child support recovery unit shall release
35 information relating to an absent parent to another unit of

1 the department pursuant to a written request for the
2 information approved by the director.
3 DIVISION XI
4 TECHNICAL AND CONFORMING PROVISIONS
5 Sec. 37. Section 252B.3, unnumbered paragraph 1, Code
6 1993, is amended to read as follows:
7 Upon receipt by the department of an application for public
8 assistance on behalf of a child and determination by the
9 department that the child has been abandoned by its parents or
10 that the child and one parent have been abandoned by the other
11 parent or that the parent or other person responsible for the
12 care, support or maintenance of the child has failed or
13 neglected to give proper care or support to the child, the
14 department shall take appropriate action under the provisions
15 of this chapter or under other appropriate statutes of this
16 state including but not limited to chapters 239, 252A, 252F,
17 598, and 600B, to ensure that the parent or other person
18 responsible for the support of the child fulfills the support
19 obligation.
20 Sec. 38. Section 252B.4, unnumbered paragraph 1, Code
21 1993, is amended to read as follows:
22 The child support and paternity determination services
23 established by the department pursuant to this chapter and
24 other appropriate services provided by law including but not
25 limited to the provisions of chapters 239, 252A, 252C, 252D,
26 252E, 252F, 598, and 600B shall be made available by the unit
27 to an individual not otherwise eligible as a public assistance
28 recipient upon application by the individual for the services.
29 The application shall be filed with the department.
30 Sec. 39. Section 252B.5, subsections 2 and 3, Code 1993,
31 are amended to read as follows:
32 2. Aid in establishing paternity and securing a court or
33 administrative order for support pursuant to chapter 252A,
34 252F, or 600B.
35 3. Aid in enforcing through court or administrative

1 proceedings an existing court order for support issued
2 pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any
3 other chapter under which child or medical support is granted.
4 Sec. 40. Section 252B.14, unnumbered paragraph 1, Code
5 1993, is amended to read as follows:
6 All support payments required pursuant to orders entered
7 under this chapter and chapter 234, 252A, 252C, 252F, 598,
8 600B, or any other chapter shall be directed and processed as
9 follows:
10 Sec. 41. Section 252C.1, subsection 5, Code 1993, is
11 amended to read as follows:
12 5. "Dependent child" means a person who meets the
13 eligibility criteria established in chapter 234 or 239 and
14 whose support is required by chapter 234, 239, 252A, 252F,
15 598, or 600B.
16 Sec. 42. Section 252D.1, subsection 2, Code 1993, is
17 amended to read as follows:
18 2. If support payments ordered under chapter 232, 234,
19 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other
20 applicable chapter, or under a comparable statute of a foreign
21 jurisdiction, as certified to the child support recovery unit
22 established in section 252B.2, are not paid to the clerk of
23 the district court or the collection services center pursuant
24 to section 598.22 and become delinquent in an amount equal to
25 the payment for one month, upon application of a person
26 entitled to receive the support payments, the child support
27 recovery unit or the district court may enter an ex parte
28 order notifying the person whose income is to be assigned, of
29 the delinquent amount, of the amount of income or wages to be
30 withheld, and of the procedure to file a motion to quash the
31 order of assignment, and shall order an assignment of income
32 and notify an employer, trustee, or other payor by regular
33 mail, with proof of service completed according to rule of
34 civil procedure 82, of the order of the assignment of income
35 requiring the withholding of specified sums to be deducted

1 from the delinquent person's periodic earnings, trust income,
2 or other income sufficient to pay the support obligation and,
3 except as provided in section 598.22, requiring the payment of
4 such sums to the clerk of the district court or the collection
5 services center. The assignment of income is binding on an
6 existing or future employer, trustee, or other payor ten days
7 after the receipt of the order. The amount of an assignment
8 of income shall not exceed the amount specified in 15 U.S.C. §
9 1673(b). The assignment of income has priority over a
10 garnishment or an assignment for a purpose other than the
11 support of the dependents in the court order being enforced.
12 The child support recovery unit or the district court, upon
13 the application of any party, by ex parte order, may modify
14 the assignment of income on the full payment of the
15 delinquency or in an instance where the amount being withheld
16 exceeds the amount specified in 15 U.S.C. § 1673(b), or may
17 revoke the assignment of income upon the termination of
18 parental rights, emancipation, death or majority of the child,
19 or upon a change of custody.
20 Sec. 43. Section 252E.1, subsection 1, Code 1993, is
21 amended to read as follows:
22 1. "Child" means a person for whom child or medical
23 support may be ordered pursuant to chapter 234, 239, 252A,
24 252C, 252F, 598, 600B or any other chapter of the Code or
25 pursuant to a comparable statute of a foreign jurisdiction.
26 Sec. 44. Section 252E.2, Code 1993, is amended to read as
27 follows:
28 252E.2 ORDER FOR MEDICAL SUPPORT.
29 The entry of an order, pursuant to chapter 234, 252A, 252C,
30 252F, 598, 600B or any other chapter of the Code or pursuant
31 to a comparable statute of a foreign jurisdiction, requiring
32 the provision of coverage under a health benefit plan is
33 authorization for enrollment of the dependent if the dependent
34 is otherwise eligible to be enrolled. The dependent's
35 eligibility and enrollment for coverage under such a plan

1 shall be governed by all applicable terms and conditions,
2 including, but not limited to, eligibility and insurability
3 standards. The dependent, if eligible, shall be provided the
4 same coverage as the obligor.
5 Sec. 45. Section 598.21, subsection 8, unnumbered
6 paragraph 3, Code 1993, is amended to read as follows:
7 Judgments for child support or child support awards entered
8 pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B,
9 or any other chapter of the Code which are subject to a
10 modification proceeding may be retroactively modified only
11 from the date the notice of the pending petition for
12 modification is served on the opposing party.
13 Sec. 46. Section 598.22, unnumbered paragraph 1, Code
14 1993, is amended to read as follows:
15 Except as otherwise provided in section 598.22A, this
16 section applies to all initial or modified orders for support
17 entered under this chapter, chapter 234, 252A, 252C, 252F,
18 600B, or any other chapter of the Code. All orders or
19 judgments entered under chapter 234, 252A, 252C, 252F, or
20 600B, or under this chapter or any other chapter which provide
21 for temporary or permanent support payments shall direct the
22 payment of those sums to the clerk of the district court or
23 the collection services center in accordance with section
24 252B.14 for the use of the person for whom the payments have
25 been awarded. Payments to persons other than the clerk of the
26 district court and the collection services center do not
27 satisfy the support obligations created by the orders or
28 judgments, except as provided for trusts governed by the
29 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
30 tax refunds or rebates in section 602.8102, subsection 47, or
31 for dependent benefits paid to the child support obligee as
32 the result of disability benefits awarded to the child support
33 obligor under the federal Social Security Act. For trusts
34 governed by the federal Retirement Equity Act of 1984, Pub. L.
35 No. 98-397, the assignment of income shall require the payment

1 of such sums to the alternate payee in accordance with the
2 federal Act.
3 Sec. 47. Section 602.8102, subsection 47, Code 1993, is
4 amended to read as follows:
5 47. Record support payments made pursuant to an order
6 entered under chapter 252A, 252F, 598, or 600B, or under a
7 comparable statute of a foreign jurisdiction and through
8 setoff of a state or federal income tax refund or rebate, as
9 if the payments were received and disbursed by the clerk;
10 forward support payments received under section 252A.6 to the
11 department of human services and furnish copies of orders and
12 decrees awarding support to parties receiving welfare
13 assistance as provided in section 252A.13.
14 Sec. 48. Section 252C.9, Code 1993, is repealed.
15 Sec. 49. INTENT -- APPOINTMENT OF REFEREE. It is the
16 intent of the general assembly that the costs associated with
17 the appointment of a referee pursuant to section 602.6608 be
18 defrayed using current funding.
19 Sec. 50. INTENT -- RELEASE OF RECORDS -- EFFECTIVE DATE.
20 It is the intent of the general assembly that the child
21 support recovery unit request review of division X of this Act
22 by the United States department of health and human services
23 and obtain federal approval prior to implementation of these
24 sections. Division X of this Act is effective upon receipt of
25 approval by the federal government. If approval is not
26 received and if implementation of the sections would place the
27 state at risk of loss of federal funding, the division shall
28 not be implemented.
29 EXPLANATION
30 This bill establishes various new provisions related to
31 child support.
32 Division I establishes the title of the bill as "The Iowa
33 Child Support Recovery Act of 1993".
34 Division II establishes a centralized registry for the
35 purpose of receiving and maintaining information on newly

1 hired and rehired employees in the state to facilitate the
2 enforcement of child support orders. The bill includes
3 requirements for the information to be reported by an
4 employer, provides for the accessing of the information in the
5 registry by specific state agencies, provides for
6 proportionate cost sharing by agencies accessing the registry,
7 and provides that the intent of the general assembly is that
8 the registry be expanded in the future to facilitate the
9 duties of other state agencies as determined by rule of the
10 department of human services.
11 Division III provides for the establishment of paternity
12 through an affidavit process rather than through a judicial
13 process and contains conforming provisions relating to the
14 information included on birth certificates.
15 Division IV provides a process for the establishment of
16 paternity through an administrative process.
17 Division V provides for the suspension of a support order
18 and provides certain specific criteria to expedite the
19 suspension of support.
20 Division VI provides for the use of seek employment orders
21 and the use of community service orders in contempt of court
22 actions.
23 Division VII provides for the appointment of child support
24 referees to preside over child support proceedings. The
25 appointment of a referee is contingent upon the use of current
26 funding levels.
27 Division VIII provides for the enforcement of child support
28 orders of obligors who are self-employed.
29 Division IX provides for the establishment of a centralized
30 lien index.
31 Division X provides for the release of certain information
32 in the cases of delinquent obligors.
33 Division XI provides for technical and conforming
34 provisions necessitated by the provisions in the bill.
35

SENATE FILE 350

AN ACT
RELATING TO CHILD SUPPORT AND PROVIDING FOR CIVIL PENALTIES AND AN EFFECTIVE DATE.

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

DIVISION I
TITLE

Section 1. This Act shall be known and may be referred to as the "Iowa Child Support Recovery Act of 1993".

DIVISION II
CENTRALIZED EMPLOYEE REGISTRY

Sec. 2. Section 22.7, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 29. The information contained in records of the centralized employee registry created in chapter 252G, except to the extent that disclosure is authorized pursuant to chapter 252G.

Sec. 3. NEW SECTION. 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.

1A. "Contractor" means a natural person who is an independent contractor, including an independent trucking owner or operator.



2. "Date of hire" means the earlier of either of the following:

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

b. The first day that an employee or contractor reports to work or performs labor or services for the payor of income.

3. "Days" means calendar days.

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

5. "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.

6. "Employee" means a natural person who 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.

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

7A. "Payor of income" includes both an employer and a person doing business in the state who engages a contractor for compensation.

8. "Registry" means the central employee registry created in section 252G.2.

9. "Rehire" means the earlier of either of the following:

a. The first day for which the employee or contractor is owed compensation by the payor of income following an unpaid absence of a minimum of six consecutive weeks.

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.

10. "Unit" means the child support recovery unit created in section 252B.2.

Sec. 4. NEW SECTION. 252G.2 ESTABLISHMENT OF CENTRAL EMPLOYEE REGISTRY.

By January 1, 1994, the unit shall establish a centralized employee registry database for the purpose of receiving and maintaining information on newly hired or rehired employees from employers. The unit shall establish the database and the department may adopt rules in conjunction with the department of revenue and finance and the department of employment services to identify appropriate uses of the registry and to implement this chapter, including implementation through the entering of agreements pursuant to chapter 28E.

Sec. 5. NEW SECTION. 252G.3 EMPLOYER REPORTING REQUIREMENTS -- PENALTY.

1. Beginning January 1, 1994, an employer who hires or rehires an employee on or after January 1, 1994, shall report all of the following to the centralized employee registry within ten days of the hiring or rehiring of an employee:

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

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

c. Information regarding availability of employee dependent health care coverage and whether or not the employee is qualified 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.

2. Employers required to report may report the information required under subsection 1 by any of the following means:

a. By mailing a copy of the employee's Iowa employee's withholding allowance certificate to the registry.

b. By submitting electronic media in a format approved by the unit in advance.

c. By submitting a fax transmission of the employee's Iowa employee's withholding allowance certificate to the registry.



d. By any other means authorized by the unit in advance if the means will result in timely reporting.

3. Until such time as the Iowa employees' withholding allowance certificate is amended to provide for inclusion of all of the information required under subsection 1, submission of the certificate constitutes compliance with this section.

4. If an employer fails to report as required under this section, an action may be brought against the employer by any state agency accessing or administering the registry, or by the attorney general. The action may be brought in district court in the county in which the employer has its principal place of business, or if the employer has no principal place of business, in any county in which an employee is performing labor or service for compensation, or in Polk county to determine noncompliance with this section. A willful failure to provide the information shall be punishable as contempt.

Sec. 6. NEW SECTION. 252G.3A 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, shall report all of the following to the registry within ten days of hiring or rehiring of a contractor:

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. Payors of income to whom section 252G.3 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 252G.2.

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

Sec. 7. NEW SECTION. 252G.4 ACCESS TO CENTRALIZED EMPLOYEE REGISTRY.

The records of the centralized employee registry are confidential records pursuant to section 22.7, and may be accessed only by state agencies as provided in this section. When a state agency accesses information in the registry, the agency may use the information to update the agency's own records. Access to and use of the information contained in the registry shall be limited to the following:

1. The unit for administration of the child support enforcement program, including but not limited to activities related to establishment and enforcement of child and medical support obligations through administrative or judicial processes, and other services authorized pursuant to chapter 252B.

2. State agencies which utilize income information for the determination of eligibility or calculation of payments for benefit or entitlement payments.

3. State agencies which utilize income information for the recoupment of debts to the state.

Sec. 8. NEW SECTION. 252G.5 ADMINISTRATION AND COSTS OF THE CENTRALIZED EMPLOYEE REGISTRY.

1. The registry shall maintain the information received from employers for a minimum period of six months.



2. State agencies accessing the centralized registry shall participate in a proportionate cost sharing to defray the administrative costs of the registry. The amount of a state agency's proportionate share shall be established by rule of the department.

DIVISION III

PATERNITY BY AFFIDAVIT

Sec. 9. Section 144.13, Code 1993, is amended to read as follows:

144.13 BIRTH CERTIFICATES.

1. Certificates of births shall be filed as follows:

~~1~~ a. A certificate of birth for each live birth which occurs in this state shall be filed with the county registrar of the county in which the birth occurs within ten days after the birth and shall be registered by the registrar if it has been completed and filed in accordance with this chapter. However, when a birth occurs in a moving conveyance, a birth certificate shall be filed in the county in which the child was first removed from the conveyance.

~~2~~ b. When a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate, and file the certificate with the county registrar. The physician in attendance or the person in charge of the institution or the person's designee shall certify to the facts of birth and provide the medical information required by the certificate within six days after the birth.

~~3~~ c. When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

~~a.~~ (1) The physician in attendance at or immediately after the birth.

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b. (2) Any other person in attendance at or immediately after the birth.

c. (3) The father or the mother.

d. (4) The person in charge of the premises where the birth occurred.

4 d. In the case of a child born out of wedlock, the certificate shall be filed directly with the state registrar.

e. In the case of a child born out of wedlock, an affidavit of paternity filed pursuant to section 252A.3A shall be filed directly with the state registrar.

2. If the mother was married either at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered by the department.

3. If the mother was not married either at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as the father, unless a determination of paternity has been made by a court of competent jurisdiction pursuant to section 252A.3, in which case the name of the father as determined by the court established shall be entered by the department.

4. The division shall make available to the child support recovery unit, upon request, a copy of a child's birth certificate, the social security numbers of the mother and the father, and a copy of the affidavit of paternity if provided pursuant to section 252A.3A.

Sec. 10. Section 144.40, Code 1993, is amended to read as follows:

144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK.

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, 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". A fee established by the department by rule based on average administrative cost shall be collected for each certificate of birth amended to show paternity. Fees collected under this section shall be deposited in the general fund of the state.

Sec. 11. Section 252A.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. "State registrar" means state registrar as defined in section 144.1.

Sec. 12. Section 252A.3, subsection 9, Code 1993, is amended to read as follows:

9. The natural parents of a child born out of wedlock shall be severally liable for the support of the child, but the liability of the natural father shall not be enforceable unless the natural father has been adjudicated to be the child's father by a court of competent jurisdiction, or the natural father has acknowledged paternity of the child in open court or by written statement paternity has been legally established. Paternity may be established as follows:

a. By order of a court of competent jurisdiction or by administrative order when authorized by state law.

b. By the statement of the person admitting paternity in court and upon concurrence of the mother. If the mother was married, at the time of birth or conception of the child, to an individual other than the person admitting paternity, the individual to whom the mother was married at the time of birth or conception must deny paternity in order to establish the paternity of the person admitting paternity upon the sole basis of the admission.

c. By the filing of an affidavit of paternity executed on or after July 1, 1993, as provided in section 252A.3A, provided that the mother of the child was unmarried at the time of birth and conception of the child or if the mother was married at the time of birth or conception of the child, 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.

Sec. 13. NEW SECTION. 252A.3A PATERNITY BY AFFIDAVIT.

1. Upon the birth of a child to a woman who was unmarried at the time of birth and conception of the child, the institution where the birth occurred shall provide the mother and the individual alleged to be the father all of the following:

a. Written information, available from the Iowa department of public health and developed by the child support recovery unit established in section 252B.2, explaining the implications of filing the affidavit, parental rights and responsibilities, and the benefits of establishing paternity.

b. Upon request, an affidavit of paternity form from the Iowa department of public health to be completed by the parties, or instructions regarding the process for obtaining a form from the Iowa department of public health.

An institution is not required to assist in the completion or filing of an affidavit of paternity except as provided under subsection 2.

2. An institution may either voluntarily, or under an agreement with the child support recovery unit, assist the mother and the individual alleged to be the father in completing an affidavit of paternity and submitting a completed affidavit of paternity to the state registrar accompanied by a copy of the birth certificate. A completed affidavit of paternity shall contain or have attached all of the following:



a. The signature of a notary public attesting to the identity of the parties signing the affidavit of paternity.

b. A statement by the mother consenting to the assertion of paternity and the identity of the father and acknowledging that the mother was unmarried at the time of birth and conception of the child.

c. A statement by the individual admitting paternity that the individual is the father of the child.

d. The social security numbers of both persons signing the affidavit.

3. The child support recovery unit may reimburse an institution for the costs of administering the provisions of this section if the institution has entered into a written agreement with the child support recovery unit. Reimbursement shall be based only on the number of affidavits submitted to the state registrar that are completed in compliance with this section and shall be limited to the lesser of actual costs or twenty dollars for each affidavit filed. An institution entering into an agreement for reimbursement shall assist the parents of a child born out of wedlock in completing and submitting an affidavit for paternity upon the request of the parties and within ten days following the birth.

4. The mother and the individual admitting paternity of a child born out of wedlock may directly obtain an affidavit of paternity from the Iowa department of public health or the child support recovery unit and complete and file the affidavit of paternity with the state registrar, without utilizing the services of an institution, provided that all other requirements under this section are met. Upon the request for an affidavit of paternity from the Iowa department of public health or child support recovery unit, the Iowa department of public health or child support recovery unit shall also make available the information provided pursuant to subsection 1.

5. If a court of competent jurisdiction has determined that the husband of the mother at the time of birth or conception is not the father of the child, the mother may utilize the proceedings to establish paternity by affidavit provided in this section with respect to unmarried mothers.

DIVISION IV

ADMINISTRATIVE ESTABLISHMENT OF PATERNITY

Sec. 14. NEW SECTION. 252F.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Administrator" means the administrator of the child support recovery unit of the department of human services or the administrator's designee.

2. "Mother" means a mother of the child for whom paternity is being established.

3. "Paternity is at issue" means any of the following conditions:

a. A child was not born or conceived within marriage.

b. A child was born or conceived within marriage but a court has declared that the child is not the issue of the marriage.

c. Paternity has been established by the filing of an affidavit of paternity and the father is contesting paternity within the statute of limitations period pursuant to section 600B.41, subsection 7.

4. "Paternity test" means and includes any form of blood, tissue, or genetic testing administered to determine the biological father of a child.

5. "Putative father" means a person alleged to be the biological father of a child.

6. "Unit" means the child support recovery unit created in section 252B.2.

Sec. 15. NEW SECTION. 252F.2 JURISDICTION.

In any case in which the unit is providing services pursuant to chapter 252B and paternity is at issue,



proceedings may be initiated by the unit pursuant to this chapter for the sole purpose of establishing paternity and any accrued or accruing child support or medical support obligations. Proceedings under this chapter are in addition to other means of establishing paternity or support. Issues in addition to establishment of paternity or support obligations shall not be addressed in proceedings initiated under this chapter.

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

Sec. 16. NEW SECTION. 252F.3 NOTICE OF ALLEGED PATERNITY AND SUPPORT DEBT -- CONFERENCE -- 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 statement to the unit verifying 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 all of the following:

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

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

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

d. A statement that 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 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 598.21, 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 or within ten days of the date of mailing of the paternity test results to the putative father if the father denies paternity.

(2) A statement that if a conference is requested, the putative father shall have ten days from the date set for the conference or twenty days from the date of service of the original notice, or ten days from the date of the mailing of paternity test results 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.

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

(4) A statement that if the administrator issues a new notice and finding of financial responsibility for child support or medical support, or both, the putative father shall have ten days from the date of issuance of the new notice or twenty days from the date of service of the original notice, or ten days from the date of the mailing of paternity test results 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.

g. A statement that if a conference is not requested, and the putative father objects to the finding of financial



responsibility or the amount of child support or medical support, or both, the putative father shall within twenty days of the date of service or within ten days from the date of the mailing of paternity test results 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.

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, the administrator may enter an order in accordance with the notice and finding of financial responsibility for child support or medical support, or both.

i. A statement of the rights and responsibilities associated with the establishment of paternity.

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

1A. 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.

2. If notice is served on the putative father, the unit shall file a true copy of the notice and the original return of service with the clerk of the district court in the county in which the child or children reside, or, 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. 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.

3. If the putative father requests a hearing on the issue of support, and if a timely written response setting forth objections and requesting a hearing is received by the unit, a hearing shall be held in district court on the issue of support.

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

5. a. If the putative father denies paternity, the putative father shall submit, within twenty days of service of the notice under subsection 1, a written denial of paternity to the unit. Upon receipt of a written denial of paternity, the administrator shall enter an ex parte administrative order requiring the mother, child or children, and the putative father to submit to paternity testing. The order shall be filed with the clerk of the district court in the county where the notice was filed.

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

c. If a paternity test is required 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 shall be provided one 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 the clerk of the district court in the county where the notice



was filed, and a copy shall be sent to the administrator and to the putative father.

f. Verified documentation of the chain of custody of the blood specimens is competent evidence to establish the chain of custody.

g. If the 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-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 authenticity 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 to challenge the presumption of paternity, the putative father 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 or within ten days after the scheduled date of the conference, whichever occurs later.

(1) The party challenging the presumption of paternity has the burden of proving that the putative father is not the father of the child.

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

i. If the 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. To challenge 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 order a second test or certify the case to the district court for resolution.

j. If the paternity test results exclude the putative father as a potential biological father of the child, and additional tests are not requested by either party, 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.

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. 17. NEW SECTION. 252F.4 ENTRY OF ORDER.

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 conference pursuant to section 252F.3 on the scheduled date of the conference, the administrator may enter an order against the putative father, declaring the putative father to be the biological father and assessing the support obligation and accrued and accruing child support pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

2. If the putative father fails to appear for a paternity test and fails to request a rescheduling pursuant to section 252F.3, or fails to appear for both the initial and the rescheduled paternity tests, the administrator may enter an order against the putative father declaring the putative father to be the biological father of the child and assessing the support obligation and accrued and accruing child support



pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

3. If the putative father appears at a conference, the administrator may enter an order against the putative father ten days after the second notice has been sent declaring the putative father to be the biological father of the child and assessing the support obligation and accrued and accruing child support pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

3A. If paternity testing was performed and the putative father was not excluded, and the putative father fails to timely challenge paternity testing, the administrator may enter an order against the putative father declaring the putative father to be the biological father of the child and assessing the support obligation and accrued and accruing child support pursuant to the guidelines established under section 598.21, subsection 4, and medical support pursuant to chapter 252E against the father.

4. The administrator shall establish a support obligation under this section based upon the best information available to the unit and pursuant to section 252B.7A.

5. The order shall contain 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 of the custodial parent or caretaker.

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

f. A statement that property of the putative father is subject to income withholding, liens, garnishment, tax offset, and other collection actions.

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

6. If the putative father does not deny paternity but does wish to challenge the issues of child or medical support, the administrator may enter an order establishing paternity and reserving the issues of child or medical support for determination by the district court.

Sec. 18. NEW SECTION. 252F.5 CERTIFICATION TO DISTRICT COURT.

1. Actions initiated under this chapter are not subject to contested case proceedings or further review pursuant to chapter 17A.

2. An action under this chapter may be certified to the district court if a party challenges the administrator's finding of paternity, or the amount of support, or both. 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 to the putative father.

c. A written objection to the entry of an order has been received from the putative father.

4. A matter shall be certified to the district court in the county in which the notice was filed pursuant to section 252F.3, subsection 2.

5. The court shall set the matter for hearing and notify the parties of the time of and place for hearing.

6. If the court determines that the putative father is the biological 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 party fails to appear at the hearing, upon a showing that proper notice has been provided to the party, the court may find the party in default and enter an appropriate order.

Sec. 19. NEW SECTION. 252F.6 FILING WITH THE DISTRICT COURT.

Following issuance of an order by the administrator, the order shall be presented to an appropriate district court judge for review and approval. Unless a defect appears on the face of the order, the district court shall approve the order. Upon approval by the district court judge, the order shall be filed in the district court in the county in which the notice was filed pursuant to section 252F.3, subsection 2. Upon filing, the order has the same force and effect as a district court order.

Sec. 20. NEW SECTION. 252F.7 REPORT TO VITAL STATISTICS.

Upon the filing of an order with the district court pursuant to this chapter, the clerk of the district court shall report the information from the order to the bureau of vital statistics in the manner provided in section 600B.36.

Sec. 21. NEW SECTION. 252F.8 WAIVER OF TIME LIMITATIONS BY PUTATIVE FATHER.

1. A putative father may waive the time limitations established in this chapter.

2. Upon receipt of a signed statement from the putative father waiving the time limitations, the administrator may enter an order establishing paternity and support and the court may approve the order, notwithstanding the expiration of the period of the time limitations.

3. If a putative father waives the time limitations and an order establishing paternity and support is entered under this chapter, the signed statement of the putative father waiving the time limitations shall be filed with the order for support.

Sec. 22. Section 600B.41, subsection 7, paragraph a, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Notwithstanding section 598.21, subsection 8, paragraph "k", the establishment of paternity by court order, including a court order based on an administrative establishment of paternity, or by affidavit may be overcome if all of the following conditions are met:

Sec. 23. Section 600B.41, subsection 7, paragraph a, subparagraph (4), Code 1993, is amended to read as follows:

(4) The action to overcome paternity is filed no later than three years after the ~~entry of an order~~ establishment of paternity.

DIVISION V

ADMINISTRATIVELY INSTITUTED SUSPENSIONS OF SUPPORT

Sec. 24. NEW SECTION. 252B.20 SUSPENSION OF SUPPORT.

1. If the unit is providing child support enforcement services pursuant to chapter 252B, the parents of a dependent child for whom support has been ordered pursuant to chapter 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly request the assistance of the unit in suspending the obligation for support if all of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support is ordered is living in the same residence as the parents, or the child is currently residing with the parent who is ordered to pay support.

b. The person entitled to receive support and the child for whom support is ordered are 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 child for the purposes of public assistance eligibility.



c. The parents have signed a notarized affidavit attesting to the conditions under paragraphs "a" and "b", have consented to suspension of the support order, and have submitted the affidavit to the unit.

d. No prior request for suspension has been filed with the unit during the two-year period preceding the request.

e. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, the unit shall review the application and affidavit to determine that the necessary criteria have been met. The unit shall then do one of the following:

a. Deny the request and notify the parents in writing that the application is being denied, providing reasons for the denial and notifying the parents of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation.

3. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order.

4. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order.

5. During the six-month period the unit may request that the court reinstate the accruing support order if any of the following conditions exist:

a. Upon application to the unit by either parent or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits, pursuant to chapter 239, 249A, or a comparable law of a foreign jurisdiction, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

6. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon both parents. Within ten days following the date of service, the parents may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to both parents and the unit.

7. The reinstatement is effective as follows:

a. For reinstatements initiated under subsection 5, paragraph "a", the date the notices were served on both parents pursuant to subsection 6.

b. For reinstatements initiated under subsection 5, paragraph "b", the date the child began receiving public assistance benefits during the suspension of the obligation.

c. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the parties requested and agreed to the suspension under false pretenses.

8. If the order suspending a support obligation has been on file with the court for a period exceeding six months, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.



9. This section shall not limit the rights of the parents or the unit to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

10. This section does not provide for the suspension, waiver, satisfaction, or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section.

11. Nothing in this section shall prohibit or limit the unit or a party entitled to receive support from enforcing and collecting any unpaid support that accrued prior to the suspension of the accruing obligation.

DIVISION VI

CONTEMPT OF COURT

Sec. 25. Section 252B.1, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. "Obligor" means the person legally responsible for the support of a child as defined in section 598.1 under a support order issued in this state or a foreign jurisdiction.

Sec. 26. NEW SECTION. 252B.21 ADMINISTRATIVE SEEK EMPLOYMENT ORDERS.

1. For any support order being enforced by the unit, the administrator may enter an ex parte order requiring the obligor to seek employment if employment of the obligor cannot be verified and if the obligor has failed to make support payments. Advance notice is not required prior to entering the ex parte order. The unit shall file a copy of the order with the clerk of the district court.

2. The order to seek employment shall contain directives, including all of the following:

a. That the obligor seek employment within a determinate amount of time.

b. That the obligor file with the unit on a weekly basis a report of at least five new attempts to find employment or of

having found employment. The report shall include the names, addresses, and the telephone numbers of any employers or businesses with whom the obligor attempted to seek employment and the name of the individual contact to whom the obligor made application for employment or to whom an inquiry was directed.

c. That failure to comply with the notice is evidence of a willful failure to pay support under section 598.23A.

d. That the obligor shall provide the child support recovery unit with verification of any reason for noncompliance with the order.

e. The duration of the order, not to exceed three months.

3. The department may establish additional criteria or requirements relating to seek employment orders by rule as necessary to implement this section.

Sec. 27. Section 598.23A, subsection 1, Code 1993, is amended to read as follows:

1. If a person against whom an order or decree for support has been entered pursuant to this chapter or chapter 234, 252A, 252C, 252F, 600B, or any other support chapter, or a comparable chapter of a foreign jurisdiction, fails to make payments or provide medical support pursuant to that order or decree, the person may be cited and punished by the court for contempt under section 598.23 or this section. Failure to comply with a seek employment order entered pursuant to section 252B.21 is evidence of willful failure to pay support.

Sec. 28. Section 598.23A, subsection 2, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

2. If a person is cited for contempt, the court may do either of the following:

a. Require the posting of a cash bond, within seven calendar days, in an amount equivalent to the current arrearages and an additional amount which is equivalent to at least twelve months of future support obligations. If the



arrearages are not paid within three months of the hearing, the bond shall be automatically forfeited to cover payment of the full portion of the arrearages and the portion of the bond representing future support obligations shall be automatically forfeited to cover future support payments as payments become due.

b. (1) Require the performance of community service work of up to twenty hours per week for six weeks for each finding of contempt. The contemnor may, at any time during the six-week period, apply to the court to be released from the community service work requirement under any of the following conditions:

(a) The contemnor provides proof to the court that the contemnor is gainfully employed and submits to an order for income withholding pursuant to chapter 252D or to a court-ordered wage assignment.

(b) The contemnor provides proof of payment of an amount equal to at least six months' child support. The payment does not relieve the contemnor's obligation for arrearages or future payments.

(c) The contemnor provides proof to the court that, subsequent to entry of the order, the contemnor's circumstances have so changed that the contemnor is no longer able to fulfill the terms of the community service order.

(2) The contemnor shall keep a record of and provide the following information to the court at the court's request, or to the child support recovery unit established pursuant to chapter 252B, at the unit's request, when the unit is providing enforcement services pursuant to chapter 252B:

(a) The duties performed as community service during each week that the contemnor is subject to the community service requirements.

(b) The number of hours of community service performed during each week that the contemnor is subject to the community service requirements.

(c) The name, address, and telephone number of the person supervising or arranging for the performance of the community service.

(3) The performance of community service does not relieve the contemnor of any unpaid accrued or accruing support obligation.

Sec. 29. Section 598.23A, subsection 3, Code 1993, is amended by striking the subsection.

DIVISION VII

CHILD SUPPORT REFEREE AUTHORIZATION

Sec. 30. NEW SECTION. 602.6608 CHILD SUPPORT REFEREE.

1. The chief judge may appoint and may remove for cause with due process a referee to preside over child support proceedings.

2. Qualifications for a referee appointed under this section include, at a minimum, all of the following:

a. The referee shall be an attorney currently licensed to practice law in the state.

b. The referee shall have at least five years of experience in the practice of law.

c. The referee shall have at least two years of experience in the practice of family law, including experience in the area of child support, in the state of Iowa.

3. Duties of the referee are limited to presiding over child and medical support proceedings which are delegated to the referee by the chief judge or jointly by the chief judges of the affected judicial districts if the referee is authorized to preside over proceedings in more than one judicial district.

4. The compensation of the referee shall be established by the court.

DIVISION VIII

RELEASE OF INFORMATION

Sec. 31. Section 252B.9, Code 1993, is amended by adding the following new subsection:



NEW SUBSECTION. 1A. Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to confidentiality of records maintained by the department, the payment records of the collection services center maintained under section 252B.13A are public records only as follows:

a. Payment records of the collection services center which are maintained pursuant to chapter 598 are public records and may be released upon request.

b. Except as otherwise provided in subsection 1, the department shall not release details related to payment records or provide alternative formats for release of the information, with the following additional exceptions:

(1) The unit or collection services center may provide additional detail or present the information in an alternative format to an individual or to the individual's legal representative if the individual owes or is owed a support obligation, to an agency assigned the obligation as the result of receipt by a party of public assistance, to an agency charged with enforcing child support pursuant to Title IV-D of the federal Social Security Act, or to the court.

(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 support obligor's court order docket or case number, the county in which the obligor's support order is filed, and the collection services center case numbers. 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, but the unit may send notice annually by first-class mail to the last known address of any individual owing 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.

(3) The provisions of subparagraph (2) may be applied to support obligations entered in another state, at the request of an initiating state if the initiating state has demonstrated that the provisions of subparagraph (2) are not in conflict with the laws of the state where the support obligation is entered and the unit is enforcing the support obligation. For the purposes of this subparagraph, "initiating state" means any child support enforcement agency operating under the provisions of Title IV-D of the federal Social Security Act.

c. The attorney general may utilize information of the unit to secure, modify, or enforce a support obligation of an individual, unless otherwise prohibited by federal law.

d. This subsection shall not permit or require the release of information contained in the case records of the unit, except to the extent provided in this section.

Sec. 32. Section 252B.9, subsection 2, Code 1993, is amended to read as follows:

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



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

DIVISION IX

SELF-EMPLOYED OBLIGORS

Sec. 33. Section 252B.5, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 8. a. Assistance, in consultation with the department of revenue and finance, in identifying and taking action against self-employed individuals as identified by the following conditions:

(1) The individual owes support pursuant to a court or administrative order being enforced by the unit and is delinquent in an amount equal to or greater than the support obligation amount assessed for one month.

(2) The individual has filed a state income tax return in the preceding twelve months.

(3) The individual has no reported tax withholding amount on the most recent state income tax return.

(4) The individual has failed to enter into or comply with a formalized repayment plan with the unit.

(5) The individual has failed to make either all current support payments in accordance with the court or administrative order or to make payments against any delinquency in each of the preceding twelve months.

b. Notwithstanding section 252B.9, the unit may forward information to the department of revenue and finance as necessary to implement this subsection, including but not limited to both of the following:

(1) The name and social security number of the individual.

(2) Support obligation information in the specific case, including the amount of the delinquency.

Sec. 34. Section 421.17, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 21A. To cooperate with the child support recovery unit created in chapter 252B to establish and maintain a process to implement the provisions of section 252B.5, subsection 8. The department of revenue and finance shall forward to individuals meeting the criteria under section 252B.5, subsection 8, paragraph "a", a notice by first-class mail that the individual is obligated to file a state estimated tax form and to remit a separate child support payment.

a. Individuals notified shall submit a state estimated tax form on a quarterly basis.

b. The individual shall pay monthly, the lesser of the total delinquency or one hundred fifty percent of the current or most recent monthly obligation.

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.

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 requirement or to contest the balance due listed in the notice when payments are made pursuant to the plan.



e. The department of revenue and finance, in cooperation with the child support recovery unit, may adopt rules, if necessary, to implement this subsection.

NEW SUBSECTION. 21B. To provide information contained in state individual tax returns to the child support recovery unit for the purposes of establishment or enforcement of support obligations. The department of revenue and finance and child support recovery unit may exchange information in a manual or automated fashion. The department of revenue and finance, in cooperation with the child support recovery unit, may adopt rules, if necessary, to implement this subsection.

DIVISION X

TECHNICAL AND CONFORMING PROVISIONS

Sec. 35. Section 252A.6, subsection 15, Code 1993, is amended to read as follows:

15. Any order of support issued by a court of the state acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. This subsection also applies to orders entered following an administrative process including, but not limited to, the administrative processes provided pursuant to chapters 252C and 252F.

Sec. 36. Section 252B.3, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Upon receipt by the department of an application for public assistance on behalf of a child and determination by the department that the child has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person responsible for the care, support or maintenance of the child has failed or neglected to give proper care or support to the child, the department shall take appropriate action under the provisions of this chapter or under other appropriate statutes of this

state including but not limited to chapters 239, 252A, 252F, 598, and 600B, to ensure that the parent or other person responsible for the support of the child fulfills the support obligation.

Sec. 37. Section 252B.4, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239, 252A, 252C, 252D, 252E, 252F, 598, and 600B shall be made available by the unit to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services. The application shall be filed with the department.

Sec. 38. Section 252B.5, subsections 2 and 3, Code 1993, are amended to read as follows:

2. Aid in establishing paternity and securing a court or administrative order for support pursuant to chapter 252A, 252F, or 600B.

3. Aid in enforcing through court or administrative proceedings an existing court order for support issued pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any other chapter under which child or medical support is granted.

Sec. 39. Section 252B.13A, subsection 1, Code 1993, is amended to read as follows:

~~1.~~ The department shall establish within the unit a collection services center for the receipt and disbursement of support payments as defined in section 598.1 as required ~~pursuant-to-an-order for which-the-unit-is-providing enforcement-services-under-this-chapter~~ orders by section 252B.14. For purposes of this section, support payments do not include attorney fees, or court costs, or property settlements.

Sec. 40. Section 252B.13A, subsections 2 and 3, Code 1993, are amended by striking the subsections.



Sec. 41. Section 252B.14, Code 1993, is amended to read as follows:

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

~~All-support-payments-required-pursuant-to-orders-entered under-this-chapter-and-chapter-234,-252A,-252C,-598,-600B,-or any-other-chapter-shall-be-directed-and-processed-as-follows:~~

1. For the purposes of this section, "support order" includes any order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support chapter or proceeding which establishes support payments as defined in section 598.1.

~~1.~~ 2. ~~If~~ For support orders being enforced by the child support recovery unit ~~is-providing-enforcement-services-for-a support-order~~, support payments made pursuant to the order shall be directed to and ~~processed-as-follows:~~ disbursed by the collection services center.

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

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

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

~~2~~ 3. ~~If-the-child-support-recovery-unit-is-not-providing enforcement-services-for-a-support-order~~ For a support order as to which subsection 2 does not apply, support payments made pursuant to the order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed.

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~~3~~ 4. Payments to persons other than the clerk of the district court or the collection services center do not satisfy the support obligations created by a support order or judgment, except as provided for ~~trusts and social security income in section~~ sections ~~252B.1,~~ 598.22~~,or 598.23,or for tax refunds or rebates in section 602.8102, subsection 4,~~ and ~~except as provided in section~~ 598.22A.

Sec. 42. Section 252B.15, subsections 1, 3, and 4, Code 1993, are amended by striking the subsections.

Sec. 43. Section 252B.16, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Once the responsibility for receiving and disbursing support payments has been transferred from a clerk of the district court to the collection services center, the responsibility shall remain with the collection services center even if the child support recovery unit is no longer providing enforcement services, unless redirected by court order.

Sec. 44. Section 252C.1, subsection 5, Code 1993, is amended to read as follows:

5. "Dependent child" means a person who meets the eligibility criteria established in chapter 234 or 239 and whose support is required by chapter 234, 239, 252A, 252F, 598, or 600B.

Sec. 45. Section 252D.1, subsection 2, Code 1993, is amended to read as follows:

2. If support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of a foreign jurisdiction, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, upon application of a person entitled to receive the support payments, the child support



recovery unit or the district court may enter an ex parte order notifying the person whose income is to be assigned, of the delinquent amount, of the amount of income or wages to be withheld, and of the procedure to file a motion to quash the order of assignment, and shall order an assignment of income and notify an employer, trustee, or other payor by regular mail, with proof of service completed according to rule of civil procedure 82, of the order of the assignment of income requiring the withholding of specified sums to be deducted from the delinquent person's periodic earnings, trust income, or other income sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center. The assignment of income is binding on an existing or future employer, trustee, or other payor ten days after the receipt of the order. The amount of an assignment of income shall not exceed the amount specified in 15 U.S.C. § 1673(b). The assignment of income has priority over a garnishment or an assignment for a purpose other than the support of the dependents in the court order being enforced. The child support recovery unit or the district court, upon the application of any party, by ex parte order, may modify the assignment of income on the full payment of the delinquency or in an instance where the amount being withheld exceeds the amount specified in 15 U.S.C. § 1673(b), or may revoke the assignment of income upon the termination of parental rights, emancipation, death or majority of the child, or upon a change of custody.

Sec. 46. Section 252F.1, subsection 1, Code 1993, is amended to read as follows:

1. "Child" means a person for whom child or medical support may be ordered pursuant to chapter 234, 239, 252A, 252C, 252F, 598, 600B or any other chapter of the Code or pursuant to a comparable statute of a foreign jurisdiction.

Sec. 47. Section 252H.2, unnumbered paragraph 1, if enacted by 1993 Iowa Acts, Senate File 349, section 25, is amended to read as follows:

252H.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires "administrator", "caretaker", "court order", "department", "dependent child", "medical support", ~~"public assistance",~~ and "responsible person", mean the same as defined in section 252C.1.

Sec. 48. Section 598.21, subsection 4, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The supreme court shall maintain uniform child support guidelines and criteria and review the guidelines and criteria at least once every four years, pursuant to the federal Family Support Act of 1988, Pub. L. No. 100-485. The initial review shall be performed within four years of October 12, 1989, and subsequently within the four-year period of the most recent review. It is the intent of the general assembly that, to the extent possible within the requirements of federal law, the court and the child support recovery unit consider the individual facts of each judgment or case in the application of the guidelines and determine the support obligation, accordingly. It is also the intent of the general assembly that in the supreme court's review of the guidelines, the supreme court shall do both of the following: emphasize the ability of a court to apply the guidelines in a just and appropriate manner based upon the individual facts of a judgment or case; and in determining monthly child support payments, consider other children for whom either parent is legally responsible for support and other child support obligations actually paid by either party pursuant to a court or administrative order.

Sec. 49. Section 598.21, subsection 8, unnumbered paragraph 3, Code 1993, is amended to read as follows:

Judgments for child support or child support awards entered pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B,



or any other chapter of the Code which are subject to a modification proceeding may be retroactively modified only from the date the notice of the pending petition for modification is served on the opposing party.

Sec. 50. Section 598.22, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except as otherwise provided in section 598.22A, this section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code. All orders or judgments entered under chapter 234, 252A, 252C, 252F, or 600B, or under this chapter or any other chapter which provide for temporary or permanent support payments shall direct the payment of those sums to the clerk of the district court or the collection services center in accordance with section 252B.14 for the use of the person for whom the payments have been awarded. Payments to persons other than the clerk of the district court and the collection services center do not satisfy the support obligations created by the orders or judgments, except as provided for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for tax refunds or rebates in section 602.8102, subsection 47, or for dependent benefits paid to the child support obligee as the result of disability benefits awarded to the child support obligor under the federal Social Security Act. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the assignment of income shall require the payment of such sums to the alternate payee in accordance with the federal Act.

Sec. 51. Section 598.22A, subsection 3, Code 1993, is amended to read as follows:

3. The court shall not enter an order for satisfaction of payments not made through the clerk of the district court or collection services center if those payments have been assigned as a result of public funds expended pursuant to

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chapter 234, 239, or 249A, or similar statutes in other states and the support payments accrued during the months in which public funds were expended. If the support order did not direct payments to a clerk of the district court or the collection services center, and the support payments in question accrued during the months in which public funds were not expended, however, the court may enter an order for satisfaction of payments not made through the clerk of the district court or the collection services center if documentation of the financial instrument used in the payment of support is presented to the court and the parties to the order submit a written affidavit confirming that the financial instrument was used as payment for support.

Sec. 52. Section 602.8102, subsection 47, Code 1993, is amended to read as follows:

47. Record support payments made pursuant to an order entered under chapter 252A, 252F, 598, or 600B, or under a comparable statute of a foreign jurisdiction and through setoff of a state or federal income tax refund or rebate, as if the payments were received and disbursed by the clerk; forward support payments received under section 252A.6 to the department of human services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

Sec. 53. Section 642.23, Code 1993, is amended to read as follows:

642.23 SUPPORT DISBURSEMENTS BY THE CLERK.

Notwithstanding the seventy-day period in section 626.16 for the return of an execution in garnishment for the payment of a support obligation, the sheriff shall promptly deposit any amounts collected with the clerk of the district court, and the clerk shall disburse the amounts, after subtracting applicable fees, within ten two working days of deposit to the filing of an order condemning funds as follows:



a. To the person entitled to the support payments when the clerk of the district court is the official entity responsible for the receipt and disbursement of support payments pursuant to section 252B.14.

b. To the collection services center when the collection services center is the official entity responsible for the receipt and disbursement of support payments pursuant to section 252B.14.

Sec. 54. Section 252C.9, Code 1993, is repealed.

Sec. 55. REPEAL. 1990 Iowa Acts, chapter 1224, section 1, as amended by 1991 Iowa Acts, chapter 62, section 1, and 1992 Iowa Acts, chapter 1028, section 1, is repealed.

Sec. 56. INTENT -- APPOINTMENT OF REFEREE. It is the intent of the general assembly that the costs associated with the appointment of a referee pursuant to section 602.6608 be defrayed using current funding.

Sec. 57. INTENT -- RELEASE OF RECORDS -- EFFECTIVE DATE. It is the intent of the general assembly that the child support recovery unit request review of division VIII of this Act by the United States department of health and human services and obtain federal approval prior to implementation of these sections. Division VIII of this Act is effective upon receipt of approval by the federal government. If approval is not received and if implementation of the sections would place the state at risk of loss of federal funding, the division shall not be implemented.

Sec. 58. EFFECTIVE DATE. Sections 39 through 43 and sections 53 and 55 of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 59. INTENT -- VISITATION RIGHTS. The judicial department shall review the issue of compliance with visitation rights awarded pursuant to section 598.41 and shall make recommendations to the committee on judiciary of the senate and the committee on judiciary and law enforcement of the house of representatives by January 15, 1994, regarding

improvements in enforcement of and compliance with the visitation rights awarded under a child custody order.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 350, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 3, 1993

TERRY E. BRANSTAD
Governor

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