

Reprinted

SENATE FILE 431
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 277.1)

(P. 912)
Passed Senate, Date 3-28-95 Passed House, Date 4/17/95 *(p. 1595)*
Vote: Ayes 49 Nays 0 Vote: Ayes 97 Nays 0
Approved _____

A BILL FOR

1 An Act relating to child support collection, including the
2 establishment of the amount of child support required by
3 certain parents who are nineteen years of age or younger,
4 provisions relating to the suspension, revocation,
5 nonissuance, and nonrenewal of certain licenses for failure to
6 pay support, and implementation provisions.

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

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

S.F. 431

1 Section 1. NEW SECTION. 252J.1 DEFINITIONS.

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

4 1. "Certificate of noncompliance" means a document
5 provided by the child support recovery unit certifying that
6 the named obligor is not in compliance with a support order or
7 with a written agreement for payment of support entered into
8 by the unit and the obligor.

9 2. "License" means a license, certification, registration,
10 permit, approval, renewal, or other similar authorization
11 issued to an obligor by a licensing authority which evidences
12 the admission to, or granting of authority to engage in, a
13 profession, occupation, business, or industry, or to operate
14 or register a motor vehicle. "License" does not mean or
15 include licenses for hunting, fishing, boating, or other
16 recreational activity.

17 3. "Licensee" means an obligor to whom a license has been
18 issued, or who is seeking the issuance of a license.

19 4. "Licensing authority" means a county treasurer, the
20 supreme court, or an instrumentality, agency, board,
21 commission, department, officer, organization, or any other
22 entity of the state, which has authority within this state to
23 suspend or revoke a license or to deny the renewal or issuance
24 of a license authorizing an obligor to register or operate a
25 motor vehicle or to engage in a business, occupation,
26 profession, or industry.

27 5. "Obligor" means a natural person as defined in section
28 252G.1 who has been ordered by a court or administrative
29 authority to pay support.

30 6. "Support" means support or support payments as defined
31 in section 252D.1, whether established through court or
32 administrative order.

33 7. "Support order" means an order for support issued
34 pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F,
35 252H, 598, 600B, or any other applicable chapter, or under a

1 comparable statute of a foreign jurisdiction as registered
2 with the clerk of the district court or certified to the child
3 support recovery unit.

4 8. "Unit" means the child support recovery unit created in
5 section 252B.2.

6 9. "Withdrawal of a certificate of noncompliance" means a
7 document provided by the unit certifying that the certificate
8 of noncompliance is withdrawn and that the licensing authority
9 may proceed with issuance, reinstatement, or renewal of an
10 obligor's license.

11 Sec. 2. NEW SECTION. 252J.2 PURPOSE AND USE.

12 1. Notwithstanding other statutory provisions to the
13 contrary, and if an obligor has not been cited for contempt
14 and enjoined from engaging in the activity governed by a
15 license pursuant to section 598.23A, the unit may utilize the
16 process established in this chapter to collect support.

17 2. An obligor is subject to the provisions of this chapter
18 if the obligor's support obligation is being enforced by the
19 unit, if the support payments required by a support order to
20 be paid to the clerk of the district court or the collection
21 services center pursuant to section 598.22 are not paid and
22 become delinquent in an amount equal to the support payment
23 for one month, and if the obligor's situation meets other
24 criteria specified under rules adopted by the department
25 pursuant to chapter 17A. The criteria specified by rule shall
26 include consideration of the length of time since the
27 obligor's last support payment and the total amount of support
28 owed by the obligor.

29 3. Actions initiated by the unit under this chapter shall
30 not be subject to contested case proceedings or further review
31 pursuant to chapter 17A and any resulting court hearing shall
32 be an original hearing before the district court.

33 4. Notwithstanding the confidentiality provisions of
34 chapter 252B or 422, or any other statutory provision
35 pertaining to the confidentiality of records, a licensing

1 authority shall exchange information with the unit through
2 manual or automated means. Information exchanged under this
3 chapter for the purposes of this chapter or chapter 598 shall
4 be used solely for the purpose of identifying licensees
5 subject to enforcement pursuant to this chapter or chapter
6 598.

7 Sec. 3. NEW SECTION. 252J.3 NOTICE TO OBLIGOR OF
8 POTENTIAL SANCTION OF LICENSE.

9 The unit shall proceed in accordance with this chapter only
10 if notice is served on the obligor in accordance with R.C.P.
11 56.1 or notice is sent by certified mail addressed to the
12 obligor's last known address and served upon any person who
13 may accept service under R.C.P. 56.1. Return acknowledgment
14 is required to prove service by certified mail. The notice
15 shall include all of the following:

16 1. The address and telephone number of the unit and the
17 unit case number.

18 2. A statement that the obligor is not in compliance with
19 a support order.

20 3. A statement that the obligor may request a conference
21 with the unit to contest the action.

22 4. A statement that if, within twenty days of service of
23 notice on the obligor, the obligor fails to contact the unit
24 to schedule a conference, the unit shall issue a certificate
25 of noncompliance, bearing the obligor's name, social security
26 number, unit case number, and the docket number of a support
27 order requiring the obligor to pay support, to any appropriate
28 licensing authority, certifying that the obligor is not in
29 compliance with a support order.

30 5. A statement that in order to stay the issuance of a
31 certificate of noncompliance the request for a conference
32 shall be in writing and shall be received by the unit within
33 twenty days of service of notice on the obligor.

34 6. The names of the licensing authorities to which the
35 unit intends to issue a certificate of noncompliance.

1 7. A statement that if the unit issues a certificate of
2 noncompliance to an appropriate licensing authority, the
3 licensing authority shall initiate proceedings to refuse to
4 issue or renew, or to suspend or revoke the obligor's license,
5 unless the unit provides the licensing authority with a
6 withdrawal of a certificate of noncompliance.

7 Sec. 4. NEW SECTION. 252J.4 CONFERENCE.

8 1. The obligor may schedule a conference with the unit
9 following service of notice pursuant to section 252J.3, or at
10 any time after service of notice of suspension, revocation,
11 denial of issuance, or nonrenewal of a license from a
12 licensing authority, to challenge the unit's actions under
13 this chapter.

14 2. The request for a conference shall be made to the unit,
15 in writing, and, if requested after service of a notice
16 pursuant to section 252J.3, shall be received by the unit
17 within twenty days following service of notice.

18 3. The unit shall notify the obligor of the date, time,
19 and location of the conference by regular mail, with the date
20 of the conference to be no earlier than ten days following
21 issuance of notice of the conference by the unit. If the
22 obligor fails to appear at the conference, the unit shall
23 issue a certificate of noncompliance.

24 4. Following the conference, the unit shall issue a
25 certificate of noncompliance unless any of the following
26 applies:

27 a. The unit finds a mistake in the identity of the
28 obligor.

29 b. The unit finds a mistake in determining that the amount
30 of delinquent support is equal to or greater than one month.

31 c. The obligor enters a written agreement with the unit to
32 comply with a support order, the obligor complies with an
33 existing written agreement to comply with a support order, or
34 the obligor pays the total amount of delinquent support due.

35 d. Issuance of a certificate of noncompliance is not

1 appropriate under other criteria established in accordance
2 with rules adopted by the department pursuant to chapter 17A.

3 5. The unit shall grant the obligor a stay of the issuance
4 of a certificate of noncompliance upon receiving a timely
5 written request for a conference, and if a certificate of
6 noncompliance has previously been issued, shall issue a
7 withdrawal of a certificate of noncompliance if the obligor
8 enters into a written agreement with the unit to comply with a
9 support order.

10 6. If the obligor does not timely request a conference or
11 pay the total amount of delinquent support owed within twenty
12 days of service of the notice pursuant to section 252J.3, the
13 unit shall issue a certificate of noncompliance.

14 Sec. 5. NEW SECTION. 252J.5 WRITTEN AGREEMENT.

15 1. If an obligor is subject to this chapter as established
16 in section 252J.2, the obligor and the unit may enter into a
17 written agreement for payment of support and compliance which
18 takes into consideration the obligor's ability to pay and
19 other criteria established by rule of the department. The
20 written agreement shall include all of the following:

21 a. The method, amount, and dates of support payments by
22 the obligor.

23 b. A statement that upon breach of the written agreement
24 by the obligor, the unit shall issue a certificate of
25 noncompliance to any appropriate licensing authority.

26 2. A written agreement entered into pursuant to this
27 section does not preclude any other remedy provided by law and
28 shall not modify or affect an existing support order.

29 3. Following issuance of a certificate of noncompliance,
30 if the obligor enters into a written agreement with the unit,
31 the unit shall issue a withdrawal of the certificate of
32 noncompliance and shall forward a copy of the withdrawal by
33 regular mail to the obligor and any appropriate licensing
34 authority.

35 Sec. 6. NEW SECTION. 252J.6 DECISION OF THE UNIT.

1 1. If an obligor is not in compliance with a support order
2 pursuant to section 252J.2, the unit notifies the obligor
3 pursuant to section 252J.3, and the obligor requests a
4 conference pursuant to section 252J.4, the unit shall issue a
5 written decision if any of the following conditions exists:

- 6 a. The obligor fails to appear at a scheduled conference
7 under section 252J.4.
- 8 b. A conference is held under section 252J.4.
- 9 c. The obligor fails to comply with a written agreement
10 entered into by the obligor and the unit under section 252J.5.

11 2. The unit shall send a copy of the written decision to
12 the obligor by regular mail at the obligor's most recent
13 address of record. If the decision is made to issue a
14 certificate of noncompliance or to withdraw the certificate of
15 noncompliance, a copy of the certificate of noncompliance or
16 of the withdrawal of the certificate of noncompliance shall be
17 attached to the written decision. The written decision shall
18 state all of the following:

- 19 a. That a copy of the certificate of noncompliance or
20 withdrawal of the certificate of noncompliance has been
21 provided to the licensing authorities named in the notice
22 provided pursuant to section 252J.3.
- 23 b. That upon receipt of a certificate of noncompliance,
24 the licensing authority shall initiate proceedings to suspend,
25 revoke, deny issuance, or deny renewal of a license, unless
26 the licensing authority is provided with a withdrawal of a
27 certificate of noncompliance from the unit.
- 28 c. That in order to obtain a withdrawal of a certificate
29 of noncompliance from the unit, the obligor shall enter into a
30 written agreement with the unit, comply with an existing
31 written agreement with the unit, or pay the total amount of
32 delinquent support owed.
- 33 d. That if the unit issues a written decision, which
34 includes a certificate of noncompliance that all of the
35 following apply:

1 (1) The obligor may request a hearing as provided in
2 section 252J.9, before the district court in the county in
3 which the underlying support order is filed, by filing a
4 written application to the court challenging the issuance of
5 the certificate of noncompliance by the unit and sending a
6 copy of the application to the unit within the time period
7 specified in section 252J.9.

8 (2) The obligor may retain an attorney at the obligor's
9 own expense to represent the obligor at the hearing.

10 (3) The scope of review of the district court shall be
11 limited to demonstration of a mistake of fact related to the
12 delinquency of the obligor.

13 3. If the unit issues a certificate of noncompliance, the
14 unit shall only issue a withdrawal of the certificate of
15 noncompliance if any of the following applies:

16 a. The unit or the court finds a mistake in the identity
17 of the obligor.

18 b. The unit or the court finds a mistake in determining
19 that the amount of delinquent support due is equal to or
20 greater than one month.

21 c. The obligor enters a written agreement with the unit to
22 comply with a support order, the obligor complies with an
23 existing written agreement to comply with a support order, or
24 the obligor pays the total amount of delinquent support owed.

25 d. Issuance of a withdrawal of the certificate of
26 noncompliance is appropriate under other criteria in
27 accordance with rules adopted by the department pursuant to
28 chapter 17A.

29 Sec. 7. NEW SECTION. 252J.7 CERTIFICATE OF NONCOMPLIANCE
30 -- CERTIFICATION TO LICENSING AUTHORITY.

31 1. If the obligor fails to respond to the notice of
32 potential license sanction provided pursuant to section 252J.3
33 or the unit issues a written decision under section 252J.6
34 which states that the obligor is not in compliance, the unit
35 shall certify, in writing, to any appropriate licensing

1 authority that the support obligor is not in compliance with a
2 support order and shall include a copy of the certificate of
3 noncompliance.

4 2. The certificate of noncompliance shall contain the
5 obligor's name, social security number, and the docket number
6 of the applicable support order.

7 3. The certificate of noncompliance shall require all of
8 the following:

9 a. That the licensing authority initiate procedures for
10 the revocation or suspension of the obligor's license, or for
11 the denial of the issuance or renewal of a license using the
12 licensing authority's procedures.

13 b. That the licensing authority provide notice to the
14 obligor, as provided in section 252J.8, of the intent to
15 suspend, revoke, deny issuance, or deny renewal of a license
16 including the effective date of the action. The suspension,
17 revocation, or denial shall be effective no sooner than thirty
18 days following provision of notice to the obligor.

19 Sec. 8. NEW SECTION. 252J.8 REQUIREMENTS AND PROCEDURES
20 OF LICENSING AUTHORITY.

21 1. A licensing authority shall maintain records of
22 licensees by name, current known address, and social security
23 number.

24 2. In addition to other grounds for suspension, revocation
25 or denial of issuance or renewal of a license, a licensing
26 authority shall include in rules adopted by the licensing
27 authority as grounds for suspension, revocation, or denial of
28 issuance or renewal of a license, the receipt of a certificate
29 of noncompliance from the unit.

30 3. A licensing authority that is issued a certificate of
31 noncompliance shall initiate procedures for the suspension,
32 revocation, or denial of issuance or renewal of licensure to
33 an obligor. The licensing authority shall utilize existing
34 rules and procedures for suspension, revocation, or denial of
35 the issuance or renewal of a license.

1 In addition, the licensing authority shall provide notice
2 to the obligor of the licensing authority's intent to suspend,
3 revoke, or deny issuance or renewal of a license under this
4 chapter. The suspension, revocation, or denial shall be
5 effective no sooner than thirty days following provision of
6 notice to the obligor. The notice shall state all of the
7 following:

8 a. The licensing authority intends to suspend, revoke, or
9 deny issuance or renewal of an obligor's license due to the
10 receipt of a certificate of noncompliance from the unit.

11 b. The obligor must contact the unit to schedule a
12 conference or to otherwise obtain a withdrawal of a
13 certificate of noncompliance.

14 c. Unless the unit furnishes a withdrawal of a certificate
15 of noncompliance to the licensing authority within thirty days
16 of the issuance of the notice under this section, the
17 obligor's license will be revoked, suspended, or denied.

18 d. If the licensing authority's rules and procedures
19 conflict with the additional requirements of this section, the
20 requirements of this section shall apply. Notwithstanding
21 section 17A.18, the obligor does not have a right to a hearing
22 before the licensing authority to contest the authority's
23 actions under this chapter but may request a court hearing
24 pursuant to section 252J.9 within thirty days of the provision
25 of notice under this section.

26 4. If the licensing authority receives a withdrawal of a
27 certificate of noncompliance from the unit, the licensing
28 authority shall immediately reinstate, renew, or issue a
29 license if the obligor is otherwise in compliance with
30 licensing requirements established by the licensing authority.

31 Sec. 9. NEW SECTION. 252J.9 DISTRICT COURT HEARING.

32 1. Following the issuance of a written decision by the
33 unit under section 252J.6 which includes the issuance of a
34 certificate of noncompliance, or following provision of notice
35 to the obligor by a licensing authority pursuant to section

1 252J.8, an obligor may seek review of the decision and request
2 a hearing before the district court in the county in which the
3 underlying support order is filed, by filing an application
4 with the district court, and sending a copy of the application
5 to the unit by regular mail. An application shall be filed to
6 seek review of the decision by the unit or following issuance
7 of notice by the licensing authority no later than within
8 thirty days after the issuance of the notice pursuant to
9 section 252J.8. The clerk of the district court shall
10 schedule a hearing and mail a copy of the order scheduling the
11 hearing to the obligor and the unit and shall also mail a copy
12 of the order to the licensing authority, if applicable. The
13 unit shall certify a copy of its written decision and
14 certificate of noncompliance, indicating the date of issuance,
15 and the licensing authority shall certify a copy of a notice
16 issued pursuant to section 252J.8, to the court prior to the
17 hearing.

18 2. The filing of an application pursuant to this section
19 shall automatically stay the actions of a licensing authority
20 pursuant to section 252J.8. The hearing on the application
21 shall be scheduled and held within thirty days of the filing
22 of the application. However, if the obligor fails to appear
23 at the scheduled hearing, the stay shall be lifted and the
24 licensing authority shall continue procedures pursuant to
25 section 252J.8.

26 3. The scope of review by the district court shall be
27 limited to demonstration of a mistake of fact relating to the
28 delinquency of the obligor. Issues related to visitation,
29 custody, or other provisions not related to the support
30 provisions of a support order are not grounds for a hearing
31 under this chapter.

32 4. Support orders shall not be modified by the court in a
33 hearing under this chapter.

34 5. If the court finds that the unit was in error in
35 issuing a certificate of noncompliance, or in failing to issue

1 a withdrawal of a certificate of noncompliance, the unit shall
2 issue a withdrawal of a certificate of noncompliance to the
3 appropriate licensing authority.

4 Sec. 10. Section 598.21, subsection 4, Code 1995, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. e. Unless the special circumstances of the
7 case justify a deviation, the court or the child support
8 recovery unit shall establish a monthly child support payment
9 of twenty-five dollars for a parent who is nineteen years of
10 age or younger, who has not received a high school or high
11 school equivalency diploma, and to whom each of the following
12 apply:

13 (1) The parent is attending a school or program described
14 as follows or has been identified as one of the following:

15 (a) The parent is in full-time attendance at an accredited
16 school and is pursuing a course of study leading to a high
17 school diploma.

18 (b) The parent is attending an instructional program
19 leading to a high school equivalency diploma.

20 (c) The parent is attending a vocational education program
21 approved pursuant to chapter 258.

22 (d) The parent has been identified by the director of
23 special education of the area education agency as a child
24 requiring special education as defined in section 256B.2.

25 (2) The parent provides proof of compliance with the
26 requirements of subparagraph (1) to the child support recovery
27 unit, if the unit is providing services under chapter 252B, or
28 if the unit is not providing services pursuant to chapter
29 252B, to the court as the court may direct.

30 Failure to provide proof of compliance under this
31 subparagraph is grounds for modification of the support order
32 using the uniform child support guidelines and imputing an
33 income to the parent equal to a forty-hour work week at the
34 state minimum wage, unless the parent's education, experience,
35 or actual earnings justify a higher income.

**SENATE FILE 431
FISCAL NOTE**

A fiscal note for Senate File 431 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 431 creates a new chapter to the Code of Iowa which provides a process for the denial of initial issuance or renewal of a license, the suspension of the license, or the revocation of the license for delinquent child support obligors. Senate File 431 also establishes a minimum support payment of \$25 per month for parents 19 years of age or younger who have not received a high school or high school equivalency diploma. If the parent is attending school full-time in pursuit of a diploma, the minimum support of \$25 per month may be waived.

Fiscal Impact:

The fiscal effect of SF 431 is a net General Fund savings of \$263,571 in FY 1996 and \$305,442 in FY 1997. For both FY 1996 and FY 1997, the Department of Human Services (DHS) estimates that an additional \$5,000,000 in child support recoveries will be obtained because of SF 431. Of the total \$5,000,000 in increased child support recoveries, the DHS estimates that \$1,500,000 in increase recoveries will accrue to public assistance (Family Investment Program) recipients. Increased child support recoveries to child support recipients who are also on public assistance offset Family Investment Program expenditures. The DHS estimates an additional 6.0 FTE positions will be needed to implement the provisions of SF 431.

<u>Costs</u>	FY 1996	FY 1997
	-----	-----
Staff	\$242,880	\$242,880
Support	631,028	507,878
Return federal share of Public Assistance	939,300	939,300
	-----	-----
Total Cost	\$1,813,208	\$1,690,058
	-----	-----
<u>Revenues</u>		
Increased Child Support Recoveries	\$1,500,000	\$1,500,000
Federal Funds	576,779	495,500
	-----	-----
Total Revenues	\$2,076,779	\$1,995,500
	-----	-----
Net Savings	\$ 263,571	\$ 305,442
	=====	=====

-2-

Source: Department of Human Services

(LSB 1575SV, LCS)

FILED MARCH 23, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 431

S-3224

1 Amend Senate File 431 as follows:

2 1. Page 11, by inserting after line 3 the
3 following:

4 "Sec. 100. Section 252H.10, Code 1995, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. If a child support
7 arrearage has not accrued on or after the date that
8 the notice was successfully served pursuant to section
9 252H.19, payment of support under the modified order
10 shall not be due until the due date, established under
11 the prior order, which is subsequent to the date of
12 issuance of the modified order. A modified order
13 shall not be applied in a manner which results in
14 payment of a child support obligation during the
15 period of time between two consecutive payment due
16 dates which require payment of the child support
17 obligation established under both the prior and
18 modified orders."

19 2. Page 11, by inserting after line 35 the
20 following:

21 "Sec. 200. Section 598.21, subsection 8, Code
22 1995, is amended by adding the following new
23 unnumbered paragraph:
24 NEW UNNUMBERED PARAGRAPH. If a child support
25 arrearage has not accrued on or after the date that
26 the notice of the pending petition for modification of
27 a child support order is served on the opposing party,
28 payment of child support under the modified order
29 shall not be due until the due date, established under
30 the prior order, which is subsequent to the date of
31 issuance of the modified order. A modified order
32 shall not be applied in a manner which results in
33 payment of a child support obligation during the
34 period of time between two consecutive payment due
35 dates which require payment of the child support
36 obligation established under both the prior and
37 modified orders."

38 3. Page 12, by inserting after line 6 the
39 following:

40 "Sec. 300. RETROACTIVE EFFECTIVE DATE. Sections
41 100 and 200 of this Act apply retroactively to any
42 child support order modified on or after July 1,
43 1994."

44 4. Title page, line 3, by inserting after the
45 word "younger," the following: "payment of a child
46 support obligation under a modified order,".

47 5. Title page, by striking line 6 and inserting
48 the following: "pay support, a retroactivity
49 provision, and implementation provisions."

By JIM LIND

S-3224 FILED MARCH 23, 1995

WITHDRAWN

3-28-95

(p. 911)

SENATE FILE 431

S-3251

1 Amend Senate File 431 as follows:

2 1. Page 11, by inserting after line 3, the
3 following:

4 "Sec. _____. Section 252H.10, Code 1995, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. The periodic due date
7 established under a prior order for payment of child
8 support shall not be changed in any order modified as
9 a result of an action initiated under this chapter,
10 unless the child support recovery unit or the court
11 determines that good cause exists to change the
12 periodic due date. If the unit or the court
13 determines that good cause exists, the unit or the
14 court shall include the rationale for the change in
15 the modified order and shall address the issue of
16 reconciliation of any payments due or made under a
17 prior order which would result in payment of the child
18 support obligation under both the prior and the
19 modified orders."

20 2. Page 11, by inserting after line 35, the
21 following:

22 "Sec. _____. Section 598.21, subsection 8, Code
23 1995, is amended by adding the following new
24 unnumbered paragraph:
25 NEW UNNUMBERED PARAGRAPH. The periodic due date
26 established under a prior order for payment of child
27 support shall not be changed in any modified order
28 under this section, unless the court determines that
29 good cause exists to change the periodic due date. If
30 the court determines that good cause exists, the court
31 shall include the rationale for the change in the
32 modified order and shall address the issue of
33 reconciliation of any payments due or made under a
34 prior order which would result in payment of the child
35 support obligation under both the prior and the
36 modified orders."

37 3. Title page, line 3, by inserting after the word
38 "younger," the following: "payment of a child support
39 obligation under a modified order,".

By JIM LIND

S-3251 FILED MARCH 28, 1995

ADOPTED

(p. 911)

SENATE FILE 431

S-3214

1 Amend Senate File 431 as follows:
2 1. Page 11, by inserting after line 3, the
3 following:
4 "Sec. ____ . Section 252B.4, subsection 2,
5 paragraphs a and b, Code 1995, are amended by striking
6 the paragraphs and inserting in lieu thereof the
7 following:
8 a. The fee shall be an automatic judgment against
9 the person responsible to pay support or determined to
10 be the father through paternity determination
11 services. The fee shall not be paid by the applicant
12 for services unless the applicant is the obligor or
13 alleged father.
14 b. This subsection shall serve as constructive
15 notice that the fee is a debt due and owing, is an
16 automatic judgment against the person responsible for
17 support or the person determined to be the father
18 through paternity determination services, and is
19 assessed on and after the date of application for
20 services by the recipient of services. The fee shall
21 be collected in addition to any support payments or
22 support judgment ordered, and no further notice or
23 hearing is required prior to collecting the fee.
24 c. Notwithstanding any provision to the contrary,
25 the unit may collect the fee through any legal means
26 by which support payments may be collected, including
27 but not limited to income withholding under chapter
28 252D or income tax refund setoffs, unless prohibited
29 under federal law.
30 d. The unit is not required to file these
31 judgments with the clerk of the district court, but
32 shall maintain an accurate accounting of the fee
33 assessed, the amount of the fee, and the collection of
34 the fee.
35 e. Support payments collected shall not be applied
36 to the fee until all other support obligations under
37 the support order being enforced, which have accrued
38 through the end of the current calendar month, have
39 been paid or satisfied in full."
40 2. Title page, line 1, by inserting after the
41 word "including" the following: "the payment of fees
42 for services provided by the child support recovery
43 unit,".
44 3. By renumbering as necessary.

By TONY BISIGNANO

S-3214 FILED MARCH 23, 1995

WITHDRAWN

3-28-95
(P.911)

SENATE FILE 431

S-3207

- 1 Amend Senate File 431 as follows:
 - 2 1. Page 2, line 23, by striking the words "one
 - 3 month" and inserting the following: "ninety days".
- By MARY E. NEUHAUSER
STEVEN D. HANSEN

S-3207 FILED MARCH 23, 1995

adopted
3-28-95
(p.911)

SENATE FILE 431

S-3203

- 1 Amend Senate File 431 as follows:
 - 2 1. Page 8, by inserting after line 29 the
 - 3 following:
 - 4 "2A. The supreme court shall prescribe rules for
 - 5 admission of persons to practice as attorneys and
 - 6 counselors pursuant to chapter 602, article 10, which
 - 7 include provisions, as specified in this chapter, for
 - 8 the denial, suspension, or revocation of the admission
 - 9 for failure to comply with a child support order."
 - 10 2. By renumbering as necessary.
- By MARY NEUHAUSER

S-3203 FILED MARCH 23, 1995

adopted 3-28-95
(p.911)

SENATE FILE 431

S-3222

- 1 Amend Senate File 431 as follows:
 - 2 1. Page 11, by inserting after line 35 the
 - 3 following:
 - 4 "Sec. ____ . NONPUBLIC ASSISTANCE RECIPIENTS CHILD
 - 5 SUPPORT RECOVERY COSTS -- EVALUATION AND
 - 6 RECOMMENDATIONS. The child support recovery unit
 - 7 shall evaluate the costs of services provided by the
 - 8 unit to nonpublic assistance recipients of services
 - 9 and shall submit a report to the general assembly on
 - 10 or before January 1, 1996, which includes
 - 11 recommendations and budget requests for coverage of
 - 12 these costs which are alternatives to payment of any
 - 13 fees by nonpublic assistance recipients of child
 - 14 support. An alternative to payment of fees by
 - 15 nonpublic assistance recipients of child support shall
 - 16 be implemented on or before July 1, 1996."
 - 17 2. Title page, line 1, by inserting after the
 - 18 word "including" the following: "alternative measures
 - 19 for payment of costs for nonpublic assistance
 - 20 services,".
 - 21 3. By renumbering as necessary.
- By TONY BISIGNANO

S-3222 FILED MARCH 23, 1995

adopted 3-28-95
(p.911)

1 Section 1. NEW SECTION. 252J.1 DEFINITIONS.

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

4 1. "Certificate of noncompliance" means a document
5 provided by the child support recovery unit certifying that
6 the named obligor is not in compliance with a support order or
7 with a written agreement for payment of support entered into
8 by the unit and the obligor.

9 2. "License" means a license, certification, registration,
10 permit, approval, renewal, or other similar authorization
11 issued to an obligor by a licensing authority which evidences
12 the admission to, or granting of authority to engage in, a
13 profession, occupation, business, or industry, or to operate
14 or register a motor vehicle. "License" does not mean or
15 include licenses for hunting, fishing, boating, or other
16 recreational activity.

17 3. "Licensee" means an obligor to whom a license has been
18 issued, or who is seeking the issuance of a license.

19 4. "Licensing authority" means a county treasurer, the
20 supreme court, or an instrumentality, agency, board,
21 commission, department, officer, organization, or any other
22 entity of the state, which has authority within this state to
23 suspend or revoke a license or to deny the renewal or issuance
24 of a license authorizing an obligor to register or operate a
25 motor vehicle or to engage in a business, occupation,
26 profession, or industry.

27 5. "Obligor" means a natural person as defined in section
28 252G.1 who has been ordered by a court or administrative
29 authority to pay support.

30 6. "Support" means support or support payments as defined
31 in section 252D.1, whether established through court or
32 administrative order.

33 7. "Support order" means an order for support issued
34 pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F,
35 252H, 598, 600B, or any other applicable chapter, or under a

1 comparable statute of a foreign jurisdiction as registered
2 with the clerk of the district court or certified to the child
3 support recovery unit.

4 8. "Unit" means the child support recovery unit created in
5 section 252B.2.

6 9. "Withdrawal of a certificate of noncompliance" means a
7 document provided by the unit certifying that the certificate
8 of noncompliance is withdrawn and that the licensing authority
9 may proceed with issuance, reinstatement, or renewal of an
10 obligor's license.

11 Sec. 2. NEW SECTION. 252J.2 PURPOSE AND USE.

12 1. Notwithstanding other statutory provisions to the
13 contrary, and if an obligor has not been cited for contempt
14 and enjoined from engaging in the activity governed by a
15 license pursuant to section 598.23A, the unit may utilize the
16 process established in this chapter to collect support.

17 2. An obligor is subject to the provisions of this chapter
18 if the obligor's support obligation is being enforced by the
19 unit, if the support payments required by a support order to
20 be paid to the clerk of the district court or the collection
21 services center pursuant to section 598.22 are not paid and
22 become delinquent in an amount equal to the support payment
23 for ninety days, and if the obligor's situation meets other
24 criteria specified under rules adopted by the department
25 pursuant to chapter 17A. The criteria specified by rule shall
26 include consideration of the length of time since the
27 obligor's last support payment and the total amount of support
28 owed by the obligor.

29 3. Actions initiated by the unit under this chapter shall
30 not be subject to contested case proceedings or further review
31 pursuant to chapter 17A and any resulting court hearing shall
32 be an original hearing before the district court.

33 4. Notwithstanding the confidentiality provisions of
34 chapter 252B or 422, or any other statutory provision
35 pertaining to the confidentiality of records, a licensing

1 authority shall exchange information with the unit through
2 manual or automated means. Information exchanged under this
3 chapter for the purposes of this chapter or chapter 598 shall
4 be used solely for the purpose of identifying licensees
5 subject to enforcement pursuant to this chapter or chapter
6 598.

7 Sec. 3. NEW SECTION. 252J.3 NOTICE TO OBLIGOR OF
8 POTENTIAL SANCTION OF LICENSE.

9 The unit shall proceed in accordance with this chapter only
10 if notice is served on the obligor in accordance with R.C.P.
11 56.1 or notice is sent by certified mail addressed to the
12 obligor's last known address and served upon any person who
13 may accept service under R.C.P. 56.1. Return acknowledgment
14 is required to prove service by certified mail. The notice
15 shall include all of the following:

- 16 1. The address and telephone number of the unit and the
17 unit case number.
- 18 2. A statement that the obligor is not in compliance with
19 a support order.
- 20 3. A statement that the obligor may request a conference
21 with the unit to contest the action.
- 22 4. A statement that if, within twenty days of service of
23 notice on the obligor, the obligor fails to contact the unit
24 to schedule a conference, the unit shall issue a certificate
25 of noncompliance, bearing the obligor's name, social security
26 number, unit case number, and the docket number of a support
27 order requiring the obligor to pay support, to any appropriate
28 licensing authority, certifying that the obligor is not in
29 compliance with a support order.
- 30 5. A statement that in order to stay the issuance of a
31 certificate of noncompliance the request for a conference
32 shall be in writing and shall be received by the unit within
33 twenty days of service of notice on the obligor.
- 34 6. The names of the licensing authorities to which the
35 unit intends to issue a certificate of noncompliance.

1 7. A statement that if the unit issues a certificate of
2 noncompliance to an appropriate licensing authority, the
3 licensing authority shall initiate proceedings to refuse to
4 issue or renew, or to suspend or revoke the obligor's license,
5 unless the unit provides the licensing authority with a
6 withdrawal of a certificate of noncompliance.

7 Sec. 4. NEW SECTION. 252J.4 CONFERENCE.

8 1. The obligor may schedule a conference with the unit
9 following service of notice pursuant to section 252J.3, or at
10 any time after service of notice of suspension, revocation,
11 denial of issuance, or nonrenewal of a license from a
12 licensing authority, to challenge the unit's actions under
13 this chapter.

14 2. The request for a conference shall be made to the unit,
15 in writing, and, if requested after service of a notice
16 pursuant to section 252J.3, shall be received by the unit
17 within twenty days following service of notice.

18 3. The unit shall notify the obligor of the date, time,
19 and location of the conference by regular mail, with the date
20 of the conference to be no earlier than ten days following
21 issuance of notice of the conference by the unit. If the
22 obligor fails to appear at the conference, the unit shall
23 issue a certificate of noncompliance.

24 4. Following the conference, the unit shall issue a
25 certificate of noncompliance unless any of the following
26 applies:

27 a. The unit finds a mistake in the identity of the
28 obligor.

29 b. The unit finds a mistake in determining that the amount
30 of delinquent support is equal to or greater than one month.

31 c. The obligor enters a written agreement with the unit to
32 comply with a support order, the obligor complies with an
33 existing written agreement to comply with a support order, or
34 the obligor pays the total amount of delinquent support due.

35 d. Issuance of a certificate of noncompliance is not

1 appropriate under other criteria established in accordance
2 with rules adopted by the department pursuant to chapter 17A.
3 5. The unit shall grant the obligor a stay of the issuance
4 of a certificate of noncompliance upon receiving a timely
5 written request for a conference, and if a certificate of
6 noncompliance has previously been issued, shall issue a
7 withdrawal of a certificate of noncompliance if the obligor
8 enters into a written agreement with the unit to comply with a
9 support order.

10 6. If the obligor does not timely request a conference or
11 pay the total amount of delinquent support owed within twenty
12 days of service of the notice pursuant to section 252J.3, the
13 unit shall issue a certificate of noncompliance.

14 Sec. 5. NEW SECTION. 252J.5 WRITTEN AGREEMENT.

15 1. If an obligor is subject to this chapter as established
16 in section 252J.2, the obligor and the unit may enter into a
17 written agreement for payment of support and compliance which
18 takes into consideration the obligor's ability to pay and
19 other criteria established by rule of the department. The
20 written agreement shall include all of the following:

21 a. The method, amount, and dates of support payments by
22 the obligor.

23 b. A statement that upon breach of the written agreement
24 by the obligor, the unit shall issue a certificate of
25 noncompliance to any appropriate licensing authority.

26 2. A written agreement entered into pursuant to this
27 section does not preclude any other remedy provided by law and
28 shall not modify or affect an existing support order.

29 3. Following issuance of a certificate of noncompliance,
30 if the obligor enters into a written agreement with the unit,
31 the unit shall issue a withdrawal of the certificate of
32 noncompliance and shall forward a copy of the withdrawal by
33 regular mail to the obligor and any appropriate licensing
34 authority.

35 Sec. 6. NEW SECTION. 252J.6 DECISION OF THE UNIT.

1 1. If an obligor is not in compliance with a support order
2 pursuant to section 252J.2, the unit notifies the obligor
3 pursuant to section 252J.3, and the obligor requests a
4 conference pursuant to section 252J.4, the unit shall issue a
5 written decision if any of the following conditions exists:

6 a. The obligor fails to appear at a scheduled conference
7 under section 252J.4.

8 b. A conference is held under section 252J.4.

9 c. The obligor fails to comply with a written agreement
10 entered into by the obligor and the unit under section 252J.5.

11 2. The unit shall send a copy of the written decision to
12 the obligor by regular mail at the obligor's most recent
13 address of record. If the decision is made to issue a
14 certificate of noncompliance or to withdraw the certificate of
15 noncompliance, a copy of the certificate of noncompliance or
16 of the withdrawal of the certificate of noncompliance shall be
17 attached to the written decision. The written decision shall
18 state all of the following:

19 a. That a copy of the certificate of noncompliance or
20 withdrawal of the certificate of noncompliance has been
21 provided to the licensing authorities named in the notice
22 provided pursuant to section 252J.3.

23 b. That upon receipt of a certificate of noncompliance,
24 the licensing authority shall initiate proceedings to suspend,
25 revoke, deny issuance, or deny renewal of a license, unless
26 the licensing authority is provided with a withdrawal of a
27 certificate of noncompliance from the unit.

28 c. That in order to obtain a withdrawal of a certificate
29 of noncompliance from the unit, the obligor shall enter into a
30 written agreement with the unit, comply with an existing
31 written agreement with the unit, or pay the total amount of
32 delinquent support owed.

33 d. That if the unit issues a written decision, which
34 includes a certificate of noncompliance that all of the
35 following apply:

1 (1) The obligor may request a hearing as provided in
2 section 252J.9, before the district court in the county in
3 which the underlying support order is filed, by filing a
4 written application to the court challenging the issuance of
5 the certificate of noncompliance by the unit and sending a
6 copy of the application to the unit within the time period
7 specified in section 252J.9.

8 (2) The obligor may retain an attorney at the obligor's
9 own expense to represent the obligor at the hearing.

10 (3) The scope of review of the district court shall be
11 limited to demonstration of a mistake of fact related to the
12 delinquency of the obligor.

13 3. If the unit issues a certificate of noncompliance, the
14 unit shall only issue a withdrawal of the certificate of
15 noncompliance if any of the following applies:

16 a. The unit or the court finds a mistake in the identity
17 of the obligor.

18 b. The unit or the court finds a mistake in determining
19 that the amount of delinquent support due is equal to or
20 greater than one month.

21 c. The obligor enters a written agreement with the unit to
22 comply with a support order, the obligor complies with an
23 existing written agreement to comply with a support order, or
24 the obligor pays the total amount of delinquent support owed.

25 d. Issuance of a withdrawal of the certificate of
26 noncompliance is appropriate under other criteria in
27 accordance with rules adopted by the department pursuant to
28 chapter 17A.

29 Sec. 7. NEW SECTION. 252J.7 CERTIFICATE OF NONCOMPLIANCE
30 -- CERTIFICATION TO LICENSING AUTHORITY.

31 1. If the obligor fails to respond to the notice of
32 potential license sanction provided pursuant to section 252J.3
33 or the unit issues a written decision under section 252J.6
34 which states that the obligor is not in compliance, the unit
35 shall certify, in writing, to any appropriate licensing

1 authority that the support obligor is not in compliance with a
2 support order and shall include a copy of the certificate of
3 noncompliance.

4 2. The certificate of noncompliance shall contain the
5 obligor's name, social security number, and the docket number
6 of the applicable support order.

7 3. The certificate of noncompliance shall require all of
8 the following:

9 a. That the licensing authority initiate procedures for
10 the revocation or suspension of the obligor's license, or for
11 the denial of the issuance or renewal of a license using the
12 licensing authority's procedures.

13 b. That the licensing authority provide notice to the
14 obligor, as provided in section 252J.8, of the intent to
15 suspend, revoke, deny issuance, or deny renewal of a license
16 including the effective date of the action. The suspension,
17 revocation, or denial shall be effective no sooner than thirty
18 days following provision of notice to the obligor.

19 Sec. 8. NEW SECTION. 252J.8 REQUIREMENTS AND PROCEDURES
20 OF LICENSING AUTHORITY.

21 1. A licensing authority shall maintain records of
22 licensees by name, current known address, and social security
23 number.

24 2. In addition to other grounds for suspension, revocation
25 or denial of issuance or renewal of a license, a licensing
26 authority shall include in rules adopted by the licensing
27 authority as grounds for suspension, revocation, or denial of
28 issuance or renewal of a license, the receipt of a certificate
29 of noncompliance from the unit.

30 3. The supreme court shall prescribe rules for admission
31 of persons to practice as attorneys and counselors pursuant to
32 chapter 602, article 10, which include provisions, as
33 specified in this chapter, for the denial, suspension, or
34 revocation of the admission for failure to comply with a child
35 support order.

1 4. A licensing authority that is issued a certificate of
2 noncompliance shall initiate procedures for the suspension,
3 revocation, or denial of issuance or renewal of licensure to
4 an obligor. The licensing authority shall utilize existing
5 rules and procedures for suspension, revocation, or denial of
6 the issuance or renewal of a license.

7 In addition, the licensing authority shall provide notice
8 to the obligor of the licensing authority's intent to suspend,
9 revoke, or deny issuance or renewal of a license under this
10 chapter. The suspension, revocation, or denial shall be
11 effective no sooner than thirty days following provision of
12 notice to the obligor. The notice shall state all of the
13 following:

14 a. The licensing authority intends to suspend, revoke, or
15 deny issuance or renewal of an obligor's license due to the
16 receipt of a certificate of noncompliance from the unit.

17 b. The obligor must contact the unit to schedule a
18 conference or to otherwise obtain a withdrawal of a
19 certificate of noncompliance.

20 c. Unless the unit furnishes a withdrawal of a certificate
21 of noncompliance to the licensing authority within thirty days
22 of the issuance of the notice under this section, the
23 obligor's license will be revoked, suspended, or denied.

24 d. If the licensing authority's rules and procedures
25 conflict with the additional requirements of this section, the
26 requirements of this section shall apply. Notwithstanding
27 section 17A.18, the obligor does not have a right to a hearing
28 before the licensing authority to contest the authority's
29 actions under this chapter but may request a court hearing
30 pursuant to section 252J.9 within thirty days of the provision
31 of notice under this section.

32 5. If the licensing authority receives a withdrawal of a
33 certificate of noncompliance from the unit, the licensing
34 authority shall immediately reinstate, renew, or issue a
35 license if the obligor is otherwise in compliance with

1 licensing requirements established by the licensing authority.

2 Sec. 9. NEW SECTION. 252J.9 DISTRICT COURT HEARING.

3 1. Following the issuance of a written decision by the
4 unit under section 252J.6 which includes the issuance of a
5 certificate of noncompliance, or following provision of notice
6 to the obligor by a licensing authority pursuant to section
7 252J.8, an obligor may seek review of the decision and request
8 a hearing before the district court in the county in which the
9 underlying support order is filed, by filing an application
10 with the district court, and sending a copy of the application
11 to the unit by regular mail. An application shall be filed to
12 seek review of the decision by the unit or following issuance
13 of notice by the licensing authority no later than within
14 thirty days after the issuance of the notice pursuant to
15 section 252J.8. The clerk of the district court shall
16 schedule a hearing and mail a copy of the order scheduling the
17 hearing to the obligor and the unit and shall also mail a copy
18 of the order to the licensing authority, if applicable. The
19 unit shall certify a copy of its written decision and
20 certificate of noncompliance, indicating the date of issuance,
21 and the licensing authority shall certify a copy of a notice
22 issued pursuant to section 252J.8, to the court prior to the
23 hearing.

24 2. The filing of an application pursuant to this section
25 shall automatically stay the actions of a licensing authority
26 pursuant to section 252J.8. The hearing on the application
27 shall be scheduled and held within thirty days of the filing
28 of the application. However, if the obligor fails to appear
29 at the scheduled hearing, the stay shall be lifted and the
30 licensing authority shall continue procedures pursuant to
31 section 252J.8.

32 3. The scope of review by the district court shall be
33 limited to demonstration of a mistake of fact relating to the
34 delinquency of the obligor. Issues related to visitation,
35 custody, or other provisions not related to the support

1 provisions of a support order are not grounds for a hearing
2 under this chapter.

3 4. Support orders shall not be modified by the court in a
4 hearing under this chapter.

5 5. If the court finds that the unit was in error in
6 issuing a certificate of noncompliance, or in failing to issue
7 a withdrawal of a certificate of noncompliance, the unit shall
8 issue a withdrawal of a certificate of noncompliance to the
9 appropriate licensing authority.

10 Sec. 10. Section 252H.10, Code 1995, is amended by adding
11 the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. The periodic due date
13 established under a prior order for payment of child support
14 shall not be changed in any order modified as a result of an
15 action initiated under this chapter, unless the child support
16 recovery unit or the court determines that good cause exists
17 to change the periodic due date. If the unit or the court
18 determines that good cause exists, the unit or the court shall
19 include the rationale for the change in the modified order and
20 shall address the issue of reconciliation of any payments due
21 or made under a prior order which would result in payment of
22 the child support obligation under both the prior and the
23 modified orders.

24 Sec. 11. Section 598.21, subsection 4, Code 1995, is
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. e. Unless the special circumstances of the
27 case justify a deviation, the court or the child support
28 recovery unit shall establish a monthly child support payment
29 of twenty-five dollars for a parent who is nineteen years of
30 age or younger, who has not received a high school or high
31 school equivalency diploma, and to whom each of the following
32 apply:

33 (1) The parent is attending a school or program described
34 as follows or has been identified as one of the following:

35 (a) The parent is in full-time attendance at an accredited

1 school and is pursuing a course of study leading to a high
2 school diploma.

3 (b) The parent is attending an instructional program
4 leading to a high school equivalency diploma.

5 (c) The parent is attending a vocational education program
6 approved pursuant to chapter 258.

7 (d) The parent has been identified by the director of
8 special education of the area education agency as a child
9 requiring special education as defined in section 256B.2.

10 (2) The parent provides proof of compliance with the
11 requirements of subparagraph (1) to the child support recovery
12 unit, if the unit is providing services under chapter 252B, or
13 if the unit is not providing services pursuant to chapter
14 252B, to the court as the court may direct.

15 Failure to provide proof of compliance under this
16 subparagraph is grounds for modification of the support order
17 using the uniform child support guidelines and imputing an
18 income to the parent equal to a forty-hour work week at the
19 state minimum wage, unless the parent's education, experience,
20 or actual earnings justify a higher income.

21 Sec. 12. Section 598.21, subsection 8, Code 1995, is
22 amended by adding the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The periodic due date
24 established under a prior order for payment of child support
25 shall not be changed in any modified order under this section,
26 unless the court determines that good cause exists to change
27 the periodic due date. If the court determines that good
28 cause exists, the court shall include the rationale for the
29 change in the modified order and shall address the issue of
30 reconciliation of any payments due or made under a prior order
31 which would result in payment of the child support obligation
32 under both the prior and the modified orders.

33 Sec. 13. NONPUBLIC ASSISTANCE RECIPIENTS CHILD SUPPORT
34 RECOVERY COSTS -- EVALUATION AND RECOMMENDATIONS. The child
35 support recovery unit shall evaluate the costs of services

1 provided by the unit to nonpublic assistance recipients of
2 services and shall submit a report to the general assembly on
3 or before January 1, 1996, which includes recommendations and
4 budget requests for coverage of these costs which are
5 alternatives to payment of any fees by nonpublic assistance
6 recipients of child support. An alternative to payment of
7 fees by nonpublic assistance recipients of child support shall
8 be implemented on or before July 1, 1996.

9 Sec. 14. IMPLEMENTATION. Sections 1 through 9 of this Act
10 may be implemented by the child support recovery unit and any
11 applicable licensing authority prior to adoption of rules by
12 the licensing authority as required pursuant to section
13 252J.8. However, a licensing authority shall adopt rules as
14 required by section 252J.8 on or before January 1, 1996.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 431

H-3905

1 Amend Senate File 431, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 28 the
4 following:

5 "2A. A party to a decree or order who willfully
6 disobeys the custody or visitation provisions of the
7 decree or order and who is subject to contempt
8 proceedings pursuant to section 598.23 is subject to
9 the provisions of this chapter. The supreme court
10 shall prescribe rules for application of this chapter
11 to parties described in this subsection."

12 2. Page 12, by inserting after line 32 the
13 following:

14 "Sec. ____ . Section 598.23, subsection 2, Code
15 1995, is amended by adding the following new
16 paragraph:

17 NEW PARAGRAPH. c. Provides for application of
18 chapter 252J regarding suspension, revocation,
19 nonissuance, or nonrenewal of a license to a party who
20 willfully disobeys the custody or visitation
21 provisions of an order or decree."

22 3. Title page, line 8, by inserting after the
23 word "support" the following: "and application of
24 these provisions to a party held in contempt of court
25 for willfully disobeying the custody or visitation
26 provisions of an order or decree".

27 4. By renumbering as necessary.

By McCOY of Polk

H-3905 FILED APRIL 12, 1995

Not germane 4/17/95 (p. 1594)

Motion to suspend rules

" lost (p. 1595)

Neubauer
Bartz
Doorsky

SSB 27.1
Human Resources
Succeeded By
SENATE/FILE 431
BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY CHAIR-
PERSON SZYMONIAK)

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

A BILL FOR

1 An Act relating to child support collection, including the
2 establishment of the amount of child support required by
3 certain parents who are nineteen years of age or younger,
4 provisions relating to the suspension, revocation,
5 nonissuance, and nonrenewal of certain licenses for failure to
6 pay support, and implementation provisions.

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

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. NEW SECTION. 252J.1 DEFINITIONS.

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

4 1. "Certificate of noncompliance" means a document
5 provided by the child support recovery unit certifying that
6 the named obligor is not in compliance with a support order or
7 with a written agreement for payment of support entered into
8 by the unit and the obligor.

9 2. "License" means a license, certification, registration,
10 permit, approval, renewal, or other similar authorization
11 issued to an obligor by a licensing authority which evidences
12 the admission to, or granting of authority to engage in, a
13 profession, occupation, business, or industry, or to operate
14 or register a motor vehicle. "License" does not mean or
15 include licenses for hunting, fishing, boating, or other
16 recreational activity.

17 3. "Licensee" means an obligor to whom a license has been
18 issued, or who is seeking the issuance of a license.

19 4. "Licensing authority" means a county treasurer, the
20 supreme court, or an instrumentality, agency, board,
21 commission, department, officer, organization, or any other
22 entity of the state, which has authority within this state to
23 suspend or revoke a license or to deny the renewal or issuance
24 of a license authorizing an obligor to register or operate a
25 motor vehicle or to engage in a business, occupation,
26 profession, or industry.

27 5. "Obligor" means a natural person as defined in section
28 252G.1 who has been ordered by a court or administrative
29 authority to pay support.

30 6. "Support" means support or support payments as defined
31 in section 252D.1, whether established through court or
32 administrative order.

33 7. "Support order" means an order for support issued
34 pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F,
35 252H, 598, 600B, or any other applicable chapter, or under a

1 comparable statute of a foreign jurisdiction as registered
2 with the clerk of the district court or certified to the child
3 support recovery unit.

4 8. "Unit" means the child support recovery unit created in
5 section 252B.2.

6 9. "Withdrawal of a certificate of noncompliance" means a
7 document provided by the unit certifying that the certificate
8 of noncompliance is withdrawn and that the licensing authority
9 may proceed with issuance, reinstatement, or renewal of an
10 obligor's license.

11 Sec. 2. NEW SECTION. 252J.2 PURPOSE AND USE.

12 1. Notwithstanding other statutory provisions to the
13 contrary, and if an obligor has not been cited for contempt
14 and enjoined from engaging in the activity governed by a
15 license pursuant to section 598.23A, the unit may utilize the
16 process established in this chapter to collect support.

17 2. An obligor is subject to the provisions of this chapter
18 if the obligor's support obligation is being enforced by the
19 unit, if the support payments required by a support order to
20 be paid to the clerk of the district court or the collection
21 services center pursuant to section 598.22 are not paid and
22 become delinquent in an amount equal to the support payment
23 for one month, and if the obligor's situation meets other
24 criteria specified under rules adopted by the department
25 pursuant to chapter 17A. The criteria specified by rule shall
26 include consideration of the length of time since the
27 obligor's last support payment and the total amount of support
28 owed by the obligor.

29 3. Actions initiated by the unit under this chapter shall
30 not be subject to contested case proceedings or further review
31 pursuant to chapter 17A and any resulting court hearing shall
32 be an original hearing before the district court.

33 4. Notwithstanding the confidentiality provisions of
34 chapter 252B or 422, or any other statutory provision
35 pertaining to the confidentiality of records, a licensing

S.F. _____ H.F. _____

1 authority shall exchange information with the unit through
2 manual or automated means. Information exchanged under this
3 chapter for the purposes of this chapter or chapter 598 shall
4 be used solely for the purpose of identifying licensees
5 subject to enforcement pursuant to this chapter or chapter
6 598.

7 Sec. 3. NEW SECTION. 252J.3 NOTICE TO OBLIGOR OF
8 POTENTIAL SANCTION OF LICENSE.

9 The unit shall proceed in accordance with this chapter only
10 if notice is served on the obligor in accordance with R.C.P.
11 56.1 or notice is sent by certified mail addressed to the
12 obligor's last known address and served upon any person who
13 may accept service under R.C.P. 56.1. Return acknowledgment
14 is required to prove service by certified mail. The notice
15 shall include all of the following:

16 1. The address and telephone number of the unit and the
17 unit case number.

18 2. A statement that the obligor is not in compliance with
19 a support order.

20 3. A statement that the obligor may request a conference
21 with the unit to contest the action.

22 4. A statement that if, within twenty days of service of
23 notice on the obligor, the obligor fails to contact the unit
24 to schedule a conference, the unit shall issue a certificate
25 of noncompliance, bearing the obligor's name, social security
26 number, unit case number, and the docket number of a support
27 order requiring the obligor to pay support, to any appropriate
28 licensing authority, certifying that the obligor is not in
29 compliance with a support order.

30 5. A statement that in order to stay the issuance of a
31 certificate of noncompliance the request for a conference
32 shall be in writing and shall be received by the unit within
33 twenty days of service of notice on the obligor.

34 6. The names of the licensing authorities to which the
35 unit intends to issue a certificate of noncompliance.

1 7. A statement that if the unit issues a certificate of
2 noncompliance to an appropriate licensing authority, the
3 licensing authority shall initiate proceedings to refuse to
4 issue or renew, or to suspend or revoke the obligor's license,
5 unless the unit provides the licensing authority with a
6 withdrawal of a certificate of noncompliance.

7 Sec. 4. NEW SECTION. 252J.4 CONFERENCE.

8 1. The obligor may schedule a conference with the unit
9 following service of notice pursuant to section 252J.3, or at
10 any time after service of notice of suspension, revocation,
11 denial of issuance, or nonrenewal of a license from a
12 licensing authority, to challenge the unit's actions under
13 this chapter.

14 2. The request for a conference shall be made to the unit,
15 in writing, and, if requested after service of a notice
16 pursuant to section 252J.3, shall be received by the unit
17 within twenty days following service of notice.

18 3. The unit shall notify the obligor of the date, time,
19 and location of the conference by regular mail, with the date
20 of the conference to be no earlier than ten days following
21 issuance of notice of the conference by the unit. If the
22 obligor fails to appear at the conference, the unit shall
23 issue a certificate of noncompliance.

24 4. Following the conference, the unit shall issue a
25 certificate of noncompliance unless any of the following
26 applies:

27 a. The unit finds a mistake in the identity of the
28 obligor.

29 b. The unit finds a mistake in determining that the amount
30 of delinquent support is equal to or greater than one month.

31 c. The obligor enters a written agreement with the unit to
32 comply with a support order, the obligor complies with an
33 existing written agreement to comply with a support order, or
34 the obligor pays the total amount of delinquent support due.

35 d. Issuance of a certificate of noncompliance is not

1 appropriate under other criteria established in accordance
2 with rules adopted by the department pursuant to chapter 17A.

3 5. The unit shall grant the obligor a stay of the issuance
4 of a certificate of noncompliance upon receiving a timely
5 written request for a conference, and if a certificate of
6 noncompliance has previously been issued, shall issue a
7 withdrawal of a certificate of noncompliance if the obligor
8 enters into a written agreement with the unit to comply with a
9 support order.

10 6. If the obligor does not timely request a conference or
11 pay the total amount of delinquent support owed within twenty
12 days of service of the notice pursuant to section 252J.3, the
13 unit shall issue a certificate of noncompliance.

14 Sec. 5. NEW SECTION. 252J.5 WRITTEN AGREEMENT.

15 1. If an obligor is subject to this chapter as established
16 in section 252J.2, the obligor and the unit may enter into a
17 written agreement for payment of support and compliance which
18 takes into consideration the obligor's ability to pay and
19 other criteria established by rule of the department. The
20 written agreement shall include all of the following:

21 a. The method, amount, and dates of support payments by
22 the obligor.

23 b. A statement that upon breach of the written agreement
24 by the obligor, the unit shall issue a certificate of
25 noncompliance to any appropriate licensing authority.

26 2. A written agreement entered into pursuant to this
27 section does not preclude any other remedy provided by law and
28 shall not modify or affect an existing support order.

29 3. Following issuance of a certificate of noncompliance,
30 if the obligor enters into a written agreement with the unit,
31 the unit shall issue a withdrawal of the certificate of
32 noncompliance and shall forward a copy of the withdrawal by
33 regular mail to the obligor and any appropriate licensing
34 authority.

35 Sec. 6. NEW SECTION. 252J.6 DECISION OF THE UNIT.

1 1. If an obligor is not in compliance with a support order
2 pursuant to section 252J.2, the unit notifies the obligor
3 pursuant to section 252J.3, and the obligor requests a
4 conference pursuant to section 252J.4, the unit shall issue a
5 written decision if any of the following conditions exists:

6 a. The obligor fails to appear at a scheduled conference
7 under section 252J.4.

8 b. A conference is held under section 252J.4.

9 c. The obligor fails to comply with a written agreement
10 entered into by the obligor and the unit under section 252J.5.

11 2. The unit shall send a copy of the written decision to
12 the obligor by regular mail at the obligor's most recent
13 address of record. If the decision is made to issue a
14 certificate of noncompliance or to withdraw the certificate of
15 noncompliance, a copy of the certificate of noncompliance or
16 of the withdrawal of the certificate of noncompliance shall be
17 attached to the written decision. The written decision shall
18 state all of the following:

19 a. That a copy of the certificate of noncompliance or
20 withdrawal of the certificate of noncompliance has been
21 provided to the licensing authorities named in the notice
22 provided pursuant to section 252J.3.

23 b. That upon receipt of a certificate of noncompliance,
24 the licensing authority shall initiate proceedings to suspend,
25 revoke, deny issuance, or deny renewal of a license, unless
26 the licensing authority is provided with a withdrawal of a
27 certificate of noncompliance from the unit.

28 c. That in order to obtain a withdrawal of a certificate
29 of noncompliance from the unit, the obligor shall enter into a
30 written agreement with the unit, comply with an existing
31 written agreement with the unit, or pay the total amount of
32 delinquent support owed.

33 d. That if the unit issues a written decision, which
34 includes a certificate of noncompliance that all of the
35 following apply:

1 (1) The obligor may request a hearing as provided in
2 section 252J.9, before the district court in the county in
3 which the underlying support order is filed, by filing a
4 written application to the court challenging the issuance of
5 the certificate of noncompliance by the unit and sending a
6 copy of the application to the unit within the time period
7 specified in section 252J.9.

8 (2) The obligor may retain an attorney at the obligor's
9 own expense to represent the obligor at the hearing.

10 (3) The scope of review of the district court shall be
11 limited to demonstration of a mistake of fact related to the
12 delinquency of the obligor.

13 3. If the unit issues a certificate of noncompliance, the
14 unit shall only issue a withdrawal of the certificate of
15 noncompliance if any of the following applies:

16 a. The unit or the court finds a mistake in the identity
17 of the obligor.

18 b. The unit or the court finds a mistake in determining
19 that the amount of delinquent support due is equal to or
20 greater than one month.

21 c. The obligor enters a written agreement with the unit to
22 comply with a support order, the obligor complies with an
23 existing written agreement to comply with a support order, or
24 the obligor pays the total amount of delinquent support owed.

25 d. Issuance of a withdrawal of the certificate of
26 noncompliance is appropriate under other criteria in
27 accordance with rules adopted by the department pursuant to
28 chapter 17A.

29 Sec. 7. NEW SECTION. 252J.7 CERTIFICATE OF NONCOMPLIANCE
30 -- CERTIFICATION TO LICENSING AUTHORITY.

31 1. If the obligor fails to respond to the notice of
32 potential license sanction provided pursuant to section 252J.3
33 or the unit issues a written decision under section 252J.6
34 which states that the obligor is not in compliance, the unit
35 shall certify, in writing, to any appropriate licensing

1 authority that the support obligor is not in compliance with a
2 support order and shall include a copy of the certificate of
3 noncompliance.

4 2. The certificate of noncompliance shall contain the
5 obligor's name, social security number, and the docket number
6 of the applicable support order.

7 3. The certificate of noncompliance shall require all of
8 the following:

9 a. That the licensing authority initiate procedures for
10 the revocation or suspension of the obligor's license, or for
11 the denial of the issuance or renewal of a license using the
12 licensing authority's procedures.

13 b. That the licensing authority provide notice to the
14 obligor, as provided in section 252J.8, of the intent to
15 suspend, revoke, deny issuance, or deny renewal of a license
16 including the effective date of the action. The suspension,
17 revocation, or denial shall be effective no sooner than thirty
18 days following provision of notice to the obligor.

19 Sec. 8. NEW SECTION. 252J.8 REQUIREMENTS AND PROCEDURES
20 OF LICENSING AUTHORITY.

21 1. A licensing authority shall maintain records of
22 licensees by name, current known address, and social security
23 number.

24 2. In addition to other grounds for suspension, revocation
25 or denial of issuance or renewal of a license, a licensing
26 authority shall include in rules adopted by the licensing
27 authority as grounds for suspension, revocation, or denial of
28 issuance or renewal of a license, the receipt of a certificate
29 of noncompliance from the unit.

30 3. A licensing authority that is issued a certificate of
31 noncompliance shall initiate procedures for the suspension,
32 revocation, or denial of issuance or renewal of licensure to
33 an obligor. The licensing authority shall utilize existing
34 rules and procedures for suspension, revocation, or denial of
35 the issuance or renewal of a license.

1 In addition, the licensing authority shall provide notice
2 to the obligor of the licensing authority's intent to suspend,
3 revoke, or deny issuance or renewal of a license under this
4 chapter. The suspension, revocation, or denial shall be
5 effective no sooner than thirty days following provision of
6 notice to the obligor. The notice shall state all of the
7 following:

8 a. The licensing authority intends to suspend, revoke, or
9 deny issuance or renewal of an obligor's license due to the
10 receipt of a certificate of noncompliance from the unit.

11 b. The obligor must contact the unit to schedule a
12 conference or to otherwise obtain a withdrawal of a
13 certificate of noncompliance.

14 c. Unless the unit furnishes a withdrawal of a certificate
15 of noncompliance to the licensing authority within thirty days
16 of the issuance of the notice under this section, the
17 obligor's license will be revoked, suspended, or denied.

18 d. If the licensing authority's rules and procedures
19 conflict with the additional requirements of this section, the
20 requirements of this section shall apply. Notwithstanding
21 section 17A.18, the obligor does not have a right to a hearing
22 before the licensing authority to contest the authority's
23 actions under this chapter but may request a court hearing
24 pursuant to section 252J.9 within thirty days of the provision
25 of notice under this section.

26 4. If the licensing authority receives a withdrawal of a
27 certificate of noncompliance from the unit, the licensing
28 authority shall immediately reinstate, renew, or issue a
29 license if the obligor is otherwise in compliance with
30 licensing requirements established by the licensing authority.

31 Sec. 9. NEW SECTION. 252J.9 DISTRICT COURT HEARING.

32 1. Following the issuance of a written decision by the
33 unit under section 252J.6 which includes the issuance of a
34 certificate of noncompliance, or following provision of notice
35 to the obligor by a licensing authority pursuant to section

1 252J.8, an obligor may seek review of the decision and request
2 a hearing before the district court in the county in which the
3 underlying support order is filed, by filing an application
4 with the district court, and sending a copy of the application
5 to the unit by regular mail. An application shall be filed to
6 seek review of the decision by the unit or following issuance
7 of notice by the licensing authority no later than within
8 thirty days after the issuance of the notice pursuant to
9 section 252J.8. The clerk of the district court shall
10 schedule a hearing and mail a copy of the order scheduling the
11 hearing to the obligor and the unit and shall also mail a copy
12 of the order to the licensing authority, if applicable. The
13 unit shall certify a copy of its written decision and
14 certificate of noncompliance, indicating the date of issuance,
15 and the licensing authority shall certify a copy of a notice
16 issued pursuant to section 252J.8, to the court prior to the
17 hearing.

18 2. The filing of an application pursuant to this section
19 shall automatically stay the actions of a licensing authority
20 pursuant to section 252J.8. The hearing on the application
21 shall be scheduled and held within thirty days of the filing
22 of the application. However, if the obligor fails to appear
23 at the scheduled hearing, the stay shall be lifted and the
24 licensing authority shall continue procedures pursuant to
25 section 252J.8.

26 3. The scope of review by the district court shall be
27 limited to demonstration of a mistake of fact relating to the
28 delinquency of the obligor. Issues related to visitation,
29 custody, or other provisions not related to the support
30 provisions of a support order are not grounds for a hearing
31 under this chapter.

32 4. Support orders shall not be modified by the court in a
33 hearing under this chapter.

34 5. If the court finds that the unit was in error in
35 issuing a certificate of noncompliance, or in failing to issue

1 a withdrawal of a certificate of noncompliance, the unit shall
2 issue a withdrawal of a certificate of noncompliance to the
3 appropriate licensing authority.

4 Sec. 10. Section 598.21, subsection 4, Code 1995, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. e. Unless the special circumstances of the
7 case justify a deviation, the court or the child support
8 recovery unit shall establish a monthly child support payment
9 of twenty-five dollars for a parent who is nineteen years of
10 age or younger, who has not received a high school or high
11 school equivalency diploma, and to whom each of the following
12 apply:

13 (1) The parent is attending a school or program described
14 as follows or has been identified as one of the following:

15 (a) The parent is in full-time attendance at an accredited
16 school and is pursuing a course of study leading to a high
17 school diploma.

18 (b) The parent is attending an instructional program
19 leading to a high school equivalency diploma.

20 (c) The parent is attending a vocational education program
21 approved pursuant to chapter 258.

22 (d) The parent has been identified by the director of
23 special education of the area education agency as a child
24 requiring special education as defined in section 256B.2.

25 (2) The parent provides proof of compliance with the
26 requirements of subparagraph (1) to the child support recovery
27 unit, if the unit is providing services under chapter 252B, or
28 if the unit is not providing services pursuant to chapter
29 252B, to the court as the court may direct.

30 Failure to provide proof of compliance under this
31 subparagraph is grounds for modification of the support order
32 using the uniform child support guidelines and imputing an
33 income to the parent equal to a forty-hour work week at the
34 state minimum wage, unless the parent's education, experience,
35 or actual earnings justify a higher income.

SENATE FILE 431

AN ACT

RELATING TO CHILD SUPPORT COLLECTION, INCLUDING ALTERNATIVE MEASURES FOR PAYMENT OF COSTS FOR NONPUBLIC ASSISTANCE SERVICES, THE ESTABLISHMENT OF THE AMOUNT OF CHILD SUPPORT REQUIRED BY CERTAIN PARENTS WHO ARE NINETEEN YEARS OF AGE OR YOUNGER, PAYMENT OF A CHILD SUPPORT OBLIGATION UNDER A MODIFIED ORDER, PROVISIONS RELATING TO THE SUSPENSION, REVOCATION, NONISSUANCE, AND NONRENEWAL OF CERTAIN LICENSES FOR FAILURE TO PAY SUPPORT, AND IMPLEMENTATION PROVISIONS.

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

Section 1. NEW SECTION. 252J.1 DEFINITIONS.

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

1. "Certificate of noncompliance" means a document provided by the child support recovery unit certifying that the named obligor is not in compliance with a support order or with a written agreement for payment of support entered into by the unit and the obligor.
2. "License" means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to an obligor by a licensing authority which evidences the admission to, or granting of authority to engage in, a

profession, occupation, business, or industry, or to operate or register a motor vehicle. "License" does not mean or include licenses for hunting, fishing, boating, or other recreational activity.

3. "Licensee" means an obligor to whom a license has been issued, or who is seeking the issuance of a license.

4. "Licensing authority" means a county treasurer, the supreme court, or an instrumentality, agency, board, commission, department, officer, organization, or any other entity of the state, which has authority within this state to suspend or revoke a license or to deny the renewal or issuance of a license authorizing an obligor to register or operate a motor vehicle or to engage in a business, occupation, profession, or industry.

5. "Obligor" means a natural person as defined in section 252G.1 who has been ordered by a court or administrative authority to pay support.

6. "Support" means support or support payments as defined in section 252D.1, whether established through court or administrative order.

7. "Support order" means an order for support issued pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of a foreign jurisdiction as registered with the clerk of the district court or certified to the child support recovery unit.

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

9. "Withdrawal of a certificate of noncompliance" means a document provided by the unit certifying that the certificate of noncompliance is withdrawn and that the licensing authority may proceed with issuance, reinstatement, or renewal of an obligor's license.

Sec. 2. NEW SECTION. 252J.2 PURPOSE AND USE.

1. Notwithstanding other statutory provisions to the contrary, and if an obligor has not been cited for contempt and enjoined from engaging in the activity governed by a license pursuant to section 598.23A, the unit may utilize the process established in this chapter to collect support.

2. An obligor is subject to the provisions of this chapter if the obligor's support obligation is being enforced by the unit, if the support payments required by a support order to be paid to the clerk of the district court or the collection services center pursuant to section 598.22 are not paid and become delinquent in an amount equal to the support payment for ninety days, and if the obligor's situation meets other criteria specified under rules adopted by the department pursuant to chapter 17A. The criteria specified by rule shall include consideration of the length of time since the obligor's last support payment and the total amount of support owed by the obligor.

3. Actions initiated by the unit under this chapter shall not be subject to contested case proceedings or further review pursuant to chapter 17A and any resulting court hearing shall be an original hearing before the district court.

4. Notwithstanding the confidentiality provisions of chapter 252B or 422, or any other statutory provision pertaining to the confidentiality of records, a licensing authority shall exchange information with the unit through manual or automated means. Information exchanged under this chapter for the purposes of this chapter or chapter 598 shall be used solely for the purpose of identifying licensees subject to enforcement pursuant to this chapter or chapter 598.

Sec. 3. NEW SECTION. 252J.3 NOTICE TO OBLIGOR OF POTENTIAL SANCTION OF LICENSE.

The unit shall proceed in accordance with this chapter only if notice is served on the obligor in accordance with R.C.P. 56.1 or notice is sent by certified mail addressed to the

obligor's last known address and served upon any person who may accept service under R.C.P. 56.1. Return acknowledgment is required to prove service by certified mail. The notice shall include all of the following:

1. The address and telephone number of the unit and the unit case number.
2. A statement that the obligor is not in compliance with a support order.
3. A statement that the obligor may request a conference with the unit to contest the action.
4. A statement that if, within twenty days of service of notice on the obligor, the obligor fails to contact the unit to schedule a conference, the unit shall issue a certificate of noncompliance, bearing the obligor's name, social security number, unit case number, and the docket number of a support order requiring the obligor to pay support, to any appropriate licensing authority, certifying that the obligor is not in compliance with a support order.

5. A statement that in order to stay the issuance of a certificate of noncompliance the request for a conference shall be in writing and shall be received by the unit within twenty days of service of notice on the obligor.

6. The names of the licensing authorities to which the unit intends to issue a certificate of noncompliance.

7. A statement that if the unit issues a certificate of noncompliance to an appropriate licensing authority, the licensing authority shall initiate proceedings to refuse to issue or renew, or to suspend or revoke the obligor's license, unless the unit provides the licensing authority with a withdrawal of a certificate of noncompliance.

Sec. 4. NEW SECTION. 252J.4 CONFERENCE.

1. The obligor may schedule a conference with the unit following service of notice pursuant to section 252J.3, or at any time after service of notice of suspension, revocation, denial of issuance, or nonrenewal of a license from a

licensing authority, to challenge the unit's actions under this chapter.

2. The request for a conference shall be made to the unit, in writing, and, if requested after service of a notice pursuant to section 252J.3, shall be received by the unit within twenty days following service of notice.

3. The unit shall notify the obligor of the date, time, and location of the conference by regular mail, with the date of the conference to be no earlier than ten days following issuance of notice of the conference by the unit. If the obligor fails to appear at the conference, the unit shall issue a certificate of noncompliance.

4. Following the conference, the unit shall issue a certificate of noncompliance unless any of the following applies:

- a. The unit finds a mistake in the identity of the obligor.
- b. The unit finds a mistake in determining that the amount of delinquent support is equal to or greater than one month.
- c. The obligor enters a written agreement with the unit to comply with a support order, the obligor complies with an existing written agreement to comply with a support order, or the obligor pays the total amount of delinquent support due.
- d. Issuance of a certificate of noncompliance is not appropriate under other criteria established in accordance with rules adopted by the department pursuant to chapter 17A.

5. The unit shall grant the obligor a stay of the issuance of a certificate of noncompliance upon receiving a timely written request for a conference, and if a certificate of noncompliance has previously been issued, shall issue a withdrawal of a certificate of noncompliance if the obligor enters into a written agreement with the unit to comply with a support order.

6. If the obligor does not timely request a conference or pay the total amount of delinquent support owed within twenty

days of service of the notice pursuant to section 252J.3, the unit shall issue a certificate of noncompliance.

Sec. 5. NEW SECTION. 252J.5 WRITTEN AGREEMENT.

1. If an obligor is subject to this chapter as established in section 252J.2, the obligor and the unit may enter into a written agreement for payment of support and compliance which takes into consideration the obligor's ability to pay and other criteria established by rule of the department. The written agreement shall include all of the following:

- a. The method, amount, and dates of support payments by the obligor.
- b. A statement that upon breach of the written agreement by the obligor, the unit shall issue a certificate of noncompliance to any appropriate licensing authority.

2. A written agreement entered into pursuant to this section does not preclude any other remedy provided by law and shall not modify or affect an existing support order.

3. Following issuance of a certificate of noncompliance, if the obligor enters into a written agreement with the unit, the unit shall issue a withdrawal of the certificate of noncompliance and shall forward a copy of the withdrawal by regular mail to the obligor and any appropriate licensing authority.

Sec. 6. NEW SECTION. 252J.6 DECISION OF THE UNIT.

1. If an obligor is not in compliance with a support order pursuant to section 252J.2, the unit notifies the obligor pursuant to section 252J.3, and the obligor requests a conference pursuant to section 252J.4, the unit shall issue a written decision if any of the following conditions exists:

- a. The obligor fails to appear at a scheduled conference under section 252J.4.
- b. A conference is held under section 252J.4.
- c. The obligor fails to comply with a written agreement entered into by the obligor and the unit under section 252J.5.

2. The unit shall send a copy of the written decision to the obligor by regular mail at the obligor's most recent address of record. If the decision is made to issue a certificate of noncompliance or to withdraw the certificate of noncompliance, a copy of the certificate of noncompliance or of the withdrawal of the certificate of noncompliance shall be attached to the written decision. The written decision shall state all of the following:

a. That a copy of the certificate of noncompliance or withdrawal of the certificate of noncompliance has been provided to the licensing authorities named in the notice provided pursuant to section 252J.3.

b. That upon receipt of a certificate of noncompliance, the licensing authority shall initiate proceedings to suspend, revoke, deny issuance, or deny renewal of a license, unless the licensing authority is provided with a withdrawal of a certificate of noncompliance from the unit.

c. That in order to obtain a withdrawal of a certificate of noncompliance from the unit, the obligor shall enter into a written agreement with the unit, comply with an existing written agreement with the unit, or pay the total amount of delinquent support owed.

d. That if the unit issues a written decision, which includes a certificate of noncompliance that all of the following apply:

(1) The obligor may request a hearing as provided in section 252J.9, before the district court in the county in which the underlying support order is filed, by filing a written application to the court challenging the issuance of the certificate of noncompliance by the unit and sending a copy of the application to the unit within the time period specified in section 252J.9.

(2) The obligor may retain an attorney at the obligor's own expense to represent the obligor at the hearing.

(3) The scope of review of the district court shall be limited to demonstration of a mistake of fact related to the delinquency of the obligor.

3. If the unit issues a certificate of noncompliance, the unit shall only issue a withdrawal of the certificate of noncompliance if any of the following applies:

a. The unit or the court finds a mistake in the identity of the obligor.

b. The unit or the court finds a mistake in determining that the amount of delinquent support due is equal to or greater than one month.

c. The obligor enters a written agreement with the unit to comply with a support order, the obligor complies with an existing written agreement to comply with a support order, or the obligor pays the total amount of delinquent support owed.

d. Issuance of a withdrawal of the certificate of noncompliance is appropriate under other criteria in accordance with rules adopted by the department pursuant to chapter 17A.

Sec. 7. NEW SECTION. 252J.7 CERTIFICATE OF NONCOMPLIANCE -- CERTIFICATION TO LICENSING AUTHORITY.

1. If the obligor fails to respond to the notice of potential license sanction provided pursuant to section 252J.3 or the unit issues a written decision under section 252J.6 which states that the obligor is not in compliance, the unit shall certify, in writing, to any appropriate licensing authority that the support obligor is not in compliance with a support order and shall include a copy of the certificate of noncompliance.

2. The certificate of noncompliance shall contain the obligor's name, social security number, and the docket number of the applicable support order.

3. The certificate of noncompliance shall require all of the following:

a. That the licensing authority initiate procedures for the revocation or suspension of the obligor's license, or for the denial of the issuance or renewal of a license using the licensing authority's procedures.

b. That the licensing authority provide notice to the obligor, as provided in section 252J.8, of the intent to suspend, revoke, deny issuance, or deny renewal of a license including the effective date of the action. The suspension, revocation, or denial shall be effective no sooner than thirty days following provision of notice to the obligor.

Sec. 8. NEW SECTION. 252J.8 REQUIREMENTS AND PROCEDURES OF LICENSING AUTHORITY.

1. A licensing authority shall maintain records of licensees by name, current known address, and social security number.

2. In addition to other grounds for suspension, revocation or denial of issuance or renewal of a license, a licensing authority shall include in rules adopted by the licensing authority as grounds for suspension, revocation, or denial of issuance or renewal of a license, the receipt of a certificate of noncompliance from the unit.

3. The supreme court shall prescribe rules for admission of persons to practice as attorneys and counselors pursuant to chapter 602, article 10, which include provisions, as specified in this chapter, for the denial, suspension, or revocation of the admission for failure to comply with a child support order.

4. A licensing authority that is issued a certificate of noncompliance shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an obligor. The licensing authority shall utilize existing rules and procedures for suspension, revocation, or denial of the issuance or renewal of a license.

In addition, the licensing authority shall provide notice to the obligor of the licensing authority's intent to suspend,

revoke, or deny issuance or renewal of a license under this chapter. The suspension, revocation, or denial shall be effective no sooner than thirty days following provision of notice to the obligor. The notice shall state all of the following:

a. The licensing authority intends to suspend, revoke, or deny issuance or renewal of an obligor's license due to the receipt of a certificate of noncompliance from the unit.

b. The obligor must contact the unit to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

c. Unless the unit furnishes a withdrawal of a certificate of noncompliance to the licensing authority within thirty days of the issuance of the notice under this section, the obligor's license will be revoked, suspended, or denied.

d. If the licensing authority's rules and procedures conflict with the additional requirements of this section, the requirements of this section shall apply. Notwithstanding section 17A.18, the obligor does not have a right to a hearing before the licensing authority to contest the authority's actions under this chapter but may request a court hearing pursuant to section 252J.9 within thirty days of the provision of notice under this section.

5. If the licensing authority receives a withdrawal of a certificate of noncompliance from the unit, the licensing authority shall immediately reinstate, renew, or issue a license if the obligor is otherwise in compliance with licensing requirements established by the licensing authority.

Sec. 9. NEW SECTION. 252J.9 DISTRICT COURT HEARING.

1. Following the issuance of a written decision by the unit under section 252J.6 which includes the issuance of a certificate of noncompliance, or following provision of notice to the obligor by a licensing authority pursuant to section 252J.8, an obligor may seek review of the decision and request a hearing before the district court in the county in which the

underlying support order is filed, by filing an application with the district court, and sending a copy of the application to the unit by regular mail. An application shall be filed to seek review of the decision by the unit or following issuance of notice by the licensing authority no later than within thirty days after the issuance of the notice pursuant to section 252J.8. The clerk of the district court shall schedule a hearing and mail a copy of the order scheduling the hearing to the obligor and the unit and shall also mail a copy of the order to the licensing authority, if applicable. The unit shall certify a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the licensing authority shall certify a copy of a notice issued pursuant to section 252J.8, to the court prior to the hearing.

2. The filing of an application pursuant to this section shall automatically stay the actions of a licensing authority pursuant to section 252J.8. The hearing on the application shall be scheduled and held within thirty days of the filing of the application. However, if the obligor fails to appear at the scheduled hearing, the stay shall be lifted and the licensing authority shall continue procedures pursuant to section 252J.8.

3. The scope of review by the district court shall be limited to demonstration of a mistake of fact relating to the delinquency of the obligor. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this chapter.

4. Support orders shall not be modified by the court in a hearing under this chapter.

5. If the court finds that the unit was in error in issuing a certificate of noncompliance, or in failing to issue a withdrawal of a certificate of noncompliance, the unit shall issue a withdrawal of a certificate of noncompliance to the appropriate licensing authority.

Sec. 10. Section 252H.10, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The periodic due date established under a prior order for payment of child support shall not be changed in any order modified as a result of an action initiated under this chapter, unless the child support recovery unit or the court determines that good cause exists to change the periodic due date. If the unit or the court determines that good cause exists, the unit or the court shall include the rationale for the change in the modified order and shall address the issue of reconciliation of any payments due or made under a prior order which would result in payment of the child support obligation under both the prior and the modified orders.

Sec. 11. Section 598.21, subsection 4, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Unless the special circumstances of the case justify a deviation, the court or the child support recovery unit shall establish a monthly child support payment of twenty-five dollars for a parent who is nineteen years of age or younger, who has not received a high school or high school equivalency diploma, and to whom each of the following apply:

- (1) The parent is attending a school or program described as follows or has been identified as one of the following:
 - (a) The parent is in full-time attendance at an accredited school and is pursuing a course of study leading to a high school diploma.
 - (b) The parent is attending an instructional program leading to a high school equivalency diploma.
 - (c) The parent is attending a vocational education program approved pursuant to chapter 258.
 - (d) The parent has been identified by the director of special education of the area education agency as a child requiring special education as defined in section 256B.2.

(2) The parent provides proof of compliance with the requirements of subparagraph (1) to the child support recovery unit, if the unit is providing services under chapter 252B, or if the unit is not providing services pursuant to chapter 252B, to the court as the court may direct.

Failure to provide proof of compliance under this subparagraph is grounds for modification of the support order using the uniform child support guidelines and imputing an income to the parent equal to a forty-hour work week at the state minimum wage, unless the parent's education, experience, or actual earnings justify a higher income.

Sec. 12. Section 598.21, subsection 8, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The periodic due date established under a prior order for payment of child support shall not be changed in any modified order under this section, unless the court determines that good cause exists to change the periodic due date. If the court determines that good cause exists, the court shall include the rationale for the change in the modified order and shall address the issue of reconciliation of any payments due or made under a prior order which would result in payment of the child support obligation under both the prior and the modified orders.

Sec. 13. NONPUBLIC ASSISTANCE RECIPIENTS CHILD SUPPORT RECOVERY COSTS -- EVALUATION AND RECOMMENDATIONS. The child support recovery unit shall evaluate the costs of services provided by the unit to nonpublic assistance recipients of services and shall submit a report to the general assembly on or before January 1, 1996, which includes recommendations and budget requests for coverage of these costs which are alternatives to payment of any fees by nonpublic assistance recipients of child support. An alternative to payment of fees by nonpublic assistance recipients of child support shall be implemented on or before July 1, 1996.

Sec. 14. IMPLEMENTATION. Sections 1 through 9 of this Act may be implemented by the child support recovery unit and any applicable licensing authority prior to adoption of rules by the licensing authority as required pursuant to section 252J.8. However, a licensing authority shall adopt rules as required by section 252J.8 on or before January 1, 1996.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 431, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1995

TERRY E. BRANSTAD
Governor