

Senate Study Bill 2234

Conference Committee Text

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1 1 DIVISION I

1 2 ATTACHMENT OF RETIREMENT AND DISABILITY BENEFITS

1 3 Section 1. Section [97A.12](#), Code 1995, is amended to read
1 4 as follows:

1 5 97A.12 EXEMPTION FROM EXECUTION AND OTHER PROCESS OR
1 6 ASSIGNMENT.

1 7 The right of any person to a pension, annuity, or
1 8 retirement allowance, to the return of contributions, the
1 9 pension, annuity, or retirement allowance itself, any optional
1 10 benefit or death benefit, any other right accrued or accruing
1 11 to any person under this chapter, and the moneys in the
1 12 various funds created under this chapter, are not subject to
1 13 execution, garnishment, attachment, or any other process
1 14 whatsoever, and are unassignable except for the purposes of
1 15 enforcing child, spousal, or medical support obligations or as
1 16

~~in this chapter~~

- otherwise specifically provided in this

1 17 chapter. For the purposes of enforcing child, spousal, or
1 18 medical support obligations, the garnishment or attachment of
1 19 or the execution against compensation due a person under this
1 20 chapter shall not exceed the amount specified in 15 U.S.C. }
1 21 1673(b).

1 22 Sec. 2. Section [411.13](#), Code 1995, is amended to read as
1 23 follows:

1 24 411.13 EXEMPTION FROM EXECUTION AND OTHER PROCESS, OR
1 25 ASSIGNMENT.

1 26 The right of any person to a pension, annuity, or
1 27 retirement allowance, to the return of contributions, the
1 28 pension, annuity, or retirement allowance itself, any optional
1 29 benefit or death benefit, any other right accrued or accruing
1 30 to any person under this chapter, and the moneys in the fire
1 31 and police retirement fund created under this chapter, are not
1 32 subject to execution, garnishment, attachment, or any other
1 33 process whatsoever, and are unassignable except for the
1 34 purposes of enforcing child, spousal, or medical support
1 35 obligations or as

~~in this chapter~~

- otherwise specifically

2 1 provided in this chapter. For the purposes of enforcing
2 2 child, spousal, or medical support obligations, the
2 3 garnishment or attachment of or the execution against
2 4 compensation due a person under this chapter shall not exceed
2 5 the amount specified in 15 U.S.C. } 1673(b).

2 6 DIVISION II

2 7 REVIEW AND ADJUSTMENT OF SUPPORT ORDERS

2 8 Sec. 3. Section [252H.8](#), subsection 1, paragraphs a and b,
2 9 Code 1995, are amended by striking the paragraphs.

2 10 Sec. 4. Section [252H.8](#), subsection 4, unnumbered paragraph
2 11 1, Code 1995, is amended to read as follows:

2 12 If a timely written request for a hearing is received by
2 13 the unit

~~and the granting of the request is not precluded~~

2 14

~~pursuant to subsection 1~~

~~-, a hearing shall be held in district~~

2 15 court, and the unit shall certify the matter to the district
2 16 court in the county in which the order subject to adjustment
2 17 or modification is filed. The certification shall include the
2 18 following, as applicable:

2 19 Sec. 5. Section [252H.17](#), subsection 2, Code 1995, is
2 20 amended to read as follows:

2 21 2. A challenge shall be submitted, in writing, to the
2 22 local child support office that issued the notice of decision,
2 23 within

~~the following time frames:~~

2 24

~~a. If the notice of decision indicates that an adjustment~~

2 25

~~is not appropriate, a challenge shall be submitted within~~

2 26

~~thirty days of the date of issuance of the notice.~~

2 27

~~b. If the notice of decision indicates that an adjustment~~

2 28

~~is appropriate, a challenge shall be submitted within~~

~~ten days~~

2 29 of the issuance of the notice.

2 30 DIVISION III

2 31 SUSPENSION AND REINSTATEMENT OF ORDERS

2 32 Sec. 6. Section [252B.20](#), subsections 4 and 8, Code 1995,
2 33 are amended to read as follows:

2 34 4. An order suspending an accruing support obligation
2 35 entered by the court pursuant to this section shall be

3 1 considered a temporary order for the period of six months from
3 2 the date of filing of the suspension order. However, the six-
3 3 month period shall not include any time during which an
3 4 application for reinstatement is pending before the court.

3 5 8. If the order suspending a support obligation has been
3 6 on file with the court for a period exceeding six months as
3 7 computed pursuant to subsection 4, the order becomes final by
3 8 operation of law and terminates the support obligation, and
3 9 thereafter, a party seeking to establish a support obligation
3 10 against either party shall bring a new action for support as
3 11 provided by law.

3 12 DIVISION IV

3 13 GENETIC TESTING

3 14 Sec. 7. Section 252F.3, subsection 4, paragraph b, Code
3 15 1995, is amended to read as follows:

3 16 b. If paternity establishment was contested and paternity
3 17 tests conducted, a court hearing on the issue of paternity
3 18 shall be scheduled no earlier than fifty days from the date
3 19 paternity test results are issued to all parties by the unit,
3 20 unless the parties mutually agree to waive the time frame
3 21 pursuant to section

- 252F.8.

3 22 Sec. 8. Section 252F.3, subsection 6, paragraph d, Code
3 23 1995, is amended to read as follows:
3 24 d. If a paternity test is ordered under this section, the
3 25 administrator shall direct that inherited characteristics

3 26

~~including but not limited to blood types,~~

- be analyzed and

3 27 interpreted, and shall appoint an expert qualified as an
3 28 examiner of genetic markers to analyze and interpret the
3 29 results.

DIVISION V

DISESTABLISHMENT/REESTABLISHMENT OF PATERNITY

3 31 Sec. 9. Section 598.21, subsection 4A, paragraph c,
3 32 subparagraph (2), unnumbered paragraph 2, Code Supplement
3 34 1995, is amended to read as follows:

3 35 If the court overcomes a prior determination of paternity,
4 1 the previously established father shall be relieved of support
4 2 obligations as specified in section 600B.41A, subsection 4.
4 3 In any action to overcome paternity other than through a
4 4 pending dissolution action, the provisions of section 600B.41A
4 5 apply. Overcoming paternity under this paragraph does not bar
4 6 subsequent actions to establish paternity against the
4 7 previously established father if it is subsequently determined
4 8 that the written statement attesting that the established
4 9 father is not the biological father of the child may have been
4 10 submitted erroneously, and that the person previously
4 11 determined not to be the child's father during the dissolution
4 12 action may actually be the child's biological father.

DIVISION VI

INCOME WITHHOLDING

4 13 Sec. 10. Section 252D.2, subsection 2, Code 1995, is
4 14 amended to read as follows:

4 15 2. The payor shall withhold and transmit the amount
4 16 specified in the order or in the child support recovery unit's
4 17 notice of the order of assignment to the clerk of the district
4 18 court until the notice that the motion to quash has been
4 19 granted is received.

4 20 Sec. 11. Section 252D.11, subsection 3, Code 1995, is
4 21 amended to read as follows:

4 22 3. The payor shall withhold and transmit the amount
4 23 specified in the order or in the child support recovery unit's
4 24 notice of the order of assignment to the clerk of the district
4 25 court or the collection services center, as appropriate, until
4 26 the notice that a motion to quash has been granted is
4 27 received.

4 28 Sec. 12. Section 252D.17, unnumbered paragraph 1, Code
4 29 Supplement 1995, is amended to read as follows:

4 30 The

~~child support recovery unit or the~~

- district court shall

4 31 provide notice by sending a copy of the order for income
4 32 withholding to the obligor's employer, trustee, or other payor
4 33 of income by regular mail, with proof of service completed
5 1 according to rule of civil procedure 82. The child support
5 2 recovery unit shall provide notice of the income withholding
5 3 order by sending a notice of the order to the obligor's
5 4 employer, trustee, or other payor of income by regular mail.
5 5 Proof of service may be completed according to rule of civil
5 6 procedure 82. The order or the child support recovery unit's
5 7 notice of the order may be sent to the employer, trustee, or
5 8 other payor of income on the same date that the order is sent

5 9 to the clerk of court for filing. In addition to the amount
5 10 to be withheld for payment of support, the order or the child
5 11 support recovery unit's notice of the order shall include all
5 12 of the following information regarding the duties of the payor
5 13 in implementing the withholding order:

5 14 Sec. 13. Section 252D.17, subsections 4, 7, 9, and 11,
5 15 Code Supplement 1995, are amended to read as follows:

5 16 4. The income withholding order is binding on an existing
5 17 or future employer, trustee, or other payor ten days after
5 18 receipt of the copy of the order or the child support recovery
5 19 unit's notice of the order, and is binding whether or not the
5 20 copy of the order received is file-stamped.

5 21 7. The payor shall deliver or send a copy of the order or
5 22 the child support recovery unit's notice of the order to the
5 23

~~person named in the order~~

- obligor within one business day

5 24 after receipt of the order or the child support recovery
5 25 unit's notice of the order.

5 26 9. If the payor fails to withhold income in accordance
5 27 with the provisions of the order or the child support recovery
5 28 unit's notice of the order, the payor is liable for the
5 29 accumulated amount which should have been withheld, together
5 30 with costs, interest, and reasonable attorney fees related to
5 31 the collection of the amounts due from the payor.

5 32 11. Any payor who discharges an obligor, refuses to employ
5 33 an obligor, or takes disciplinary action against an obligor
5 34 based upon income withholding is guilty of a simple
5 35 misdemeanor. A withholding order or the child support

6 1 recovery unit's notice of the order has the same force and
6 2 effect as any other district court order, including, but not
6 3 limited to, contempt of court proceedings for noncompliance.

6 4 Sec. 14. Section 252D.18A, unnumbered paragraph 1, Code
6 5 1995, is amended to read as follows:

6 6 When the obligor is responsible for paying more than one
6 7 support obligation and the employer or the income payor has
6 8 received more than one income withholding order or the child
6 9 support recovery unit's notice of an order for the obligor,
6 10 the payor shall withhold amounts in accordance with all of the
6 11 following:

6 12 Sec. 15. Section 252D.18A, subsection 3, paragraph a, Code
6 13 1995, is amended to read as follows:

6 14 a. To arrive at the amount to be withheld for each
6 15 obligee, the payor shall total the amounts due for current
6 16 support under the income withholding orders and the child
6 17 support recovery unit's notices of orders and determine the
6 18 proportionate share for each obligee. The proportionate share
6 19 shall be determined by dividing the amount due for current
6 20 support for each order and the child support recovery unit's
6 21 notice of order by the total due for current support for all
6 22 orders. The results are the percentages of the obligor's net
6 23 income which shall be withheld for each obligee.

6 24 Sec. 16. Section 252D.23, Code Supplement 1995, is amended
6 25 to read as follows:

6 26 252D.23 FILING OF WITHHOLDING ORDER - ORDER EFFECTIVE AS
6 27 DISTRICT COURT ORDER.

6 28 An income withholding order entered by the child support
6 29 recovery unit pursuant to this chapter shall be filed with the
6 30 clerk of the district court. For the purposes of
6 31 demonstrating compliance by the employer, trustee, or other
6 32 payor, the copy of the withholding order or the child support
6 33 recovery unit's notice of the order received, whether or not
6 34 the copy of the order is file-stamped, shall have all the
6 35 force, effect, and attributes of a docketed order of the
7 1 district court including, but not limited to, availability of
7 2 contempt of court proceedings against an employer, trustee, or

7 3 other payor for noncompliance. However, any information
7 4 contained in the income withholding order or the child support
7 5 recovery unit's notice of the order related to the amount of
7 6 the accruing or accrued support obligation which does not
7 7 reflect the correct amount of support due does not modify the
7 8 underlying support judgment.

7 9 Sec. 17. Section 252G.3, subsection 1, paragraph d, Code
7 10 1995, is amended to read as follows:

7 11 d. The address to which income withholding orders or the
7 12 child support recovery unit's notices of orders and
7 13 garnishments should be sent.

7 14 DIVISION VII

7 15 FULL FAITH AND CREDIT OF CHILD SUPPORT ORDERS

7 16 Sec. 18. Section [252A.3](#), subsection 8, Code 1995, is
7 17 amended by striking the subsection.

7 18 Sec. 19. NEW SECTION. 252A.4A CHOICE OF LAW.

7 19 In a proceeding to establish, modify, or enforce a child
7 20 support order the forum state's law shall apply except as
7 21 follows:

7 22 1. In interpreting a child support order, a court shall
7 23 apply the law of the state of the court or administrative
7 24 agency that issued the order.

7 25 2. In an action to enforce a child support order, a court
7 26 shall apply the statute of limitations of the forum state or
7 27 the state of the court or administrative agency that issued
7 28 the order, whichever statute provides the longer period of
7 29 limitations.

7 30 Sec. 20. Section 252A.5, unnumbered paragraph 1, Code
7 31 1995, is amended to read as follows:

7 32

~~A~~

- Unless prohibited pursuant to section 252A.20, a

7 33 proceeding to compel support of a dependent may be maintained
7 34 under this chapter in any of the following cases:

7 35 Sec. 21. Section [252A.6](#), subsection 15, Code 1995, is
8 1 amended to read as follows:

8 2 15.

~~Any~~

- Except as provided in section 252A.20, any order

8 3 of support issued by a court of the state acting as a
8 4 responding state shall not supersede any previous order of
8 5 support issued in a divorce or separate maintenance action,
8 6 but the amounts for a particular period paid pursuant to
8 7 either order shall be credited against amounts accruing or
8 8 accrued for the same period under both. This subsection also
8 9 applies to orders entered following an administrative process
8 10 including, but not limited to, the administrative processes
8 11 provided pursuant to chapters 252C and 252F.

8 12 Sec. 22. Section [252A.6](#), Code 1995, is amended by adding
8 13 the following new subsection:

8 14 NEW SUBSECTION. 17. A court or administrative agency of a
8 15 state that has issued a child support order consistent with 28
8 16 U.S.C. } 1738B has continuing, exclusive jurisdiction over the
8 17 order if the state is the state in which the child is residing
8 18 or the state is the residence of the petitioner or respondent
8 19 unless the court or administrative agency of another state,
8 20 acting in accordance with 28 U.S.C. } 1738B, has modified the
8 21 order.

8 22 Sec. 23. Section [252A.8](#), Code 1995, is amended to read as
8 23 follows:

8 24 252A.8 ADDITIONAL REMEDIES.

8 25

~~This~~

- Unless otherwise provided pursuant to 28 U.S.C. }

8 26 1738B, this chapter shall be construed to furnish an
8 27 additional or alternative civil remedy and shall in no way
8 28 affect or impair any other remedy, civil or criminal, provided
8 29 in any other statute and available to the petitioner in
8 30 relation to the same subject matter.

8 31 Sec. 24. Section 252A.19, subsection 1, Code 1995, is
8 32 amended to read as follows:

8 33 1. Upon registration of the

~~registered~~
- foreign support
8 34 order

~~shall be treated in the same manner as a support order~~

8 35

~~issued by a court of this state. The order shall have the~~

9 1

~~same effect and shall be subject to the same procedures,~~

9 2

~~defenses, and proceedings for reopening, vacating, or staying~~

9 3

~~as a support order of this state and may be enforced and~~

9 4

~~satisfied in like manner.~~

~~, both of the following shall apply:~~

9 5 a. The order is enforceable in the same manner and is
9 6 subject to the same enforcement procedures as a support order
9 7 issued by a court of this state.

9 8 b. The order may be modified only as provided in section
9 9 252A.20.

9 10 Sec. 25. Section 252A.20, Code 1995, is amended to read as
9 11 follows:

9 12 252A.20 MODIFICATION OR ADJUSTMENT OF A REGISTERED FOREIGN
9 13 SUPPORT ORDER AND OF AN IOWA ORDER REGISTERED IN A FOREIGN
9 14 JURISDICTION.

9 15 1. An order which has been registered in a court of this
9 16 state pursuant to section 252A.18 may be modified or adjusted
9 17 following registration,

~~subject to all~~
- if one of the following

9 18 applies:

9 19 a.

~~The modification or adjustment of the order does not~~

9 20

~~affect the underlying judgment in the foreign jurisdiction,~~

9 21

~~unless provided pursuant to the statute of the foreign~~

9 22

~~jurisdiction.~~

~~- The court of the rendering state no longer has~~
9 23 continuing, exclusive jurisdiction of the order because that
9 24 state no longer is the residence of the child or the
9 25 petitioner or respondent.
9 26 b.

~~- The modification or adjustment of the underlying~~

~~-~~
9 27

~~- judgment by a foreign jurisdiction does not affect the~~

~~-~~
9 28

~~- registered order in this state unless confirmed by a court of~~

~~-~~
9 29

~~- this state.~~

~~-~~
- The petitioner and respondent have filed a
9 30 written statement with a court of the state in which the order
9 31 is registered consenting to the court's determination of the
9 32 modification and assumption of continuing, exclusive
9 33 jurisdiction over the order.

9 34 2. A support order issued in a court of this state may be
9 35 registered in a foreign jurisdiction and, following
10 1 registration, may be modified or adjusted

~~- subject to the~~

~~-~~
10 2

~~- following~~

~~- if either of the following applies:~~

10 3 a.

~~- The modification or adjustment of the registered order~~

~~-~~
10 4

~~- by a foreign jurisdiction does not affect the underlying~~

~~-~~
10 5

~~- judgment in this state unless confirmed by a court of this~~

~~-~~
10 6

~~- state.~~

~~-~~
- The court of this state no longer has continuing,
10 7 exclusive jurisdiction of the order because this state no
10 8 longer is the residence of the child, or of the petitioner or
10 9 respondent.
10 10 b.

~~- The modification or adjustment of the underlying~~

~~-~~
10 11

~~- judgment by a court of this state following registration in a~~

~~-~~
10 12

~~- foreign jurisdiction does not affect the registered order~~

~~-~~
10 13

~~unless provided by the statute of the foreign jurisdiction.~~

10 14 The petitioner and respondent have filed a written statement
10 15 with a court of the state in which the order is registered
10 16 consenting to that court's determination of modification and
10 17 assumption of continuing, exclusive jurisdiction over the
10 18 order.

10 19 3. A court or administrative agency of a state that no
10 20 longer has continuing, exclusive jurisdiction of a child
10 21 support order may enforce the order with respect to non-
10 22 modifiable obligations and unsatisfied obligations that
10 23 accrued before the date on which a modification of the order
10 24 is made under this section.

10 25 4. Issues related to visitation, custody, or other
10 26 provisions not related to the support provisions of a support
10 27 order shall not be grounds for a hearing, modification,
10 28 adjustment, or other action under this chapter.

10 29 Sec. 26. Section [252E.4](#), subsection 1, Code 1995, is
10 30 amended to read as follows:

10 31 1. When a support order requires an obligor to provide
10 32 coverage under a health benefit plan, the district court or
10 33 the department may enter an ex parte order directing an
10 34 employer to take all actions necessary to enroll an obligor's
10 35 dependent for coverage under a health benefit plan. The
11 1 department may amend the information in the ex parte order
11 2 regarding health insurance provisions if necessary to comply
11 3 with health insurance requirements including but not limited
11 4 to the provisions of section 252E.2, subsection 2.

11 5 Sec. 27. Section [252E.13](#), subsections 1 and 3, Code 1995,
11 6 are amended to read as follows:

11 7 1.

~~When~~

- Subject to 28 U.S.C. } 1738B, when high potential
11 8 for obtaining medical support exists, the obligee or the
11 9 department may petition for a modification of the obligor's
11 10 support order to include medical support or a monetary amount
11 11 for medical support pursuant to this chapter.
11 12 3.

~~The~~

- Subject to 28 U.S.C. } 1738B, the department may
11 13 amend information concerning the provisions regarding health
11 14 benefits in a court or administrative order

~~, if necessary to~~

11 15

~~comply with section 252E.2, subsection 2,~~

- if notice of the

11 16 amendment is provided to the court and to the parties to the
11 17 order and if the amendment is filed with the clerk of court.

11 18 Sec. 28. NEW SECTION. 598.2A CHOICE OF LAW.

11 19 In a proceeding to establish, modify, or enforce a child
11 20 support order the forum state's law shall apply except as
11 21 follows:

11 22 1. In interpreting a child support order, a court shall
11 23 apply the law of the state of the court or administrative
11 24 agency that issued the order.

11 25 2. In an action to enforce a child support order, a court
11 26 shall apply the statute of limitations of the forum state or
11 27 the state of the court or administrative agency that issued
11 28 the order, whichever statute provides the longer period of
11 29 limitations.

11 30 Sec. 29. Section 598.14, unnumbered paragraph 2, Code
11 31 1995, is amended to read as follows:

~~After~~

~~Subject to 28 U.S.C. } 1738B, after notice and~~
11 33 hearing subsequent changes in temporary orders may be made by
11 34 the court on application of either party demonstrating a
11 35 substantial change in the circumstances occurring subsequent
12 1 to the issuance of such order. If the order is not so
12 2 modified it shall continue in force and effect until the
12 3 action is dismissed or a decree is entered dissolving the
12 4 marriage.
12 5 Sec. 30. Section [598.21](#), subsection 8, unnumbered
12 6 paragraph 1, Code Supplement 1995, is amended to read as
12 7 follows:
12 8

~~The~~

~~Subject to 28 U.S.C. } 1738B, the court may~~
12 9 subsequently modify orders made under this section when there
12 10 is a substantial change in circumstances. In determining
12 11 whether there is a substantial change in circumstances, the
12 12 court shall consider the following:
12 13 Sec. 31. Section [598.21](#), subsection 9, unnumbered
12 14 paragraph 1, Code Supplement 1995, is amended to read as
12 15 follows:
12 16

~~Notwithstanding~~

~~Subject to 28 U.S.C. } 1738B, but~~
12 17 ~~notwithstanding~~ subsection 8, a substantial change of
12 18 circumstances exists when the court order for child support
12 19 varies by ten percent or more from the amount which would be
12 20 due pursuant to the most current child support guidelines
12 21 established pursuant to subsection 4 or the obligor has access
12 22 to a health benefit plan, the current order for support does
12 23 not contain provisions for medical support, and the dependents
12 24 are not covered by a health benefit plan provided by the
12 25 obligee, excluding coverage pursuant to chapter 249A or a
12 26 comparable statute of a foreign jurisdiction.
12 27 Sec. 32. Section [600B.31](#), Code 1995, is amended to read as
12 28 follows:
12 29 600B.31 CONTINUING JURISDICTION.
12 30

~~The~~

~~Subject to 28 U.S.C. } 1738B, the court has continuing~~
12 31 jurisdiction over proceedings brought to compel support and to
12 32 increase or decrease the amount thereof until the judgment of
12 33 the court has been completely satisfied, and also has
12 34 continuing jurisdiction to determine the custody in accordance
12 35 with the interests of the child.
13 1 Sec. 33. Section [600B.34](#), Code 1995, is amended to read as
13 2 follows:
13 3 600B.34 FOREIGN JUDGMENTS.
13 4

~~The~~

~~Subject to 28 U.S.C. } 1738B, the judgment of the court~~
13 5 of another state rendered in proceedings to compel support of
13 6 a child born out of wedlock, and directing payment either of a
13 7 fixed sum or of sums payable from time to time, may be sued
13 8 upon in this state and made a domestic judgment so far as not
13 9 inconsistent with the laws of this state, and the same
13 10 remedies may thereupon be had upon such judgment as if it had
13 11 been recovered originally in this state.
13 12 Sec. 34. Section [626A.2](#), Code 1995, is amended to read as
13 13 follows:

13 14 626A.2 FILING AND STATUS OF FOREIGN JUDGMENTS.

13 15 1. A copy of a foreign judgment authenticated in
13 16 accordance with an Act of Congress or the statutes of this
13 17 state may be filed in the office of the clerk of the district
13 18 court of a county of this state which would have venue if the
13 19 original action was being commenced in this state. The clerk
13 20 shall treat the foreign judgment in the same manner as a
13 21 judgment of the district court of this state. A judgment so
13 22 filed has the same effect and is subject to the same
13 23 procedures, defenses and proceedings for reopening, vacating,
13 24 or staying as a judgment of the district court of this state
13 25 and may be enforced or satisfied in like manner.

13 26 2. In a proceeding to enforce a child support order, the
13 27 law of this state shall apply except as follows:

13 28 a. In interpreting a child support order, a court shall
13 29 apply the law of the state of the court that issued the order.

13 30 b. In an action to enforce a child support order, a court
13 31 shall apply the statute of limitations of this state or the
13 32 state of the court that issued the order, whichever statute
13 33 provides the longer period of limitations.

13 34 EXPLANATION

13 35 This bill includes a number of provisions relating to child
14 1 support enforcement.

14 2 Division I of the bill provides that retirement and
14 3 disability benefits provided for public safety peace officers,
14 4 police officers, and fire fighters pursuant to chapters 97A
14 5 and 411 are subject to execution, garnishment, attachment, or
14 6 other process for the purposes of enforcement of a child,
14 7 spousal, or medical support obligation. A similar provision
14 8 currently applies to the Iowa public employees' retirement
14 9 system (IPERS) pursuant to section 97B.39, unemployment
14 10 compensation pursuant to section 96.3, and workers'
14 11 compensation pursuant to section 627.13.

14 12 Division II provides that in administrative review and
14 13 adjustment proceedings, whether or not a review of a child
14 14 support order results in a determination that the order should
14 15 be adjusted, a party may challenge the determination and
14 16 request a court hearing within 30 days of the issuance of the
14 17 notice of decision or within 10 days of the second notice of
14 18 decision, and if a court hearing is requested, it will be
14 19 granted, notwithstanding that the determination was that the
14 20 order should not be adjusted.

14 21 Division III provides that if a child support order which
14 22 is being enforced by the child support recovery unit (CSRU) is
14 23 suspended due to reconciliation of the parents, or due to
14 24 other criteria established in section 252B.20, the six-month
14 25 period required before the suspension becomes final shall not
14 26 include any time during which an application to reinstate the
14 27 order is pending.

14 28 Division IV eliminates the requirement that blood types be
14 29 tested in administrative paternity determinations in which
14 30 paternity tests are ordered, and corrects an internal
14 31 reference.

14 32 Division V provides that if, during a dissolution of
14 33 marriage proceeding, a father is disestablished as the father
14 34 of a child of the marriage, a subsequent action to establish
14 35 the previously disestablished father as the father of the
15 1 child is not precluded if it is subsequently determined that
15 2 the statement of the father attesting to nonpaternity was
15 3 submitted erroneously and that the father may be the
15 4 biological father.

15 5 Division VI provides that the CSRU may send a notice of the
15 6 order for income withholding, and not a copy of the order
15 7 itself, to a payor of income by regular mail.

15 8 Division VII provides changes which effect full faith and
15 9 credit of child support orders in compliance with the federal
15 10 requirements established in 28 U.S.C. } 1738B. The new

15 11 language specifies which state law applies when orders from
15 12 other states are enforced and precludes intervention by Iowa
15 13 courts and administrative agencies in modifying orders
15 14 established in other states under specific conditions.

15 15 BACKGROUND STATEMENT
15 16 SUBMITTED BY THE AGENCY

15 17 This bill includes changes in seven areas related to child
15 18 support. The bill will have no measurable impact on costs or
15 19 revenues because these changes involve clarifications of
15 20 existing law, corrections to Iowa Code due to federal law
15 21 changes, and minor changes to enable the child support
15 22 recovery unit (CSRU) to operate more efficiently with the
15 23 growing caseload.

15 24 The department of human services is not proposing major
15 25 program enhancements at this time because of the welfare
15 26 reform legislation pending before congress. The department of
15 27 human services anticipates that if congress and the president
15 28 act on welfare reform during Iowa's 1996 legislative session,
15 29 the department of human services will have to prepare
15 30 additional proposals during the session, depending on the
15 31 child support provisions contained in newly enacted federal
15 32 law.

15 33 This limited package involves four proposals dealing with
15 34 the establishment or modification of paternity and child
15 35 support, two proposals pertaining to the enforcement of those
16 1 orders, and one proposal including amendments to child support
16 2 establishment, modification, and enforcement provisions
16 3 because of a comprehensive change in federal law.

16 4 DIVISION I

16 5 This division makes changes to current law to specify that
16 6 the retirement and disability benefits of public safety peace
16 7 officers, police officers, and fire fighters are subject to
16 8 attachment for child, medical, and spousal support orders in
16 9 the same way as IPERS benefits are subject to attachment.
16 10 Iowa case law provides that fire fighters' pensions are
16 11 subject to legal process for support, but this is not
16 12 currently reflected in statute.

16 13 DIVISION II

16 14 This division provides that in administrative review and
16 15 adjustment proceedings, regardless of whether a review of a
16 16 child support order indicates that an adjustment is
16 17 appropriate, a party may challenge the determination of the
16 18 local child support unit within 10 days of the issuance of the
16 19 notice of decision. Currently, different time frames for
16 20 challenging a decision are based upon whether an adjustment is
16 21 indicated or not. If a court hearing is requested, the
16 22 hearing will be granted, notwithstanding a determination that
16 23 the order not be adjusted.

16 24 DIVISION III

16 25 This division provides that the six-month period following
16 26 the entry of a suspension order, which is required before the
16 27 order becomes final, is stayed during the time an application
16 28 for reinstatement filed by the CSRU is pending before the
16 29 court. Current law provides that if a support order is
16 30 suspended because the parents have reconciled or the child
16 31 lives with the obligor, the suspension becomes permanent if
16 32 not reinstated within six months and the CSRU must go through
16 33 the entire process to reestablish an order. This division
16 34 provides the court and CSRU adequate time to obtain a
16 35 reinstatement order once the application for reinstatement has
17 1 been filed.

17 2 DIVISION IV

17 3 This division provides that genetic tests can be used in an
17 4 administrative establishment of paternity process in lieu of
17 5 blood tests. In 1995 the general assembly amended section
17 6 600B.41, allowing the use of nonblood tissue for genetic
17 7 testing to determine paternity in court proceedings. This

17 8 division allows the same procedures for administrative
17 9 establishment of paternity.

17 10 DIVISION V

17 11 This division provides that if a husband is disestablished
17 12 as the father of a child in a dissolution action, an action
17 13 may be brought subsequently to establish the previously
17 14 disestablished father as the father.

17 15 DIVISION VI

17 16 This division provides that when the CSRU notifies an
17 17 employer to implement income withholding, the CSRU shall send
17 18 a notice by regular mail containing all required information
17 19 regarding withholding, but shall no longer include a photocopy
17 20 of the order. This change will reduce the amount of paperwork
17 21 employers receive and allow the CSRU to implement income
17 22 withholding more quickly.

17 23 DIVISION VII

17 24 Current Iowa Code sections contain provisions which have
17 25 been superseded by federal law and, therefore, no longer
17 26 accurately state the controlling law.

17 27 The bill repeals or amends language which has been super-
17 28 seded by 28 U.S.C. } 1738B, prohibits Iowa from modifying
17 29 another state's order unless certain requirements are met,
17 30 prohibits prospective enforcement of Iowa orders if they have
17 31 been modified by another state in conformance with the federal
17 32 law, prohibits Iowa courts and administrative agencies from
17 33 modifying Iowa orders once all contestants have left Iowa, and
17 34 specifies which state's law applies in dealing with the other
17 35 state's orders.

18 1 LSB 3296DP 76

18 2 pf/jw/5.1