

FEB 10 1997
HUMAN RESOURCES

HOUSE FILE 182
BY TYRRELL

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

A BILL FOR

1 An Act establishing equitable restitution for payments relating
2 to the support of a child.

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

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HF 182

1 Section 1. NEW SECTION. 613.20 EQUITABLE FATHER

2 RESTITUTION.

3 A party who has been established as an equitable father in
4 a court of this state, who has not been awarded custody of the
5 child and for whom an action to overcome paternity has been
6 heard and decided by a court of this state pursuant to section
7 600B.41A, but against whom a child support order has been
8 established, may bring an action for restitution against the
9 established biological father of the child or against the
10 mother of the child for any child support paid or to be paid
11 to or on behalf of the child and for any court costs,
12 attorney's fees, or other costs associated with the
13 proceeding.

14 For the purposes of this section, "equitable father" means
15 a man who was married to the mother of a child when the child
16 was conceived and born, who reasonably believed that the man
17 was the biological father of the child, who had a parental
18 relationship with the child, and for whom judicial recognition
19 of the relationship between the individual and the child is in
20 the child's best interest.

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EXPLANATION

22 This bill creates a cause of action for restitution of a
23 party who has been established as an equitable father in a
24 court of this state, who has not been awarded custody of the
25 child and for whom an action to overcome paternity has been
26 heard and decided by a court pursuant to section 600B.41A, but
27 against whom a child support order has been established under
28 which the party pays support. The amount of restitution is
29 the amount of child support paid or to be paid under the order
30 and any court costs, attorney's fees, or other costs
31 associated with the proceeding. The action may be brought
32 against the established biological father of the child or the
33 mother of the child.

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