

MAR 13 1997
Place On Calendar

HOUSE FILE 612
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 183)

Passed House, Date 3/26/97 (p.865) Passed Senate, Date 4-17-97
Vote: Ayes 58 Nays 39 Vote: Ayes 49 Nays 0
Approved May 21, 1997

A BILL FOR

1 An Act relating to child support recovery, providing penalties,
2 and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I

2 PART A

3 Section 1. Section 252A.3, subsection 8, paragraphs b and
4 c, Code 1997, are amended to read as follows:

5 b. By the statement of the person admitting paternity in
6 court and upon concurrence of the mother. If the mother was
7 married, at the time of conception, birth or at any time
8 during the period between conception and birth of the child,
9 to an individual other than the person admitting paternity,
10 the individual to whom the mother was married at the time of
11 conception, birth or at any time during the period between
12 conception and birth must deny paternity in order to establish
13 the paternity of the person admitting paternity upon the sole
14 basis of the admission.

15 c. By Subject to the right of any signatory to rescind as
16 provided in section 252A.3A, subsection 12, by the filing and
17 registration by the state registrar of an affidavit of
18 paternity executed on or after July 1, 1993, as provided in
19 section 252A.3A, provided that the mother of the child was
20 unmarried at the time of conception, birth and at any time
21 during the period between conception and birth of the child or
22 if the mother was married at the time of conception, birth or
23 at any time during the period between conception and birth of
24 the child, a court of competent jurisdiction has determined
25 that the individual to whom the mother was married at that
26 time is not the father of the child.

27 Sec. 2. Section 252A.3A, Code 1997, is amended to read as
28 follows:

29 252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.

30 1. The paternity of a child born out of wedlock may be
31 legally established by the completion, and filing and
32 registration by the state registrar of an affidavit of
33 paternity only as provided by this section.

34 2. When paternity has not been legally established,
35 paternity may be established by affidavit under this section

1 for the following children:

2 a. The child of a woman who was unmarried at the time of
3 conception, and birth and at any time during the period
4 between conception and birth of the child.

5 b. The child of a woman who is married at the time of
6 conception, or birth or at any time during the period between
7 conception and birth of the child if a court of competent
8 jurisdiction has determined that the individual to whom the
9 mother was married at that time is not the father of the
10 child.

11 3. a. Prior to or at the time of completion of an
12 affidavit of paternity, written and oral information about
13 paternity establishment, developed by the child support
14 recovery unit created in section 252B.2, shall be provided to
15 the mother and putative father.

16 b. The information provided shall include a description of
17 parental rights and responsibilities, including the duty to
18 provide financial support for the child, and the benefits of
19 establishing paternity, and the alternatives to and legal
20 consequences of signing an affidavit of paternity, including
21 the rights available if a parent is a minor.

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

27 4. a. The affidavit of paternity form developed and used
28 by the Iowa department of public health is the only affidavit
29 of paternity form recognized for the purpose of establishing
30 paternity under this section. It shall include the minimum
31 requirements specified by the secretary of the United States
32 department of health and human services pursuant to 42 U.S.C.
33 § 652(a)(7). A properly completed affidavit of paternity form
34 developed by the Iowa department of public health and existing
35 on or after July 1, 1993, but which is superseded by a later

1 affidavit of paternity form developed by the Iowa department
2 of public health, shall have the same legal effect as a
3 paternity affidavit form used by the Iowa department of public
4 health on or after July 1, 1997, regardless of the date of the
5 filing and registration of the affidavit of paternity, unless
6 otherwise required under federal law.

7 b. The form shall be available from the state registrar,
8 each county registrar, the child support recovery unit, and
9 any institution in the state.

10 c. The Iowa department of public health shall make copies
11 of the form available to the entities identified in paragraph
12 "b" for distribution.

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

15 a. A statement by the mother consenting to the assertion
16 of paternity and the identity of the father and acknowledging
17 either of the following:

18 (1) That the mother was unmarried at the time of
19 conception, and birth and at anytime during the period between
20 conception and birth of the child.

21 (2) That the mother was married at the time of conception,
22 or birth or at any time during the period between conception
23 and birth of the child, and that a court order has been
24 entered ruling that the individual to whom the mother was
25 married at that time is not the father of the child.

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

29 c. A statement from the putative father that the putative
30 father is the father of the child.

31 d. The name of the child at birth and the child's birth
32 date.

33 e. The signatures of the mother and putative father.

34 f. The social security numbers of the mother and putative
35 father.

1 g. The addresses of the mother and putative father, as
2 available.

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

5 i. Instructions for filing the affidavit.

6 6. A completed affidavit of paternity shall be filed with
7 the state registrar. However, if the affidavit of paternity
8 is obtained directly from the county registrar, the completed
9 affidavit may be filed with the county registrar who shall
10 forward the original affidavit to the state registrar. For
11 the purposes of legal establishment of paternity under this
12 section, paternity is legally established only upon filing of
13 the affidavit with and registration of the affidavit by the
14 state registrar subject to the right of any signatory to
15 recision pursuant to subsection 12.

16 7. The state registrar shall make copies of affidavits of
17 paternity and identifying information from the affidavits
18 filed and registered pursuant to this section available to the
19 child support recovery unit created under section 252B.2 in
20 accordance with section 144.13, subsection 4, and any
21 subsequent recision form which rescinds the affidavit.

22 8. An affidavit of paternity completed and filed with and
23 registered by the state registrar pursuant to this section has
24 all of the following effects:

25 a. Is admissible as evidence of paternity.

26 b. Has the same legal force and effect as a judicial
27 determination of paternity subject to the right of any
28 signatory to recision pursuant to subsection 12.

29 c. Serves as a basis for seeking child or medical support
30 without further determination of paternity subject to the
31 right of any signatory to recision pursuant to subsection 12.

32 9. All institutions in the state shall provide the
33 following services with respect to any newborn child born out
34 of wedlock:

35 a. Prior to discharge of the newborn from the institution,

1 the institution where the birth occurs shall provide the
2 mother and, if present, the putative father, with all of the
3 following:

4 (1) Written and oral information about establishment of
5 paternity pursuant to subsection 3.

6 (2) An affidavit of paternity form.

7 (3) An opportunity for consultation with the staff of the
8 institution regarding the written information provided under
9 subparagraph (1).

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

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

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

20 b. An institution electing reimbursement shall enter into
21 a written agreement with the child support recovery unit for
22 this purpose.

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

26 d. Reimbursement shall be based only on the number of
27 affidavits completed in compliance with this section and
28 submitted to the state registrar during the duration of the
29 written agreement with the child support recovery unit.

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

32 11. The state registrar, upon request of the mother or the
33 putative father, shall provide the following services with
34 respect to a child born out of wedlock:

35 a. Written and oral information about the establishment of

1 paternity pursuant to subsection 3.

2 b. An affidavit of paternity form.

3 c. An opportunity for consultation with staff regarding
4 the information provided under paragraph "a".

5 12. a. A completed affidavit of paternity may be
6 rescinded through any of the following means:

7 (1) Registration by the state registrar of a completed and
8 notarized recision form signed by either the mother or
9 putative father who signed the affidavit of paternity that the
10 putative father is not the father of the child. The completed
11 and notarized recision form shall be filed with the state
12 registrar for the purpose of registration prior to the earlier
13 of the following:

14 (a) Sixty days after the latest notarized signature of the
15 mother or putative father on the affidavit of paternity.

16 (b) Twenty days after the service of the notice or
17 petition initiating a proceeding in this state to which the
18 signatory is a party relating to the child, including a
19 proceeding to establish a support order under chapter 252A,
20 252C, 252F, 598, or 600B or other law of this state.

21 (2) If a proceeding in this state to which the signatory
22 is a party relating to the child is initiated by the child
23 support recovery unit, filing a completed and notarized
24 recision form signed by either the mother or putative father
25 who signed the affidavit of paternity attesting that the
26 putative father is not the father of the child. The completed
27 and notarized recision form shall be filed with the state
28 registrar or the child support recovery unit prior to the
29 earlier of the following:

30 (a) Sixty days after the latest notarized signature of the
31 mother or putative father on the affidavit of paternity.

32 (b) Twenty days after the service of the notice or
33 petition initiating the proceeding.

34 b. If the child support recovery unit receives a completed
35 and notarized recision form, the unit shall file the form with

1 the state registrar for registration, as appropriate.

2 c. Unless the state registrar has received and registered
3 an order as provided in section 252A.3, subsection 8,
4 paragraph "a", which legally establishes paternity, upon
5 registration of a timely recision form the state registrar
6 shall remove the father's information from the certificate of
7 birth, and shall send a written notice of the recision to the
8 last known address of the signatory of the affidavit of
9 paternity who did not sign the recision form.

10 d. The Iowa department of public health shall develop a
11 recision form and the form shall be the only recision form
12 recognized for the purpose of rescinding a completed affidavit
13 of paternity. A completed recision form shall include the
14 signature of a notary public attesting to the identity of the
15 party signing the recision form.

16 13. The child support recovery unit may enter into a
17 written agreement with an entity designated by the secretary
18 of the United States department of health and human services
19 to offer voluntary paternity establishment services.

20 a. The agreement shall comply with federal requirements
21 pursuant to 42 U.S.C. § 666(a)(5)(C) including those regarding
22 notice, materials, training, and evaluations.

23 b. The agreement may provide for reimbursement of the
24 entity by the state if reimbursement is permitted by federal
25 law.

26 Sec. 3. Section 252A.6A, subsection 1, paragraph a, Code
27 1997, is amended to read as follows:

28 a. Except with the consent of all parties, the trial shall
29 not be held until after the birth of the child and shall be
30 held no earlier than twenty days from the date the respondent
31 is served with notice of the action or, if blood or genetic
32 tests are conducted, no earlier than ~~fifty~~ thirty days from
33 the date the test results are filed with the clerk of the
34 district court as provided under section 600B.41.

35 Sec. 4. Section 252A.6A, subsection 1, Code 1997, is

1 amended by adding the following new paragraphs:

2 NEW PARAGRAPH. c. Appropriate genetic testing procedures
3 shall be used which include any genetic test generally
4 acknowledged as reliable by accreditation bodies designated by
5 the secretary of the United States department of health and
6 human services and which are performed by a laboratory
7 approved by such an accreditation body.

8 NEW PARAGRAPH. d. A copy of a bill for blood or genetic
9 testing, or for the cost of prenatal care or the birth of the
10 child, shall be admitted as evidence without requiring third-
11 party foundation testimony and shall constitute prima facie
12 evidence of amounts incurred for testing.

13 Sec. 5. Section 252A.6A, Code 1997, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 3. If the expert analyzing the blood or
16 genetic test concludes that the test results demonstrate that
17 the putative father is not excluded and that the probability
18 of the putative father's paternity is ninety-nine percent or
19 higher and if the test results have not been challenged, the
20 court, upon motion by a party, shall enter a temporary order
21 for child support to be paid pursuant to section 598.21,
22 subsection 4. The court shall require temporary support to be
23 paid to the clerk of court or to the collection services
24 center. If the court subsequently determines the putative
25 father is not the father, the court shall terminate the
26 temporary support order. All support obligations which came
27 due prior to the order terminating temporary support are
28 unaffected by this action and remain a judgment subject to
29 enforcement.

30 Sec. 6. Section 252A.10, Code 1997, is amended to read as
31 follows:

32 252A.10 COSTS ADVANCED.

33 Actual costs incurred in this state incidental to any
34 action brought under the provisions of this chapter shall be
35 advanced by the initiating party or agency, as appropriate,

1 unless otherwise ordered by the court. Where the action is
2 brought by an agency of the state or county there shall be no
3 filing fee or court costs of any type either advanced by or
4 charged to the state or county.

5 Sec. 7. Section 252A.13, Code 1997, is amended to read as
6 follows:

7 252A.13 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF
8 SUPPORT PAYMENTS.

9 ~~A person entitled to periodic support payments pursuant to~~
10 ~~an order or judgment entered in a uniform support action under~~
11 ~~this chapter, who is also a recipient of public assistance, is~~
12 ~~deemed to have assigned the person's rights to the support~~
13 ~~payments, to the extent of public assistance received by the~~
14 ~~person, to the department of human services. If public~~
15 assistance is provided by the department of human services to
16 or on behalf of a dependent child or a dependent child's
17 caretaker, there is an assignment by operation of law to the
18 department of any and all rights in, title to, and interest in
19 any support obligation, payment, and arrearages owed to or on
20 behalf of the child or caretaker not to exceed the amount of
21 public assistance paid for or on behalf of the child or
22 caretaker. The department shall immediately notify the clerk
23 of court by mail when a person entitled to support payments
24 such child or caretaker has been determined to be eligible for
25 public assistance. Upon notification by the department that a
26 ~~person entitled to periodic support payments pursuant to this~~
27 ~~chapter is receiving public assistance, the clerk of court~~
28 shall make a notation of the automatic assignment in the
29 judgment docket and lien index. The notation constitutes
30 constructive notice of the assignment. If the applicant for
31 public assistance, for whom public assistance is approved and
32 provided on or after July 1, 1997, is a person other than a
33 parent of the child, the department shall send notice of the
34 assignment by regular mail to the last known addresses of the
35 obligee and obligor. The clerk of court shall forward support

1 payments received pursuant to section 252A.6, to which the
2 department is entitled, to the department, unless the court
3 has ordered the payments made directly to the department under
4 ~~subsection 12 of~~ that section. The department may secure
5 support payments in default through other proceedings
6 ~~prescribed in this chapter~~. The clerk shall furnish the
7 department with copies of all orders or decrees awarding and
8 temporary domestic abuse orders addressing support to parties
9 having custody of minor children when the parties are
10 receiving public assistance or services are otherwise provided
11 by the child support recovery unit. Unless otherwise
12 specified in the order, an equal and proportionate share of
13 any child support awarded is presumed to be payable on behalf
14 of each child, subject to the order or judgment, for purposes
15 of an assignment under this section.

PART B

17 Sec. 8. Section 252A.1, Code 1997, is amended to read as
18 follows:

19 252A.1 TITLE AND PURPOSE.

20 This chapter may be cited and referred to as the "Uniform
21 Support of Dependents Law".

22 The purpose of this ~~uniform~~ chapter is to secure support in
23 civil proceedings for dependent spouses, children and poor
24 relatives from persons legally responsible for their support.

25 Sec. 9. Section 252A.2, Code 1997, is amended to read as
26 follows:

27 252A.2 DEFINITIONS.

28 As used in this chapter, unless the context shall require
29 otherwise, the following terms shall have the meanings
30 ascribed to them by this section:

31 1. "Birth center" means birth center as defined in section
32 135G.2.

33 2. "Birthing hospital" means a private or public hospital
34 licensed pursuant to chapter 135B that has a licensed
35 obstetric unit or is licensed to provide obstetric services,

1 or a licensed birthing center associated with a hospital.

2 3. "Child" includes but shall not be limited to a
3 stepchild, foster child or legally adopted child and means a
4 child actually or apparently under eighteen years of age, and
5 a dependent person eighteen years of age or over who is unable
6 to maintain the person's self and is likely to become a public
7 charge.

8 4. "Court" shall mean and include any court ~~by-whatever~~
9 ~~name-known,-in-any-state-having-reciprocal-laws-or-laws~~
10 ~~substantially-similar-to-this-chapter~~ upon which jurisdiction
11 has been conferred to determine the liability of persons for
12 the support of dependents ~~within-and-without-such-state~~.

13 5. "Dependent" shall mean and include a spouse, child,
14 mother, father, grandparent or grandchild who is in need of
15 and entitled to support from a person who is declared to be
16 legally liable for such support ~~by-the-laws-of-the-state-or~~
17 ~~states-wherein-the-petitioner-and-the-respondent-reside~~.

18 6. ~~---"Initiating-state"-shall-mean-the-state-of-domicile-or~~
19 ~~residence-of-the-petitioner-~~

20 7 6. "Institution" means a birthing hospital or birth
21 center.

22 8 7. "Petitioner" ~~shall-mean-and-include~~ includes each
23 dependent person for whom support is sought in a proceeding
24 instituted pursuant to this chapter or a mother or putative
25 father of a dependent. However, in an action brought by the
26 child support recovery unit, the state is the petitioner.

27 8. "Party" means a petitioner, a respondent, or a person
28 who intervenes in a proceeding instituted under this chapter.

29 9. "Petitioner's representative" ~~shall-mean-and-include-a~~
30 corporation includes counsel, of a dependent person for whom
31 support is sought and counsel for a mother or putative father
32 of a dependent. In an action brought by the child support
33 recovery unit, "petitioner's representative" includes a county
34 attorney, state's attorney,~~commonwealth-attorney~~ and any
35 other public officer, by whatever title the officer's public

1 office may be known, charged by law with the duty of
2 instituting, maintaining, or prosecuting a proceeding under
3 this chapter or under the laws of the state ~~or states wherein~~
4 ~~the petitioner and the respondent reside.~~

5 10. "Putative father" means a man who is alleged to be or
6 who claims to be the biological father of a child born to a
7 woman to whom the man is not married at the time of the birth
8 of the child.

9 11. "Register" means to file a foreign support order in
10 the registry of foreign support orders maintained as a filing
11 in equity by the clerk of court.

12 ~~12. -- "Rendering state" means a state in which the court has~~
13 ~~issued a support order for which registration is sought or~~
14 ~~granted in the court of another state.~~

15 ~~13~~ 12. "Respondent" ~~shall mean and include~~ includes each
16 person against whom a proceeding is instituted pursuant to
17 this chapter. "Respondent" may include the mother or the
18 putative father of a dependent.

19 ~~14. -- "Responding state" shall mean the state wherein the~~
20 ~~respondent resides or is domiciled or found.~~

21 ~~15. -- "State" means any state, territory, or possession of~~
22 ~~the United States, the District of Columbia, the Commonwealth~~
23 ~~of Puerto Rico, and any foreign jurisdiction in which this or~~
24 ~~a similar reciprocal law is in effect.~~

25 ~~16~~ 13. "State registrar" means state registrar as defined
26 in section 144.1.

27 ~~17. -- "Summons" shall mean and include a subpoena, warrant,~~
28 ~~citation, order or other notice, by whatever name known,~~
29 ~~provided for by the laws of the state or states wherein the~~
30 ~~petitioner and the respondent reside as the means for~~
31 ~~requiring the appearance and attendance in court of the~~
32 ~~respondent in a proceeding instituted pursuant to this~~
33 ~~chapter.~~

34 Sec. 10. Section 252A.3, subsections 1, 2, 3, 5, and 6,
35 Code 1997, are amended to read as follows:

1 1. A spouse ~~in-one-state~~ is hereby-declared-to-be liable
2 for the support of the other spouse and any child or children
3 under eighteen years of age and any other dependent residing
4 ~~or-found-in-the-same-state-or-in-another-state-having~~
5 ~~substantially-similar-or-reciprocal-laws.~~ The court having
6 ~~jurisdiction-of-the-respondent-in-a-proceeding-instituted~~
7 ~~under-this-chapter~~ shall establish the respondent's monthly
8 support payment and the amount of the support debt accrued and
9 accruing pursuant to section 598.217-subsection-4.

10 2. A parent ~~in-one-state~~ is hereby-declared-to-be liable
11 for the support of the parent's child or children under
12 eighteen years of age ~~residing-or-found-in-the-same-state-or~~
13 ~~in-another-state-having-substantially-similar-or-reciprocal~~
14 ~~laws,~~ whenever the other parent of such child or children is
15 dead, or cannot be found, or is incapable of supporting the
16 child or children, and, if the liable parent is possessed of
17 sufficient means or able to earn the means. The court having
18 jurisdiction of the respondent in a proceeding instituted
19 under this chapter shall establish the respondent's monthly
20 support payment and the amount of the support debt accrued and
21 accruing pursuant to section 598.21, subsection 4.

22 3. The parents ~~in-one-state~~ are hereby-declared-to-be
23 severally liable for the support of a dependent child eighteen
24 years of age or older ~~residing-or-found-in-the-same-state-or~~
25 ~~in-another-state-having-substantially-similar-or-reciprocal~~
26 ~~laws,~~ whenever such child is unable to maintain the child's
27 self and is likely to become a public charge.

28 5. A child or children born of parents who held or hold
29 themselves out as husband and wife by virtue of a common law
30 marriage ~~recognized-as-valid-by-the-laws-of-the-initiating~~
31 ~~state-and-of-the-responding-state-shall-be~~ are deemed the
32 legitimate child or children of both parents.

33 6. A man or woman who was or is held out as the person's
34 spouse by a person by virtue of a common law marriage
35 ~~recognized-as-valid-by-the-laws-of-the-initiating-state-and-of~~

1 ~~the-responding-state-shall-be~~ is deemed the legitimate spouse
2 of such person.

3 Sec. 11. Section 252A.3, Code 1997, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 9. The court may order a party to pay
6 sums sufficient to provide necessary food, shelter, clothing,
7 care, medical or hospital expenses, including medical support
8 as defined in chapter 252E, expenses of confinement, expenses
9 of education of a child, funeral expenses, and such other
10 reasonable and proper expenses of the dependent as justice
11 requires, giving due regard to the circumstances of the
12 respective parties.

13 Sec. 12. Section 252A.5, Code 1997, is amended to read as
14 follows:

15 252A.5 WHEN PROCEEDING MAY BE MAINTAINED.

16 Unless prohibited pursuant to ~~section-252A-20~~ 28 U.S.C. §
17 1738B, a proceeding to compel support of a dependent may be
18 maintained under this chapter in any of the following cases:

19 1. Where the petitioner and the respondent are residents
20 of or domiciled or found ~~in-the-same-state~~ in this state.

21 ~~2.--Where-the-petitioner-resides-in-one-state-and-the~~
22 ~~respondent-is-a-resident-of-or-is-domiciled-or-found-in~~
23 ~~another-state-having-substantially-similar-or-reciprocal-laws.~~

24 ~~3.--Where-the-respondent-is-not-and-never-was-a-resident-of~~
25 ~~or-domiciled-in-the-initiating-state-and-the-petitioner~~
26 ~~resides-or-is-domiciled-in-such-state-and-the-respondent-is~~
27 ~~believed-to-be-a-resident-of-or-domiciled-in-another-state~~
28 ~~having-substantially-similar-or-reciprocal-laws.~~

29 ~~4.--Where-the-respondent-was-or-is-a-resident-of-or~~
30 ~~domiciled-in-the-initiating-state-and-has-departed-or-departs~~
31 ~~from-such-state-leaving-therein-a-dependent-in-need-of-and~~
32 ~~entitled-to-support-under-this-chapter-and-is-believed-to-be-a~~
33 ~~resident-of-or-domiciled-in-another-state-having-substantially~~
34 ~~similar-or-reciprocal-laws.~~

35 5 2. Whenever the state or a political subdivision thereof

1 furnishes support to a dependent, it has the same right
2 through proceedings instituted by the petitioner's
3 representative to invoke the provisions hereof as the
4 dependent to whom the support was furnished, for the purpose
5 of securing reimbursement of expenditures so made and of
6 obtaining continuing support; the petition in such case may be
7 verified by any official having knowledge of such expenditures
8 without further verification of any person and consent of the
9 dependent shall not be required in order to institute
10 proceedings under this chapter. The child support recovery
11 unit may bring the action based upon a statement of a witness,
12 regardless of age, with knowledge of the circumstances,
13 including, but not limited to, statements by the mother of the
14 dependent or a relative of the mother or the putative father.

15 3. If the child support recovery unit is providing
16 services, the unit has the same right to invoke the provisions
17 of this section as the dependent for which support is owed for
18 the purpose of securing support. The petition in such case
19 may be verified by any official having knowledge of the
20 request for services by the unit, without further verification
21 by any other person, and consent of the dependent shall not be
22 required in order to institute proceedings under this chapter.
23 The child support recovery unit may bring the action based
24 upon the statement of a witness, regardless of age, with
25 knowledge of the circumstances, including, but not limited to,
26 statements by the mother of the dependent or a relative of the
27 mother or the putative father.

28 Sec. 13. Section 252A.6, Code 1997, is amended to read as
29 follows:

30 252A.6 HOW COMMENCED -- TRIAL.

31 1. A proceeding under this chapter shall be commenced by a
32 ~~petitioner, or a petitioner's representative, by~~ filing a
33 verified petition in the court in equity in the county of the
34 ~~state wherein~~ where the petitioner dependent resides or is
35 domiciled, showing the name, age, residence, and circumstances

1 of the petitioner dependent, alleging that the petitioner
2 dependent is in need of and is entitled to support from the
3 respondent, giving the respondent's name, age, residence, and
4 circumstances, and praying that the respondent be compelled to
5 furnish such support. The petitioner may include in or attach
6 to the petition any information which may help in locating or
7 identifying the respondent including, but without limitation
8 by enumeration, a photograph of the respondent, a description
9 of any distinguishing marks of the respondent's person, other
10 names and aliases by which the respondent has been or is
11 known, the name of the respondent's employer, the respondent's
12 fingerprints, or social security number.

13 ~~2.--If-the-respondent-be-a-resident-of-or-domiciled-in-such~~
14 ~~state-and-the-court-has-or-can-acquire-jurisdiction-of-the~~
15 ~~person-of-the-respondent-under-existing-laws-in-effect-in-such~~
16 ~~state;-such-laws-shall-govern-and-control-the-procedure-to-be~~
17 ~~followed-in-such-proceeding;~~

18 ~~3.--If-the-court-of-this-state-acting-as-an-initiating~~
19 ~~state-finds-that-the-petition-sets-forth-facts-from-which-it~~
20 ~~may-be-determined-that-the-respondent-owes-a-duty-of-support~~
21 ~~and-that-a-court-of-the-responding-state-may-obtain~~
22 ~~jurisdiction-of-the-respondent-or-the-respondent's-property;~~
23 ~~it-shall-so-certify-and-shall-cause-three-copies-of-(a)-the~~
24 ~~petition-(b)-its-certificate-and-(c)-this-chapter-to-be~~
25 ~~transmitted-to-the-court-in-the-responding-state.--If-the-name~~
26 ~~and-address-of-such-court-is-unknown-and-the-responding-state~~
27 ~~has-an-information-agency-comparable-to-that-established-in~~
28 ~~the-initiating-state-it-shall-cause-such-copies-to-be~~
29 ~~transmitted-to-the-state-information-agency-or-other-proper~~
30 ~~official-of-the-responding-state;-with-a-request-that-it~~
31 ~~forward-them-to-the-proper-court;-and-that-the-court-of-the~~
32 ~~responding-state-acknowledge-their-receipt-to-the-court-of-the~~
33 ~~initiating-state;~~

34 ~~4.--When-the-court-of-this-state;-acting-as-a-responding~~
35 ~~state;-receives-from-the-court-of-an-initiating-state-the~~

1 aforesaid copies, it shall docket the cause, notify the county
2 attorney or other official acting as petitioner's
3 representative, set a time and place for a hearing, and take
4 such action as is necessary in accordance with the laws of
5 this state to serve notice and thus obtain jurisdiction over
6 the respondent. -- If a court of the state, acting as a
7 responding state, is unable to obtain jurisdiction of the
8 respondent or the respondent's property due to inaccuracies or
9 inadequacies in the petition or otherwise, the court shall
10 communicate this fact to the court in the initiating state,
11 shall on its own initiative use all means at its disposal to
12 trace the respondent or the respondent's property, and shall
13 hold the case pending the receipt of more accurate information
14 or an amended petition from the court in the initiating state.

15 However, if the court of the responding state is unable to
16 obtain jurisdiction because the respondent resides in or is
17 domiciled or found in another county of the responding state,
18 the papers received from the court of the initiating state may
19 be forwarded by the court of the responding state which
20 received the papers to the court of the county in the
21 responding state in which the respondent resides or is
22 domiciled or found, and the court of the initiating state
23 shall be notified of the transfer. -- The court of the county
24 where the respondent resides or is domiciled or found shall
25 acknowledge receipt of the papers to both the court of the
26 initiating state and the court of the responding state which
27 forwarded them, and shall take full jurisdiction of the
28 proceedings with the same powers as if it had received the
29 papers directly from the court of the initiating state.

30 5 2. It shall not be necessary for the petitioner
31 dependent or the petitioner's dependent's witnesses to appear
32 personally at such a hearing on the petition, but it shall be
33 the duty of the petitioner's representative of the responding
34 state to appear on behalf of and represent the petitioner at
35 all stages of the proceeding.

1 6 3. If at such a hearing on the petition the respondent
2 controverts the petition and enters a verified denial of any
3 of the material allegations thereof, the judge presiding at
4 such the hearing shall stay the proceedings and transmit to
5 the judge of the court in the initiating state a transcript of
6 the clerk's minutes showing the denials entered by the
7 respondent. The petitioner shall be given the opportunity to
8 present further evidence to address issues which the
9 respondent has controverted.

10 7.--Upon receipt by the judge of the court in the
11 initiating state of such transcript, such court shall take
12 such proof, including the testimony of the petitioner and the
13 petitioner's witnesses and such other evidence as the court
14 may deem proper, and, after due deliberation, the court shall
15 make its recommendation, based on all of such proof and
16 evidence, and shall transmit to the court in the responding
17 state an exemplified transcript of such proof and evidence and
18 of its proceedings and recommendation in connection therewith.

19 8.--Upon the receipt of such transcript, the court in the
20 responding state shall resume its hearing in the proceeding
21 and shall give the respondent a reasonable opportunity to
22 appear and reply.

23 9.--Upon the resumption of such hearing, the respondent
24 shall have the right to examine or cross-examine the
25 petitioner and the petitioner's witnesses by means of
26 depositions or written interrogatories, and the petitioner
27 shall have the right to examine or cross-examine the
28 respondent and the respondent's witnesses by means of
29 depositions or written interrogatories.

30 10.--If a respondent, duly summoned by a court in the
31 responding state, willfully fails without good cause to appear
32 as directed in the summons, the respondent shall be punished
33 in the same manner and to the same extent as is provided by
34 law for the punishment of a defendant or witness who willfully
35 disobeys a summons or subpoena duly issued out of such court

1 ~~in any other action or proceeding cognizable by said court.~~
2 ~~¶ 4.~~ If, on the return day of the summons, the respondent
3 appears at the ~~time and place specified in the summons~~ hearing
4 and fails to answer the petition or admits the allegations of
5 the petition, or, if, after a hearing ~~has been duly held by~~
6 ~~the court in the responding state in accordance with this~~
7 ~~section,~~ the court has found and determined that the prayer of
8 the petitioner, or any part of the prayer, is supported by the
9 evidence adduced in the proceeding, and that the petitioner
10 dependent is in need of and entitled to support from the
11 respondent a party, the court shall make and enter an order
12 directing ~~the respondent a party~~ a party to furnish support to the
13 petitioner for the dependent and to pay a sum as the court
14 determines pursuant to section 598.21, ~~subsection 4.~~ A
15 ~~certified copy of the order shall be transmitted by the court~~
16 ~~to the court in the initiating state and the copy shall be~~
17 ~~filed with and made a part of the records of the court in the~~
18 ~~proceeding.~~ Upon entry of an order for support or upon
19 failure of a person to make payments pursuant to an order for
20 support, the court may require ~~the respondent a party~~ a party to
21 provide security, a bond, or other guarantee which the court
22 determines is satisfactory to secure the payment of the
23 support. Upon the ~~respondent's party's~~ party's failure to pay the
24 support under the order, the court may declare the security,
25 bond, or other guarantee forfeited.

26 ~~¶ 5.~~ The court making such order may require the
27 ~~respondent party~~ party to make payment at specified intervals to the
28 clerk of the district court, or to the ~~dependent, or to any~~
29 ~~state or county agency~~ collection services center, and to
30 report personally to the sheriff or any other official, at
31 such times as may be deemed necessary.

32 ~~¶ 6.~~ A ~~respondent party~~ party who ~~shall~~ willfully ~~fail~~ fails to
33 comply with or ~~violate~~ who violates the terms or conditions of
34 the support order or of the ~~respondent's party's~~ party's probation
35 shall be punished by the court in the same manner and to the

1 same extent as is provided by law for a contempt of such court
2 or a violation of probation ordered by such court in any other
3 suit or proceeding cognizable by such court.

4 ~~14.--The court of this state when acting as a responding
5 state shall have the following duties which may be carried out
6 through the clerk of the court:--Upon receipt of a payment
7 made by the respondent pursuant to any order of the court or
8 otherwise, to transmit the same forthwith to the court of the
9 initiating state, and upon request to furnish to the court of
10 the initiating state a certified statement of all payments
11 made by the respondent.~~

12 15 7. Except as provided in section-252A-20 28 U.S.C. §
13 1738B, any order of support issued by a court of the state
14 acting as a responding state shall not supersede any previous
15 order of support issued in a divorce or separate maintenance
16 action, but the amounts for a particular period paid pursuant
17 to either order shall be credited against amounts accruing or
18 accrued for the same period under both. This subsection also
19 applies to orders entered following an administrative process
20 including, but not limited to, the administrative processes
21 provided pursuant to chapters 252C and 252F.

22 ~~16.--The court of the initiating state shall receive and
23 accept all payments made by the respondent to the probation
24 department or bureau of the court of the responding state and
25 transmitted by the latter on behalf of the respondent.--Upon
26 receipt of any such payment, and under such rules as the court
27 of the initiating state may prescribe, the court, or its
28 probation department or bureau, as the court may direct, shall
29 deliver such payment to the dependent person entitled thereto,
30 take a proper receipt and acquittance therefor, and keep a
31 permanent record thereof.~~

32 ~~17.--A court or administrative agency of a state that has
33 issued a child support order consistent with 28 U.S.C. § 1738B
34 has continuing, exclusive jurisdiction over the order if the
35 state is the state in which the child is residing or the state~~

~~1 is the residence of the petitioner or respondent unless the
2 court or administrative agency of another state, acting in
3 accordance with 28 U.S.C. § 1738B, has modified the order.~~

4 Sec. 14. Section 252A.6A, subsection 1, unnumbered
5 paragraph 1, Code 1997, is amended to read as follows:

6 When ~~a court of this state is acting as the responding~~
7 ~~state in~~ an action is initiated under this chapter to
8 establish paternity, all of the following shall apply:

9 Sec. 15. Section 252A.6A, subsection 2, unnumbered
10 paragraph 1, Code 1997, is amended to read as follows:

11 When ~~a court of this state is acting as the responding~~
12 ~~state in~~ an action is initiated under ~~this chapter~~ to
13 establish child or medical support based on a prior
14 determination of paternity and the respondent files an answer
15 to the notice ~~required under section 252A.6~~ denying paternity,
16 all of the following shall apply:

17 Sec. 16. Section 252A.6A, subsection 2, paragraph a,
18 subparagraph (2), Code 1997, is amended to read as follows:

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

27 Sec. 17. Section 252A.6A, subsection 2, paragraph b, Code
28 1997, is amended to read as follows:

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

1 as otherwise provided in this chapter.

2 Sec. 18. Section 252A.17, Code 1997, is amended to read as
3 follows:

4 252A.17 REGISTRY OF FOREIGN SUPPORT ORDERS.

5 The petitioner may register the a foreign support order in
6 a court of this state in the manner and with the effect
7 provided in ~~sections 252A.18 and 252A.19~~ chapter 252K. The
8 clerk of the court shall maintain a registry of foreign
9 support orders in which foreign support orders shall be filed.
10 The filing is in equity.

11 Sec. 19. Section 252A.18, Code 1997, is amended to read as
12 follows:

13 252A.18 REGISTRATION PROCEDURE FOR FOREIGN SUPPORT ORDERS
14 -- NOTICE.

15 ~~1.--A petitioner seeking to register a foreign support
16 order in a court of this state shall transmit to the clerk of
17 the court three certified copies of the order reflecting all
18 modifications, one copy of the reciprocal enforcement of
19 support act of the state in which the order was made, and a
20 statement verified and signed by the petitioner, showing the
21 post office address of the petitioner, the last known place of
22 residence and post office address of the respondent, the
23 amount of support remaining unpaid, a description and the
24 location of any property of the respondent available upon
25 execution, and a list of the states in which the order is
26 registered.--Upon receipt of these documents the clerk of the
27 court, with payment of a filing fee of six dollars, shall file
28 them in the registry of foreign support orders.--The filing
29 constitutes registration under this chapter.~~

30 2.--Promptly Registration of a foreign support order shall
31 be in accordance with chapter 252K except that, with regard to
32 service, promptly upon registration, the clerk of the court
33 shall send a notice by restricted certified mail to the
34 respondent at the address given a notice of the registration
35 with a copy of the registered support order and the post-

1 office-address-of-the-petitioner, or the petitioner may
 2 request that or the respondent may be personally served with
 3 the notice and the copy of the order in the same manner as
 4 original notices are personally served. The clerk shall also
 5 docket the case and notify the prosecuting attorney of the
 6 action.

7 ~~3. a. The respondent shall have twenty days after~~
 8 ~~receiving notice of the registration in which to petition the~~
 9 ~~court to vacate the registration or for other relief. If the~~
 10 ~~respondent does not so petition, the respondent is in default~~
 11 ~~and the registered support order is confirmed.~~

12 ~~b. If a registration action is initiated by the child~~
 13 ~~support recovery unit, issues subject to challenge are limited~~
 14 ~~to issues of fact relating to the support obligation and not~~
 15 ~~other issues including, but not limited to, custody and~~
 16 ~~visitation, or the terms of the support order.~~

17 Sec. 20. Section 252A.20, Code 1997, is amended by
 18 striking the section and inserting in lieu thereof the
 19 following:

20 252A.20 LIMITATION ON ACTIONS.

21 Issues related to visitation, custody, or other provisions
 22 not related to the support provisions of a support order shall
 23 not be grounds for a hearing, modification, adjustment, or
 24 other action under this chapter.

25 Sec. 21. Sections 252A.4, 252A.4A, 252A.7, 252A.9,
 26 252A.11, 252A.12, 252A.16, 252A.19, 252A.24, and 252A.25, Code
 27 1997, are repealed.

28 Sec. 22. Part B, sections 8 through 21 of this Act, are
 29 effective January 1, 1998.

30 DIVISION II

31 PART A

32 Sec. 23. Section 252B.1, Code 1997, is amended by adding
 33 the following new subsection:

34 NEW SUBSECTION. 2A. "Child support agency" means child
 35 support agency as defined in section 252H.2.

1 Sec. 24. Section 252B.1, subsection 5, Code 1997, is
2 amended to read as follows:

3 5. "Obligor" means the person legally responsible for the
4 support of a child as defined in section 252D.16A or 598.1
5 under a support order issued in this state or a foreign
6 jurisdiction.

7 Sec. 25. Section 252B.2, Code 1997, is amended to read as
8 follows:

9 252B.2 UNIT ESTABLISHED -- INTERVENTION -- REVIEW.

10 There is created within the department of human services a
11 child support recovery unit for the purpose of providing the
12 services required in sections 252B.3 to 252B.6. The unit is
13 not required to intervene in actions to provide such services.

14 Sec. 26. Section 252B.3, Code 1997, is amended to read as
15 follows:

16 252B.3 DUTY OF DEPARTMENT TO ENFORCE CHILD SUPPORT --
17 COOPERATION -- RULES.

18 1. Upon receipt by the department of an application for
19 public assistance on behalf of a child and determination by
20 the department that the child has-been-abandoned-by-its
21 parents-or-that-the-child-and-one-parent-have-been-abandoned
22 by-the-other-parent-or-that-the-parent-or-other-person
23 responsible-for-the-care,-support-or-maintenance-of-the-child
24 has-failed-or-neglected-to-give-proper-care-or-support-to-the
25 child is eligible for public assistance and that provision of
26 child support services is appropriate, the department shall
27 take appropriate action under the provisions of this chapter
28 or under other appropriate statutes of this state including
29 but not limited to chapters 239, 252A, 252C, 252D, 252E, 252F,
30 252G, 252H, 252I, 252J, 598, and 600B, to ensure that the
31 parent or other person responsible for the support of the
32 child fulfills the support obligation. The department shall
33 also take appropriate action as required by federal law upon
34 receiving a request from a child support agency for a child
35 receiving public assistance in another state.

1 2. The department of human services may negotiate a
2 partial payment of a support obligation with a parent or other
3 person responsible for the support of the child, provided that
4 the negotiation and partial payment are consistent with
5 applicable federal law and regulation.

6 3. The department shall adopt rules pursuant to chapter
7 17A regarding cases in which, under federal law, it is a
8 condition of eligibility for an individual who is an applicant
9 for or recipient of public assistance to cooperate in good
10 faith with the department in establishing the paternity of, or
11 in establishing, modifying, or enforcing a support order by
12 identifying and locating the parent of the child or enforcing
13 rights to support payments. The rules shall include all of
14 the following provisions:

15 a. As required by the unit, the individual shall provide
16 the name of the noncustodial parent and additional necessary
17 information, and shall appear at interviews, hearings, and
18 legal proceedings.

19 b. If paternity is an issue, the individual and child
20 shall submit to blood or genetic tests pursuant to a judicial
21 or administrative order.

22 c. The individual may be requested to sign a voluntary
23 affidavit of paternity, after notice of the rights and
24 consequences of such an acknowledgment, but shall not be
25 required to sign an affidavit or otherwise relinquish the
26 right to blood or genetic tests.

27 d. The unit shall promptly notify the individual and the
28 appropriate division of the department administering the
29 public assistance program of each determination by the unit of
30 noncooperation of the individual and the reason for such
31 determination.

32 e. A procedure under which the individual may claim that,
33 and the department shall determine whether, the individual has
34 sufficient good cause or other exception for not cooperating,
35 taking into consideration the best interest of the child.

1 4. Without need for a court order and notwithstanding the
2 requirements of section 598.22A, the support payment ordered
3 pursuant to any chapter shall be satisfied as to the
4 department, the child, and either parent for the period during
5 which the parents are reconciled and are cohabiting, the child
6 for whom support is ordered is living in the same residence as
7 the parents, and the obligor receives public assistance on the
8 obligor's own behalf for the benefit of the child. The
9 department shall implement this subsection as follows:

10 a. The unit shall file a notice of satisfaction with the
11 clerk of court.

12 b. This subsection shall not apply unless all the children
13 for whom support is ordered reside with both parents, except
14 that a child may be absent from the home due to a foster care
15 placement pursuant to chapter 234 or a comparable law of a
16 foreign jurisdiction.

17 c. The unit shall send notice by regular mail to the
18 obligor when the provisions of this subsection no longer
19 apply. A copy of the notice shall be filed with the clerk of
20 court.

21 d. This section shall not limit the rights of the parents
22 or the department to proceed by other means to suspend,
23 terminate, modify, reinstate, or establish support.

24 Sec. 27. Section 252B.4, unnumbered paragraph 1, Code
25 1997, is amended to read as follows:

26 The child support and paternity determination services
27 established by the department pursuant to this chapter and
28 other appropriate services provided by law including but not
29 limited to the provisions of chapters 239, 252A, 252C, 252D,
30 252E, 252F, 598, and 600B shall be made available by the unit
31 to an individual not otherwise eligible as a public assistance
32 recipient upon application by the individual for the services
33 or upon referral as described in subsection 6. The
34 application shall be filed with the department.

35 Sec. 28. Section 252B.4, subsection 3, Code 1997, is

1 amended to read as follows:

2 3. When Except as provided in paragraph "c", when the unit
3 intercepts a federal tax refund of an obligor for payment of
4 delinquent support and the funds are due to a recipient of
5 services who is not otherwise eligible for public assistance,
6 the unit shall deduct a twenty-five dollar fee from the funds
7 before forwarding the balance to the recipient.

8 a. The unit shall inform the recipient of the fee under
9 this subsection prior to assessment.

10 b. The fee shall be assessed only to individuals who
11 receive support from the federal tax refund offset program.
12 If the tax refund due the recipient is less than fifty
13 dollars, the fee shall not be assessed.

14 c. The unit shall not deduct a twenty-five dollar fee if
15 the recipient is a resident of a foreign country and is
16 eligible for services pursuant to subsection 6, paragraph "b".

17 Sec. 29. Section 252B.4, Code 1997, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 6. The unit shall also provide child
20 support and paternity determination services and shall respond
21 as provided in federal law for an individual not otherwise
22 eligible as a public assistance recipient if the unit receives
23 a request from any of the following:

24 a. A child support agency.

25 b. A foreign reciprocating country or foreign country with
26 which the state has an arrangement as provided in 42 U.S.C. §
27 659A.

28 Sec. 30. Section 252B.5, subsection 3, Code 1997, is
29 amended to read as follows:

30 3. Aid in enforcing through court or administrative
31 proceedings an existing court order for support issued
32 pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any
33 other chapter under which child or medical support is granted.
34 The director may enter into a contract with a private
35 collection agency to collect support payments for cases which

1 have been identified by the department as difficult collection
2 cases if the department determines that this form of
3 collection is more cost-effective than departmental collection
4 methods. A private collection agency with whom the department
5 enters a contract under this subsection shall comply with
6 state and federal confidentiality requirements and debt
7 collection laws. The director may use a portion of the state
8 share of funds collected through this means to pay the costs
9 of any contract authorized under this subsection.

10 Sec. 31. Section 252B.5, subsection 7, unnumbered
11 paragraph 1, Code 1997, is amended to read as follows:

12 At the request of either parent who is subject to the order
13 of support or upon its own initiation, review the amount of
14 the support award in accordance with the guidelines
15 established pursuant to section 598.21, subsection 4, and the
16 ~~federal-Family-Support-Act-of-1988~~ Title IV-D of the federal
17 Social Security Act, as amended, and take action to initiate
18 modification proceedings if the criteria established pursuant
19 to this section are met. However, a review of a support award
20 is not required ~~in-these-cases-for-which-an-assignment-ordered~~
21 ~~pursuant-to-chapter-234-or-239-is-in-effect~~ if the child
22 support recovery unit determines that such a review would not
23 be in the best interest of the child and neither parent has
24 requested such review.

25 Sec. 32. Section 252B.5, subsection 9, Code 1997, is
26 amended to read as follows:

27 9. The review and adjustment, ~~or~~ modification, or
28 alteration of a support order pursuant to chapter 252H upon
29 adoption of rules pursuant to chapter 17A ~~governing-policies~~
30 ~~and-procedures-for-review-and-adjustment-or-modification~~ and
31 periodic notification, at a minimum of once every three years,
32 to parents subject to a support order of their rights to these
33 services.

34 Sec. 33. Section 252B.5, Code 1997, is amended by adding
35 the following new subsections:

1 NEW SUBSECTION. 10. The unit shall not establish orders
2 for spousal support. The unit shall enforce orders for
3 spousal support only if the spouse is the custodial parent of
4 a child for whom the unit is also enforcing a child support or
5 medical support order.

6 NEW SUBSECTION. 11. a. Effective October 1, 1997,
7 periodically certify to the secretary of the United States
8 department of health and human services, a list of the names
9 of obligors determined by the unit to owe delinquent child
10 support, under a support order as defined in section 252J.1,
11 in excess of five thousand dollars. The determination of the
12 delinquent amount owed may be based upon one or more support
13 orders being enforced by the unit if the delinquent support
14 owed exceeds five thousand dollars. The determination shall
15 include any amounts which are delinquent pursuant to the
16 periodic payment plan when a modified order has been
17 retroactively applied. The certification shall be in a format
18 and shall include any supporting documentation required by the
19 secretary.

20 b. All of the following shall apply to an action initiated
21 by the unit under this subsection:

22 (1) At least thirty days prior to provision of
23 certification to the secretary, the unit shall send notice by
24 regular mail to the last known address of the obligor. The
25 notice shall include all of the following:

26 (a) A statement that the unit has determined that the
27 obligor owes delinquent child support in excess of five
28 thousand dollars.

29 (b) A statement that upon certification by the unit to the
30 secretary, the secretary will transmit the certification to
31 the United States secretary of state for denial, revocation,
32 restriction, or limitation of a passport as provided in 42
33 U.S.C. § 652(k).

34 (c) Information regarding the procedures for challenging
35 the determination by the unit, based upon mistake of fact.

1 For the purposes of this subsection, "mistake of fact" means a
2 mistake in the identity of the obligor or a mistake in the
3 amount of the delinquent child support owed if the amount did
4 not exceed five thousand dollars on the date of the unit's
5 decision on the challenge.

6 (2) (a) If the obligor chooses to challenge the
7 determination, the obligor shall submit the challenge in
8 writing to the unit, to be received by the unit within twenty
9 days of the date of the notice to the obligor. The obligor
10 shall include any relevant information in the written
11 challenge.

12 (b) Upon timely receipt of the written challenge, the unit
13 shall review the determination for a mistake of fact.

14 (c) Following review of the determination, the unit shall
15 send a written decision to the obligor within ten days of
16 timely receipt of the written challenge.

17 (i) If the unit determines that a mistake of fact exists,
18 the unit shall not certify the name of the obligor to the
19 secretary.

20 (ii) If the unit determines that a mistake of fact does
21 not exist, the unit shall certify the name of the obligor to
22 the secretary no earlier than ten days following the issuance
23 of the decision, unless, within ten days of the issuance of
24 the decision, the obligor requests a contested case proceeding
25 pursuant to chapter 17A or makes a payment for child support
26 so that the amount of delinquent child support no longer
27 exceeds five thousand dollars.

28 (3) Following issuance of a final decision under chapter
29 17A that no mistake of fact exists, the obligor may request a
30 hearing before the district court in the county where one or
31 more of the support orders upon which the determination is
32 based is filed. To request a hearing, the obligor shall file
33 a written application with the court contesting the decision
34 and shall send a copy of the application to the unit by
35 regular mail. Notwithstanding the time specifications of

1 section 17A.19, an application for a hearing shall be filed
2 with the court no later than ten days after issuance of the
3 final decision. The clerk of the district court shall
4 schedule a hearing and shall mail a copy of the order
5 scheduling the hearing to the obligor and to the unit. The
6 unit shall certify a copy of its written decision indicating
7 the date of issuance to the court prior to the hearing. The
8 hearing shall be held within thirty days of the filing of the
9 application. The filing of an application for a hearing shall
10 stay the certification by the unit to the secretary. However,
11 if the obligor fails to appear at the scheduled hearing, the
12 stay shall be automatically lifted and the unit shall certify
13 the name of the obligor to the secretary. The scope of the
14 review by the district court shall be limited to demonstration
15 of a mistake of fact. Issues related to visitation, custody,
16 or other provisions not related to the support provisions of a
17 support order are not grounds for a hearing under this
18 subsection.

19 c. Following certification to the secretary, if the unit
20 determines that an obligor no longer owes delinquent child
21 support in excess of five thousand dollars, the unit shall
22 notify the secretary of the change or shall provide
23 information to the secretary as the secretary requires.

24 Sec. 34. Section 252B.6, subsection 3, Code 1997, is
25 amended to read as follows:

26 3. Appear on behalf of the state for the purpose of
27 facilitating the modification of support awards consistent
28 with guidelines established pursuant to section 598.21,
29 subsection 4, and ~~the federal Family Support Act of 1988~~ Title
30 IV-D of the federal Social Security Act. The unit shall not
31 otherwise participate in the proceeding.

32 Sec. 35. Section 252B.7, subsection 4, Code 1997, is
33 amended to read as follows:

34 4. An attorney employed by or under contract with the
35 child support recovery unit represents and acts exclusively on

1 behalf of the state when providing child support enforcement
2 services. An attorney-client relationship does not exist
3 between the attorney and an individual party, witness, or
4 person other than the state, regardless of the name in which
5 the action is brought.

6 Sec. 36. Section 252B.7A, subsection 1, paragraph a and
7 paragraph d, Code 1997, are amended to read as follows:

8 a. Income as identified in a signed statement of the
9 parent pursuant to section 252B.9, subsection 1, paragraph
10 "b". If evidence suggests that the statement is incomplete or
11 inaccurate, the unit may present the evidence to the court in
12 a judicial proceeding or to the administrator in a proceeding
13 under chapter 252C or a comparable chapter, and the court or
14 administrator shall weigh the evidence in setting the support
15 obligation. Evidence includes but is not limited to income as
16 established under paragraph "c".

17 d. Until such time as the department adopts rules
18 establishing a different standard for determining the income
19 of a parent who does not provide income information or for
20 whom income information is not available, the estimated state
21 median income for a one-person family as published annually in
22 the Federal Register for use by the federal office of
23 community services, office of energy assistance, for the
24 subsequent federal fiscal year.

25 Sec. 37. NEW SECTION. 252B.7B INFORMATIONAL MATERIALS
26 PROVIDED BY THE UNIT.

27 1. The unit shall prepare and make available to the
28 public, informational materials which explain the unit's
29 procedures including, but not limited to, procedures with
30 regard to all of the following:

- 31 a. Accepting applications for services.
- 32 b. Locating individuals.
- 33 c. Establishing paternity.
- 34 d. Establishing support.
- 35 e. Enforcing support.

1 f. Modifying, suspending, or reinstating support.

2 g. Terminating services.

3 2. The informational materials shall include general
4 information about and descriptions of the processes involved
5 relating to the services provided by the unit including
6 application for services, fees for services, the
7 responsibilities of the recipient of services, resolution of
8 disagreements with the unit, rights to challenge the actions
9 of the unit, and obtaining additional information.

10 Sec. 38. Section 252B.9, Code 1997, is amended to read as
11 follows:

12 252B.9 INFORMATION AND ASSISTANCE FROM OTHERS --
13 AVAILABILITY OF RECORDS.

14 1. a. The director may request from state, county and
15 local agencies, information and assistance deemed necessary to
16 carry out the provisions of this chapter. State, county and
17 local agencies, officers and employees shall co-operate with
18 the unit ~~in locating absent parents of children on whose~~
19 ~~behalf public assistance is being provided~~ and shall on
20 request supply the department with available information
21 relative to ~~the location, income and property holdings of the~~
22 absent parent, and the custodial parent, and any other
23 necessary party, notwithstanding any provisions of law making
24 this information confidential. The cooperation and
25 information required by this subsection shall also be provided
26 ~~to the department~~ when it is requested by ~~the unit on behalf~~
27 ~~of persons who have applied for support enforcement services a~~
28 child support agency. Information required by this subsection
29 includes, but is not limited to, information relative to
30 location, income, property holdings, records of licenses as
31 defined in section 252J.1, and records concerning the
32 ownership and control of corporations, partnerships, and other
33 business entities. If the information is maintained in an
34 automated database, the unit shall be provided automated
35 access.

1 b. Parents of a child on whose behalf support enforcement
2 services are provided shall provide information regarding
3 income, resources, financial circumstances, and property
4 holdings to the department for the purpose of establishment,
5 modification, or enforcement of a support obligation. The
6 department may provide the information to parents of a child
7 as needed to implement the requirements of section 598.21,
8 subsection 4, notwithstanding any provisions of law making
9 this information confidential.

10 c. Notwithstanding any provisions of law making this
11 information confidential, all persons, including for-profit,
12 nonprofit, and governmental employers, shall, on request,
13 promptly supply the unit or a child support agency information
14 on the employment, compensation, and benefits of any
15 individual employed by such person as an employee or
16 contractor with relation to whom the unit or a child support
17 agency is providing services.

18 d. Notwithstanding any provisions of law making this
19 information confidential, the unit may subpoena or a child
20 support agency may use the administrative subpoena form
21 promulgated by the secretary of the United States department
22 of health and human services under 42 U.S.C. § 652(a)(11)(C),
23 to obtain any of the following:

24 (1) Books, papers, records, or information regarding any
25 financial or other information relating to a paternity or
26 support proceeding.

27 (2) Certain records held by public utilities and cable
28 television companies with respect to individuals who owe or
29 are owed support, or against or with respect to whom a support
30 obligation is sought, consisting of the names and addresses of
31 such individuals and the names and addresses of the employers
32 of such individuals, as appearing in customer records. If the
33 records are maintained in automated databases, the unit shall
34 be provided with automated access.

35 e. The unit or a child support agency may subpoena

1 information for one or more individuals.

2 f. If the unit or a child support agency issues a request
3 under paragraph "c", or a subpoena under paragraph "d", all of
4 the following shall apply:

5 (1) The unit or child support agency may issue a request
6 or subpoena to a person by sending it by regular mail. Proof
7 of service may be completed according to R.C.P. 82.

8 (2) A person who is not a parent or putative father in a
9 paternity or support proceeding, who is issued a request or
10 subpoena, shall be provided an opportunity to refuse to comply
11 for good cause by filing a request for a conference with the
12 unit or child support agency in the manner and within the time
13 specified in rules adopted pursuant to subparagraph (8).

14 (3) Good cause shall be limited to mistake in the identity
15 of the person, or prohibition under federal law to release
16 such information.

17 (4) After the conference the unit shall issue a notice
18 finding that the person has good cause for refusing to comply,
19 or a notice finding that the person does not have good cause
20 for failing to comply. If the person refuses to comply after
21 issuance of notice finding lack of good cause, or refuses to
22 comply and does not request a conference, the person is
23 subject to the following:

24 (a) For an initial refusal to comply, a penalty of twenty-
25 five dollars.

26 (b) For a second or subsequent refusal to comply, a
27 penalty of one hundred dollars.

28 (5) If the unit imposes a penalty under subparagraph (4),
29 the person may seek contested case proceedings and judicial
30 review pursuant to chapter 17A.

31 (6) If the person fails to comply with the request or
32 subpoena, fails to request a conference, fails to pay a fine
33 imposed under subparagraph (4), and fails to timely seek
34 contested case proceedings pursuant to chapter 17A, the unit
35 may petition the district court to compel the person to comply

1 with this paragraph.

2 (7) If a parent or putative father fails to comply with a
3 subpoena or request for information, the provisions of chapter
4 252J shall apply.

5 (8) The unit may adopt rules pursuant to chapter 17A to
6 implement this section.

7 g. Notwithstanding any provisions of law making this
8 information confidential, the unit or a child support agency
9 shall have access to records and information held by financial
10 institutions with respect to individuals who owe or are owed
11 support, or with respect to whom a support obligation is
12 sought including information on assets and liabilities. If
13 the records are maintained in automated databases, the unit
14 shall be provided with automated access. For the purposes of
15 this section, "financial institution" means financial
16 institution as defined in section 252I.1.

17 h. Notwithstanding any law to the contrary, the unit and a
18 child support agency shall have access to any data maintained
19 by the state of Iowa which contains information that would aid
20 the agency in locating individuals. Such information shall
21 include, but is not limited to, driver's license, motor
22 vehicle, and criminal justice information. However, the
23 information does not include criminal investigative reports or
24 intelligence files maintained by law enforcement. The unit
25 and child support agency shall use or disclose the information
26 obtained pursuant to this paragraph only in accordance with
27 subsection 3. Criminal history records maintained by the
28 department of public safety shall be disclosed in accordance
29 with chapter 692.

30 i. Liability shall not arise under this subsection with
31 respect to any disclosure by a person as required by this
32 subsection, and no advance notice from the unit or a child
33 support agency is required prior to requesting information or
34 assistance or issuing a subpoena under this subsection.

35 2. Notwithstanding other statutory provisions to the

1 contrary, including but not limited to chapters 22 and 217, as
2 the chapters relate to confidentiality of records maintained
3 by the department, the payment records of the collection
4 services center maintained under section 252B.13A are public
5 records only as follows:

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

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

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

21 (2) For support orders entered in Iowa which are being
22 enforced by the unit, the unit may compile and make available
23 for publication a listing of cases in which no payment has
24 been credited to an accrued or accruing support obligation
25 during a previous three-month period. Each case on the list
26 shall be identified only by the name of the support obligor,
27 the address, if known, of the support obligor, unless the
28 information pertaining to the address of the support obligor
29 is protected through confidentiality requirements established
30 by law and has not otherwise been verified with the unit, the
31 support obligor's court order docket or case number, the
32 county in which the obligor's support order is filed, the
33 collection services center case numbers, and the range within
34 which the balance of the support obligor's delinquency is
35 established. The department shall determine dates for the

1 release of information, the specific format of the information
2 released, and the three-month period used as a basis for
3 identifying cases. The department may not release the
4 information more than twice annually. In compiling the
5 listing of cases, no prior public notice to the obligor is
6 required, but the unit may send notice annually by mail to the
7 current known address of any individual owing a support
8 obligation which is being enforced by the unit. The notice
9 shall inform the individual of the provisions of this
10 subparagraph. Actions taken pursuant to this subparagraph are
11 not subject to review under chapter 17A, and the lack of
12 receipt of a notice does not prevent the unit from proceeding
13 in implementing this subparagraph.

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

24 3. Notwithstanding other statutory provisions to the
25 contrary, including but not limited to, chapters 22 and 217,
26 as the chapters relate to the confidentiality of records
27 maintained by the department, information recorded by the
28 department pursuant to this section or obtained by the unit is
29 confidential and, except when prohibited by federal law or
30 regulation, may be used or disclosed as provided in subsection
31 1, paragraph "b" and "h", and subsection 2, and as follows:

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

35 d b. This subsection shall not permit or require the

1 release of information ~~contained in the case records of the~~
2 unit, except to the extent provided in this section.

3 c. The unit may release or disclose information as
4 necessary to provide services under section 252B.5, as
5 provided by Title IV-D of the federal Social Security Act, as
6 amended, or as required by federal law.

7 d. After contact with the nonrequesting party, information
8 on the location of a party may be released to a party unless
9 the unit has or obtains knowledge of a protective order
10 against the requesting party with respect to a nonrequesting
11 party, or unless the unit has or obtains reasonable evidence
12 of domestic violence or child abuse or reason to believe that
13 the release of the information may result in physical or
14 emotional harm to a nonrequesting party or a child, and if one
15 of the following conditions is met:

16 (1) Release of the information is required by federal law
17 or regulation.

18 (2) Release of the information is required by chapter
19 252K.

20 (3) The requesting party demonstrates a need for that
21 information to notify a nonrequesting party of a proceeding
22 relating to a child who is subject to a paternity or support
23 order being enforced by the unit for a child of the parties.

24 e. Information may be released if directly connected with
25 any of the following:

26 (1) The administration of the plan or program approved
27 under Title I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI, XIX, or
28 XX, or the supplemental security income program established
29 under Title XVI of the federal Social Security Act, as
30 amended.

31 (2) Any investigations, prosecutions, or criminal or civil
32 proceeding conducted in connection with the administration of
33 any such plan or program.

34 (3) The administration of any other federal or federally
35 assisted program which provides assistance in cash or in kind

1 or provides services, directly to individuals on the basis of
2 need.

3 (4) Reporting to an appropriate agency or official,
4 information on known or suspected instances of physical or
5 mental injury, sexual abuse or exploitation, or negligent
6 treatment or maltreatment of a child who is the subject of a
7 child support enforcement action under circumstances which
8 indicate that the child's health or welfare is threatened.

9 ~~3. f. Except as otherwise provided in subsection 1,~~
10 ~~paragraph "b", and in subsection 2, information recorded by~~
11 ~~the department pursuant to this section shall be available~~
12 ~~only to the unit, attorneys prosecuting a case in which the~~
13 ~~unit may participate according to sections 252B.5 and 252B.6,~~
14 Information may be released to courts having jurisdiction in
15 support or abandonment proceedings, and agencies in other
16 states charged with support collection and paternity
17 determination responsibilities as determined by the rules of
18 the department and the provisions of Title IV of the federal
19 Social Security Act. However, information relating to the
20 location of an absent parent shall be made available, pursuant
21 to federal regulations, to a resident parent, legal guardian,
22 attorney, or agent of a child who is not receiving assistance
23 under Title IV-A of the federal Social Security Act. Unless
24 otherwise prohibited by federal statute or regulation, the

25 g. The child support recovery unit shall release
26 information relating to an absent parent to another unit of
27 the department pursuant to a written request for the
28 information approved by the director or the director's
29 designee.

30 h. For purposes of this subsection, "party" means an
31 absent parent, obligor, resident parent, or other necessary
32 party.

33 Sec. 39. Section 252B.10, subsection 2, Code 1997, is
34 amended to read as follows:

35 2. Any reasonable grounds for belief that a public

1 employee has violated any provision of this chapter shall be
2 grounds for immediate removal from all access to paternity
3 determination and support collection data available through or
4 recorded under section 252B.9.

5 Sec. 40. Section 252B.13A, Code 1997, is amended to read
6 as follows:

7 252B.13A COLLECTION SERVICES CENTER.

8 The department shall establish within the unit a collection
9 services center for the receipt and disbursement of support
10 payments as defined in section 252D.16A or 598.1 as required
11 for orders by section 252B.14. For purposes of this section,
12 support payments do not include attorney fees, court costs, or
13 property settlements.

14 Sec. 41. Section 252B.14, subsection 1, Code 1997, is
15 amended to read as follows:

16 1. For the purposes of this section, "support order"
17 includes any order entered pursuant to chapter 234, 252A,
18 252C, 598, 600B, or any other support chapter or proceeding
19 which establishes support payments as defined in section
20 252D.16A or 598.1.

21 Sec. 42. COOPERATION OF APPLICANT OR RECIPIENT -- RULES.

22 Until the department adopts rules pursuant to section
23 252B.3, subsection 3, relating to cooperation by applicants or
24 recipients of public assistance, the department shall apply
25 existing rules regarding cooperation, except that the child
26 support recovery unit, rather than the income maintenance
27 unit, shall determine noncooperation of an applicant or
28 recipient of public assistance under that subsection.

29 PART B

30 Sec. 43. Section 252B.6, subsections 1, 2, and 4, Code
31 1997, are amended to read as follows:

32 1. Represent the child state in obtaining a support order
33 necessary to meet the child's needs or in enforcing a similar
34 order previously entered.

35 2. ~~Appear-as-a-friend-of-the-court~~ Represent the state's

1 interest in obtaining support for a child in dissolution of
2 marriage and separate maintenance proceedings, or proceedings
3 supplemental thereto to these proceedings or any other support
4 proceedings, when either or both of the parties to the
5 proceedings are receiving public assistance, for the purpose
6 of advising the court of the financial interest of the state
7 in the proceeding.

8 ~~4. If public assistance has been applied for or granted on~~
9 ~~behalf of a child of parents who are legally separated or~~
10 ~~whose marriage has been legally dissolved, the unit may apply~~
11 Apply to the district court ~~for a court order directing either~~
12 ~~or both parents to show cause for the following: or initiate~~
13 an administrative action, as necessary, to obtain, enforce, or
14 modify support.

15 ~~a.--Why an order of support for the child should not be~~
16 ~~entered, or~~

17 ~~b.--Why the parent should not be held in contempt for~~
18 ~~failure to comply with a support order previously entered.~~

19 Sec. 44. Section 252B.7, subsection 1, paragraph b, Code
20 1997, is amended to read as follows:

21 b. Cases under chapter 252A, the Uniform Support of
22 Dependents Law.

23 Sec. 45. Section 252B.12, Code 1997, is amended to read as
24 follows:

25 252B.12 JURISDICTION OVER NONRESIDENT PARENTS.

26 In an action to establish paternity or to establish or
27 enforce a child support obligation, or to modify a support
28 order, a nonresident person is subject to the jurisdiction of
29 the courts of this state ~~upon service of process of original~~
30 ~~notice in accordance with the rules of civil procedure, Iowa~~
31 ~~court rules, third edition, if any of the following~~
32 circumstances exists: as specified in section 252K.201.

33 ~~1.--Any circumstance in which the nonresident has the~~
34 ~~necessary minimum contact with this state for the exercise of~~
35 ~~jurisdiction, consistent with the constitutions of this state~~

1 and the United States.

2 2.--The affected child was conceived in this state while at
3 least one of the parents was a resident of this state and the
4 nonresident is the parent or alleged parent of the child.

5 3.--The affected child resides in this state as a result of
6 the acts or directives or with the approval of the
7 nonresident.

8 4.--The nonresident has resided with the affected child in
9 this state.

10 Sec. 46. Part B, sections 43 through 45 of this Act, are
11 effective January 1, 1998.

12 DIVISION III

13 Sec. 47. Section 252C.2, subsections 1 and 2, Code 1997,
14 are amended to read as follows:

15 1. ~~By accepting~~ If public assistance for is provided by
16 the department to or on behalf of a dependent child or a
17 dependent child's caretaker, the recipient is deemed to have
18 made there is an assignment by operation of law to the
19 department of any and all right in, title to, and interest in
20 any support obligation and, payment, and arrearages owed to or
21 for the child or caretaker up to the amount of public
22 assistance paid for or on behalf of the child or caretaker.
23 Unless otherwise specified in the order, an equal and
24 proportionate share of any child support awarded is presumed
25 to be payable on behalf of each child subject to the order or
26 judgment for purposes of an assignment under this section.

27 2. The payment of public assistance to or for the benefit
28 of a dependent child or a dependent child's caretaker creates
29 a support debt due and owing to the department by the
30 responsible person in an amount equal to the public assistance
31 payment, except that the support debt is limited to the amount
32 of a support obligation established by court order or by the
33 administrator. The administrator may establish a support debt
34 as to amounts accrued and accruing pursuant to section 598.21,
35 subsection 4. However, when establishing a support debt is

1 ~~not-created-in-favor-of-the-department~~ obligation against a
2 responsible person, no debt shall be created for the period
3 during which the responsible person is a recipient on the
4 person's own behalf of public assistance for the benefit of
5 the dependent child or the dependent child's caretaker, if
6 any of the following conditions exist:

7 a. The parents have reconciled and are cohabiting, and the
8 child for whom support would otherwise be sought is living in
9 the same residence as the parents.

10 b. The child is living with the parent from whom support
11 would otherwise be sought.

12 Sec. 48. Section 252C.7, Code 1997, is repealed.

13 DIVISION IV

14 PART A

15 Sec. 49. Section 252D.1, Code 1997, is amended to read as
16 follows:

17 252D.1 ~~SUPPORT-DEFINITION--- DELINQUENT SUPPORT PAYMENTS~~
18 ~~---ASSIGNMENT-OF-INCOME.~~

19 ~~1.---As-used-in-this-chapter,--unless-the-context-otherwise~~
20 ~~requires,--"support"--or--"support-payments"--means-any-amount~~
21 ~~which-the-court-may-require-a-person-to-pay-for-the-benefit-of~~
22 ~~a-child-under-a-temporary-order-or-a-final-judgment-or-decree,~~
23 ~~and-may-include-child-support,--maintenance,--medical-support-as~~
24 ~~defined-in-chapter-252E,--and,--if-contained-in-a-child-support~~
25 ~~order,--spousal-support,--and-any-other-term-used-to-describe~~
26 ~~these-obligations.---These-obligations-may-include-support-for~~
27 ~~a-child-who-is-between-the-ages-of-eighteen-and-twenty-two~~
28 ~~years-and-who-is-regularly-attending-an-accredited-school-in~~
29 ~~pursuance-of-a-course-of-study-leading-to-a-high-school~~
30 ~~diploma-or-its-equivalent,--or-regularly-attending-a-course-of~~
31 ~~vocational-technical-training-either-as-a-part-of-a-regular~~
32 ~~school-program-or-under-special-arrangements-adapted-to-the~~
33 ~~individual-person's-needs,--or-is,--in-good-faith,--a-full-time~~
34 ~~student-in-a-college,--university,--or-community-college,--or-has~~
35 ~~been-accepted-for-admission-to-a-college,--university,--or~~

1 community-college-and-the-next-regular-term-has-not-yet-begun;
2 and-may-include-support-for-a-child-of-any-age-who-is
3 dependent-on-the-parties-to-the-dissolution-proceedings
4 because-of-physical-or-mental-disability.

5 2. If support payments ordered under chapter 232, 234,
6 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other
7 applicable chapter, or under a comparable statute of a foreign
8 jurisdiction, as certified to the child support recovery unit
9 established in section 252B.2, are not paid to the clerk of
10 the district court or the collection services center pursuant
11 to section 598.22 and become delinquent in an amount equal to
12 the payment for one month, the child support recovery unit may
13 enter an ex parte order or, upon application of a person
14 entitled to receive the support payments, ~~the child support~~
15 ~~recovery unit or~~ the district court may enter an ex parte
16 order, notifying the person whose income is to be assigned
17 withheld, of the delinquent amount, of the amount of income,
18 ~~wages, compensation, or benefits~~ to be withheld, and of the
19 procedure to file a motion to quash the order ~~of assignment~~
20 for income withholding, and ~~shall order an assignment of~~
21 ~~income requiring ordering~~ the withholding of specified sums to
22 be deducted from the delinquent person's ~~periodic earnings,~~
23 ~~trust income, compensation, benefits, or other~~ income as
24 defined in section 252D.16A sufficient to pay the support
25 obligation and, except as provided in section 598.22,
26 requiring the payment of such sums to the clerk of the
27 district court or the collection services center.
28 Notification of income withholding shall be provided to the
29 obligor and to the payor of earnings, trust income, or other
30 income pursuant to section 252D.17.

31 3.---A-person-entitled-by-court-order-to-receive-support
32 payments-or-a-person-responsible-for-enforcing-such-a-court
33 order-may-petition-the-clerk-of-the-district-court-for-an
34 assignment-of-income.---If-the-petition-is-verified-and
35 establishes-that-support-payments-are-delinquent-in-an-amount

1 equal-to-the-payment-for-one-month-and-if-the-clerk-of-the
2 district-court-determines,-after-providing-an-opportunity-for
3 a-hearing,-that-notice-of-the-mandatory-assignment-of-income
4 as-provided-in-section-252D.3-has-been-given,-the-clerk-of-the
5 district-court-shall-order-an-assignment-of-income-under
6 subsection-2:

7 Sec. 50. Section 252D.3, Code 1997, is amended to read as
8 follows:

9 252D.3 NOTICE OF ASSIGNMENT INCOME WITHHOLDING.

10 All orders for support entered on or after July 1, 1984
11 shall notify the person ordered to pay support of the
12 mandatory assignment withholding of income required under
13 section 252D.1. However, for orders for support entered
14 before July 1, 1984, the clerk of the district court, the
15 child support recovery unit, or the person entitled by the
16 order to receive the support payments, shall notify each
17 person ordered to pay support under such orders of the
18 mandatory assignment withholding of income required under
19 section 252D.1. The notice shall be sent by certified mail to
20 the person's last known address or the person shall be
21 personally served with the notice in the manner provided for
22 service of an original notice at least fifteen days prior to
23 ~~the-filing-of-a-petition-under-section-252D.1-subsection-3-or~~
24 the ordering of an-assignment-of income withholding under
25 section 252D.1 ~~7-subsection-2-or-3~~. A person ordered to pay
26 support may waive the right to receive the notice at any time.

27 Sec. 51. Section 252D.9, Code 1997, is amended to read as
28 follows:

29 252D.9 SUMS SUBJECT TO IMMEDIATE WITHHOLDING.

30 Specified sums shall be deducted from the obligor's
31 ~~earnings,-trust-income,-or-other~~ income sufficient to pay the
32 support obligation and any judgment established or delinquency
33 accrued under the support order. The amount withheld pursuant
34 to an assignment-of income withholding order or notice of
35 order for income withholding shall not exceed the amount

1 specified in 15 U.S.C. § 1673(b).

2 Sec. 52. Section 252D.10, Code 1997, is amended to read as
3 follows:

4 252D.10 NOTICE OF ASSIGNMENT IMMEDIATE INCOME WITHHOLDING.

5 The notice requirements of section 252D.3 do not apply to
6 this subchapter. An order for support entered after November
7 1, 1990, shall contain the notice of immediate income
8 withholding. However, this subchapter is sufficient notice
9 for implementation of immediate income withholding without any
10 further notice.

11 Sec. 53. NEW SECTION. 252D.16A DEFINITIONS.

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

14 1. "Income" means all of the following:

15 a. Any periodic form of payment due an individual,
16 regardless of source, including but not limited to wages,
17 salaries, commissions, bonuses, worker's compensation,
18 disability payments, payments pursuant to a pension or
19 retirement program, and interest.

20 b. A sole payment or lump sum as provided in section
21 252D.18C.

22 c. Irregular income as defined in section 252D.18B.

23 2. "Payor of income" or "payor" means and includes, but is
24 not limited to, an obligor's employer, trustee, the state of
25 Iowa and all governmental subdivisions and agencies and any
26 other person from whom an obligor receives income.

27 3. "Support" or "support payments" means any amount which
28 the court or administrative agency may require a person to pay
29 for the benefit of a child under a temporary order or a final
30 judgment or decree entered under chapter 232, 234, 252A, 252C,
31 252F, 252H, 598, 600B, or any other comparable chapter, and
32 may include child support, maintenance, medical support as
33 defined in chapter 252E, spousal support, and any other term
34 used to describe these obligations. These obligations may
35 include support for a child of any age who is dependent on the

1 parties to the dissolution proceedings because of physical or
2 mental disability. The obligations may include support for a
3 child eighteen or more years of age with respect to whom a
4 child support order has been issued pursuant to the laws of a
5 foreign jurisdiction. These obligations shall not include
6 amounts for a postsecondary education subsidy as defined in
7 section 598.1.

8 Sec. 54. Section 252D.17, Code 1997, is amended to read as
9 follows:

10 252D.17 NOTICE TO EMPLOYER-OR-INCOME PAYOR OF INCOME --
11 DUTIES AND LIABILITY -- CRIMINAL PENALTY.

12 The district court shall provide notice by sending a copy
13 of the order for income withholding or a notice of the order
14 for income withholding to the obligor and the obligor's
15 ~~employer, trustee, or other~~ payor of income by regular mail,
16 with proof of service completed according to rule of civil
17 procedure 82. The child support recovery unit shall provide
18 notice of the income withholding order by sending a notice of
19 the order to the obligor's ~~employer, trustee, or other~~ payor
20 of income by regular mail or by electronic means. Proof of
21 service may be completed according to rule of civil procedure
22 82. The ~~order or the~~ child support recovery unit's notice of
23 the order may be sent to the ~~employer, trustee, or other~~ payor
24 of income on the same date that the order is sent to the clerk
25 of court for filing. In all other instances, the income
26 withholding order shall be filed with the clerk of court prior
27 to sending the notice of the order to the payor of income. In
28 addition to the amount to be withheld for payment of support,
29 the order or the ~~child support recovery unit's~~ notice of the
30 order shall be in a standard format as prescribed by the unit
31 and shall include all of the following information regarding
32 the duties of the payor in implementing the withholding order:
33 1. The withholding order or notice of the order for income
34 withholding for child support or child support and spousal
35 support has priority over a garnishment or an assignment for a

1 ~~any other purpose other-than-the-support-of-the-dependents-in~~
2 ~~the-court-order-being-enforced.~~

3 2. As reimbursement for the payor's processing costs, the
4 payor may deduct a fee of no more than two dollars for each
5 payment in addition to the amount withheld for support. The
6 payor of income is not required to vary the payroll cycle to
7 comply with the frequency of payment of a support order.

8 3. The amount withheld for support, including the
9 processing fee, shall not exceed the amounts specified in 15
10 U.S.C. § 1673(b).

11 4. The income withholding order is binding on an existing
12 or future ~~employer, trustee, or other~~ payor of income ten days
13 after receipt of the copy of the order or the ~~child-support~~
14 ~~recovery-unit's~~ notice of the order, and is binding whether or
15 not the copy of the order received is file-stamped.

16 5. The payor shall send the amounts withheld to the
17 collection services center or the clerk of the district court
18 within ~~ten-working~~ seven business days of the date the obligor
19 is paid. "Business day" means a day on which state offices
20 are open for regular business.

21 6. The payor may combine amounts withheld from the
22 ~~obligor's-wages~~ obligors' income in a single payment to the
23 clerk of the district court or to the collection services
24 center, as appropriate. Whether combined or separate,
25 payments shall be identified by the name of the obligor,
26 account number, amount, and the date withheld. If payments
27 for multiple obligors are combined, the portion of the payment
28 attributable to each obligor shall be specifically identified.

29 ~~7.--The-payor-shall-deliver-or-send-a-copy-of-the-order-or~~
30 ~~the-child-support-recovery-unit's-notice-of-the-order-to-the~~
31 ~~obligor-within-one-business-day-after-receipt-of-the-order-or~~
32 ~~the-child-support-recovery-unit's-notice-of-the-order.~~

33 ~~8-~~ 7. The withholding is binding on the payor until
34 further notice by the court or the child support recovery
35 unit.

1 ~~9-~~ 8. If the payor knowingly fails to withhold income or
2 to pay the amounts withheld to the collection services center
3 or the clerk of court in accordance with the provisions of the
4 order or the ~~child-support-recovery-unit's~~ notice of the
5 order, the payor commits a simple misdemeanor and is liable
6 for the accumulated amount which should have been withheld,
7 together with costs, interest, and reasonable attorney fees
8 related to the collection of the amounts due from the payor.

9 ~~10-~~ 9. The payor shall promptly notify the court or the
10 child support recovery unit when the obligor's employment or
11 other income terminates, and provide the obligor's last known
12 address and the name and address of the obligor's new
13 employer, if known.

14 ~~11-~~ 10. Any payor who discharges an obligor, refuses to
15 employ an obligor, or takes disciplinary action against an
16 obligor based upon income withholding is guilty of a simple
17 misdemeanor. A withholding order or the ~~child-support~~
18 ~~recovery-unit's~~ notice of the order for income withholding has
19 the same force and effect as any other district court order,
20 including, but not limited to, contempt of court proceedings
21 for noncompliance.

22 11. a. Beginning July 1, 1997, if a payor of income does
23 business in another state through a registered agent and
24 receives a notice of income withholding issued by another
25 state the payor shall, and beginning January 1, 1998, any
26 payor of income shall withhold funds as directed in a notice
27 issued by another state, except that a payor of income shall
28 follow the laws of the obligor's principal place of employment
29 when determining all of the following:

30 (1) The payor's fee for processing an income withholding
31 payment.

32 (2) The maximum amount permitted to be withheld from the
33 obligor's income.

34 (3) The time periods for implementing the income
35 withholding order and forwarding the support payments.

1 (4) The priorities for withholding and allocating income
2 withheld for multiple child support obligees.

3 (5) Any withholding terms or conditions not specified in
4 the order.

5 b. A payor of income who complies with an income
6 withholding notice that is regular on its face shall not be
7 subject to any civil liability to any individual or agency for
8 conduct in compliance with the notice.

9 Sec. 55. NEW SECTION. 252D.17A NOTICE TO OBLIGOR OF
10 IMPLEMENTATION OF INCOME WITHHOLDING ORDER.

11 The child support recovery unit or the district court shall
12 send a notice of the income withholding order to the obligor
13 at the time the notice is sent to the payor of income.

14 Sec. 56. Section 252D.18A, unnumbered paragraph 1, Code
15 1997, is amended to read as follows:

16 When the obligor is responsible for paying more than one
17 support obligation and the ~~employer-or-the-income~~ payor of
18 income has received more than one income withholding order or
19 ~~the-child-support-recovery-unit's~~ notice of an order for the
20 obligor, the payor shall withhold amounts in accordance with
21 all of the following:

22 Sec. 57. Section 252D.18A, subsection 3, paragraph a, Code
23 1997, is amended to read as follows:

24 a. To arrive at the amount to be withheld for each
25 obligee, the payor shall total the amounts due for current
26 support under the income withholding orders and the ~~child~~
27 ~~support-recovery-unit's~~ notices of orders and determine the
28 proportionate share for each obligee. The proportionate share
29 shall be determined by dividing the amount due for current
30 support for each order or ~~child-support-recovery-unit's~~ notice
31 of order by the total due for current support for all orders
32 and ~~child-support-recovery-unit's~~ notices of orders. The
33 results are the percentages of the obligor's net income which
34 shall be withheld for each obligee.

35 Sec. 58. NEW SECTION. 252D.19A DISPARITY BETWEEN ORDER

1 AND PAY DATES -- NOT DELINQUENT.

2 1. An obligor whose support payments are automatically
3 withheld from the obligor's paycheck shall not be delinquent
4 or in arrears if all of the following conditions are met:

5 a. Any delinquency or arrearage is caused solely by a
6 disparity between the schedules of the obligor's regular pay
7 dates and the scheduled date the support is due.

8 b. The amount calculated to be withheld is such that the
9 total amount of current support to be withheld from the
10 paychecks of the obligor and the amount ordered to be paid in
11 the support order are the same on an annual basis.

12 c. The automatic deductions for support are continuous and
13 occurring.

14 2. If the unit takes an enforcement action during a
15 calendar year against an obligor and the obligor is not
16 delinquent or in arrears solely due to the applicability of
17 this section to the obligor, upon discovering the
18 circumstances, the unit shall promptly discontinue the
19 enforcement action.

20 Sec. 59. Section 252D.21, Code 1997, is amended to read as
21 follows:

22 252D.21 PENALTY FOR MISREPRESENTATION.

23 A person who knowingly makes a false statement or
24 representation of a material fact or knowingly fails to
25 disclose a material fact in order to secure an assignment-of
26 income withholding order or notice of income withholding
27 against another person and to receive support payments or
28 additional support payments pursuant to this chapter, is
29 guilty, upon conviction, of a serious misdemeanor.

30 Sec. 60. Section 252D.23, Code 1997, is amended to read as
31 follows:

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

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

1 clerk of the district court. For the purposes of
2 demonstrating compliance by the ~~employer, trustee, or other~~
3 payor of income, the copy of the withholding order or the
4 ~~child-support-recovery-unit's~~ notice of the order received,
5 whether or not the copy of the order is file-stamped, shall
6 have all the force, effect, and attributes of a docketed order
7 of the district court including, but not limited to,
8 availability of contempt of court proceedings against an
9 ~~employer, trustee, or other~~ a payor of income for
10 noncompliance. However, any information contained in the
11 income withholding order or the ~~child-support-recovery-unit's~~
12 notice of the order related to the amount of the accruing or
13 accrued support obligation which does not reflect the correct
14 amount of support due does not modify the underlying support
15 judgment.

16 Sec. 61. NEW SECTION. 252D.31 MOTION TO QUASH.

17 An obligor under this chapter may move to quash an income
18 withholding order or a notice of income withholding by filing
19 a motion to quash with the clerk of court.

20 1. Grounds for contesting a withholding order under this
21 chapter include all of the following:

22 a. A mistake of fact, which for purposes of this chapter
23 means an error in the amount withheld or the amount of the
24 withholding or the identity of the obligor.

25 b. For immediate withholding only, the conditions for
26 exception to immediate income withholding as defined under
27 section 252D.8 existed at the time of implementation of the
28 withholding.

29 2. The clerk of the district court shall schedule a
30 hearing on the motion to quash for a time not later than seven
31 days after the filing of the motion to quash and the notice of
32 the motion to quash. The clerk shall mail to the parties
33 copies of the motion to quash, the notice of the motion to
34 quash, and the order scheduling the hearing.

35 3. The payor shall withhold and transmit the amount

1 specified in the order or notice of the order of income
2 withholding to the clerk of the district court or the
3 collection services center, as appropriate, until the notice
4 that a motion to quash has been granted is received.

5 Sec. 62. Sections 252D.2 and 252D.11, Code 1997, are
6 repealed.

7 PART B

8 Sec. 63. Section 252D.17, Code 1997, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 12. The payor of income shall comply with
11 chapter 252K when receiving a notice of income withholding
12 from another state.

13 Sec. 64. Section 252D.24, subsection 3, Code 1997, is
14 amended to read as follows:

15 3. Income withholding for a support order issued by a
16 foreign jurisdiction is ~~subject to the law and procedures for~~
17 ~~income withholding of the jurisdiction where the income~~
18 ~~withholding order is implemented. With respect to when the~~
19 ~~obligor becomes subject to withholding, however, the law and~~
20 ~~procedures of the jurisdiction where the support order was~~
21 entered apply governed by chapter 252K, articles 5 or 6, and
22 this chapter, as appropriate.

23 Sec. 65. Part B, sections 63 and 64 of this Act, are
24 effective January 1, 1998.

25 DIVISION V

26 Sec. 66. Section 252E.2, subsection 2, unnumbered
27 paragraph 1, Code 1997, is amended to read as follows:

28 An insurer who is subject to the federal ~~Omnibus-Budget~~
29 ~~Reconciliation Act of 1993, section 4301~~ Employee Retirement
30 Income Security Act, as codified in ~~42-U.S.C. § 1936g-1~~ 29
31 U.S.C. § 1169, shall provide benefits in accordance with that
32 section which meet the requirements of a qualified medical
33 child support order. For the purposes of this subsection
34 "qualified medical child support order" means a child support
35 order which creates or recognizes the existence of a child's

1 right to, or assigns to a child the right to, receive benefits
2 for which a participant or child is eligible under a group
3 health plan and which specifies the following:

4 Sec. 67. Section 252E.4, subsection 1, Code 1997, is
5 amended to read as follows:

6 1. When a support order requires an obligor to provide
7 coverage under a health benefit plan, the district court or
8 the department may enter an ex parte order directing an
9 employer to take all actions necessary to enroll an obligor's
10 dependent for coverage under a health benefit plan or may
11 include the provisions in an ex parte income withholding order
12 or notice of income withholding pursuant to chapter 252D. The
13 department may amend the information in the ex parte order
14 regarding health insurance provisions if necessary to comply
15 with health insurance requirements including but not limited
16 to the provisions of section 252E.2, subsection 2.

17 Sec. 68. NEW SECTION. 252E.6A MOTION TO QUASH.

18 1. An obligor may move to quash the order to the employer
19 under section 252E.4 by following the same procedures and
20 alleging a mistake of a fact as provided in section 252D.31.
21 If the unit is enforcing an income withholding order and a
22 medical support order simultaneously, any challenge to the
23 income withholding order and medical support enforcement shall
24 be filed and heard simultaneously.

25 2. The employer shall comply with the requirements of this
26 chapter until the employer receives notice that a motion to
27 quash has been granted.

28 Sec. 69. Section 252E.13, subsection 2, Code 1997, is
29 amended to read as follows:

30 2. In addition, if ~~an-administrative~~ a support order
31 ~~entered-pursuant-to-chapter-252E~~ does not provide medical
32 support as defined in this chapter or equivalent medical
33 support, the department or a party to the order may ~~obtain-a~~
34 ~~medical-support-order-pursuant-to-chapter-252E~~ seek a
35 modification of the order. ~~A-medical-support-order-obtained~~

1 pursuant-to-chapter-252E-may-be-an-additional-or-separate
2 support-judgment-and-shall-be-known-as-an-administrative-order
3 for-medical-support.

4

DIVISION VI

5 Sec. 70. Section 252F.3, subsection 1, paragraph f,
6 subparagraph (2), subparagraph subpart (c), Code 1997, is
7 amended to read as follows:

8 (c) If paternity was contested and paternity testing was
9 conducted, and the putative father does not deny paternity
10 after the testing or challenge the paternity test results, ~~ten~~
11 twenty days from the date paternity test results are issued or
12 mailed by the unit to the putative father.

13 Sec. 71. Section 252F.3, subsection 1, paragraph f,
14 subparagraph (4), subparagraph subpart (c), Code 1997, is
15 amended to read as follows:

16 (c) If paternity was contested and paternity testing
17 conducted, and the putative father does not deny paternity
18 after the testing or challenge the paternity test results, ~~ten~~
19 twenty days from the date the paternity test results are
20 issued or mailed to the putative father by the unit.

21 Sec. 72. Section 252F.3, subsection 1, paragraph g, Code
22 1997, is amended to read as follows:

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

1 Sec. 73. Section 252F.3, subsection 4, paragraphs b and c,
2 Code 1997, are amended to read as follows:

3 b. If paternity establishment was contested and paternity
4 tests conducted, a court hearing on the issue of paternity
5 shall be ~~scheduled~~ held no earlier than ~~fifty~~ thirty days from
6 the date paternity test results are issued to all parties by
7 the unit, unless the parties mutually agree to waive the time
8 frame pursuant to section 252F.8.

9 c. ~~If a court hearing is scheduled regarding the issue of~~
10 ~~paternity establishment, any~~ Any objection to the results of
11 paternity tests shall be filed no later than ~~thirty~~ twenty
12 ~~days before~~ after the date ~~the court hearing is originally~~
13 ~~scheduled~~ paternity test results are issued or mailed to the
14 putative father by the unit. Any objection to paternity test
15 results filed by a party ~~less~~ more than ~~thirty~~ twenty days
16 ~~before~~ after the date ~~the court hearing is originally~~
17 ~~scheduled~~ paternity tests are issued or mailed to the putative
18 father by the unit shall not be accepted or considered by the
19 court.

20 Sec. 74. Section 252F.3, subsection 6, paragraph d, Code
21 1997, is amended to read as follows:

22 d. If a paternity test is ordered under this section, the
23 administrator shall direct that inherited characteristics be
24 analyzed and interpreted, and shall appoint an expert
25 qualified as an examiner of genetic markers to analyze and
26 interpret the results. The test shall be of a type generally
27 acknowledged as reliable by accreditation entities designated
28 by the secretary of the United States department of health and
29 human services and shall be performed by a laboratory approved
30 by an accreditation entity.

31 Sec. 75. Section 252F.3, subsection 6, paragraph i,
32 subparagraph (1), Code 1997, is amended to read as follows:

33 (1) In order to challenge the presumption of paternity, a
34 party shall file a written notice of the challenge with the
35 district court within twenty days from the date the paternity

1 test results are issued or mailed to all parties by the unit,
2 ~~or-if-a-court-hearing-is-scheduled-to-resolve-the-issue-of~~
3 ~~paternity,-no-later-than-thirty-days-before-the-scheduled-date~~
4 ~~of-the-court-hearing,-whichever-occurs-later.~~ Any subsequent
5 ~~rescheduling-or-continuances-of-the-originally-scheduled~~
6 ~~hearing-shall-not-extend-the-initial-time-frame.~~ Any
7 challenge to a presumption of paternity resulting from
8 paternity tests, or to paternity test results filed after the
9 initial lapse of the twenty-day time frame shall not be
10 accepted or admissible by the unit or the court.

11 Sec. 76. Section 252F.3, subsection 6, paragraph k, Code
12 1997, is amended to read as follows:

13 k. If the results of the test or the verified expert's
14 analysis are timely challenged as provided in this subsection,
15 the administrator, upon the request of a party and advance
16 payment by the contestant or upon the unit's own initiative,
17 shall order that an additional test be performed by the same
18 laboratory or an independent laboratory or. If the party
19 requesting additional testing does not advance payment, the
20 administrator shall certify the case to the district court in
21 accordance with paragraph "i" and section 252F.5.

22 Sec. 77. Section 252F.3, subsection 6, paragraph n, Code
23 1997, is amended to read as follows:

24 n. Except as provided in paragraph "k", the unit shall
25 advance the costs of genetic testing. If paternity is
26 established and paternity testing was conducted, the unit
27 shall enter an order or, if the action proceeded to a court
28 hearing, request that the court enter a judgment for the costs
29 of the paternity tests consistent with applicable federal law.
30 In a proceeding under this chapter, a copy of a bill for
31 genetic testing shall be admitted as evidence without
32 requiring third-party foundation testimony and shall
33 constitute prima facie evidence of the amount incurred for
34 genetic testing.

35 Sec. 78. Section 252F.4, subsection 6, Code 1997, is

1 amended by adding the following new paragraph:

2 NEW PARAGRAPH. j. Statements as required pursuant to
3 section 598.22B.

4 Sec. 79. Section 252F.5, subsection 3, paragraph d, Code
5 1997, is amended by striking the paragraph.

6 DIVISION VII

7 Sec. 80. Section 252G.1, Code 1997, is amended by adding
8 the following new subsections:

9 NEW SUBSECTION. 4A. "Business day" means a day on which
10 state offices are open for regular business.

11 NEW SUBSECTION. 8A. "Labor organization" means any
12 organization of any kind, or any agency, or employee
13 representation committee or plan, in which employees
14 participate and which exists for the purpose, in whole or in
15 part, of dealing with employers concerning grievances, labor
16 disputes, wages, rates of pay, hours of employment, or
17 conditions of work.

18 Sec. 81. Section 252G.1, subsection 8, Code 1997, is
19 amended to read as follows:

20 8. "Employer" means a person doing business in this state
21 who engages an employee for compensation and for whom the
22 employer withholds federal or state tax liabilities from the
23 employee's compensation. "Employer" includes any governmental
24 entity and any labor organization.

25 Sec. 82. Section 252G.3, subsection 1, paragraph d, Code
26 1997, is amended to read as follows:

27 d. The address to which income withholding orders or the
28 ~~child-support-recovery-unit's~~ notices of orders and
29 garnishments should be sent.

30 Sec. 83. Section 252G.3, subsection 3, Code 1997, is
31 amended to read as follows:

32 ~~3. Until-such-time-as-the-Iowa-employee's-withholding~~
33 ~~allowance-certificate-is-amended-to-provide-for-inclusion-of~~
34 ~~all-of-the-information-required-under-subsection-17-submission~~
35 ~~of-the-certificate-constitutes-compliance-with-this-section.~~

1 An employer with employees in two or more states that
2 transmits reports magnetically or electronically may comply
3 with subsection 1 by transmitting the report described in
4 subsection 1 to each state, or by designating as the recipient
5 state one state, in which the employer has employees, and
6 transmitting the report to that state. An employer that
7 transmits reports pursuant to this subsection shall notify the
8 United States secretary of health and human services, in
9 writing, of the state designated by the employer for the
10 purpose of transmitting reports.

11 Sec. 84. NEW SECTION. 252G.7 DATA ENTRY AND TRANSMITTING
12 CENTRALIZED EMPLOYEE REGISTRY RECORDS TO THE NATIONAL NEW HIRE
13 REGISTRY.

14 The unit shall enter new hire data into the centralized
15 employee directory database within five business days of
16 receipt from employers and shall transmit the records of the
17 centralized employee registry to the national directory of new
18 hires within three business days after the date information
19 regarding a newly hired employee is entered into the
20 centralized employee registry.

21 Sec. 85. NEW SECTION. 252G.8 INCOME WITHHOLDING
22 REQUIREMENTS.

23 Within two business days after the date information
24 regarding a newly hired employee is entered into the
25 centralized employee registry and matched with obligors in
26 cases being enforced by the unit, the unit shall transmit a
27 notice to the employer or payor of income of the employee
28 directing the employer or payor of income to withhold from the
29 income of the employee in accordance with chapter 252D.

30 DIVISION VIII

31 Sec. 86. Section 252H.1, Code 1997, is amended to read as
32 follows:

33 252H.1 PURPOSE AND INTENT.

34 This chapter is intended to provide a means for state
35 compliance with the Title IV-D of the federal Family-Support

1. Social Security Act of 1988, as amended, requiring states to
2 provide procedures for the review and adjustment of support
3 orders being enforced under Title IV-D of the federal Social
4 Security Act, and also to provide an expedited modification
5 process when review and adjustment procedures are not
6 required, appropriate, or applicable. Actions under this
7 chapter shall be initiated only by the child support recovery
8 unit.

9 Sec. 87. Section 252H.2, Code 1997, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 5A. "Cost-of-living alteration" means a
12 change in an existing child support order which equals an
13 amount which is the amount of the support obligation following
14 application of the percentage change of the consumer price
15 index for all urban consumers, United States city average, as
16 published in the federal register by the federal department of
17 labor, bureau of labor statistics.

18 Sec. 88. Section 252H.2, subsection 6, paragraph a, Code
19 1997, is amended to read as follows:

20 a. ~~An alteration,~~ A change, correction, or termination of
21 an existing support order.

22 Sec. 89. Section 252H.2, subsection 8, Code 1997, is
23 amended to read as follows:

24 8. "Public assistance" means benefits received in this
25 state or any other state, under Title IV-A (~~aid-to-dependent~~
26 ~~children temporary assistance to needy families~~), IV-E (foster
27 care), or XIX (medicaid) of the Act.

28 Sec. 90. Section 252H.3, subsection 1, Code 1997, is
29 amended to read as follows:

30 1. Any action initiated under this chapter, including any
31 court hearing resulting from an action, shall be limited in
32 scope to the adjustment or modification of the child or
33 medical support or cost-of-living alteration of the child
34 support provisions of a support order.

35 Sec. 91. Section 252H.4, subsections 1 and 4, Code 1997,

1 are amended to read as follows:

2 1. The unit may administratively adjust or modify or may
3 provide for an administrative cost-of-living alteration of a
4 support order entered under chapter 234, 252A, 252C, 598, or
5 600B, or any other support chapter if the unit is providing
6 enforcement services pursuant to chapter 252B. The unit is
7 not required to intervene to administratively adjust or modify
8 or provide for an administrative cost-of-living alteration of
9 a support order under this chapter.

10 4. The unit shall adopt rules pursuant to chapter 17A to
11 establish the process for the review of requests for
12 adjustment, the criteria and procedures for conducting a
13 review and determining when an adjustment is appropriate, the
14 procedure and criteria for a cost-of-living alteration, the
15 criteria and procedure for a request for review pursuant to
16 section 252H.18A, and other rules necessary to implement this
17 chapter.

18 Sec. 92. Section 252H.6, Code 1997, is amended to read as
19 follows:

20 252H.6 COLLECTION OF INFORMATION.

21 The unit ~~shall~~ may request, obtain, and validate
22 information concerning the financial circumstances of the
23 parents of a child as necessary to determine the appropriate
24 amount of support pursuant to the guidelines established in
25 section 598.21, subsection 4, including but not limited to
26 those sources and procedures described in sections 252B.7A and
27 252B.9. The collection of information does not constitute a
28 review conducted pursuant to section 252H.16.

29 Sec. 93. Section 252H.8, subsection 4, paragraph f, Code
30 1997, is amended to read as follows:

31 f. Copies of any financial statements and supporting
32 documentation provided by the parents including proof of a
33 substantial change in circumstances for a request filed
34 pursuant to section 252H.18A.

35 Sec. 94. Section 252H.9, subsections 2 and 7, Code 1997,

1 are amended to read as follows:

2 2. The For orders to which subchapter II or III is
3 applicable, the unit shall determine the appropriate amount of
4 the child support obligation using the current child support
5 guidelines established pursuant to section 598.21, subsection
6 4, and the criteria established pursuant to section 252B.7A
7 and shall determine the provisions for medical support
8 pursuant to chapter 252E.

9 7. A copy of the order shall be sent by regular mail
10 within fourteen days after filing to each parent's last known
11 address, or if applicable, to the last known address of the
12 parent's attorney.

13 Sec. 95. Section 252H.11, subsection 2, unnumbered
14 paragraph 1, Code 1997, is amended to read as follows:

15 If the modification action filed by the parent is
16 subsequently dismissed before being heard by the court, the
17 unit shall continue the action previously initiated under ~~this~~
18 chapter subchapter II or III, or initiate a new action as
19 follows:

20 Sec. 96. Section 252H.13, Code 1997, is amended to read as
21 follows:

22 252H.13 RIGHT TO REQUEST REVIEW.

23 A parent shall have the right to request the review of a
24 support order for which the unit is currently providing
25 enforcement services of an ongoing child support obligation
26 pursuant to chapter 252B including by objecting to a cost-of-
27 living alteration pursuant to section 252H.24, subsections 1
28 and 2.

29 Sec. 97. Section 252H.14, Code 1997, is amended to read as
30 follows:

31 252H.14 REVIEWS INITIATED BY THE CHILD SUPPORT RECOVERY
32 UNIT.

33 1. The unit ~~shall~~ may periodically initiate a review of
34 support orders meeting the conditions in section 252H.12 in
35 accordance with the following:

1 a. The right to any ongoing child support obligation is
2 currently assigned to the state due to the receipt of public
3 assistance.

4 b. The right to any ongoing medical support obligation is
5 currently assigned to the state due to the receipt of public
6 assistance unless:

7 (1) The support order already includes provisions
8 requiring the parent ordered to pay child support to also
9 provide medical support.

10 (2) The parent entitled to receive support has
11 satisfactory health insurance coverage for the children,
12 excluding coverage resulting from the receipt of public
13 assistance benefits.

14 c. The review is otherwise necessary to comply with this
15 Act.

16 2. The unit ~~shall~~ may periodically initiate a request to a
17 child support agency of another state to conduct a review of a
18 support order entered in that state when the right to any
19 ongoing child or medical support obligation due under the
20 order is currently assigned to the state of Iowa.

21 3. The unit shall adopt rules establishing criteria to
22 determine the appropriateness of initiating a review.

23 4. The unit shall initiate reviews under this section in
24 accordance with the ~~federal-Family-Support Act of-1988.~~

25 Sec. 98. NEW SECTION. 252H.18A REQUEST FOR REVIEW
26 OUTSIDE APPLICABLE TIME FRAMES.

27 1. If a support order is not eligible for review and
28 adjustment because the support order is outside of the minimum
29 time frames specified by rule of the department, a parent may
30 request a review and administrative modification by submitting
31 all of the following to the unit:

32 a. A request for review of the support order which is
33 outside of the applicable time frames.

34 b. Verified documentation of a substantial change in
35 circumstances as specified by rule of the department.

1 2. Upon receipt of the request and all documentation
2 required in subsection 1, the unit shall review the request
3 and documentation and if appropriate shall issue a notice of
4 intent to modify as provided in section 252H.19.

5 3. Notwithstanding section 598.21, subsections 8 and 9,
6 for purposes of this section, a substantial change in
7 circumstances means there has been a change of fifty percent
8 or more in the income of a parent, and the change is due to
9 financial circumstances which have existed for a minimum
10 period of three months and can reasonably be expected to exist
11 for an additional three months.

12 SUBCHAPTER IV

13 COST-OF-LIVING ALTERATION

14 Sec. 99. NEW SECTION. 252H.21 PURPOSE -- INTENT --
15 EFFECT ON REQUIREMENTS FOR GUIDELINES.

16 1. This subchapter is intended to provide a procedure to
17 accommodate a request of both parents to expeditiously change
18 a support order due to changes in the cost of living.

19 2. All of the following shall apply to a cost of living
20 alteration under this subchapter:

21 a. To the extent permitted under 42 U.S.C. §
22 666(a)(10)(A)(i)(II), the cost-of-living alteration shall be
23 an exception to any requirement under law for the application
24 of the child support guidelines established pursuant to
25 section 598.21, subsection 4, including but not limited to,
26 any requirement in this chapter or chapter 234, 252A, 252B,
27 252C, 252F, 598, or 600B.

28 b. The cost-of-living alteration shall not prevent any
29 subsequent modification or adjustment to the support order as
30 otherwise provided in law based on application of the child
31 support guidelines.

32 c. The calculation of a cost-of-living alteration to a
33 child support order shall be compounded as follows:

34 (1) Increase or decrease the child support order by the
35 percentage change of the appropriate consumer price index for

1 the month and year after the month and year the child support
2 order was last issued, modified, adjusted, or altered.

3 (2) Increase or decrease the amount of the child support
4 order calculated in subparagraph (1) for each subsequent year
5 by applying the appropriate consumer price index for each
6 subsequent year to the result of the calculation for the
7 previous year. The final year in the calculation shall be the
8 year immediately preceding the year the unit received the
9 completed request for the cost-of-living alteration.

10 d. The amount of the cost-of-living alteration in the
11 notice in section 252H.24, subsection 1, shall be the result
12 of the calculation in paragraph "c".

13 Sec. 100. NEW SECTION. 252H.22 SUPPORT ORDERS SUBJECT TO
14 COST-OF-LIVING ALTERATION.

15 A support order meeting all of the following conditions is
16 eligible for a cost-of-living alteration under this
17 subchapter.

18 1. The support order is subject to the jurisdiction of
19 this state for the purposes of a cost-of-living alteration.

20 2. The support order provides for the ongoing support of
21 at least one child under the age of eighteen or a child
22 between the ages of eighteen and nineteen who has not yet
23 graduated from high school but who is reasonably expected to
24 graduate from high school before attaining the age of
25 nineteen.

26 3. The unit is providing enforcement services for the
27 ongoing support obligation pursuant to chapter 252B.

28 4. A parent requests a cost-of-living alteration as
29 provided in section 252H.23.

30 5. The support order addresses medical support for the
31 child.

32 Sec. 101. NEW SECTION. 252H.23 RIGHT TO REQUEST COST-OF-
33 LIVING ALTERATION.

34 A parent may request a cost-of-living alteration by
35 submitting all of the following to the unit:

1 1. A written request for a cost-of-living alteration to
2 the support order signed by the parent making the request.

3 2. A statement signed by the nonrequesting parent agreeing
4 to the cost-of-living alteration to the support order.

5 3. A statement signed by each parent waiving that parent's
6 right to personal service and accepting service by regular
7 mail.

8 4. Other documentation specified by rule of the
9 department.

10 Sec. 102. NEW SECTION. 252H.24 ROLE OF THE CHILD SUPPORT
11 RECOVERY UNIT -- FILING AND DOCKETING OF COST-OF-LIVING
12 ALTERATION ORDER -- ORDER EFFECTIVE AS DISTRICT COURT ORDER.

13 1. Upon receipt of a request and required documentation
14 for a cost-of-living alteration, the unit shall issue a notice
15 of the amount of cost-of-living alteration by regular mail to
16 the last known address of each parent, or, if applicable, each
17 parent's attorney. The notice shall include all of the
18 following:

19 a. A statement that either parent may contest the cost-of-
20 living alteration within thirty days of the date of the notice
21 by making a request for a review of a support order as
22 provided in section 252H.13, and if either parent does not
23 make a request for a review within thirty days, the unit shall
24 prepare an administrative order as provided in subsection 4.

25 b. A statement that the parent may waive the thirty-day
26 notice waiting period provided for in this section.

27 2. Upon timely receipt of a request and required
28 documentation for a review of a support order as provided in
29 subsection 1 from either parent, the unit shall terminate the
30 cost-of-living alteration process and apply the provisions of
31 subchapters I and II of this chapter relating to review and
32 adjustment.

33 3. Upon receipt of signed requests from both parents
34 subject to the support order, waiving the notice waiting
35 period, the unit may prepare an administrative order pursuant

1 to subsection 4 altering the support obligation.

2 4. If timely request for a review pursuant to section
3 252H.13 is not made, and if the thirty-day notice waiting
4 period has expired, or if both parents have waived the notice
5 waiting period, the unit shall prepare and present an
6 administrative order for a cost-of-living alteration, ex
7 parte, to the district court where the order to be altered is
8 filed.

9 5. Unless defects appear on the face of the administrative
10 order or on the attachments, the district court shall approve
11 the order. Upon filing, the approved order shall have the
12 same force, effect, and attributes of an order of the district
13 court.

14 6. Upon filing, the clerk of the district court shall
15 enter the order in the judgment docket and judgment lien
16 index.

17 7. If the parents jointly waive the thirty-day notice
18 waiting period, the signed statements of both parents waiving
19 the notice period shall be filed in the court record with the
20 administrative order altering the support obligation.

21 8. The unit shall send a copy of the order by regular mail
22 to each parent's last known address, or, if applicable, to the
23 last known address of the parent's attorney.

24 9. An administrative order approved by the district court
25 is final, and action by the unit to enforce and collect upon
26 the order may be taken from the date of the entry of the order
27 by the district court.

28 DIVISION IX

29 Sec. 103. Section 252I.1, subsections 1, 3, 5, and 8, Code
30 1997, are amended to read as follows:

31 1. "Account" means "account" as defined in section
32 524.103, "share account or shares" as defined in section
33 534.102, the savings or deposits of a member received or being
34 held by a credit union, or certificates of deposit. "Account"
35 also includes deposits held by an agent, a broker-dealer, or

1 an issuer as defined in section 502.102 and money-market
2 mutual fund accounts. However, "account" does not include
3 amounts held by a financial institution as collateral for
4 loans extended by the financial institution.

5 3. "Court order" means "support order" as defined in
6 section ~~252E.1~~ 252J.1.

7 5. "Financial institution" includes a bank, credit union,
8 ~~or~~ savings and loan association, insurance company, safe
9 deposit company, and money-market mutual fund. "Financial
10 institution" also includes an institution which holds deposits
11 for an agent, broker-dealer, or an issuer as defined in
12 section 502.102.

13 8. "Support" or "support payments" means "support" or
14 "support payments" as defined in section ~~252D.1~~ 252D.16A.

15 Sec. 104. Section 252I.4, Code 1997, is amended to read as
16 follows:

17 252I.4 VERIFICATION OF ACCOUNTS AND IMMUNITY FROM
18 LIABILITY.

19 1. The unit may contact a financial institution to obtain
20 verification of the account number, the names and social
21 security numbers listed for the account, and the account
22 balance of any account held by an obligor. Contact with a
23 financial institution may be by telephone or by written
24 communication. The financial institution may require positive
25 voice recognition and may require the telephone number of the
26 authorized person from the unit before releasing an obligor's
27 account information by telephone.

28 2. The unit and financial institutions doing business in
29 Iowa shall enter into agreements to develop and operate a data
30 match system, using automated data exchanges to the maximum
31 extent feasible. The data match system shall allow a means by
32 which each financial institution shall provide to the unit for
33 each calendar quarter the name, record address, social
34 security number or other taxpayer identification number, and
35 other identifying information for each obligor who maintains

1 an account at the institution and who owes past-due support,
2 as identified by the unit by name and social security number
3 or other taxpayer identification number. The unit shall work
4 with representatives of financial institutions to develop a
5 system to assist nonautomated financial institutions in
6 complying with the provisions of this section.

7 3. The unit may pay a reasonable fee to a financial
8 institution for conducting the data match required in
9 subsection 2, not to exceed the actual costs incurred by the
10 financial institution.

11 2- 4. The financial institution is immune from any
12 liability, civil or criminal, which might otherwise be
13 incurred or imposed for any of the following:

14 a. Any information released by the financial institution
15 to the unit pursuant to this chapter section.

16 b. Any encumbrance or surrender of any assets held by the
17 financial institution in response to a notice of lien or levy
18 issued by the unit.

19 c. Any other action taken in good faith to comply with
20 section 252I.4 or 252I.7.

21 3- 5. The financial institution or the unit is not liable
22 for the cost of any early withdrawal penalty of an obligor's
23 certificate of deposit.

24 DIVISION X

25 Sec. 105. Section 252J.1, subsections 1, 2, 3, 4, 6, and
26 9, Code 1997, are amended to read as follows:

27 1. "Certificate of noncompliance" means a document
28 provided by the child support recovery unit certifying that
29 the named ~~obligor~~ individual is not in compliance with a any
30 of the following:

31 a. A support order. ~~or-with-a~~

32 b. A written agreement for payment of support entered into
33 by the unit and the obligor.

34 c. A subpoena or warrant relating to a paternity or
35 support proceeding.

1 2. "License" means a license, certification, registration,
2 permit, approval, renewal, or other similar authorization
3 issued to an ~~obligor~~ individual by a licensing authority which
4 evidences the admission to, or granting of authority to engage
5 in, a profession, occupation, business, ~~or~~ industry, or
6 recreation or to operate or register a motor vehicle.

7 "License" ~~does-not-mean-or-include~~ includes licenses for
8 hunting, fishing, boating, or other recreational activity.

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

12 4. "Licensing authority" means a county treasurer, county
13 recorder or designated depository, the supreme court, or an
14 instrumentality, agency, board, commission, department,
15 officer, organization, or any other entity of the state, which
16 has authority within this state to suspend or revoke a license
17 or to deny the renewal or issuance of a license authorizing an
18 ~~obligor~~ individual to register or operate a motor vehicle or
19 to engage in a business, occupation, profession, recreation,
20 or industry.

21 6. "Support" means support or support payments as defined
22 in section ~~252D-1~~ 252D.16A, whether established through court
23 or administrative order.

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

29 Sec. 106. Section 252J.1, Code 1997, is amended by adding
30 the following new subsections:

31 NEW SUBSECTION. 1A. "Individual" means a parent, an
32 obligor, or a putative father in a paternity or support
33 proceeding.

34 NEW SUBSECTION. 5A. "Subpoena or warrant" means a
35 subpoena or warrant relating to a paternity or support

1 proceeding initiated or obtained by the unit or a child
2 support agency as defined in section 252H.2.

3 Sec. 107. Section 252J.2, subsections 1, 2, and 4, Code
4 1997, are amended to read as follows:

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

10 2. For cases in which services are provided by the unit
11 all of the following apply:

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

24 b. An individual is subject to the provisions of this
25 chapter if the individual has failed, after receiving
26 appropriate notice, to comply with a subpoena or warrant.

27 4. ~~Notwithstanding the-confidentiality-provisions-of~~
28 ~~chapter 252B-or-422,-or-any-other-statutory-provision~~
29 ~~pertaining-to-the-confidentiality-of-records,-a-licensing~~
30 ~~authority-shall-exchange-information-with-the-unit-through~~
31 ~~manual-or-automated-means.~~ all of the following apply:

32 a. Information exchanged obtained by the unit under this
33 chapter shall be used solely for the purposes of this chapter
34 or chapter 598-~~shall-be-used-solely-for-the-purpose-of~~
35 ~~identifying-licensees-subject-to-enforcement-pursuant-to-this~~

1 ~~chapter-or-chapter-598~~ 252B.

2 b. Information obtained by a licensing authority shall be
3 used solely for the purposes of this chapter.

4 Sec. 108. Section 252J.3, Code 1997, is amended to read as
5 follows:

6 252J.3 NOTICE TO ~~OBBLIGOR~~ INDIVIDUAL OF POTENTIAL SANCTION
7 OF LICENSE.

8 The unit shall proceed in accordance with this chapter only
9 if notice is served on the ~~obligor~~ individual in accordance
10 with R.C.P. 56.1 or notice is sent by certified mail addressed
11 to the ~~obligor's~~ individual's last known address and served
12 upon any person who may accept service under R.C.P. 56.1.
13 Return acknowledgment is required to prove service by
14 certified mail. The notice shall include all of the
15 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 or the individual has not complied with a
20 subpoena or warrant.

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

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

33 5. A statement that in order to stay the issuance of a
34 certificate of noncompliance the request for a conference
35 shall be in writing and shall be received by the unit within

1 twenty days of service of notice on the ~~obligor~~ individual.

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

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

10 Sec. 109. Section 252J.4, Code 1997, is amended to read as
11 follows:

12 252J.4 CONFERENCE.

13 1. The ~~obligor~~ individual may schedule a conference with
14 the unit following service of notice pursuant to section
15 252J.3, or at any time after service of notice of suspension,
16 revocation, denial of issuance, or nonrenewal of a license
17 from a licensing authority, to challenge the unit's actions
18 under this chapter.

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

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

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

32 a. The unit finds a mistake in the identity of the ~~obligor~~
33 individual.

34 b. The unit finds a mistake in determining that the amount
35 of delinquent support is equal to or greater than ~~ninety-days~~

1 three months.

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

6 d. Issuance of a certificate of noncompliance is not
7 appropriate under other criteria established in accordance
8 with rules adopted by the department pursuant to chapter 17A.

9 e. The unit finds a mistake in determining the compliance
10 of the individual with a subpoena or warrant.

11 f. The individual complies with a subpoena or warrant.

12 5. The unit shall grant the obligor individual a stay of
13 the issuance of a certificate of noncompliance upon receiving
14 a timely written request for a conference, and if a
15 certificate of noncompliance has previously been issued, shall
16 issue a withdrawal of a certificate of noncompliance if the
17 obligor enters into a written agreement with the unit to
18 comply with a support order or if the individual complies with
19 a subpoena or warrant.

20 6. If the obligor individual does not timely request a
21 conference or does not comply with a subpoena or warrant or if
22 the obligor does not pay the total amount of delinquent
23 support owed within twenty days of service of the notice
24 pursuant to section 252J.3, the unit shall issue a certificate
25 of noncompliance.

26 Sec. 110. Section 252J.5, subsection 1, unnumbered
27 paragraph 1, Code 1997, is amended to read as follows:

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

35 Sec. 111. Section 252J.6, Code 1997, is amended to read as

1 follows:

2 252J.6 DECISION OF THE UNIT.

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

10 a. The obligor individual fails to appear at a scheduled
11 conference under section 252J.4.

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

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

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

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

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

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

1 delinquent support owed or the individual shall comply with a
2 subpoena or warrant.

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

6 (1) The obligor individual may request a hearing as
7 provided in section 252J.9, before the district court as
8 follows:

9 (a) If the action is a result of section 252J.2,
10 subsection 2, paragraph "a", in the county in which the
11 underlying support order is filed, by filing a written
12 application to the court challenging the issuance of the
13 certificate of noncompliance by the unit and sending a copy of
14 the application to the unit within the time period specified
15 in section 252J.9.

16 (b) If the action is a result of section 252J.2,
17 subsection 2, paragraph "b" and the individual is not an
18 obligor, in the county in which the dependent child or
19 children reside if the child or children reside in Iowa; in
20 the county in which the dependent child or children last
21 received public assistance if the child or children received
22 public assistance in Iowa; or in the county in which the
23 individual resides if the action is the result of a request
24 from a child support agency in a foreign jurisdiction.

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

28 (3) The scope of review of the district court shall be
29 limited to demonstration of a mistake of fact related to the
30 delinquency of the obligor or the compliance of the individual
31 with a subpoena or warrant.

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

35 a. The unit or the court finds a mistake in the identity

1 of the obligor individual.

2 b. The unit finds a mistake in determining compliance with
3 a subpoena or warrant.

4 b. c. The unit or the court finds a mistake in determining
5 that the amount of delinquent support due is equal to or
6 greater than ninety-days three months.

7 e. d. The obligor enters a written agreement with the unit
8 to comply with a support order, the obligor complies with an
9 existing written agreement to comply with a support order, or
10 the obligor pays the total amount of delinquent support owed.

11 e. The individual complies with the subpoena or warrant.

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

16 Sec. 112. Section 252J.7, Code 1997, is amended to read as
17 follows:

18 252J.7 CERTIFICATE OF NONCOMPLIANCE -- CERTIFICATION TO
19 LICENSING AUTHORITY.

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

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

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

34 a. That the licensing authority initiate procedures for
35 the revocation or suspension of the obligor's individual's

1 license, or for the denial of the issuance or renewal of a
2 license using the licensing authority's procedures.

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

10 Sec. 113. Section 252J.8, subsections 3, 4, and 5, Code
11 1997, are amended to read as follows:

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

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

24 In addition, the licensing authority shall provide notice
25 to the obligor individual of the licensing authority's intent
26 to suspend, revoke, or deny issuance or renewal of a license
27 under this chapter. The suspension, revocation, or denial
28 shall be effective no sooner than thirty days following
29 provision of notice to the obligor individual. The notice
30 shall state all of the following:

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

35 b. The obligor individual must contact the unit to

1 schedule a conference or to otherwise obtain a withdrawal of a
2 certificate of noncompliance.

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

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

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

22 Sec. 114. Section 252J.9, subsections 1, 2, and 3, Code
23 1997, are amended to read as follows:

24 1. Following the issuance of a written decision by the
25 unit under section 252J.6 which includes the issuance of a
26 certificate of noncompliance, or following provision of notice
27 to the ~~obligor~~ individual by a licensing authority pursuant to
28 section 252J.8, an ~~obligor~~ individual may seek review of the
29 decision and request a hearing before the district court as
30 follows:

31 a. If the action is a result of section 252J.2, subsection
32 2, paragraph "a", in the county in which the underlying
33 support order is filed, by filing an application with the
34 district court, and sending a copy of the application to the
35 unit by regular mail.

1 b. If the action is a result of section 252J.2, subsection
2 2, paragraph "b" and the individual is not an obligor, in a
3 county in which the dependent child or children reside if the
4 child or children reside in Iowa; in the county in which the
5 dependent child or children last received public assistance if
6 the child or children received public assistance in Iowa; or
7 in the county in which the individual resides if the action is
8 the result of a request from a child support agency in a
9 foreign jurisdiction.

10 PARAGRAPH DIVIDED. An application shall be filed to seek
11 review of the decision by the unit or following issuance of
12 notice by the licensing authority no later than within thirty
13 days after the issuance of the notice pursuant to section
14 252J.8. The clerk of the district court shall schedule a
15 hearing and mail a copy of the order scheduling the hearing to
16 the ~~obligor~~ individual and the unit and shall also mail a copy
17 of the order to the licensing authority, if applicable. The
18 unit shall certify a copy of its written decision and
19 certificate of noncompliance, indicating the date of issuance,
20 and the licensing authority shall certify a copy of a notice
21 issued pursuant to section 252J.8, to the court prior to the
22 hearing.

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

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

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

3

DIVISION XI

4

UNIFORM INTERSTATE FAMILY SUPPORT ACT

5

(1996)

6

ARTICLE 1

7

GENERAL PROVISIONS

8

Sec. 115. NEW SECTION. 252K.101 DEFINITIONS.

9

In this chapter:

10

1. "Child" means an individual, whether over or under the
11 age of majority, who is or is alleged to be owed a duty of
12 support by the individual's parent or who is or is alleged to
13 be the beneficiary of a support order directed to the parent.

14

2. "Child-support order" means a support order for a
15 child, including a child who has attained the age of majority
16 under the law of the issuing state.

17

3. "Duty of support" means an obligation imposed or
18 imposable by law to provide support for a child, spouse, or
19 former spouse, including an unsatisfied obligation to provide
20 support.

21

4. "Home state" means the state in which a child lived
22 with a parent or a person acting as parent for at least six
23 consecutive months immediately preceding the time of filing of
24 a petition or comparable pleading for support and, if a child
25 is less than six months old, the state in which the child
26 lived from birth with any of them. A period of temporary
27 absence of any of them is counted as part of the six-month or
28 other period.

29

5. "Income" includes earnings or other periodic
30 entitlements to money from any source and any other property
31 subject to withholding for support under the law of this
32 state.

33

6. "Income-withholding order" means an order or other
34 legal process directed to an obligor's employer or other payor
35 of income, as defined by the income-withholding law of this

1 state, to withhold support from the income of the obligor.

2 7. "Initiating state" means a state from which a
3 proceeding is forwarded or in which a proceeding is filed for
4 forwarding to a responding state under this chapter or a law
5 or procedure substantially similar to this chapter, the
6 Uniform Reciprocal Enforcement of Support Act, or the Revised
7 Uniform Reciprocal Enforcement of Support Act.

8 8. "Initiating tribunal" means the authorized tribunal in
9 an initiating state.

10 9. "Issuing state" means the state in which a tribunal
11 issues a support order or renders a judgment determining
12 parentage.

13 10. "Issuing tribunal" means the tribunal that issues a
14 support order or renders a judgment determining parentage.

15 11. "Law" includes decisional and statutory law and rules
16 and regulations having the force of law.

17 12. "Obligee" means any of the following:

18 a. An individual to whom a duty of support is or is
19 alleged to be owed or in whose favor a support order has been
20 issued or a judgment determining parentage has been rendered.

21 b. A state or political subdivision to which the rights
22 under a duty of support or support order have been assigned or
23 which has independent claims based on financial assistance
24 provided to an individual obligee.

25 c. An individual seeking a judgment determining parentage
26 of the individual's child.

27 13. "Obligor" means an individual, or the estate of a
28 decedent, to which any of the following applies:

29 a. Who owes or is alleged to owe a duty of support.

30 b. Who is alleged but has not been adjudicated to be a
31 parent of a child.

32 c. Who is liable under a support order.

33 14. "Register" means to file a support order or judgment
34 determining parentage in the appropriate location for the
35 filing of foreign judgments.

1 15. "Registering tribunal" means a tribunal in which a
2 support order is registered.

3 16. "Responding state" means a state in which a proceeding
4 is filed or to which a proceeding is forwarded for filing from
5 an initiating state under this chapter or a law or procedure
6 substantially similar to this chapter, the Uniform Reciprocal
7 Enforcement of Support Act, or the Revised Uniform Reciprocal
8 Enforcement of Support Act.

9 17. "Responding tribunal" means the authorized tribunal in
10 a responding state.

11 18. "Spousal-support order" means a support order for a
12 spouse or former spouse of the obligor.

13 19. "State" means a state of the United States, the
14 District of Columbia, Puerto Rico, the United States Virgin
15 Islands, or any territory or insular possession subject to the
16 jurisdiction of the United states. The term includes:

17 a. An Indian tribe.

18 b. A foreign jurisdiction that has enacted a law or
19 established procedures for issuance and enforcement of support
20 orders which are substantially similar to the procedures under
21 this chapter, the Uniform Reciprocal Enforcement of Support
22 Act, or the Revised Uniform Reciprocal Enforcement of Support
23 Act.

24 20. "Support enforcement agency" means a public official
25 or agency authorized to seek any of the following:

26 a. Enforcement of support orders or laws relating to the
27 duty of support.

28 b. Establishment or modification of child support.

29 c. Determination of parentage.

30 d. Location of obligors or their assets.

31 21. "Support order" means a judgment, decree, or order,
32 whether temporary, final, or subject to modification, for the
33 benefit of a child, a spouse, or a former spouse, which
34 provides for monetary support, health care, arrearages, or
35 reimbursement, and may include related costs and fees,

1 interest, income withholding, attorney's fees, and other
2 relief.

3 22. "Tribunal" means a court, administrative agency, or
4 quasi-judicial entity authorized to establish, enforce, or
5 modify support orders or to determine parentage.

6 Sec. 116. NEW SECTION. 252K.102 TRIBUNALS OF THIS STATE.
7 The child support recovery unit when the unit establishes
8 or modifies an order, upon ratification by the court, and the
9 court, are the tribunals of this state.

10 Sec. 117. NEW SECTION. 252K.103 REMEDIES CUMULATIVE.
11 Remedies provided by this chapter are cumulative and do not
12 affect the availability of remedies under other law.

13 ARTICLE 2

14 JURISDICTION

15 PART 1

16 EXTENDED PERSONAL JURISDICTION

17 Sec. 118. NEW SECTION. 252K.201 BASES FOR JURISDICTION
18 OVER NONRESIDENT.

19 In a proceeding to establish, enforce, or modify a support
20 order or to determine parentage, a tribunal of this state may
21 exercise personal jurisdiction over a nonresident individual
22 or the individual's guardian or conservator if any of the
23 following applies:

24 1. The individual is personally served with notice within
25 this state.

26 2. The individual submits to the jurisdiction of this
27 state by consent, by entering a general appearance, or by
28 filing a responsive document having the effect of waiving any
29 contest to personal jurisdiction.

30 3. The individual resided with the child in this state.

31 4. The individual resided in this state and provided
32 prenatal expenses or support for the child.

33 5. The child resides in this state as a result of the acts
34 or directives of the individual.

35 6. The individual engaged in sexual intercourse in this

1 state and the child may have been conceived by that act of
2 intercourse.

3 7. The individual asserted parentage in the declaration of
4 paternity registry maintained in this state by the Iowa
5 department of public health pursuant to section 144.12A or
6 established paternity by affidavit under section 252A.3A.

7 8. There is any other basis consistent with the
8 constitutions of this state and the United States for the
9 exercise of personal jurisdiction.

10 Sec. 119. NEW SECTION. 252K.202 PROCEDURE WHEN
11 EXERCISING JURISDICTION OVER NONRESIDENT.

12 A tribunal of this state exercising personal jurisdiction
13 over a nonresident under section 252K.201 may apply section
14 252K.316 to receive evidence from another state, and section
15 252K.318 to obtain discovery through a tribunal of another
16 state. In all other respects, Articles 3 through 7 do not
17 apply and the tribunal shall apply the procedural and
18 substantive law of this state, including the rules on choice
19 of law other than those established by this chapter.

20 PART 2

21 PROCEEDINGS INVOLVING TWO OR MORE STATES

22 Sec. 120. NEW SECTION. 252K.203 INITIATING AND
23 RESPONDING TRIBUNAL OF THIS STATE.

24 Under this chapter, a tribunal of this state may serve as
25 an initiating tribunal to forward proceedings to another state
26 and as a responding tribunal for proceedings initiated in
27 another state.

28 Sec. 121. NEW SECTION. 252K.204 SIMULTANEOUS PROCEEDINGS
29 IN ANOTHER STATE.

30 1. A tribunal of this state may exercise jurisdiction to
31 establish a support order if the petition or comparable
32 pleading is filed after a pleading is filed in another state
33 only if all of the following apply:

34 a. The petition or comparable pleading in this state is
35 filed before the expiration of the time allowed in the other

1 state for filing a responsive pleading challenging the
2 exercise of jurisdiction by the other state.

3 b. The contesting party timely challenges the exercise of
4 jurisdiction in the other state.

5 c. If relevant, this state is the home state of the child.

6 2. A tribunal of this state may not exercise jurisdiction
7 to establish a support order if the petition or comparable
8 pleading is filed before a petition or comparable pleading is
9 filed in another state if all of the following apply:

10 a. The petition or comparable pleading in the other state
11 is filed before the expiration of the time allowed in this
12 state for filing a responsive pleading challenging the
13 exercise of jurisdiction by this state.

14 b. The contesting party timely challenges the exercise of
15 jurisdiction in this state.

16 c. If relevant, the other state is the home state of the
17 child.

18 Sec. 122. NEW SECTION. 252K.205 CONTINUING, EXCLUSIVE
19 JURISDICTION.

20 1. A tribunal of this state issuing a support order
21 consistent with the law of this state has continuing,
22 exclusive jurisdiction over a child-support order if any of
23 the following applies:

24 a. As long as this state remains the residence of the
25 obligor, the individual obligee, or the child for whose
26 benefit the support order is issued.

27 b. Until all of the parties who are individuals have filed
28 written consents with the tribunal of this state for a
29 tribunal of another state to modify the order and assume
30 continuing, exclusive jurisdiction.

31 2. A tribunal of this state issuing a child-support order
32 consistent with the law of this state may not exercise its
33 continuing jurisdiction to modify the order if the order has
34 been modified by a tribunal of another state pursuant to this
35 chapter or a law substantially similar to this chapter.

1 3. If a child support order of this state is modified by a
2 tribunal of another state pursuant to this chapter or a law
3 substantially similar to this chapter, a tribunal of this
4 state loses its continuing, exclusive jurisdiction with regard
5 to prospective enforcement of the order issued in this state,
6 and may only:

7 a. Enforce the order that was modified as to amounts
8 accruing before the modification.

9 b. Enforce nonmodifiable aspects of that order.

10 c. Provide other appropriate relief for violations of that
11 order which occurred before the effective date of the
12 modification.

13 4. A tribunal of this state shall recognize the
14 continuing, exclusive jurisdiction of a tribunal of another
15 state which has issued a child support order pursuant to this
16 chapter or a law substantially similar to this chapter.

17 5. A temporary support order issued ex parte or pending
18 resolution of a jurisdictional conflict does not create
19 continuing, exclusive jurisdiction in the issuing tribunal.

20 6. A tribunal of this state issuing a support order
21 consistent with the law of this state has continuing,
22 exclusive jurisdiction over a spousal support order throughout
23 the existence of the support obligation. A tribunal of this
24 state may not modify a spousal support order issued by a
25 tribunal of another state having continuing, exclusive
26 jurisdiction over that order under the law of that state.

27 Sec. 123. NEW SECTION. 252K.206 ENFORCEMENT AND
28 MODIFICATION OF SUPPORT ORDER BY TRIBUNAL HAVING CONTINUING
29 JURISDICTION.

30 1. A tribunal of this state may serve as an initiating
31 tribunal to request a tribunal of another state to enforce or
32 modify a support order issued in that state.

33 2. A tribunal of this state having continuing, exclusive
34 jurisdiction over a support order may act as a responding
35 tribunal to enforce or modify the order. If a party subject

1 to the continuing, exclusive jurisdiction of the tribunal no
2 longer resides in the issuing state, in subsequent proceedings
3 the tribunal may apply section 252K.316 to receive evidence
4 from another state and section 252K.318 to obtain discovery
5 through a tribunal of another state.

6 3. A tribunal of this state which lacks continuing,
7 exclusive jurisdiction over a spousal-support order may not
8 serve as a responding tribunal to modify a spousal-support
9 order of another state.

10 PART 3

11 RECONCILIATION OF MULTIPLE ORDERS

12 Sec. 124. NEW SECTION. 252K.207 RECOGNITION OF
13 CONTROLLING CHILD-SUPPORT ORDER.

14 1. If a proceeding is brought under this chapter and only
15 one tribunal has issued a child support order, the order of
16 that tribunal controls and must be so recognized.

17 2. If a proceeding is brought under this chapter, and two
18 or more child-support orders have been issued by tribunals of
19 this state or another state with regard to the same obligor
20 and child, a tribunal of this state shall apply the following
21 rules in determining which order to recognize for purposes of
22 continuing, exclusive jurisdiction:

23 a. If only one of the tribunals would have continuing,
24 exclusive jurisdiction under this chapter, the order of that
25 tribunal controls and must be so recognized.

26 b. If more than one of the tribunals would have
27 continuing, exclusive jurisdiction under this chapter, an
28 order issued by a tribunal in the current home state of the
29 child controls and must be so recognized, but if an order has
30 not been issued in the current home state of the child, the
31 order most recently issued controls and must be so recognized.

32 c. If none of the tribunals would have continuing,
33 exclusive jurisdiction under this chapter, the tribunal of
34 this state having jurisdiction over the parties shall issue a
35 child-support order, which controls and must be so recognized.

1 3. If two or more child support orders have been issued
2 for the same obligor and child and if the obligor or the
3 individual obligee resides in this state, a party may request
4 a tribunal of this state to determine which order controls and
5 must be so recognized under subsection 2. The request must be
6 accompanied by a certified copy of every support order in
7 effect. The requesting party shall give notice of the request
8 to each party whose rights may be affected by the
9 determination.

10 4. The tribunal that issued the controlling order under
11 subsection 1, 2, or 3 is the tribunal that has continuing,
12 exclusive jurisdiction under section 252K.205.

13 5. A tribunal of this state which determines by order the
14 identity of the controlling order under subsection 2,
15 paragraph "a" or "b", or which issues a new controlling order
16 under subsection 2, paragraph "c", shall state in that order
17 the basis upon which the tribunal made its determination.

18 6. Within thirty days after issuance of an order
19 determining the identity of the controlling order, the party
20 obtaining the order shall file a certified copy of it with
21 each tribunal that issued or registered an earlier order of
22 child support. A party who obtains the order and fails to
23 file a certified copy is subject to appropriate sanctions by a
24 tribunal in which the issue of failure to file arises. The
25 failure to file does not affect the validity or enforceability
26 of the controlling order.

27 Sec. 125. NEW SECTION. 252K.208 MULTIPLE CHILD SUPPORT
28 ORDERS FOR TWO OR MORE OBLIGEES.

29 In responding to multiple registrations or requests for
30 enforcement of two or more child support orders in effect at
31 the same time with regard to the same obligor and different
32 individual obligees, at least one of which was issued by a
33 tribunal of another state, a tribunal of this state shall
34 enforce those orders in the same manner as if the multiple
35 orders had been issued by a tribunal of this state.

1 Sec. 126. NEW SECTION. 252K.209 CREDIT FOR PAYMENTS.
2 Amounts collected and credited for a particular period
3 pursuant to a support order issued by a tribunal of another
4 state must be credited against the amounts accruing or accrued
5 for the same period under a support order issued by the
6 tribunal of this state.

7 ARTICLE 3

8 CIVIL PROVISIONS OF GENERAL APPLICATION

9 Sec. 127. NEW SECTION. 252K.301 PROCEEDINGS UNDER THIS
10 CHAPTER.

11 1. Except as otherwise provided in this chapter, this
12 article applies to all proceedings under this chapter.

13 2. This chapter provides for the following proceedings:

14 a. Establishment of an order for spousal support or child
15 support pursuant to Article 4.

16 b. Enforcement of a support order and income withholding
17 order of another state without registration pursuant to
18 Article 5.

19 c. Registration of an order for spousal support or child
20 support of another state for enforcement pursuant to Article
21 6.

22 d. Modification of an order for child support or spousal
23 support issued by a tribunal of this state pursuant to Article
24 2, part 2.

25 e. Registration of an order for child support of another
26 state for modification pursuant to Article 6.

27 f. Determination of parentage pursuant to Article 7.

28 g. Assertion of jurisdiction over nonresidents pursuant to
29 Article 2, part 1.

30 3. An individual movant or a support enforcement agency
31 may commence a proceeding authorized under this chapter by
32 filing a petition or a comparable pleading in an initiating
33 tribunal for forwarding to a responding tribunal or by filing
34 a petition or a comparable pleading directly in a tribunal of
35 another state which has or can obtain personal jurisdiction

1 over the respondent or nonmoving party.

2 Sec. 128. NEW SECTION. 252K.302 ACTION BY MINOR PARENT.

3 A minor parent, or a guardian or other legal representative
4 of a minor parent, may maintain a proceeding on behalf of or
5 for the benefit of the minor's child.

6 Sec. 129. NEW SECTION. 252K.303 APPLICATION OF LAW OF
7 THIS STATE.

8 Except as otherwise provided by this chapter, a responding
9 tribunal of this state shall do all of the following:

10 1. Apply the procedural and substantive law, including the
11 rules on choice of law, generally applicable to similar
12 proceedings originating in this state, and may exercise all
13 powers and provide all remedies available in those
14 proceedings.

15 2. Determine the duty of support and the amount payable in
16 accordance with the law and support guidelines of this state.

17 Sec. 130. NEW SECTION. 252K.304 DUTIES OF INITIATING
18 TRIBUNAL.

19 1. Upon the filing of a petition or comparable pleading
20 authorized by this chapter, an initiating tribunal of this
21 state shall forward three copies of the petition or comparable
22 pleading and its accompanying documents:

23 a. To the responding tribunal or appropriate support
24 enforcement agency in the responding state.

25 b. If the identity of the responding tribunal is unknown,
26 to the state information agency of the responding state with a
27 request that they be forwarded to the appropriate tribunal and
28 that receipt be acknowledged.

29 2. If a responding state has not enacted this law or a law
30 or procedure substantially similar to this chapter, a tribunal
31 of this state may issue a certificate or other document and
32 make findings required by the law of the responding state. If
33 the responding state is a foreign jurisdiction, the tribunal
34 may specify the amount of support sought and provide other
35 documents necessary to satisfy the requirements of the

1 responding state.

2 Sec. 131. NEW SECTION. 252K.305 DUTIES AND POWERS OF
3 RESPONDING TRIBUNAL.

4 1. When a responding tribunal of this state receives a
5 petition or comparable pleading from an initiating tribunal or
6 directly pursuant to section 252K.301, subsection 3, it shall
7 cause the petition or pleading to be filed and notify the
8 movant where and when it was filed.

9 2. A responding tribunal of this state, to the extent
10 otherwise authorized by law, may do one or more of the
11 following:

12 a. Issue or enforce a support order, modify a child-
13 support order, or render a judgment to determine parentage.

14 b. Order an obligor to comply with a support order,
15 specifying the amount and the manner of compliance.

16 c. Order income withholding.

17 d. Determine the amount of any arrearages, and specify a
18 method of payment.

19 e. Enforce orders by civil or criminal contempt, or both.

20 f. Set aside property for satisfaction of the support
21 order.

22 g. Place liens and order execution on the obligor's
23 property.

24 h. Order an obligor to keep the tribunal informed of the
25 obligor's current residential address, telephone number,
26 employer, address of employment, and telephone number at the
27 place of employment.

28 i. Issue a bench warrant for an obligor who has failed
29 after proper notice to appear at a hearing ordered by the
30 tribunal and enter the bench warrant in any local and state
31 computer systems for criminal warrants.

32 j. Order the obligor to seek appropriate employment by
33 specified methods.

34 k. Award reasonable attorney's fees and other fees and
35 costs.

1 1. Grant any other available remedy.

2 3. A responding tribunal of this state shall include in a
3 support order issued under this chapter, or in the documents
4 accompanying the order, the calculations on which the support
5 order is based.

6 4. A responding tribunal of this state may not condition
7 the payment of a support order issued under this chapter upon
8 compliance by a party with provisions for visitation.

9 5. If a responding tribunal of this state issues an order
10 under this chapter, the tribunal shall send a copy of the
11 order to the movant and the respondent and to the initiating
12 tribunal, if any.

13 Sec. 132. NEW SECTION. 252K.306 INAPPROPRIATE TRIBUNAL.

14 If a petition or comparable pleading is received by an
15 inappropriate tribunal of this state, it shall forward the
16 pleading and accompanying documents to an appropriate tribunal
17 in this state or another state and notify the movant where and
18 when the pleading was sent.

19 Sec. 133. NEW SECTION. 252K.307 DUTIES OF SUPPORT
20 ENFORCEMENT AGENCY.

21 1. A support enforcement agency of this state, upon
22 request, shall provide services to a movant in a proceeding
23 under this chapter.

24 2. A support enforcement agency that is providing services
25 to the movant as appropriate shall:

26 a. Take all steps necessary to enable an appropriate
27 tribunal in this state or another state to obtain jurisdiction
28 over the respondent.

29 b. Request an appropriate tribunal to set a date, time,
30 and place for a hearing.

31 c. Make a reasonable effort to obtain all relevant
32 information, including information as to income and property
33 of the parties.

34 d. Within five days, exclusive of Saturdays, Sundays, and
35 legal holidays, after receipt of a written notice from an

1 initiating, responding, or registering tribunal, send a copy
2 of the notice to the movant.

3 e. Within five days, exclusive of Saturdays, Sundays, and
4 legal holidays, after receipt of a written communication from
5 the respondent or the respondent's attorney, send a copy of
6 the communication to the movant.

7 f. Notify the movant if jurisdiction over the respondent
8 cannot be obtained.

9 3. This chapter does not create or negate a relationship
10 of attorney and client or other fiduciary relationship between
11 a support enforcement agency or the attorney for the agency
12 and the individual being assisted by the agency.

13 Sec. 134. NEW SECTION. 252K.308 DUTY OF ATTORNEY
14 GENERAL.

15 If the attorney general determines that the support
16 enforcement agency is neglecting or refusing to provide
17 services to an individual, the attorney general may order the
18 agency to perform its duties under this chapter or may provide
19 those services directly to the individual.

20 Sec. 135. NEW SECTION. 252K.309 PRIVATE COUNSEL.

21 An individual may employ private counsel to represent the
22 individual in proceedings authorized by this chapter.

23 Sec. 136. NEW SECTION. 252K.310 DUTIES OF STATE
24 INFORMATION AGENCY.

25 1. The child support recovery unit is the state
26 information agency under this chapter.

27 2. The state information agency shall:

28 a. Compile and maintain a current list, including
29 addresses, of the tribunals in this state which have
30 jurisdiction under this chapter and any support enforcement
31 agencies in this state and transmit a copy to the state
32 information agency of every other state.

33 b. Maintain a register of tribunals and support
34 enforcement agencies received from other states.

35 c. Forward to the appropriate tribunal in the place in

1 this state in which the individual obligee or the obligor
2 resides, or in which the obligor's property is believed to be
3 located, all documents concerning a proceeding under this
4 chapter received from an initiating tribunal or the state
5 information agency of the initiating state.

6 d. Obtain information concerning the location of the
7 obligor and the obligor's property within this state not
8 exempt from execution, by such means as postal verification
9 and federal or state locator services, examination of
10 telephone directories, requests for the obligor's address from
11 employers, and examination of governmental records, including,
12 to the extent not prohibited by other law, those relating to
13 real property, vital statistics, law enforcement, taxation,
14 motor vehicles, driver's licenses, and social security.

15 Sec. 137. NEW SECTION. 252K.311 PLEADINGS AND
16 ACCOMPANYING DOCUMENTS.

17 1. A movant seeking to establish or modify a support order
18 or to determine parentage in a proceeding under this chapter
19 must verify the petition. Unless otherwise ordered under
20 section 252K.312, the petition or accompanying documents must
21 provide, so far as known, the name, residential address, and
22 social security numbers of the obligor and the obligee, and
23 the name, sex, residential address, social security number,
24 and date of birth of each child for whom support is sought.
25 The petition must be accompanied by a certified copy of any
26 support order in effect. The petition may include any other
27 information that may assist in locating or identifying the
28 respondent.

29 2. The petition must specify the relief sought. The
30 petition and accompanying documents shall conform
31 substantially with the requirements imposed by the forms
32 mandated by federal law for use in cases filed by a support
33 enforcement agency.

34 Sec. 138. NEW SECTION. 252K.312 NONDISCLOSURE OF
35 INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.

1 Upon a finding, which may be made ex parte, that the
2 health, safety, or liberty of a party or child would be
3 unreasonably put at risk by the disclosure of identifying
4 information, or if an existing order so provides, a tribunal
5 shall order that the address of the child or party or other
6 identifying information not be disclosed in a pleading or
7 other document filed in a proceeding under this chapter.

8 Sec. 139. NEW SECTION. 252K.313 COSTS AND FEES.

9 1. The movant shall not be required to pay a filing fee or
10 other costs.

11 2. If an obligee prevails, a responding tribunal may
12 assess against an obligor filing fees, reasonable attorney's
13 fees, other costs, and necessary travel and other reasonable
14 expenses incurred by the obligee and the obligee's witnesses.
15 The tribunal may not assess fees, costs, or expenses against
16 the obligee or the support enforcement agency of either the
17 initiating or the responding state, except as provided by
18 other law. Attorney's fees may be taxed as costs, and may be
19 ordered paid directly to the attorney, who may enforce the
20 order in the attorney's own name. Payment of support owed to
21 the obligee has priority over fees, costs, and expenses.

22 3. The tribunal shall order the payment of costs and
23 reasonable attorney's fees if the tribunal determines that a
24 hearing was requested primarily for delay. In a proceeding
25 under Article 6, a hearing is presumed to have been requested
26 primarily for delay if a registered support order is confirmed
27 or enforced without change.

28 Sec. 140. NEW SECTION. 252K.314 LIMITED IMMUNITY OF
29 MOVANT.

30 1. Participation by a movant in a proceeding before a
31 responding tribunal, whether in person, by private attorney,
32 or through services provided by the support enforcement
33 agency, does not confer personal jurisdiction over the movant
34 in another proceeding.

35 2. A movant is not amenable to service of civil process

1 while physically present in this state to participate in a
2 proceeding under this chapter.

3 3. The immunity granted by this section does not extend to
4 civil litigation based on acts unrelated to a proceeding under
5 this chapter committed by a party while present in this state
6 to participate in the proceeding.

7 Sec. 141. NEW SECTION. 252K.315 NONPARENTAGE AS DEFENSE.

8 A party whose parentage of a child has been previously
9 determined by or pursuant to law may not plead nonparentage as
10 a defense to a proceeding under this chapter.

11 Sec. 142. NEW SECTION. 252K.316 SPECIAL RULES OF
12 EVIDENCE AND PROCEDURE.

13 1. The physical presence of the movant in a responding
14 tribunal of this state is not required for the establishment,
15 enforcement, or modification of a support order or the
16 rendition of a judgment determining parentage.

17 2. A verified petition, affidavit, document substantially
18 complying with federally mandated forms, and a document
19 incorporated by reference in any of them, not excluded under
20 the hearsay rule if given in person, is admissible in evidence
21 if given under oath by a party or witness residing in another
22 state.

23 3. A copy of the record of child-support payments
24 certified as a true copy of the original by the custodian of
25 the record may be forwarded to a responding tribunal. The
26 copy is evidence of facts asserted in it, and is admissible to
27 show whether payments were made.

28 4. Copies of bills for testing for parentage, and for
29 prenatal and postnatal health care of the mother and child,
30 furnished to the adverse party at least ten days before trial,
31 are admissible in evidence to prove the amount of the charges
32 billed and that the charges were reasonable, necessary, and
33 customary.

34 5. Documentary evidence transmitted from another state to
35 a tribunal of this state by telephone, telecopier, or other

1 means that do not provide an original writing may not be
2 excluded from evidence on an objection based on the means of
3 transmission.

4 6. In a proceeding under this chapter, a tribunal of this
5 state may permit a party or witness residing in another state
6 to be deposed or to testify by telephone, audiovisual means,
7 or other electronic means at a designated tribunal or other
8 location in that state. A tribunal of this state shall
9 cooperate with tribunals of other states in designating an
10 appropriate location for the deposition or testimony.

11 7. If a party called to testify at a civil hearing refuses
12 to answer on the ground that the testimony may be self-
13 incriminating, the trier of fact may draw an adverse inference
14 from the refusal.

15 8. A privilege against disclosure of communications
16 between spouses does not apply in a proceeding under this
17 chapter.

18 9. The defense of immunity based on the relationship of
19 husband and wife or parent and child does not apply in a
20 proceeding under this chapter.

21 Sec. 143. NEW SECTION. 252K.317 COMMUNICATIONS BETWEEN
22 TRIBUNALS.

23 A tribunal of this state may communicate with a tribunal of
24 another state in writing, or by telephone or other means, to
25 obtain information concerning the laws of that state, the
26 legal effect of a judgment, decree, or order of that tribunal,
27 and the status of a proceeding in the other state. A tribunal
28 of this state may furnish similar information by similar means
29 to a tribunal of another state.

30 Sec. 144. NEW SECTION. 252K.318 ASSISTANCE WITH
31 DISCOVERY.

32 A tribunal of this state may:

33 1. Request a tribunal of another state to assist in
34 obtaining discovery.

35 2. Upon request, compel a person over whom it has

1 jurisdiction to respond to a discovery order issued by a
2 tribunal of another state.

3 Sec. 145. NEW SECTION. 252K.319 RECEIPT AND DISBURSEMENT
4 OF PAYMENTS.

5 A support enforcement agency or tribunal of this state
6 shall disburse promptly any amounts received pursuant to a
7 support order, as directed by the order. The agency or
8 tribunal shall furnish to a requesting party or a tribunal of
9 another state a certified statement by the custodian of the
10 record of the amounts and dates of all payments received.

11 ARTICLE 4

12 ESTABLISHMENT OF SUPPORT ORDER

13 Sec. 146. NEW SECTION. 252K.401 PETITION TO ESTABLISH
14 SUPPORT ORDER.

15 1. If a support order entitled to recognition under this
16 chapter has not been issued, a responding tribunal of this
17 state may issue a support order if any of the following
18 applies:

19 a. The individual seeking the order resides in another
20 state.

21 b. The support enforcement agency seeking the order is
22 located in another state.

23 2. The tribunal may issue a temporary child-support order
24 if any of the following applies:

25 a. The respondent has signed a verified statement
26 acknowledging parentage.

27 b. The respondent has been determined by or pursuant to
28 law to be the parent.

29 c. There is other clear and convincing evidence that the
30 respondent is the child's parent.

31 3. Upon finding, after notice and opportunity to be heard,
32 that an obligor owes a duty of support, the tribunal shall
33 issue a support order directed to the obligor and may issue
34 other orders pursuant to section 252K.305.

35 ARTICLE 5

1 ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION
2 Sec. 147. NEW SECTION. 252K.501 EMPLOYER'S RECEIPT OF
3 INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

4 An income-withholding order issued in another state may be
5 sent to the person or entity defined as the obligor's employer
6 under the income-withholding law of this state without first
7 filing a petition or comparable pleading or registering the
8 order with a tribunal of this state.

9 Sec. 148. NEW SECTION. 252K.502 EMPLOYER'S COMPLIANCE
10 WITH INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

11 1. Upon receipt of an income-withholding order, the
12 obligor's employer shall immediately provide a copy of the
13 order to the obligor.

14 2. The employer shall treat an income-withholding order
15 issued in another state which appears regular on its face as
16 if it had been issued by a tribunal of this state.

17 3. Except as otherwise provided in subsection 4 and
18 section 252K.503 the employer shall withhold and distribute
19 the funds as directed in the withholding order by complying
20 with terms of the order which specify:

21 a. The duration and amount of periodic payments of current
22 child support, stated as a sum certain.

23 b. The person or agency designated to receive payments and
24 the address to which the payments are to be forwarded.

25 c. Medical support, whether in the form of periodic cash
26 payment, stated as a sum certain, or ordering the obligor to
27 provide health insurance coverage for the child under a policy
28 available through the obligor's employment.

29 d. The amount of periodic payments of fees and costs for a
30 support enforcement agency, the issuing tribunal, and the
31 obligee's attorney, stated as sums certain.

32 e. The amount of periodic payments of arrearages and
33 interest on arrearages, stated as sums certain.

34 4. An employer shall comply with the law of the state of
35 the obligor's principal place of employment for withholding

1 from income with respect to:

2 a. The employer's fee for processing an income-withholding
3 order.

4 b. The maximum amount permitted to be withheld from the
5 obligor's income.

6 c. The times within which the employer must implement the
7 withholding order and forward the child support payment.

8 Sec. 149. NEW SECTION. 252K.503 COMPLIANCE WITH MULTIPLE
9 INCOME-WITHHOLDING ORDERS.

10 If an obligor's employer receives multiple income-
11 withholding orders with respect to the earnings of the same
12 obligor, the employer satisfies the terms of the multiple
13 orders if the employer complies with the law of the state of
14 the obligor's principal place of employment to establish the
15 priorities for withholding and allocating income withheld for
16 multiple child support obligees.

17 Sec. 150. NEW SECTION. 252K.504 IMMUNITY FROM CIVIL
18 LIABILITY.

19 An employer who complies with an income-withholding order
20 issued in another state in accordance with this article is not
21 subject to civil liability to an individual or agency with
22 regard to the employer's withholding of child support from the
23 obligor's income.

24 Sec. 151. NEW SECTION. 252K.505 PENALTIES FOR
25 NONCOMPLIANCE.

26 An employer who willfully fails to comply with an income-
27 withholding order issued by another state and received for
28 enforcement is subject to the same penalties that may be
29 imposed for noncompliance with an order issued by a tribunal
30 of this state.

31 Sec. 152. NEW SECTION. 252K.506 CONTEST BY OBLIGOR.

32 1. An obligor may contest the validity or enforcement of
33 an income-withholding order issued in another state and
34 received directly by an employer in this state in the same
35 manner as if the order had been issued by a tribunal of this

1 state. Section 252K.604 applies to the contest.

2 2. The obligor shall give notice of the contest to:

3 a. A support enforcement agency providing services to the
4 obligee.

5 b. Each employer that has directly received an income-
6 withholding order.

7 c. The person or agency designated to receive payments in
8 the income-withholding order, or if no person or agency is
9 designated, to the obligee.

10 Sec. 153. NEW SECTION. 252K.507 ADMINISTRATIVE
11 ENFORCEMENT OF ORDERS.

12 1. A party seeking to enforce a support order or an
13 income-withholding order, or both, issued by a tribunal of
14 another state may send the documents required for registering
15 the order to a support enforcement agency of this state.

16 2. Upon receipt of the documents, the support enforcement
17 agency, without initially seeking to register the order, shall
18 consider and, if appropriate, use any administrative procedure
19 authorized by the law of this state to enforce a support order
20 or an income-withholding order, or both. If the obligor does
21 not contest administrative enforcement, the order need not be
22 registered. If the obligor contests the validity or
23 administrative enforcement of the order, the support
24 enforcement agency shall register the order pursuant to this
25 chapter.

26 ARTICLE 6

27 ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER

28 AFTER REGISTRATION

29 PART 1

30 REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

31 Sec. 154. NEW SECTION. 252K.601 REGISTRATION OF ORDER
32 FOR ENFORCEMENT.

33 A support order or an income-withholding order issued by a
34 tribunal of another state may be registered in this state for
35 enforcement.

1 Sec. 155. NEW SECTION. 252K.602 PROCEDURE TO REGISTER
2 ORDER FOR ENFORCEMENT.

3 1. A support order or income-withholding order of another
4 state may be registered in this state by sending the following
5 documents and information to the appropriate tribunal in this
6 state:

7 a. A letter of transmittal to the tribunal requesting
8 registration and enforcement.

9 b. Two copies, including one certified copy, of all orders
10 to be registered, including any modification of an order.

11 c. A sworn statement by the party seeking registration or
12 a certified statement by the custodian of the records showing
13 the amount of any arrearage.

14 d. The name of the obligor and, if known:

15 (1) The obligor's address and social security number.

16 (2) The name and address of the obligor's employer and any
17 other source of income of the obligor.

18 (3) A description and the location of property of the
19 obligor in this state not exempt from execution.

20 e. The name and address of the obligee and, if applicable,
21 the agency or person to whom support payments are to be
22 remitted.

23 2. On receipt of a request for registration, the
24 registering tribunal shall cause the order to be filed as a
25 foreign judgment, together with one copy of the documents and
26 information, regardless of their form.

27 3. A petition or comparable pleading seeking a remedy that
28 must be affirmatively sought under other law of this state may
29 be filed at the same time as the request for registration or
30 later. The pleading must specify the grounds for the remedy
31 sought.

32 Sec. 156. NEW SECTION. 252K.603 EFFECT OF REGISTRATION
33 FOR ENFORCEMENT.

34 1. A support order or income-withholding order issued in
35 another state is registered when the order is filed in the

1 registering tribunal of this state.

2 2. A registered order issued in another state is
3 enforceable in the same manner and is subject to the same
4 procedures as an order issued by a tribunal of this state.

5 3. Except as otherwise provided in this Article, a
6 tribunal of this state shall recognize and enforce, but may
7 not modify, a registered order if the issuing tribunal had
8 jurisdiction.

9 Sec. 157. NEW SECTION. 252K.604 CHOICE OF LAW.

10 1. The law of the issuing state governs the nature,
11 extent, amount, and duration of current payments and other
12 obligations of support and the payment of arrearages under the
13 order.

14 2. In a proceeding for arrearages, the statute of
15 limitation under the laws of this state or of the issuing
16 state, whichever is longer, applies.

17 PART 2

18 CONTEST OF VALIDITY OR ENFORCEMENT

19 Sec. 158. NEW SECTION. 252K.605 NOTICE OF REGISTRATION
20 OF ORDER.

21 1. When a support order or income-withholding order issued
22 in another state is registered, the registering tribunal shall
23 notify the nonregistering party. The notice must be
24 accompanied by a copy of the registered order and the
25 documents and relevant information accompanying the order.

26 2. The notice must inform the nonregistering party:

27 a. That a registered order is enforceable as of the date
28 of registration in the same manner as an order issued by a
29 tribunal of this state.

30 b. That a hearing to contest the validity or enforcement
31 of the registered order must be requested within twenty days
32 after the date of mailing or personal service of the notice.

33 c. That failure to contest the validity or enforcement of
34 the registered order in a timely manner will result in
35 confirmation of the order and enforcement of the order and the

1 alleged arrearages and precludes further contest of that order
2 with respect to any matter that could have been asserted.

3 d. Of the amount of any alleged arrearages.

4 3. Upon registration of an income-withholding order for
5 enforcement, the registering tribunal shall notify the
6 obligor's employer pursuant to the income-withholding law of
7 this state.

8 Sec. 159. NEW SECTION. 252K.606 PROCEDURE TO CONTEST
9 VALIDITY OR ENFORCEMENT OF REGISTERED ORDER.

10 1. A nonregistering party seeking to contest the validity
11 or enforcement of a registered order in this state shall
12 request a hearing within twenty days after the date of mailing
13 or personal service of notice of the registration. The
14 nonregistering party may seek to vacate the registration, to
15 assert any defense to an allegation of noncompliance with the
16 registered order, or to contest the remedies being sought or
17 the amount of any alleged arrearages pursuant to section
18 252K.607.

19 2. If the nonregistering party fails to contest the
20 validity or enforcement of the registered order in a timely
21 manner, the order is confirmed by operation of law.

22 3. If a nonregistering party requests a hearing to contest
23 the validity or enforcement of the registered order, the
24 registering tribunal shall schedule the matter for hearing and
25 give notice to the parties of the date, time, and place of the
26 hearing.

27 Sec. 160. NEW SECTION. 252K.607 CONTEST OF REGISTRATION
28 OR ENFORCEMENT.

29 1. A party contesting the validity or enforcement of a
30 registered order or seeking to vacate the registration has the
31 burden of proving one or more of the following defenses:

32 a. The issuing tribunal lacked personal jurisdiction over
33 the contesting party.

34 b. The order was obtained by fraud.

35 c. The order has been vacated, suspended, or modified by a

1 later order.

2 d. The issuing tribunal has stayed the order pending
3 appeal.

4 e. There is a defense under the law of this state to the
5 remedy sought.

6 f. Full or partial payment has been made.

7 g. The statute of limitation under section 252K.604
8 precludes enforcement of some or all of the arrearages.

9 2. If a party presents evidence establishing a full or
10 partial defense under subsection 1, a tribunal may stay
11 enforcement of the registered order, continue the proceeding
12 to permit production of additional relevant evidence, and
13 issue other appropriate orders. An uncontested portion of the
14 registered order may be enforced by all remedies available
15 under the law of this state.

16 3. If the contesting party does not establish a defense
17 under subsection 1 to the validity or enforcement of the
18 order, the registering tribunal shall issue an order
19 confirming the order.

20 Sec. 161. NEW SECTION. 252K.608 CONFIRMED ORDER.

21 Confirmation of a registered order, whether by operation of
22 law or after notice and hearing, precludes further contest of
23 the order with respect to any matter that could have been
24 asserted at the time of registration.

25 PART 3

26 REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER

27 Sec. 162. NEW SECTION. 252K.609 PROCEDURE TO REGISTER
28 CHILD-SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION.

29 A party or support enforcement agency seeking to modify, or
30 to modify and enforce, a child-support order issued in another
31 state shall register that order in this state in the same
32 manner provided in Part 1 if the order has not been
33 registered. A petition for modification may be filed at the
34 same time as a request for registration, or later. The
35 pleading must specify the grounds for modification.

1 Sec. 163. NEW SECTION. 252K.610 EFFECT OF REGISTRATION
2 FOR MODIFICATION.

3 A tribunal of this state may enforce a child-support order
4 of another state registered for purposes of modification, in
5 the same manner as if the order had been issued by a tribunal
6 of this state, but the registered order may be modified only
7 if the requirements of section 252K.611 have been met.

8 Sec. 164. NEW SECTION. 252K.611 MODIFICATION OF CHILD-
9 SUPPORT ORDER OF ANOTHER STATE.

10 1. After a child-support order issued in another state has
11 been registered in this state, the responding tribunal of this
12 state may modify that order only if section 252K.613 does not
13 apply and after notice and hearing it finds that paragraph "a"
14 or "b" applies:

15 a. The following requirements are met:

16 (1) The child, the individual obligee, and the obligor do
17 not reside in the issuing state.

18 (2) A movant who is a nonresident of this state seeks
19 modification.

20 (3) The respondent is subject to the personal jurisdiction
21 of the tribunal of this state.

22 b. The child, or a party who is an individual, is subject
23 to the personal jurisdiction of the tribunal of this state and
24 all of the parties who are individuals have filed written
25 consents in the issuing tribunal for a tribunal of this state
26 to modify the support order and assume continuing, exclusive
27 jurisdiction over the order. However, if the issuing state is
28 a foreign jurisdiction that has not enacted a law or
29 established procedures substantially similar to the procedures
30 under this chapter, the consent otherwise required of an
31 individual residing in this state is not required for the
32 tribunal to assume jurisdiction to modify the child-support
33 order.

34 2. Modification of a registered child-support order is
35 subject to the same requirements, procedures, and defenses

1 that apply to the modification of an order issued by a
2 tribunal of this state and the order may be enforced and
3 satisfied in the same manner.

4 3. A tribunal of this state may not modify any aspect of a
5 child-support order that may not be modified under the law of
6 the issuing state. If two or more tribunals have issued
7 child-support orders for the same obligor and child, the order
8 that controls and must be so recognized under section 252K.207
9 establishes the aspects of the support order which are
10 nonmodifiable.

11 4. On issuance of an order modifying a child-support order
12 issued in another state, a tribunal of this state becomes the
13 tribunal having continuing, exclusive jurisdiction.

14 Sec. 165. NEW SECTION. 252K.612 RECOGNITION OF ORDER
15 MODIFIED IN ANOTHER STATE.

16 A tribunal of this state shall recognize a modification of
17 its earlier child-support order by a tribunal of another state
18 which assumed jurisdiction pursuant to this chapter or a law
19 substantially similar to this chapter and, upon request,
20 except as otherwise provided in this chapter, shall:

21 1. Enforce the order that was modified only as to amounts
22 accruing before the modification.

23 2. Enforce only nonmodifiable aspects of that order.

24 3. Provide other appropriate relief only for violations of
25 the order which occurred before the effective date of the
26 modification.

27 4. Recognize the modifying order of the other state, upon
28 registration, for the purpose of enforcement.

29 Sec. 166. NEW SECTION. 252K.613 JURISDICTION TO MODIFY
30 CHILD-SUPPORT ORDER OF ANOTHER STATE WHEN INDIVIDUAL PARTIES
31 RESIDE IN THIS STATE.

32 1. If all of the parties who are individuals reside in
33 this state and the child does not reside in the issuing state,
34 a tribunal of this state has jurisdiction to enforce and to
35 modify the issuing state's child-support order in a proceeding

1 to register that order.

2 2. A tribunal of this state exercising jurisdiction under
3 this section shall apply the provisions of Articles 1 and 2,
4 this Article, and the procedural and substantive law of this
5 state to the proceeding for enforcement or modification.
6 Articles 3, 4, 5, 7, and 8 do not apply.

7 Sec. 167. NEW SECTION. 252K.614 NOTICE TO ISSUING
8 TRIBUNAL OF MODIFICATION.

9 Within thirty days after issuance of a modified child-
10 support order, the party obtaining the modification shall file
11 a certified copy of the order with the issuing tribunal that
12 had continuing, exclusive jurisdiction over the earlier order,
13 and in each tribunal in which the party knows the earlier
14 order has been registered. A party who obtains the order and
15 fails to file a certified copy is subject to appropriate
16 sanctions by a tribunal in which the issue of failure to file
17 arises. The failure to file does not affect the validity or
18 enforceability of the modified order of the new tribunal
19 having continuing, exclusive jurisdiction.

20

ARTICLE 7

21

DETERMINATION OF PARENTAGE

22 Sec. 168. NEW SECTION. 252K.701 PROCEEDING TO DETERMINE
23 PARENTAGE.

24 1. A tribunal of this state may serve as an initiating or
25 responding tribunal in a proceeding brought under this chapter
26 or a law or procedure substantially similar to this chapter,
27 the Uniform Reciprocal Enforcement of Support Act, or the
28 Revised Uniform Reciprocal Enforcement of Support Act to
29 determine that the petitioner is a parent of a particular
30 child or to determine that a respondent is a parent of that
31 child.

32 2. In a proceeding to determine parentage, a responding
33 tribunal of this state shall apply the procedural and
34 substantive laws pursuant to chapters 252A and 252F, and the
35 rules of this state on choice of law.

ARTICLE 8

INTERSTATE RENDITION

1
2
3 Sec. 169. NEW SECTION. 252K.801 GROUNDS FOR RENDITION.

4 1. For purposes of this Article, "governor" includes an
5 individual performing the functions of governor or the
6 executive authority of a state covered by this chapter.

7 2. The governor of this state may:

8 a. Demand that the governor of another state surrender an
9 individual found in the other state who is charged criminally
10 in this state with having failed to provide for the support of
11 an obligee.

12 b. On the demand by the governor of another state,
13 surrender an individual found in this state who is charged
14 criminally in the other state with having failed to provide
15 for the support of an obligee.

16 3. A provision for extradition of individuals not
17 inconsistent with this chapter applies to the demand even if
18 the individual whose surrender is demanded was not in the
19 demanding state when the crime was allegedly committed and has
20 not fled therefrom.

21 Sec. 170. NEW SECTION. 252K.802 CONDITIONS OF RENDITION.

22 1. Before making demand that the governor of another state
23 surrender an individual charged criminally in this state with
24 having failed to provide for the support of an obligee, the
25 governor of this state may require a prosecutor of this state
26 to demonstrate that at least sixty days previously the obligee
27 had initiated proceedings for support pursuant to this chapter
28 or that the proceeding would be of no avail.

29 2. If, under this chapter, or a law substantially similar
30 to this chapter, the Uniform Reciprocal Enforcement of Support
31 Act, or the Revised Uniform Reciprocal Enforcement of Support
32 Act, the governor of another state makes a demand that the
33 governor of this state surrender an individual charged
34 criminally in that state with having failed to provide for the
35 support of a child or other individual to whom a duty of

1 support is owed, the governor may require a prosecutor to
2 investigate the demand and report whether a proceeding for
3 support has been initiated or would be effective. If it
4 appears that a proceeding would be effective but has not been
5 initiated, the governor may delay honoring the demand for a
6 reasonable time to permit the initiation of a proceeding.

7 3. If a proceeding for support has been initiated and the
8 individual whose rendition is demanded prevails, the governor
9 may decline to honor the demand. If the movant prevails and
10 the individual whose rendition is demanded is subject to a
11 support order, the governor may decline to honor the demand if
12 the individual is complying with the support order.

13 ARTICLE 9

14 MISCELLANEOUS PROVISIONS

15 Sec. 171. NEW SECTION. 252K.901 UNIFORMITY OF
16 APPLICATION AND CONSTRUCTION.

17 This chapter shall be applied and construed to effectuate
18 its general purpose to make uniform the law with respect to
19 the subject of this chapter among states enacting it.

20 Sec. 172. NEW SECTION. 252K.902 SHORT TITLE.

21 This chapter may be cited as the Uniform Interstate Family
22 Support Act.

23 Sec. 173. NEW SECTION. 252K.903 SEVERABILITY CLAUSE.

24 If any provision of this chapter or its application to any
25 person or circumstance is held invalid, the invalidity does
26 not affect other provisions or application of this chapter
27 which can be given effect without the invalid provision or
28 application, and to this end the provisions of this chapter
29 are severable.

30 Sec. 174. NEW SECTION. 252K.904 EFFECTIVE DATE --
31 PENDING MATTERS.

32 1. This chapter takes effect January 1, 1998.

33 2. A tribunal of this state shall apply this chapter
34 beginning January 1, 1998, with the following conditions:

35 a. Matters pending on January 1, 1998, shall be governed

1 by this chapter.

2 b. Pleadings and accompanying documents on pending matters
3 are sufficient if the documents substantially comply with the
4 requirements of chapter 252A in effect on December 31, 1997.

5 DIVISION XII

6 Sec. 175. Section 598.1, Code 1997, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 5A. "Postsecondary education subsidy"
9 means an amount which either of the parties may be required to
10 pay under a temporary order or final judgment or decree for
11 educational expenses of a child who is between the ages of
12 eighteen and twenty-two years if the child is regularly
13 attending a course of vocational-technical training either as
14 a part of a regular school program or under special
15 arrangements adapted to the individual person's needs; or is,
16 in good faith, a full-time student in a college, university,
17 or community college; or has been accepted for admission to a
18 college, university, or community college and the next regular
19 term has not yet begun.

20 Sec. 176. Section 598.1, subsection 6, Code 1997, is
21 amended to read as follows:

22 6. "Support" or "support payments" means an amount which
23 the court may require either of the parties to pay under a
24 temporary order or a final judgment or decree, and may include
25 alimony, child support, maintenance, and any other term used
26 to describe these obligations. For orders entered on or after
27 July 1, 1990, unless the court specifically orders otherwise,
28 medical support is not included in the monetary amount of
29 child support. The obligations ~~may~~ shall include support for
30 a child who is between the ages of eighteen and ~~twenty-two~~
31 ~~nineteen~~ years who is ~~regularly-attending-an-accredited-school~~
32 ~~in-pursuance-of-a-course-of-study-leading-to-a-high-school~~
33 ~~diploma-or-its-equivalent,-or-regularly-attending-a-course-of~~
34 ~~vocational-technical-training-either-as-a-part-of-a-regular~~
35 ~~school-program-or-under-special-arrangements-adapted-to-the~~

1 individual-person's-needs, -or-is, -in-good-faith, -a-full-time
2 student-in-a-college, -university, -or-community-college, -or-has
3 been-accepted-for-admission-to-a-college, -university, -or
4 community-college-and-the-next-regular-term-has-not-yet-begun,
5 or engaged full-time in completing high school graduation or
6 equivalency requirements in a manner which is reasonably
7 expected to result in completion of the requirements prior to
8 the person reaching nineteen years of age; and may include
9 support for a child of any age who is dependent on the parties
10 to the dissolution proceedings because of physical or mental
11 disability.

12 Sec. 177. Section 598.5, subsection 5, Code 1997, is
13 amended to read as follows:

14 5. State whether or not a separate action for dissolution
15 of marriage or child support has been commenced by the
16 respondent and whether such action is pending in any court in
17 this state or elsewhere. State whether the entry of an order
18 would violate 28 U.S.C. § 1738B. If there is an existing
19 child support order, the party shall disclose identifying
20 information regarding the order.

21 Sec. 178. NEW SECTION. 598.14A RETROACTIVE MODIFICATION
22 OF TEMPORARY SUPPORT ORDER.

23 An order for temporary support may be retroactively
24 modified only from three months after notice of hearing for
25 temporary support pursuant to section 598.11 or from three
26 months after notice of hearing for modification of a temporary
27 order for support pursuant to section 598.14.

28 Sec. 179. Section 598.21, subsection 4, paragraph a, Code
29 1997, is amended to read as follows:

30 a. Upon Unless prohibited pursuant to 28 U.S.C. § 1738B,
31 upon every judgment of annulment, dissolution, or separate
32 maintenance, the court may order either parent or both parents
33 to pay an amount reasonable and necessary for supporting a
34 child. In establishing the amount of support, consideration
35 shall be given to the responsibility of both parents to

1 support and provide for the welfare of the minor child and of
2 a child's need, whenever practicable, for a close relationship
3 with both parents. There shall be a rebuttable presumption
4 that the amount of child support which would result from the
5 application of the guidelines prescribed by the supreme court
6 is the correct amount of child support to be awarded. A
7 variation from the guidelines shall not be considered by a
8 court without a record or written finding, based on stated
9 reasons, that the guidelines would be unjust or inappropriate
10 as determined under the criteria prescribed by the supreme
11 court.

12 The court shall order as child medical support a health
13 benefit plan as defined in chapter 252E if available to either
14 parent at a reasonable cost. A health benefit plan is
15 considered reasonable in cost if it is employment-related or
16 other group health insurance, regardless of the service
17 delivery mechanism. The premium cost of the health benefit
18 plan may be considered by the court as a reason for varying
19 from the child support guidelines. If a health benefit plan
20 is not available at a reasonable cost, the court may order any
21 other provisions for medical support as defined in chapter
22 252E.

23 Sec. 180. Section 598.21, Code 1997, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 5A. The court shall order a postsecondary
26 education subsidy if mutually agreed to in writing by the
27 parties.

28 Sec. 181. Section 598.21, subsection 8, unnumbered
29 paragraphs 2 and 3, Code 1997, are amended to read as follows:

30 A Unless otherwise provided pursuant to 28 U.S.C. § 1738B,
31 a modification of a support order entered under chapter 234,
32 252A, 252C, 600B, this chapter, or any other support chapter
33 or proceeding between parties to the order is void unless the
34 modification is approved by the court, after proper notice and
35 opportunity to be heard is given to all parties to the order,

1 and entered as an order of the court. If support payments
2 have been assigned to the department of human services
3 pursuant to section 234.39, 239.3, or 252E.11, or if services
4 are being provided pursuant to chapter 252B, the department
5 ~~shall be considered~~ is a party to the support order.
6 Modifications of orders pertaining to child custody shall be
7 made pursuant to chapter 598A. If the petition for a
8 modification of an order pertaining to child custody asks
9 either for joint custody or that joint custody be modified to
10 an award of sole custody, the modification, if any, shall be
11 made pursuant to section 598.41.

12 Judgments for child support or child support awards entered
13 pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B,
14 or any other chapter of the Code which are subject to a
15 modification proceeding may be retroactively modified only
16 from three months after the date the notice of the pending
17 petition for modification is served on the opposing party.
18 The prohibition of retroactive modification does not bar the
19 child support recovery unit from obtaining orders for accrued
20 support for previous time periods. Any retroactive
21 modification which increases the amount of child support or
22 any order for accrued support under this paragraph shall
23 include a periodic payment plan. A retroactive modification
24 shall not be regarded as a delinquency unless there are
25 subsequent failures to make payments in accordance with the
26 periodic payment plan.

27 Sec. 182. Section 598.21, subsection 9, unnumbered
28 paragraph 2, Code 1997, is amended to read as follows:

29 This basis for modification is applicable to petitions
30 filed on or after July 1, 1992, notwithstanding whether the
31 guidelines prescribed by subsection 4 were used in
32 establishing the current amount of support. Upon application
33 for a modification of an order for child support for which
34 services are being received pursuant to chapter 252B, the
35 court shall set the amount of child support based upon the

1 most current child support guidelines established pursuant to
2 subsection 4, including provisions for medical support
3 pursuant to chapter 252E. The child support recovery unit
4 shall, in submitting an application for modification, or
5 adjustment, or alteration of an order for support, employ
6 additional criteria and procedures as provided in chapter 252H
7 and as established by rule.

8 Sec. 183. Section 598.21, subsection 10, Code 1997, is
9 amended to read as follows:

10 10. Notwithstanding any other provision of law to the
11 contrary, when an application for modification or adjustment
12 of support is submitted by the child support recovery unit,
13 the sole issues which may be considered by the court in that
14 action are the application of the guidelines in establishing
15 the amount of support pursuant to subsection 4, and provision
16 for medical support under chapter 252E. When an application
17 for a cost-of-living alteration of support is submitted by the
18 child support recovery unit pursuant to section 252H.24, the
19 sole issue which may be considered by the court in the action
20 is the application of the cost-of-living alteration in
21 establishing the amount of child support. Issues related to
22 custody, visitation, or other provisions unrelated to support
23 shall be considered only under a separate application for
24 modification.

25 Sec. 184. Section 598.22, Code 1997, is amended to read as
26 follows:

27 598.22 SUPPORT PAYMENTS -- CLERK OF COURT -- COLLECTION
28 SERVICES CENTER -- DEFAULTS -- SECURITY.

29 Except as otherwise provided in section 598.22A, this
30 section applies to all initial or modified orders for support
31 entered under this chapter, chapter 234, 252A, 252C, 252F,
32 600B, or any other chapter of the Code. All orders or
33 judgments entered under chapter 234, 252A, 252C, 252F, or
34 600B, or under this chapter or any other chapter which provide
35 for temporary or permanent support payments shall direct the

1 payment of those sums to the clerk of the district court or
2 the collection services center in accordance with section
3 252B.14 for the use of the person for whom the payments have
4 been awarded. Payments to persons other than the clerk of the
5 district court and the collection services center do not
6 satisfy the support obligations created by the orders or
7 judgments, except as provided for trusts governed by the
8 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
9 tax refunds or rebates in section 602.8102, subsection 47, or
10 for dependent benefits paid to the child support obligee as
11 the result of disability benefits awarded to the child support
12 obligor under the federal Social Security Act. For trusts
13 governed by the federal Retirement Equity Act of 1984, Pub. L.
14 No. 98-397, the assignment of order for income withholding or
15 notice of the order for income withholding shall require the
16 payment of such sums to the alternate payee in accordance with
17 the federal Act.

18 ~~Upon a finding of previous failure to pay child support,~~
19 ~~the court may order the person obligated for permanent child~~
20 ~~support to make an assignment of periodic earnings or trust~~
21 ~~income to the clerk of court or the collection services center~~
22 ~~established pursuant to section 252B.13A for the use of the~~
23 ~~person for whom the assignment is ordered. The assignment of~~
24 ~~earnings ordered by the court shall not exceed the amounts set~~
25 ~~forth in 15 U.S.C. § 1673(b) (1982). The assignment is binding~~
26 ~~on the employer, trustee, or other payor of the funds two~~
27 ~~weeks after service upon that person of notice that the~~
28 ~~assignment has been made. The payor shall withhold from the~~
29 ~~earnings or trust income payable to the person obligated the~~
30 ~~amount specified in the assignment and shall transmit the~~
31 ~~payments to the clerk or the collection services center, as~~
32 ~~appropriate. An income withholding order or notice of the~~
33 order for income withholding shall be entered under the terms
34 and conditions of chapter 252D. However, for trusts governed
35 by the federal Retirement Equity Act of 1984, Pub. L. No. 98-

1 397, the payor shall transmit the payments to the alternate
2 payee in accordance with the federal Act. ~~The payor may~~
3 ~~deduct from each payment a sum not exceeding two dollars as a~~
4 ~~reimbursement for costs. An employer who dismisses an~~
5 ~~employee due to the entry of an assignment order commits a~~
6 ~~simple misdemeanor.~~

7 ~~An assignment of periodic income may also be entered under~~
8 ~~the terms and conditions of chapter 252B.~~

9 An order or judgment entered by the court for temporary or
10 permanent support or for an assignment income withholding
11 shall be filed with the clerk. The orders have the same force
12 and effect as judgments when entered in the judgment docket
13 and lien index and are records open to the public. The clerk
14 or the collection services center, as appropriate, shall
15 disburse the payments received pursuant to the orders or
16 judgments within two working days of the receipt of the
17 payments. All moneys received or disbursed under this section
18 shall be entered in records kept by the clerk, or the
19 collection services center, as appropriate, which shall be
20 available to the public. The clerk or the collection services
21 center shall not enter any moneys paid in the record book if
22 not paid directly to the clerk or the center, as appropriate,
23 except as provided for trusts and federal social security
24 disability payments in this section, and for tax refunds or
25 rebates in section 602.8102, subsection 47.

26 If the sums ordered to be paid in a support payment order
27 are not paid to the clerk or the collection services center,
28 as appropriate, at the time provided in the order or judgment,
29 the clerk or the collection services center, as appropriate,
30 shall certify a default to the court which may, on its own
31 motion, proceed as provided in section 598.23.

32 Prompt payment of sums required to be paid under sections
33 598.11 and 598.21 is the essence of such orders or judgments
34 and the court may act pursuant to section 598.23 regardless of
35 whether the amounts in default are paid prior to the contempt

1 hearing.

2 Upon entry of an order for support or upon the failure of a
3 person to make payments pursuant to an order for support, the
4 court may require the person to provide security, a bond, or
5 other guarantee which the court determines is satisfactory to
6 secure the payment of the support. Upon the person's failure
7 to pay the support under the order, the court may declare the
8 security, bond, or other guarantee forfeited.

9 For the purpose of enforcement, medical support is
10 additional support which, upon being reduced to a dollar
11 amount, may be collected through the same remedies available
12 for the collection and enforcement of child support.

13 Sec. 185. NEW SECTION. 598.22B INFORMATION REQUIRED IN
14 ORDER OR JUDGMENT.

15 This section applies to all initial or modified orders for
16 paternity or support entered under this chapter, chapter 234,
17 252A, 252C, 252F, 252H, 252K, 600B, or under any other
18 chapter, and any subsequent order to enforce such support
19 orders.

20 1. All such orders or judgments shall direct each party to
21 file with the clerk of court or the child support recovery
22 unit, as appropriate, upon entry of the order, and to update
23 as appropriate, information on location and identity of the
24 party, including social security number, residential and
25 mailing addresses, telephone number, driver's license number,
26 and name, address, and telephone number of the party's
27 employer. The order shall also include a provision that the
28 information filed will be disclosed and used pursuant to this
29 section. The party shall file the information with the clerk
30 of court, or, if support payments are to be directed to the
31 collection services center as provided in sections 252B.14 and
32 252B.16, with the child support recovery unit.

33 2. All such orders or judgments shall include a statement
34 that in any subsequent child support action initiated by the
35 child support recovery unit or between the parties, upon

1 sufficient showing that diligent effort has been made to
2 ascertain the location of such a party, the unit or the court
3 may deem due process requirements for notice and service of
4 process to be met with respect to the party, upon delivery of
5 written notice to the most recent residential or employer
6 address filed with the clerk of court or unit pursuant to
7 subsection 1.

8 3. a. Information filed pursuant to subsection 1 shall
9 not be a public record.

10 b. Information filed with the clerk of court pursuant to
11 subsection 1 shall be available to the child support recovery
12 unit, upon request.

13 c. Information filed with the clerk of court shall be
14 available, upon request, to a party unless the party filing
15 the information also files an affidavit alleging the party has
16 reason to believe that release of the information may result
17 in physical or emotional harm to the affiant or child.

18 d. If the child support recovery unit is providing
19 services pursuant to chapter 252B, information filed with the
20 unit shall only be disclosed as provided in section 252B.9.

21 Sec. 186. Section 598.23, subsection 2, paragraph a, Code
22 1997, is amended by striking the paragraph and inserting in
23 lieu thereof the following:

24 a. Withholds income under the terms and conditions of
25 chapter 252D.

26 Sec. 187. Section 598.34, Code 1997, is amended to read as
27 follows:

28 598.34 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF
29 SUPPORT PAYMENTS.

30 ~~A person entitled to periodic support payments pursuant to~~
31 ~~an order or judgment entered in an action for dissolution of~~
32 ~~marriage, who is also a recipient of public assistance, is~~
33 ~~deemed to have assigned the person's rights to the support~~
34 ~~payments, to the extent of public assistance received by the~~
35 ~~person, to the department of human services. If public~~

1 assistance is provided by the department of human services to
2 or on behalf of a dependent child or a dependent child's
3 caretaker, there is an assignment by operation of law to the
4 department of any and all rights in, title to, and interest in
5 any support obligation, payment, and arrearages owed to or for
6 the child or caretaker not to exceed the amount of public
7 assistance paid for or on behalf of the child or caretaker.
8 The department shall immediately notify the clerk of court by
9 mail when ~~a person entitled to support payments~~ such a child
10 or caretaker has been determined to be eligible for public
11 assistance. Upon notification by the department ~~that a person~~
12 ~~entitled to periodic support payments pursuant to this chapter~~
13 ~~is receiving public assistance~~, the clerk of court shall make
14 a notation of the automatic assignment in the judgment docket
15 and lien index. The notation constitutes constructive notice
16 of the assignment. For public assistance approved and
17 provided on or after July 1, 1997, if the applicant for public
18 assistance is a person other than a parent of the child, the
19 department shall send a notice by regular mail to the last
20 known addresses of the obligee and obligor. The clerk of
21 court shall forward support payments received pursuant to
22 section 598.22, to which the department is entitled, to the
23 department, which may secure support payments in default
24 through other proceedings provided for in chapter 252A or
25 section 598-24.
26 The clerk shall furnish the department with copies of all
27 orders or decrees awarding and temporary or domestic abuse
28 orders addressing support to parties having custody of minor
29 children when the parties are receiving public assistance or
30 services are otherwise provided by the child support recovery
31 unit pursuant to chapter 252B. Unless otherwise specified in
32 the order, an equal and proportionate share of any child
33 support awarded shall be presumed to be payable on behalf of
34 each child subject to the order or judgment for purposes of an
35 assignment under this section.

1 Sec. 188. NEW SECTION. 598.43 OBLIGOR VISITATION.

2 1. For purposes of this section "obligor" means a person
3 legally responsible for the support of a child under a support
4 order issued in this state, or a legally established parent
5 against whom a support order is being sought for a child.

6 2. Either parent may petition to establish or modify
7 visitation rights for the obligor in a proceeding in equity
8 separate from an action to establish support, if support has
9 been established for that child or if a petition to establish
10 support for that child has been filed.

11 3. The parent may proceed pro se under this section.

12 a. Upon filing the petition to proceed pro se, the parent
13 may attach an affidavit stating that the parent does not have
14 sufficient funds to pay the costs of filing and service, and
15 the petition shall be filed and service shall be made without
16 payment of the costs.

17 b. If a petition is filed and service is made without
18 payment of costs, the court shall determine at the hearing if
19 the payment of costs would prejudice the parent's financial
20 ability to provide economic necessities for the parent. If
21 the court finds that the payment of costs would not prejudice
22 the parent's financial ability to provide economic necessities
23 for the parent, the court may order the parent to pay the
24 costs of filing and service. However, in making the
25 determination, the court shall not consider funds no longer
26 available to the parent as a result of the commencement of the
27 action.

28 c. The supreme court shall prescribe standard forms to be
29 used by parents proceeding pro se in actions under this
30 section. The standard forms shall include language in
31 fourteen-point boldface type, with a box which may be checked
32 by the parent, indicating that the parent does not have
33 sufficient funds to pay the cost of filing and service.
34 Standard forms prescribed by the supreme court shall be the
35 exclusive forms used by parents in proceeding pro se under

1 this section. The supreme court shall distribute the forms to
2 the clerks of the district courts.

3 d. The clerk of the district court shall furnish the
4 required forms to persons seeking establishment or
5 modification of visitation through pro se proceedings pursuant
6 to this section.

7 4. A separate action under this section shall not be
8 joined with or delay resolution of a pending action for
9 establishment, modification, or enforcement of support.

10 5. Subject to subsection 4, a court may hear both actions
11 concurrently if the petitioning parent serves advance notice
12 of the separate action and hearing upon the nonpetitioning
13 parent at least twenty days before such a hearing is held.

14 DIVISION XIII

15 Sec. 189. NEW SECTION. 252B.22 STATEWIDE SUPPORT LIEN
16 INDEX.

17 1. The child support recovery unit created in chapter 252B
18 shall establish a task force to assist in the development of a
19 plan for a statewide support lien index. The unit, in
20 consultation with the task force, may recommend additional
21 statutory changes to the general assembly by January 1, 1999,
22 to facilitate implementation of a statewide index.

23 2. The plan shall provide for an index pertaining to any
24 person against whom a support judgment is entered, registered,
25 or otherwise filed with a court in this state, against whom
26 the unit is enforcing a support judgment, or against whom an
27 interstate lien form promulgated by the United States
28 secretary of health and human services is filed. The plan
29 shall also provide for implementation and administration of an
30 automated statewide support lien index, access to at least one
31 location in every county, and the development of procedures to
32 periodically update the lien information.

33 3. Members of the task force may include, but shall not be
34 limited to, representatives, appointed by the respective
35 entity, of the Iowa land title association, the Iowa realtors'

1 association, the Iowa state bar association, the Iowa county
2 recorders' association, the Iowa clerks of court association,
3 the Iowa county treasurers' association, the Iowa automobile
4 dealers' association, department of revenue and finance, state
5 department of transportation, the office of the secretary of
6 state, the office of the state court administrator, and other
7 constituency groups and agencies which have an interest in a
8 statewide support lien index to the record liens.

9 Appointments are not subject to sections 69.16 and 69.16A.

10 Vacancies shall be filled by the original appointment
11 authority and in the manner of the original appointments.

12 Sec. 190. Section 624.23, Code 1997, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 4. In addition to other provisions
15 relating to the attachment of liens, full faith and credit
16 shall be afforded to liens arising for overdue support due on
17 support judgments entered by a court or administrative agency
18 of another state on real estate in this state owned by the
19 obligor, for the period of ten years from the date of the
20 judgment. Notwithstanding any other provisions of law,
21 including but not limited to, the formatting of forms or
22 requirement of signatures, the lien attaches on the date that
23 a notice of interstate lien promulgated by the United States
24 secretary of health and human services is filed with the clerk
25 of district court in the county where the real estate is
26 located.

27 The lien shall apply only prospectively as of the date of
28 attachment to all real estate the obligor may subsequently
29 acquire and does not retroactively apply to the chain of title
30 for any real estate that the obligor had disposed of prior to
31 the date of attachment.

32 Sec. 191. NEW SECTION. 624.24A LIENS OF SUPPORT
33 JUDGMENTS.

34 1. In addition to other provisions relating to the
35 attachment of liens, support judgments in the appellate or

1 district courts of this state, are liens upon the personal
2 property titled in this state and owned by the obligor at the
3 time of such rendition or subsequently acquired by the
4 obligor.

5 2. The lien shall attach from the date of the notation on
6 the title.

7 3. In addition to other provisions relating to the
8 attachment of liens, full faith and credit shall be afforded
9 to a lien arising for overdue support due on support judgments
10 entered by a court or administrative agency of another state
11 on personal property titled in this state and owned by the
12 obligor. In this state a lien attaches on the date that a
13 notice of interstate lien promulgated by the United States
14 secretary of health and human services is filed with the clerk
15 of district court in the county where the personal property is
16 titled and the lien is noted on the title.

17 The lien shall apply only prospectively as of the date of
18 attachment, shall attach to any titled personal property the
19 obligor may subsequently acquire, and does not retroactively
20 apply to the chain of title for any personal property that the
21 obligor had disposed of prior to the date of attachment.

22 DIVISION XIV
23 PART A

24 Sec. 192. Section 600B.9, Code 1997, is amended to read as
25 follows:

26 600B.9 TIME OF INSTITUTING PROCEEDINGS.

27 The proceedings may be instituted during the pregnancy of
28 the mother or after the birth of the child, but, except with
29 the consent of all parties, the trial shall not be held until
30 after the birth of the child and shall be held no earlier than
31 twenty days from the date the alleged father is served with
32 notice of the action or, if blood or genetic tests are
33 conducted, no earlier than fifty thirty days from the date the
34 test results are filed with the clerk of the district court as
35 provided under section 600B.41.

1 Sec. 193. Section 600B.18, Code 1997, is amended to read
2 as follows:

3 600B.18 METHOD OF TRIAL.

4 The trial shall be by jury, ~~if either party demands a jury,~~
5 ~~otherwise by~~ the court, and shall be conducted as in other
6 civil cases.

7 Sec. 194. Section 600B.23, Code 1997, is amended to read
8 as follows:

9 600B.23 COSTS PAYABLE BY COUNTY.

10 If the ~~verdict of the jury at the trial or the~~ finding of
11 the court be in favor of the defendant the costs of the action
12 shall be paid by the county.

13 Sec. 195. Section 600B.24, subsection 2, Code 1997, is
14 amended to read as follows:

15 2. Upon a finding ~~or verdict~~ of paternity against the
16 defendant, the court shall enter a judgment against the
17 defendant declaring paternity and ordering support of the
18 child.

19 Sec. 196. Section 600B.25, Code 1997, is amended to read
20 as follows:

21 600B.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT ORDER --
22 EVIDENCE -- COSTS.

23 1. Upon a finding ~~or verdict~~ of paternity pursuant to
24 section 600B.24, the court shall establish the father's
25 monthly support payment and the amount of the support debt
26 accrued or accruing pursuant to section 598.21, subsection 4,
27 until the child reaches majority or until the child finishes
28 high school, if after majority. The court may order the
29 father to pay amounts the court deems appropriate for the past
30 support and maintenance of the child and for the reasonable
31 and necessary expenses incurred by or for the mother in
32 connection with prenatal care, the birth of the child, and
33 postnatal care of the child and the mother, and other medical
34 support as defined in section 252E.1. The court may award the
35 prevailing party the reasonable costs of suit, including but

1 not limited to reasonable attorney fees.

2 2. A copy of a bill for the costs of prenatal care or the
3 birth of the child shall be admitted as evidence, without
4 requiring third-party foundation testimony, and shall
5 constitute prima facie evidence of amounts incurred.

6 Sec. 197. Section 600B.38, Code 1997, is amended to read
7 as follows:

8 600B.38 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF
9 SUPPORT PAYMENTS.

10 ~~A person entitled to periodic support payments pursuant to~~
11 ~~an order or judgment entered in a paternity action under this~~
12 ~~chapter, who is also a recipient of public assistance, is~~
13 ~~deemed to have assigned the person's rights to the support~~
14 ~~payments, to the extent of public assistance received by the~~
15 ~~person, to the department of human services. If public~~
16 assistance is provided by the department of human services to
17 or on behalf of a dependent child or a dependent child's
18 caretaker, there is an assignment by operation of law to the
19 department of any and all rights in, title to, and interest in
20 any support obligation, payment, and arrearages owed to or on
21 behalf of the child or caretaker, not to exceed the amount of
22 public assistance paid for or on behalf of the child or
23 caretaker. The department shall immediately notify the clerk
24 of court by mail when ~~a person entitled to support payments~~
25 such a child or caretaker has been determined to be eligible
26 for public assistance. Upon notification by the department
27 ~~that a person entitled to periodic support payments pursuant~~
28 ~~to this chapter is receiving public assistance,~~ the clerk of
29 court shall make a notation of the automatic assignment in the
30 judgment docket and lien index. The notation constitutes
31 constructive notice of the assignment. For public assistance
32 approved and provided on or after July 1, 1997, if the
33 applicant for public assistance is a person other than a
34 parent of the child, the department shall send notice by
35 regular mail to the last known addresses of the obligee and

1 obligor. The clerk of court shall forward support payments
2 received pursuant to section 600B.25, to which the department
3 is entitled, to the department, which may secure support
4 payments in default through other proceedings prescribed in
5 chapter-252A-or-section-600B.37. The clerk shall furnish the
6 department with copies of all orders or decrees awarding and
7 temporary or domestic abuse orders addressing support to
8 parties-having-custody-of-minor-children when the parties are
9 receiving public assistance or services are otherwise provided
10 by the child support recovery unit. Unless otherwise
11 specified in the order, an equal and proportionate share of
12 any child support awarded shall be presumed to be payable on
13 behalf of each child subject to the order or judgment for
14 purposes of an assignment under this section.

15 Sec. 198. NEW SECTION. 600B.40A PRO SE VISITATION
16 PETITION.

17 1. If a judgment of paternity is entered, a parent filing
18 a separate action to establish or modify visitation under
19 section 600B.40 may proceed pro se under this section.

20 a. Upon filing the petition to proceed pro se, the parent
21 may attach an affidavit stating that the parent does not have
22 sufficient funds to pay the costs of filing and service, and
23 the petition shall be filed and service shall be made without
24 payment of the costs.

25 b. If a petition is filed and service is made without
26 payment of costs, the court shall determine at the hearing if
27 the payment of costs would prejudice the parent's financial
28 ability to provide economic necessities for the parent. If
29 the court finds that the payment of costs would not prejudice
30 the parent's financial ability to provide economic necessities
31 for the parent, the court may order the parent to pay the
32 costs of filing and service. However, in making the
33 determination, the court shall not consider funds no longer
34 available to the parent as a result of the commencement of the
35 action.

1 c. The supreme court shall prescribe standard forms to be
2 used by parents in seeking orders by proceeding pro se in
3 actions under this section. The standard forms shall include
4 language in fourteen-point boldface type, with a box which may
5 be checked by the parent, indicating that the parent does not
6 have sufficient funds to pay the cost of filing and service.
7 Standard forms prescribed by the supreme court shall be the
8 exclusive forms used by parents in proceeding pro se. The
9 supreme court shall distribute the forms to the clerks of the
10 district courts.

11 d. The clerk of the district court shall furnish the
12 required forms to persons seeking establishment or
13 modification of visitation through pro se proceedings pursuant
14 to this section.

15 2. A separate action under section 600B.40 or this section
16 shall not be joined with or delay resolution of a pending
17 action for establishment, modification, or enforcement of
18 support.

19 3. Subject to subsection 2, a court may hear both actions
20 concurrently if the petitioning parent serves advance notice
21 of the separate action and hearing upon the nonpetitioning
22 parent at least twenty days before such hearing is held.

23 Sec. 199. Section 600B.41, subsections 2 and 4, Code 1997,
24 are amended to read as follows:

25 2. If a blood or genetic test is required, the court shall
26 direct that inherited characteristics be determined by
27 appropriate testing procedures, and shall appoint an expert
28 qualified as an examiner of genetic markers to analyze and
29 interpret the results and to report to the court. Appropriate
30 testing procedures shall include any genetic test generally
31 acknowledged as reliable by accreditation bodies designated by
32 the secretary of the United States department of health and
33 human services and which are performed by a laboratory
34 approved by such an accreditation body.

35 4. A verified expert's report shall be admitted at trial.

1 A copy of a bill for blood or genetic testing shall be
2 admitted as evidence, without requiring third-party foundation
3 testimony, and shall constitute prima facie evidence of
4 amounts incurred for blood or genetic testing.

5 Sec. 200. Section 600B.41, subsection 5, paragraph a,
6 unnumbered paragraph 1, Code 1997, is amended to read as
7 follows:

8 Test results which show a statistical probability of
9 paternity are admissible. To challenge the test results, a
10 party shall file a notice of the challenge, with the court,
11 within no later than twenty days of after the filing of the
12 expert's report with the clerk of the district court, ~~or, if a~~
13 ~~court-hearing-is-scheduled-to-resolve-the-issue-of-paternity,~~
14 ~~no-later-than-thirty-days-before-the-original-court-hearing~~
15 ~~date.~~

16 Sec. 201. Section 600B.41A, subsection 3, paragraph f,
17 Code 1997, is amended to read as follows:

18 f. The court finds that all of the following:

19 (1) That the conclusion of the expert as disclosed by the
20 evidence based upon blood or genetic testing demonstrates that
21 the established father is not the biological father of the
22 child.

23 (2) If paternity was established pursuant to section
24 252A.3A, the signed affidavit was based on fraud, duress, or
25 material mistake of fact, as shown by the petitioner.

26 Sec. 202. Section 600B.41A, subsection 3, paragraph g,
27 Code 1997, is amended by striking the paragraph.

28 Sec. 203. Section 600B.41A, subsection 6, Code 1997, is
29 amended to read as follows:

30 6. If the court determines that test results conducted in
31 accordance with section 600B.41 or chapter 252F exclude the
32 established father as the biological father, but the court
33 dismisses the action to overcome paternity, the court ~~may~~
34 shall enter an order relieving the established father of any
35 ~~or~~ all future support obligations owed on behalf of the child,

1 while preserving the paternity determination. The court's
2 determination and the effective date of the determination
3 shall be in accordance with subsection 4, paragraphs "a" and
4 "b", and shall be made based upon the unique circumstances of
5 each case and the interests of all parties.

6 Sec. 204. Section 600B.30, Code 1997, is repealed.

7 PART B

8 Sec. 205. Section 600B.41A, subsection 2, paragraph a,
9 Code 1997, is amended to read as follows:

10 a. A paternity determination made in or by a foreign
11 jurisdiction ~~and, notwithstanding section 252A.20, or a~~
12 paternity determination which has been made in or by a foreign
13 jurisdiction and registered in this state in accordance with
14 section 252A.18 or chapter 252K.

15 Sec. 206. Section 600B.34, Code 1997, is repealed.

16 Sec. 207. EFFECTIVE DATE. Part B, sections 205 and 206 of
17 this Act, are effective January 1, 1998.

18 DIVISION XV

19 Sec. 208. Section 96.3, subsection 9, paragraph c, Code
20 1997, is amended to read as follows:

21 c. However, if the department is notified of ~~an assignment~~
22 ~~of income withholding~~ by the child support recovery unit under
23 chapter 252D or section 598.22 or 598.23 or if income is
24 garnisheed by the child support recovery unit under chapter
25 642 and an individual's benefits are condemned to the
26 satisfaction of the child support obligation being enforced by
27 the child support recovery unit, the department shall deduct
28 and withhold from the individual's benefits that amount
29 required through legal process.

30 Notwithstanding section 642.2, subsections 2, 3, 6, and 7,
31 which restrict garnishments under chapter 642 to wages of
32 public employees, the department may be garnisheed under
33 chapter 642 by the child support recovery unit established in
34 section 252B.2, pursuant to a judgment for child support
35 against an individual eligible for benefits under this

1 chapter.

2 Notwithstanding section 96.15, benefits under this chapter
3 are not exempt from income assignment withholding,
4 garnishment, attachment, or execution if ~~assigned-to~~ withheld
5 for or garnisheed by the child support recovery unit,
6 established in section 252B.2, or if an assignment income
7 withholding order or notice of the income withholding order
8 under section 598.22 or 598.23 is being enforced by the child
9 support recovery unit to satisfy the child support obligation
10 of an individual who is eligible for benefits under this
11 chapter.

12 Sec. 209. Section 144.13, subsection 2, Code 1997, is
13 amended to read as follows:

14 2. If the mother was married ~~either~~ at the time of
15 conception, or birth, or at any time during the period between
16 conception and birth, the name of the husband shall be entered
17 on the certificate as the father of the child unless paternity
18 has been determined otherwise by a court of competent
19 jurisdiction, in which case the name of the father as
20 determined by the court shall be entered by the department.

21 Sec. 210. Section 144.13, subsection 3, Code 1997, is
22 amended to read as follows:

23 3. If the mother was not married ~~either~~ at the time of
24 conception, or birth, and at any time during the period
25 between conception and birth, the name of the father shall not
26 be entered on the certificate of birth ~~without-the-written~~
27 ~~consent-of-the-mother-and-the-person-to-be-named-as-the~~
28 ~~father~~, unless a determination of paternity has been made
29 pursuant to section 252A.3, in which case the name of the
30 father as established shall be entered by the department. If
31 the father is not named on the certificate of birth, no other
32 information about the father shall be entered on the
33 certificate.

34 Sec. 211. Section 144.13, subsection 4, paragraph c, Code
35 1997, is amended to read as follows:

1 c. A copy of the affidavit of paternity if filed pursuant
2 to section 252A.3A and any subsequent rescision form which
3 rescinds the affidavit.

4 Sec. 212. Section 144.26, Code 1997, is amended to read as
5 follows:

6 144.26 DEATH CERTIFICATE.

7 1. A death certificate for each death which occurs in this
8 state shall be filed with the county registrar of the county
9 in which the death occurs, within three days after the death
10 and prior to final disposition, and shall be registered by the
11 registrar if it has been completed and filed in accordance
12 with this chapter. A death certificate shall include the
13 social security number, if provided, of the deceased person.
14 All information including the certifying physician's name
15 shall be typewritten.

16 2. All information included on a death certificate may be
17 provided as mutually agreed upon by the division and the child
18 support recovery unit, including by automated exchange.

19 3. If the place of death is unknown, a death certificate
20 shall be filed in the county in which a dead body is found
21 within three days after the body is found. If death occurs in
22 a moving conveyance, a death certificate shall be filed in the
23 county in which the dead body is first removed from the
24 conveyance.

25 4. If a person dies outside of the county of the person's
26 residence, the state registrar shall send a copy of the death
27 certificate to the county registrar of the county of the
28 decedent's residence. The county registrar shall record the
29 death certificate in the same records in which death
30 certificates of persons who died within the county are
31 recorded.

32 Sec. 213. Section 234.39, subsections 1, 2, and 3, Code
33 1997, are amended to read as follows:

34 1. For an individual to whom section 234.35, subsection 1,
35 is applicable, a dispositional order of the juvenile court

1 requiring the provision of foster care, or an administrative
2 order entered pursuant to chapter 252C, or any order
3 establishing paternity and support for a child in foster care,
4 shall establish, after notice and a reasonable opportunity to
5 be heard is provided to a parent or guardian, the amount of
6 the parent's or guardian's support obligation for the cost of
7 foster care provided by the department. The amount of the
8 parent's or guardian's support obligation and the amount of
9 support debt accrued and accruing shall be established in
10 accordance with the child support guidelines prescribed under
11 section 598.21, subsection 4. However, the court, or the
12 department of human services in establishing support by
13 administrative order, may deviate from the prescribed
14 obligation after considering a recommendation by the
15 department for expenses related to goals and objectives of a
16 case permanency plan as defined under section 237.15, and upon
17 written findings of fact which specify the reason for
18 deviation and the prescribed guidelines amount. Any order for
19 support shall direct the payment of the support obligation to
20 the collection services center for the use of the department's
21 foster care recovery unit. The order shall be filed with the
22 clerk of the district court in which the responsible parent or
23 guardian resides and has the same force and effect as a
24 judgment when entered in the judgment docket and lien index.
25 The collection services center shall disburse the payments
26 pursuant to the order and record the disbursements. If
27 payments are not made as ordered, the child support recovery
28 unit may certify a default to the court and the court may, on
29 its own motion, proceed under section 598.22 or 598.23 or the
30 child support recovery unit may enforce the judgment as
31 allowed by law. An order entered under this subsection may be
32 modified only in accordance with the guidelines prescribed
33 under section 598.21, subsection 8, or under chapter 252H.
34 2. For an individual who is served by the department of
35 human services under section 234.35, and is not subject to a

1 dispositional order of the juvenile court requiring the
2 provision of foster care, the department shall determine the
3 obligation of the individual's parent or guardian pursuant to
4 chapter 252C and in accordance with the child support
5 guidelines prescribed under section 598.21, subsection 4.
6 However, the department may adjust the prescribed obligation
7 for expenses related to goals and objectives of a case
8 permanency plan as defined under section 237.15. An
9 obligation determined under this subsection may be modified
10 only in accordance with conditions under section 598.21,
11 subsection 8, or under chapter 252H.

12 3. A person entitled to periodic support payments pursuant
13 to an order or judgment entered in any action for support, who
14 also is or has a child receiving foster care services, is
15 deemed to have assigned to the department current and accruing
16 support payments attributable to the child effective as of the
17 date the child enters foster care placement, to the extent of
18 expenditure of foster care funds. The department shall notify
19 the clerk of the district court when a child entitled to
20 support payments is receiving foster care services pursuant to
21 chapter 234. Upon notification by the department that a child
22 entitled to periodic support payments is receiving foster care
23 services, the clerk of the district court shall make a
24 notation of the automatic assignment in the judgment docket
25 and lien index. The notation constitutes constructive notice
26 of assignment. The clerk of court shall furnish the
27 department with copies of all orders and decrees awarding
28 support when the child is receiving foster care services. At
29 the time the child ceases to receive foster care services, the
30 assignment of support shall be automatically terminated.
31 Unpaid support accrued under the assignment of support rights
32 during the time that the child was in foster care remains due
33 to the department up to the amount of unreimbursed foster care
34 funds expended. The department shall notify the clerk of
35 court of the automatic termination of the assignment. Unless

1 otherwise specified in the support order, an equal and
2 proportionate share of any child support awarded shall be
3 presumed to be payable on behalf of each child subject to the
4 order or judgment for purposes of an assignment under this
5 section.

6 Sec. 214. Section 236.5, subsection 2, paragraph e, Code
7 1997, is amended to read as follows:

8 e. That Unless prohibited pursuant to 28 U.S.C. § 1738B,
9 that the defendant pay the clerk a sum of money for the
10 separate support and maintenance of the plaintiff and children
11 under eighteen.

12 Sec. 215. Section 236.10, Code 1997, is amended to read as
13 follows:

14 236.10 CONFIDENTIALITY OF RECORDS.

15 The file in a domestic abuse case shall be sealed by the
16 clerk of court when it is complete and after the time for
17 appeal has expired. However, the clerk shall open the file
18 upon application to and order of the court for good cause
19 shown or upon request of the child support recovery unit.

20 Sec. 216. Section 239.3, Code 1997, is amended to read as
21 follows:

22 239.3 APPLICATION FOR ASSISTANCE -- ASSIGNMENT OF SUPPORT
23 RIGHTS.

24 1. An application for assistance shall be made to the
25 department. The application shall be in writing or reduced to
26 writing in the manner and upon the form prescribed by the
27 administrator. The application shall be made by the specified
28 relative with whom the dependent child resides or will reside,
29 and shall contain the information required on the application
30 form. One application may be made for several children of the
31 same family if they reside or will reside with the same
32 specified relative.

33 2. An assignment of support rights is created by any of
34 the following:

35 a. An applicant for assistance under this chapter and

1 other persons covered by an application are deemed to have
2 assigned to the department of human services at the time of
3 application all rights to periodic support payments to the
4 extent of public assistance received by the applicant and
5 other persons covered by the application.

6 b. A determination that a child or another person covered
7 by an application is eligible for assistance under this
8 chapter creates an assignment by operation of law to the
9 department of all rights to periodic support payments not to
10 exceed the amount of public assistance received by the child
11 and other persons covered by the application.

12 3. An assignment takes effect upon determination that an
13 applicant or another person covered by an application is
14 eligible for assistance under this chapter, applies to both
15 current and accrued support obligations, and terminates when
16 an applicant or another person covered by an application
17 ceases to receive assistance under this chapter, except with
18 respect to the amount of unpaid support obligations accrued
19 under the assignment. If an applicant or another person
20 covered by an application ceases to receive assistance under
21 this chapter and the applicant or other person covered by the
22 application receives a periodic support payment subject to
23 limitations of federal law, the department of human services
24 is entitled only to that amount of the periodic support
25 payment above the current periodic support obligation.

26 Sec. 217. Section 421.17, subsection 21, unnumbered
27 paragraph 1, Code 1997, is amended to read as follows:

28 To establish and maintain a procedure to set off against a
29 debtor's income tax refund or rebate any debt, which is
30 assigned to the department of human services, or which the
31 child support recovery unit is otherwise attempting to collect
32 ~~on-behalf-of-an-individual-not-eligible-as-a-public-assistance~~
33 ~~recipient~~, or which the foster care recovery unit of the
34 department of human services is attempting to collect on
35 behalf of a child receiving foster care provided by the

1 department of human services.

2 Sec. 218. Section 535.3, subsection 3, Code 1997, is
3 amended to read as follows:

4 3. Interest on periodic payments for child, spousal, or
5 medical support shall not accrue until thirty days after the
6 payment becomes due and owing. Additionally, interest on
7 these payments shall not accrue on amounts being paid through
8 income withholding pursuant to chapter 252D for the time these
9 payments are unpaid solely because the date on which the payor
10 of income withholds income based upon the payor's regular pay
11 cycle varies from the provisions of the support order.

12 Sec. 219. Section 595.4, unnumbered paragraph 1, Code
13 1997, is amended to read as follows:

14 Previous to the issuance of any license to marry, the
15 parties desiring the license shall sign and file a verified
16 application with the county registrar which application either
17 may be mailed to the parties at their request or may be signed
18 by them at the office of the county registrar in the county in
19 which the license is to be issued. The application shall
20 include the social security number of each applicant and shall
21 set forth at least one affidavit of some competent and
22 disinterested person stating the facts as to age and
23 qualification of the parties. Upon the filing of the
24 application for a license to marry, the county registrar shall
25 file the application in a record kept for that purpose and
26 shall take all necessary steps to ensure the confidentiality
27 of the social security number of each applicant. All
28 information included on an application may be provided as
29 mutually agreed upon by the division of records and statistics
30 and the child support recovery unit, including by automated
31 exchange.

32 Sec. 220. Section 626A.2, subsection 2, Code 1997, is
33 amended to read as follows:

34 2. ~~In a~~ A proceeding to enforce a child support order, ~~the~~
35 ~~law of this state shall apply except as follows:~~ is governed

1 by 28 U.S.C. § 1738B.

2 a.--~~In interpreting a child support order, a court shall~~
3 ~~apply the law of the state of the court that issued the order.~~

4 b.--~~In an action to enforce a child support order, a court~~
5 ~~shall apply the statute of limitations of this state or the~~
6 ~~state of the court that issued the order, whichever statute~~
7 ~~provides the longer period of limitations.~~

8 Sec. 221. Section 627.11, Code 1997, is amended to read as
9 follows:

10 627.11 EXCEPTION UNDER DECREE FOR SPOUSAL SUPPORT.

11 If the party in whose favor the order, judgment, or decree
12 for the support of a spouse was rendered has not remarried,
13 the personal earnings of the debtor are not exempt from an
14 order, judgment, or decree for temporary or permanent support,
15 as defined in section ~~252D.1~~ 252D.16A, of a spouse, nor from
16 an installment of an order, judgment, or decree for the
17 support of a spouse.

18 Sec. 222. Section 627.12, Code 1997, is amended to read as
19 follows:

20 627.12 EXCEPTION UNDER DECREE FOR CHILD SUPPORT.

21 The personal earnings of the debtor are not exempt from an
22 order, judgment, or decree for the support, as defined in
23 section ~~252D.1~~ 252D.16A, of a child, nor from an installment
24 of an order, judgment, or decree for the support of a child.

25 Sec. 223. Section 642.2, subsections 1 and 5, Code 1997,
26 are amended to read as follows:

27 1. The state of Iowa, and all of its governmental
28 subdivisions and agencies, may be ~~garnisheed~~ garnished, only
29 as provided in this section and the consent of the state and
30 of its governmental subdivisions and agencies to those
31 garnishment proceedings is hereby given. However,
32 notwithstanding the requirements of this chapter, income
33 withholding notices shall be served on the state, and all of
34 its governmental subdivisions and agencies, pursuant to the
35 requirements of chapter 252D.

1 5. Service Except as provided in subsection 1, service
2 upon the garnishee shall be made by serving an original notice
3 with a copy of the judgment against the defendant, and with a
4 copy of the questions specified in section 642.5, by certified
5 mail or by personal service upon the attorney general, county
6 attorney, city attorney, secretary of the school district, or
7 legal counsel of the appropriate governmental unit. The
8 garnishee shall be required to answer within thirty days
9 following receipt of the notice.

10 Sec. 224. PUBLIC ASSISTANCE -- ACCRUED SUPPORT AND
11 ARREARAGES -- REVIEW AND RECOMMENDATIONS. The child support
12 recovery unit shall review and make recommendations to the
13 general assembly on or before February 1, 1998, regarding the
14 establishment of an accrued support debt which is based upon
15 receipt of public assistance and the determination of the
16 amount to be withheld as payment of arrearages under an income
17 withholding order.

18 DIVISION XVI

19 SURCHARGE

20 Sec. 225. Section 252B.9, subsection 2, paragraph b, is
21 amended by adding the following new subparagraph:

22 NEW SUBPARAGRAPH. (4) Records relating to the
23 administration, collection, and enforcement of surcharges
24 pursuant to section 252B.22 which are recorded by the unit or
25 a collection entity shall be confidential records except that
26 information, as necessary for support collection and
27 enforcement, may be provided to other governmental agencies,
28 the obligor or the resident parent, or a collection entity
29 under contract with the unit unless otherwise prohibited by
30 the federal law. A collection entity under contract with the
31 unit shall use information obtained for the sole purpose of
32 fulfilling the duties required under the contract, and shall
33 disclose any records obtained by the collection entity to the
34 unit for use in support establishment and enforcement.

35 Sec. 226. Section 252B.13A, Code 1997, is amended to read

1 as follows:

2 252B.13A COLLECTION SERVICES CENTER.

3 The department shall establish within the unit a collection
4 services center for the receipt and disbursement of support
5 payments as defined in section 598.1 as required for orders by
6 section 252B.14. For purposes of this section, support
7 payments do not include attorney fees, court costs, or
8 property settlements. The center may also receive and
9 disburse surcharges as provided in section 252B.22.

10 Sec. 227. NEW SECTION. 252B.22 SURCHARGE.

11 1. A surcharge shall be due and payable by the obligor on
12 a support arrearage identified as difficult to collect and
13 referred by the unit on or after January 1, 1998, to a
14 collection entity under contract with the unit or other state
15 entity. The amount of the surcharge shall be a percent of the
16 amount of the support arrearage referred to the collection
17 entity and shall be specified in the contract with the
18 collection entity. For the purpose of this chapter, a
19 "collection entity" includes but is not limited to a state
20 agency, including the central collection unit of the
21 department of revenue and finance, or a private collection
22 agency. Use of a collection entity is in addition to any
23 other legal means by which support payments may be collected.
24 The unit shall continue to use other enforcement actions, as
25 appropriate.

26 2. a. Notice that a surcharge may be assessed on a
27 support arrearage referred to a collection entity pursuant to
28 this section shall be provided to an obligor in accordance
29 with one of the following as applicable:

30 (1) In the order establishing or modifying the support
31 obligation. The unit or district court shall include notice
32 in any new or modified support order issued on or after July
33 1, 1997.

34 (2) Through notice sent by the unit by regular mail to the
35 last known address of the support obligor.

1 b. The notice shall also advise that any appropriate
2 information may be provided to a collection entity for
3 purposes of administering and enforcing the surcharge.
4 3. Arrearages submitted for referral and surcharge
5 pursuant to this section shall meet all of the following
6 criteria:
7 a. The arrearages owed shall be based on a court or
8 administrative order which establishes the support obligation.
9 b. The arrearage is due for a case in which the unit is
10 providing services pursuant to this chapter and one for which
11 the arrearage has been identified as difficult to collect by
12 the unit.
13 c. The obligor was provided notice pursuant to subsection
14 2 at least fifteen days prior to sending the notice of
15 referral pursuant to subsection 4.
16 4. The unit shall send notice of referral to the obligor
17 by regular mail to the obligor's last known address, with
18 proof of service completed according to R.C.P. § 82, at least
19 thirty days prior to the date the arrearage is referred to the
20 collection entity. The notice shall inform the obligor of all
21 of the following:
22 a. The arrearage will be referred to a collection entity.
23 b. Upon referral, a surcharge is due and payable by the
24 obligor.
25 c. The amount of the surcharge.
26 d. That the obligor may avoid referral by paying the
27 amount of the arrearage to the collection services center
28 within twenty days of the date of notice of referral.
29 e. That the obligor may contest the referral by submitting
30 a written request for review of the unit. The request shall
31 be received by the unit within twenty days of the date of the
32 notice of referral.
33 f. The right to contest the referral is limited to a
34 mistake of fact, which includes a mistake in the identity of
35 the obligor, a mistake as to fulfillment of the requirements

1 for referral under this subsection, or a mistake in the amount
2 of the arrearages.

3 g. The unit shall issue a written decision following a
4 requested review.

5 h. Following the issuance of a written decision by the
6 unit denying that a mistake of fact exists, the obligor may
7 request a hearing to challenge the surcharge by sending a
8 written request for a hearing to the office of the unit which
9 issued the decision. The request shall be received by the
10 office of the unit which issued the decision within ten days
11 of the unit's written decision. The only grounds for a
12 hearing shall be mistake of fact. Following receipt of the
13 written request, the unit which receives the request shall
14 certify the matter for hearing in the district court in the
15 county in which the underlying support order is filed.

16 i. The address of the collection services center for
17 payment of the arrearages.

18 5. If the obligor pays the amount of arrearage within
19 twenty days of the date of the notice of referral, referral of
20 the arrearage to a collection entity shall not be made.

21 6. If the obligor requests a review or court hearing
22 pursuant to this section, referral of the arrearages shall be
23 stayed pending the decision of the unit or the court.

24 7. Actions of the unit under this section shall not be
25 subject to contested case proceedings or further review
26 pursuant to chapter 17A and any resulting court hearing shall
27 be an original hearing before the district court. However,
28 the department shall establish, by rule pursuant to chapter
29 17A, an internal process to provide an additional review by
30 the administrator of the child support recovery unit or the
31 administrator's designee.

32 8. If an obligor does not pay the amount of the arrearage,
33 does not contest the referral, or if following the unit's
34 review and any court hearing the unit or court does not find a
35 mistake of fact, the arrearages shall be referred to a

1 collection entity. Following the review or hearing, if the
2 unit or court finds a mistake in the amount of the arrearage,
3 the arrearages shall be referred to the collection entity in
4 the appropriate arrearage amount. For arrearages referred to
5 a collection entity, the obligor shall pay a surcharge equal
6 to a percent of the amount of the support arrearage due as of
7 the date of the referral. The surcharge is in addition to the
8 arrearages and any other fees or charges owed, and shall be
9 enforced by the collection entity as provided under section
10 252B.5. Upon referral to the collection entity, the surcharge
11 is an automatic judgment against the obligor.

12 9. The director or the director's designee may file a
13 notice of the surcharge with the clerk of the district court
14 in the county in which the underlying support order is filed.
15 Upon filing, the clerk shall enter the amount of the surcharge
16 on the lien index and judgment docket.

17 10. Following referral of a support arrearage to a
18 collection entity, the surcharge shall be due and owing and
19 enforceable by a collection entity or the unit notwithstanding
20 satisfaction of the support obligation or whether the
21 collection entity is enforcing a support arrearage. However,
22 the unit may waive payment of all or a portion of the
23 surcharge if waiver will facilitate the collection of the
24 support arrearage.

25 11. All surcharge payments shall be received and disbursed
26 by the collection services center.

27 12. a. A payment received by the collection services
28 center which meets all the following conditions shall be
29 allocated as specified in paragraph "b":

30 (1) The payment is for a case in which arrearages have
31 been referred to a collection entity.

32 (2) A surcharge is assessed on the arrearages.

33 (3) The payment is collected under the provisions of the
34 contract with the collection entity.

35 b. A payment meeting all of the conditions in paragraph

1 "a" shall be allocated between support and costs and fees, and
2 the surcharge according to the following formula:

3 (1) The payment shall be divided by the sum of one hundred
4 percent plus the percent specified in the contract.

5 (2) The quotient shall be the amount allocated to the
6 support arrearage and other fees and costs.

7 (3) The difference between the dividend and the quotient
8 shall be the amount allocated to the surcharge.

9 13. Any computer or software programs developed and any
10 records used in relation to a contract with a collection
11 entity remain the property of the department.

12

EXPLANATION

13 This bill provides changes relating to child support
14 provisions of the Code. The bill includes changes
15 precipitated by the federal Personal Responsibility and Work
16 Opportunity Act of 1996, other federal law changes, technical,
17 and conforming changes and additional provisions.

18 Division I of the bill amends Code chapter 252A, the
19 Uniform Support of Dependents Law, including changes
20 necessitated by the adoption of the Uniform Interstate Family
21 Support Act (UIFSA) to be effective by January 1, 1998. The
22 division also provides changes in the establishment of
23 paternity by affidavit by including a provision for rescission
24 of the affidavit, requiring the provision of certain
25 information to potential signatories, requiring that the form
26 be filed and registered by the state registrar before it is
27 effective, requiring the division of records and statistics of
28 the Iowa department of public health to provide paternity
29 acknowledgment forms and services, authorizing the child
30 support recovery unit to enter contracts with other entities
31 to provide voluntary paternity affidavit services, and making
32 changes to conform with practices of the division of records
33 and statistics. This division also provides that a putative
34 father may file a paternity action, provides for admission of
35 evidence of costs associated with blood or genetic testing,

1 prenatal care, or birth, provides that appropriate genetic
2 testing is to take place in an approved lab, and provides for
3 the establishment of temporary child support orders based upon
4 genetic test results which demonstrate a probability of the
5 putative father's paternity of 99 percent or higher. The
6 division also provides that if a child is receiving public
7 assistance, child support is assigned to the department by
8 operation of law and provides that if support is assigned each
9 child under an order is presumed to be entitled to an equal
10 and proportionate share of any child support awarded.

11 Division II amends Code chapter 252B relating to child
12 support recovery services provided through the child support
13 recovery unit (CSRU). The bill establishes that the CSRU is
14 not required to intervene in actions to provide services;
15 establishes that the CSRU is to take appropriate action if a
16 child is eligible for public assistance in this state or if
17 federal law requires action regarding a request received from
18 another state for a child receiving public assistance; directs
19 the department of human services to adopt rules regarding
20 cases for which it is a condition of eligibility for public
21 assistance that the applicant for or recipient of public
22 assistance cooperate in good faith in establishing paternity,
23 in establishing, modifying, or enforcing a support order, or
24 in locating a parent; provides for the satisfaction of a child
25 support debt during the time which parents have reconciled and
26 are living together and are receiving public assistance;
27 provides that the CSRU is not to deduct a fee for interception
28 of a federal tax refund if the recipient is a resident of a
29 foreign country; codifies language that authorizes the CSRU to
30 enter contracts with private collection agencies for difficult
31 to collect cases; provides for the notification of parents
32 under a support order regarding their rights to review and
33 adjustment, modification, or alteration of a support order at
34 a minimum once every three years; clarifies that the CSRU is
35 not to establish orders for spousal support and when the CSRU

1 may enforce orders for spousal support; provides a procedure
2 to certify to the secretary of the United States department of
3 health and human services, a list of names of obligors who owe
4 delinquent child support in excess of \$5,000 for the purposes
5 of passport sanctions; clarifies that a CSRU attorney acts for
6 the state and does not represent an individual party, witness,
7 or person other than the state; specifies the conditions under
8 which information may be obtained from various sources by the
9 CSRU, including by administrative subpoena, for the purposes
10 of CSRU activities and the conditions under which the
11 information may be released or disclosed; provides the basis
12 for provision of CSRU services when a request is received from
13 another state or country for an individual not otherwise
14 eligible for public assistance; and makes technical and
15 conforming changes to reflect UIFSA and to correct references
16 to federal law.

17 Division III amends Code chapter 252C which relates to
18 child support debts and administrative procedures. The bill
19 provides that if public assistance is being provided to or on
20 behalf of a dependent child or the child's caretaker, child
21 support is assigned to the department by operation of law and
22 that there is a presumption that an equal and proportionate
23 share of any child support awarded is payable for each child
24 under the order.

25 Division IV amends Code chapter 252D relating to income
26 withholding. The bill combines and relocates existing
27 sections and provisions of the chapter to include them in the
28 subchapter containing general provisions; changes references
29 to assignment of income to withholding of income; requires the
30 CSRU to provide the obligor with a notice of income
31 withholding at the time that the notice is sent to the payor
32 of income and eliminates the requirement that the payor of
33 income provide this notice; provides definitions of "business
34 day", "income", "payor of income or payor", and "support or
35 support payments"; provides that the CSRU may provide notice

1 to the payor of income by regular mail or by electronic means;
2 provides that the order for or notice of income withholding
3 has priority over a garnishment or assignment for any other
4 purpose; provides that a payor of income is not required to
5 vary the pay cycle to comply with the frequency of payment in
6 a support order; requires the payor of income to send the
7 amounts withheld within seven business days of the date the
8 obligor is paid; provides that a payor of income who does not
9 comply with withholding provisions commits a simple
10 misdemeanor; specifies which state's law applies to payors of
11 income in interstate withholding cases; and makes conforming
12 changes based upon UIFSA.

13 Division V amends Code chapter 252E relating to medical
14 support. The bill provides that orders for income withholding
15 may provide for enrollment of a child in health insurance
16 coverage; provides that a notice to enroll a child may be
17 contested and provides a procedure for a motion to quash an
18 order or notice requiring enforcement of medical support;
19 provides for modification of a support order to provide for
20 medical support rather than entry of a new order; and corrects
21 a reference to federal law.

22 Division VI amends Code chapter 252F relating to
23 administrative establishment of paternity. The bill changes
24 the time frames relating to contesting paternity test results
25 and holding hearings to be consistent; requires that tests are
26 to be completed by approved laboratories; provides for advance
27 payment for additional tests; provides for the type of
28 evidence admissible to establish the amount paid for testing;
29 and specifies the information to be included in the order
30 establishing paternity which includes location and other
31 information about the parties.

32 Division VII amends Code chapter 252G relating to the
33 central employee registry. The bill provides definitions of
34 "business day", "employer", and "labor organization"; allows
35 multistate employers who report electronically to select one

1 state for reporting; requires the CSRU to enter new hire
2 information into the registry within five business days of
3 receipt from the employer and to transmit the information to
4 the national directory of new hires within three business days
5 after this entry; and provides that the employer or payor of
6 income is to be sent notice of withholding of income within
7 two business days of the entry of the new hire information
8 into the centralized employee registry.

9 Division VIII amends Code chapter 252H which relates to
10 adjustment and modification of support. The bill provides a
11 process for a cost-of-living alteration of the support order
12 if the parties agree; makes periodic review of support orders
13 discretionary based upon a request or as required by federal
14 law rather than mandating review; provides for review and
15 modification of a support order outside of the usual time
16 frames based on a substantial change in circumstances; and
17 requires that a copy of a modified order be sent by regular
18 mail to each parent or parent's attorney within 14 days after
19 filing.

20 Division IX amends Code chapter 252I relating to levies
21 against accounts. The bill redefines "financial institutions"
22 to include insurance companies, safe deposit companies, and
23 money market mutual funds, to require that financial
24 institutions enter into agreements with CSRU to provide
25 quarterly data matches with CSRU to facilitate locating of
26 accounts of obligors with a delinquency, and to provide
27 immunity from liability for certain actions by a financial
28 institution.

29 Division X amends Code chapter 252J, relating to licensing
30 sanctions. The bill expands application of the chapter to
31 include license sanctions for noncompliance with a subpoena or
32 warrant relating to paternity or support proceedings; to
33 include recreational licenses; and to make a correction
34 regarding a reference to the time period upon which the
35 delinquency is based.

1 Division XI establishes Code chapter 252K, the Uniform
2 Interstate Family Support Act (UIFSA) which provides for
3 interstate establishment, modification, and enforcement of
4 child support obligations. Enactment is required by federal
5 law by January 1, 1998. This chapter replaces Code chapter
6 252A as it relates to interstate cases.

7 Division XII amends Code chapter 598 relating to
8 dissolution of marriages. The bill requires that all orders
9 or judgments for paternity or support are to require the
10 parties to submit identifying information; makes conforming
11 changes to reflect the federal Full Faith and Credit for Child
12 Support Orders Act; provides for cost-of-living alterations in
13 child support orders; provides conforming language to reflect
14 changes in income withholding provisions; provides that if a
15 child is a recipient of public assistance, support is assigned
16 to the state regardless of the relationship to the child of
17 the applicant for assistance and provides that if support is
18 assigned, each child under a child support order is presumed
19 to receive an equal and proportionate share.

20 Division XIII provides for the establishment of a task
21 force to develop a plan for a statewide support lien index,
22 provides that liens arise by operation of law on titled
23 personal property as well as real property, and provides that
24 full faith and credit is to be afforded liens arising in other
25 states.

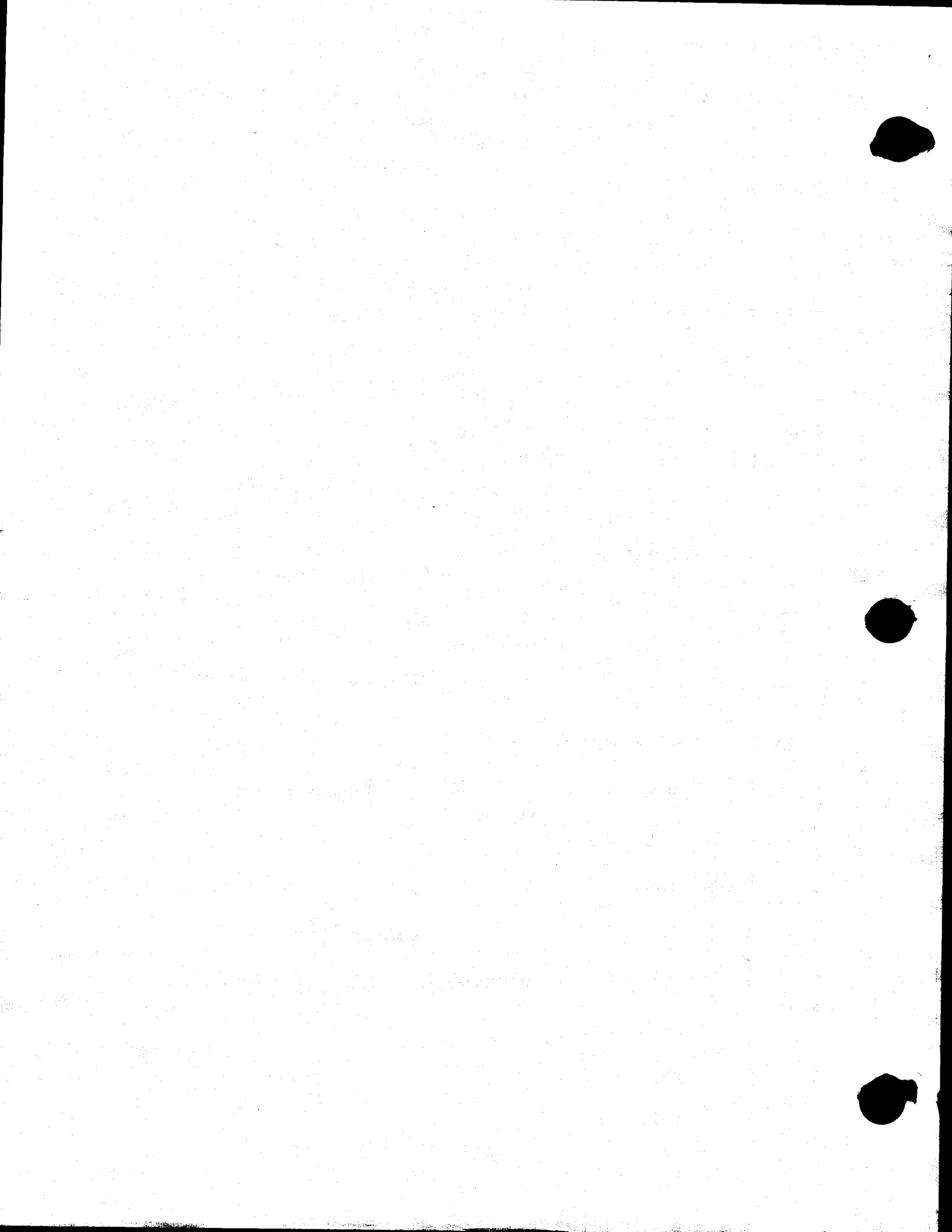
26 Division XIV amends Code chapter 600B relating to paternity
27 establishment. The bill removes entitlement to a jury trial
28 in paternity proceedings; changes the time frames for
29 objecting to paternity test results; provides for overcoming
30 paternity established by an affidavit of paternity based upon
31 fraud, duress, or material mistake of fact; requires paternity
32 tests to be performed by approved laboratories; provides for
33 admissibility of bills to the court as evidence for payment of
34 prenatal, birth, and paternity testing; provides for
35 assignment by operation of law of support for a child who is a

1 recipient of public assistance regardless of the relationship
2 of the applicant for assistance to the child; provides that if
3 support is assigned, each child under an order is presumed to
4 receive an equal and proportionate share; and makes conforming
5 changes relating to interstate paternity and support orders.

6 Division XV amends various Code chapters to make conforming
7 changes relative to child support and relating to requiring
8 social security numbers on marriage license applications and
9 death certificates, recision of an affidavit of paternity as
10 it relates to birth certificates, cost-of-living alterations,
11 interstate child support law, and support relating to foster
12 care.

13 Division XVI establishes a surcharge to be collected from
14 an obligor for support arrearages which are identified as hard
15 to collect and which are referred to a collection entity.

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**HOUSE FILE 612
FISCAL NOTE**

The estimate for House File 612 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 612 provides for several changes to child support provisions of the Code of Iowa. These changes are primarily mandated by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (federal welfare reform).

ASSUMPTIONS

1. Systems (computer) costs are matched by the federal government at 80.0%.
2. Field Operations costs are matched by the federal government at 66.6%.

FISCAL IMPACT

The fiscal impact of HF 612 is a net General Fund cost of \$1,648,903 in FY 1998 and \$1,391,195 in FY 1999. The costs listed are those identified by the Department of Human Services (DHS).

The cost impact for FY 1998 falls into two categories, computer system changes and costs for field operations staff due to workers requiring more time to complete each child support case.

	<u>FY 1998</u> <u>Cost</u>	<u>FY 1999</u> <u>Cost</u>
Systems (computer) changes	\$ 368,716	\$ 167,203
Field staff costs	1,280,187	1,223,992
	-----	-----
Total DHS General Fund Cost	\$ 1,648,903	\$ 1,391,195
	=====	=====

The DHS included the costs listed above in the Department's FY 1998 budget request. The Governor's FY 1998 budget recommendation also contains funding for these items.

The Judicial Branch has also reviewed HF 612 and has stated that although there will be a fiscal impact (primarily upon clerks of court) due to the legislation, the amount of the impact is unknown at this time. Due to the size and scope of the legislation, it is likely that all governmental units will be affected in some way.

CORRECTIONAL IMPACT

-2-

The Criminal and Juvenile Justice Planning Agency has reviewed HF 612 and has determined that although there may be an impact, the estimated impact cannot be determined at this time due to uncertainty as to the number of individuals affected.

SOURCES

Department of Human Services
Judicial Department
Criminal and Juvenile Justice Planning Agency

(LSB 1496hv, LCS)

FILED MARCH 17, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 612

H-1270

- 1 Amend House File 612 as follows:
2 1. Page 6, by striking lines 6 and 7 and
3 inserting the following: "rescinded by registration
4 by the state registrar of a completed and".
5 2. Page 6, line 14, by striking the word "(a)"
6 and inserting the following: "(1)".
7 3. Page 6, line 16, by striking the word "(b)"
8 and inserting the following: "(2)".
9 4. By striking page 6, line 21, through page 7,
10 line 1.
11 5. Page 7, line 2, by striking by striking the
12 word "c" and inserting the following: "b".
13 6. Page 7, line 10, by striking by striking the
14 word "d" and inserting the following: "c".
15 7. Page 7, line 11, by striking the words "and
16 the" and inserting the following: "and an
17 administrative process for rescission. The".
18 8. Page 7, line 15, by inserting after the word
19 "form." the following: "The Iowa department of public
20 health shall adopt rules which establish a fee, based
21 upon the actual administrative cost, to be collected
22 for the registration of a rescission."
23 9. Page 7, by inserting after line 15 the
24 following:
25 "d. If an affidavit of paternity has been
26 rescinded under this subsection, the state registrar
27 shall not register any subsequent affidavit of
28 paternity signed by the same mother and putative
29 father relating to the same child."

By BODDICKER of Cedar

H-1270 FILED MARCH 20, 1997
w/d 3/26/97 (p. 848)

HOUSE FILE 612

H-1277

- 1 Amend House File 612 as follows:
2 1. Page 6, by striking lines 6 and 7 and
3 inserting the following: "rescinded by registration
4 by the state registrar of a completed and".
5 2. Page 6, line 14, by striking the word "(a)"
6 and inserting the following: "(1)".
7 3. Page 6, line 16, by striking the word "(b)"
8 and inserting the following: "(2)".
9 4. By striking page 6, line 21, through page 7,
10 line 1.
11 5. Page 7, line 2, by striking by striking the
12 word "c" and inserting the following: "b".
13 6. Page 7, line 10, by striking by striking the
14 word "d" and inserting the following: "c".
15 7. Page 7, line 11, by striking the words "and
16 the" and inserting the following: "and an
17 administrative process for rescission. The".
18 8. Page 7, line 15, by inserting after the word
19 "form." the following: "The Iowa department of public
20 health shall adopt rules which establish a fee, based
21 upon the average administrative cost, to be collected
22 for the registration of a rescission."
23 9. Page 7, by inserting after line 15 the
24 following:
25 "d. If an affidavit of paternity has been
26 rescinded under this subsection, the state registrar
27 shall not register any subsequent affidavit of
28 paternity signed by the same mother and putative
29 father relating to the same child."

By BODDICKER of Cedar

H-1277 FILED MARCH 24, 1997

Adopted 3/26/97 (p. 848)

HOUSE FILE 612

H-1286

1 Amend House File 612 as follows:

2 1. Page 31, by inserting after line 31 the
3 following:

4 "Sec. ____ . NEW SECTION. 252B.6A EXTERNAL
5 SERVICES -- OBSTRUCTION OF ACTIONS.

6 1. Provided that the action is consistent with
7 applicable federal law and regulation, an attorney
8 licensed to practice in this state may, for the
9 purposes of collecting support payments for cases
10 being enforced by the unit for which public assistance
11 is being provided to a dependent child and for which
12 no payment has been made in accordance with an
13 administrative or court order for more than one year
14 from the entering of the order, initiate proceedings
15 to collect the support.

16 2. The attorney initiating the action shall notify
17 the unit of the action, but shall not be subject to
18 prior consent of the unit, any party to the action, or
19 any other person to initiate the action.

20 3. The attorney may utilize any existing action or
21 proceeding authorized by law, to enforce the support
22 obligation.

23 4. All of the following are applicable to an
24 action initiated by an attorney under this section:

25 a. The attorney has a lien for compensation which
26 is an amount which is thirty-three and one-third
27 percent of any amount collected upon all amounts
28 collected due to the action.

29 b. The amount paid toward the lien and any court
30 costs incurred are in addition to the amount of the
31 support obligation to be paid under the support order.

32 c. Negotiation of a partial payment or settlement
33 of any action shall not be made without the approval
34 of the unit.

35 5. A person who obstructs an action to collect
36 support under this section is subject to a penalty,
37 which is three times the amount of the support order
38 and which is in addition to the amount of the support
39 owed. Any penalty collected shall be applied equally
40 to the support obligation assigned to the state and to
41 payment of the lien established under this section."

42 2. By renumbering as necessary.

By BODDICKER of Cedar

H-1286 FILED MARCH 24, 1997

w/d 3/26/97 (p. 848)

HOUSE FILE 612

H-1279

1 Amend House File 612 as follows:

2 1. Page 117, by inserting after line 24 the
3 following:

4 "Sec. ____ . Section 598.21, Code 1997, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 12. If the court, in an action to
7 overcome paternity pursuant to section 600B.41A,
8 determines that the test results conducted in
9 accordance with section 600B.41 or chapter 252F
10 exclude the established father as the biological
11 father, but the court dismisses the action to overcome
12 paternity, the court shall modify any existing support
13 order to discharge the established father from any and
14 all support due prior to the date the order is filed,
15 current support, and future support and shall order
16 the mother to be solely liable for support of the
17 child if all of the following apply:

18 a. The mother represented the established father
19 as the biological father of the child in a court
20 proceeding or in court documents.

21 b. The mother has testified that a possibility
22 exists that the established father is not the
23 biological father of the child.

24 c. Blood or genetic test results demonstrate that
25 the established father is excluded as the biological
26 father of the child.

27 This section is applicable to any existing or
28 future support order which is based upon a dismissal
29 of an action to overcome paternity pursuant to section
30 600B.41A and which meets all of the criteria of this
31 subsection.

32 Any costs associated with the modification action
33 shall be paid by the mother.

By TYRRELL of Iowa

H-1279 FILED MARCH 24, 1997

w/d 3/26/97 (p. 861)

HOUSE FILE 612

H-1278

1 Amend House File 612 as follows:

2 1. Page 131, by inserting before line 16 the
3 following:

4 "Sec. _____. Section 600B.41A, subsection 2, Code
5 1997, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. c. A paternity determination based
8 upon a prior court order if the order was not entered
9 based upon blood or genetic test results, or an
10 existing custody order based upon the prior
11 determination of paternity, when the mother of the
12 child, the child or the legal representative of the
13 mother or the child, files a petition to overcome
14 paternity under this section and the reasons for the
15 belief that the established father is not the
16 biological father of the child were known to the party
17 filing the petition at the time that the order
18 establishing paternity or custody was entered."

19 2. Page 131, by inserting after line 27 the
20 following:

21 "Sec. _____. Section 600B.41A, Code 1997, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 3A. If the established father
24 objects to the overcoming of paternity, the court
25 shall consider all of the following:

26 a. The court shall not overcome the paternity of
27 an established father unless the identity of the
28 biological father is established by blood or genetic
29 testing demonstrating the biological father's
30 paternity is ninety-five percent or higher and if the
31 biological father has other children, that the
32 biological father is providing support and has an
33 established relationship with any of these children.

34 b. The court shall not overcome paternity of an
35 established father when the established father has
36 been awarded custody of the child under a court order.
37 Additionally, if the established father has been
38 awarded custody of the child under a court order and
39 if overcoming paternity could result in the separation
40 of the child from half-siblings, it is not in the best
41 interest of the child to overcome paternity unless
42 maintaining the relationship between the child and the
43 half-siblings is not in the best interest of the
44 child."

By BODDICKER of Cedar

H-1278 FILED MARCH 24, 1997

w/d 3/26/97 (p. 862)

HOUSE FILE 612

H-1295

1 Amend House File 612 as follows:

2 1. By striking page 131, line 26, through page
3 132, line 5.

4 2. By renumbering as necessary.

By BURNETT of Story

FOEGE of Linn

DODERER of Johnson

WITT of Black Hawk

JOCHUM of Dubuque

MORELAND of Wapello

MASCHER of Johnson

KREIMAN of Davis

H-1295 FILED MARCH 24, 1997

Fast 3/26/97 (p. 863)

HOUSE FILE 612

H-1314

1 Amend House File 612 as follows:

2 1. Page 69, by striking lines 7 through 9 and
3 inserting the following:

4 "5. "Financial institution" includes-a-bank,

5 ~~credit-union, or savings and loan association means~~6 "financial institution" as defined in 42 U.S.C. §7 669A(d)(1). "Financial".

By BODDICKER of Cedar

H-1314 FILED MARCH 24, 1997

Adopted 3/26/97 (p. 855)

HOUSE FILE 612

H-1282

1 Amend House File 612 as follows:

2 1. Page 115, by inserting after line 22 the
3 following:

4 "Sec. _____. Section 598.21, subsection 4A,
5 paragraph c, Code 1997, is amended to read as follows:

6 c. Notwithstanding paragraph "a", in a pending
7 dissolution action under this chapter, a prior
8 determination of paternity by operation of law through
9 the marriage of the established father and mother of
10 the child may be overcome under this chapter if the
11 following-conditions-are-met:

12 (1)--~~The~~ established father and mother of the child
13 file a written statement with the court that both
14 parties agree that the established father is not the
15 biological father of the child.

16 (2)--~~The court finds that it is in the best~~
17 ~~interest of the child to overcome the established~~
18 ~~paternity.--In determining the best interest of the~~
19 ~~child, the court shall consider the criteria provided~~
20 ~~in section 600B.41A, subsection 3, paragraph "g".~~

21 2. Page 131, by inserting before line 16 the
22 following:

23 "Sec. _____. Section 600B.41A, subsection 3,
24 paragraph e, subparagraph (1), Code 1997, is amended
25 to read as follows:

26 (1) Unless otherwise specified pursuant to
27 subsection 2 or 8, blood or genetic testing shall be
28 conducted ~~in all cases prior to the determination by~~
29 ~~the court of the best interest of the child~~ in an
30 action to overcome the establishment of paternity."

31 3. By renumbering as necessary.

By BODDICKER of Cedar

H-1282 FILED MARCH 24, 1997

Adopted 3/26/97 (p. 864)

HOUSE FILE 612

H-1318

1 Amend House File 612, as follows:

2 1. Page 44, by inserting after line 11 the
3 following:

4 "Sec. _____. Section 252C.3, subsection 1, paragraph
5 f, and subsection 5, Code 1997, are amended to read as
6 follows:

7 f. A statement that, as soon as the order is
8 entered, unless the responsible person requests
9 judicial review of the financial responsibility order
10 pursuant to section 252C.5, the property of the
11 responsible person is subject to collection action,
12 including but not limited to wage withholding,
13 garnishment, attachment of a lien, and execution.

14 5. The responsible person shall be sent a copy of
15 the order by regular mail addressed to the responsible
16 person's last known address, or if applicable, to the
17 last known address of the responsible person's
18 attorney. The Unless the responsible person requests
19 judicial review pursuant to section 252C.5, the order
20 is final, and action by the administrator to enforce
21 and collect upon the order, including arrearages and
22 medical support, or both, may be taken from the date
23 of issuance of the order.

24 Sec. _____. Section 252C.4, subsection 6, Code 1997,
25 is amended to read as follows:

26 6. Actions initiated by the administrator under
27 this chapter, with the exception of an action
28 requesting judicial review of a financial
29 responsibility order pursuant to section 252C.5, are
30 not subject to chapter 17A and resulting court
31 hearings following certification shall be an original
32 hearing before the district court.

33 Sec. _____. Section 252C.5, Code 1997, is amended to
34 read as follows:

35 252C.5 FILING AND DOCKETING OF FINANCIAL
36 RESPONSIBILITY ORDER -- ORDER EFFECTIVE AS DISTRICT
37 COURT DECREE.

38 1. A true copy of any order entered by the
39 administrator pursuant to this chapter, along with a
40 true copy of the return of service, if applicable, may
41 be filed in the office of the clerk of the district
42 court in the manner established pursuant to section
43 252C.4, subsection 1.

44 2. The administrator's order shall be presented,
45 ex parte, to the district court for review and
46 approval and the administrator shall serve notice of
47 the presentation of the order to the responsible
48 person in accordance with the rules of civil
49 procedure. Unless defects appear on the face of the
50 order or on the attachments, or unless the responsible

H-1318

H-1318

Page 2

1 person requests judicial review of the financial
 2 responsibility order, the district court shall approve
 3 the order. The approved order shall have all the
 4 force, effect, and attributes of a docketed order or
 5 decree of the district court.
 6 3. A responsible person may request judicial
 7 review of a financial responsibility order presented
 8 by the administrator under this section, within forty-
 9 five days after being served notice pursuant to
 10 subsection 2. If the responsible person timely
 11 requests judicial review of the administrator's order,
 12 enforcement of the order shall be stayed until
 13 judicial review is completed. Judicial review shall
 14 determine if the amount of support established in the
 15 financial responsibility order is appropriate under
 16 the circumstances of the individual case and pursuant
 17 to section 598.21, subsection 4, and chapter 252E. If
 18 the court determines that the amount of support is
 19 appropriate, the administrator's order shall be
 20 approved by the court. If the court determines that
 21 the amount of support is not appropriate, the court
 22 shall establish the amount of support pursuant to
 23 section 598.21, subsection 4, and chapter 252E. If
 24 the court establishes the amount of support, the
 25 responsible person shall not be subject to payment of
 26 any amount which has accrued from the time that the
 27 notice was served under subsection 2 which is the
 28 difference between the amount under the
 29 administrator's order and the amount established by
 30 the court.

31 3- 4. Upon filing or upon completion of judicial
 32 review, the clerk shall enter the order in the
 33 judgment docket."

34 2. By renumbering as necessary.

By HEATON of Henry
 LAMBERTI of Polk

H-1318 FILED MARCH 24, 1997

Adopted as amended (p. 854) 3/26/97

HOUSE FILE 612

H-1320

1 Amend House File 612 as follows:

2 1. Page 114, line 27, by inserting after the
 3 figure "598.14." the following: "The three-month
 4 limitation applies to modification actions pending on
 5 or after July 1, 1997."

6 2. Page 116, line 17, by inserting after the word
 7 "party." the following: "The three-month limitation
 8 applies to a modification action pending on or after
 9 July 1, 1997."

By BODDICKER of Cedar
 BURNETT of Story

H-1320 FILED MARCH 24, 1997

Adopted 3/26/97 (p. 858)

HOUSE FILE 612

H-1329

1 Amend House File 612 as follows:

2 1. Page 132, by inserting after line 5, the
3 following:

4 "Sec. _____. Section 600B.41A, Code 1997, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 6A. a. If the court determines
7 that test results conducted in accordance with section
8 600B.41 or chapter 252F exclude the established father
9 as the biological father, but the court dismisses the
10 action to overcome paternity, and the criteria of
11 paragraph "b" are met, the court shall enter an order
12 which provides for all of the following:

13 (1) Relieves the established father of any or all
14 future support obligations owed on behalf of the
15 child, while preserving the paternity determination.

16 (2) Provides that any unpaid support due prior to
17 the date the order determining that the established
18 father is not the biological father is filed, is
19 satisfied.

20 b. The court shall issue an order pursuant to
21 paragraph "a" if all of the following criteria are
22 met:

23 (1) The mother represented the established father
24 as the biological father of the child in a court
25 proceeding or in any documents submitted to the court
26 or a state agency.

27 (2) The mother testified in court that a
28 possibility exists that the established father is not
29 the biological father of the child.

30 c. This subsection is applicable to any support
31 order existing or entered on or after July 1, 1997.

32 d. Any costs associated with the action to
33 overcome paternity under this section to which this
34 subsection applies shall be paid by the mother."

35 2. By renumbering as necessary.

By TYRRELL of Iowa

H-1329 FILED MARCH 25, 1997

Text 3/26/97 (p. 865)

HOUSE FILE 612

H-1328

1 Amend House File 612 as follows:

2 1. Page 31, by inserting after line 31 the
3 following:

4 "Sec. ____ . NEW SECTION. 252B.6A EXTERNAL
5 SERVICES -- OBSTRUCTION OF ACTIONS.

6 1. Provided that the action is consistent with
7 applicable federal law and regulation, an attorney
8 licensed to practice in this state may, for the
9 purposes of collecting support payments for cases
10 being enforced by the unit for which public assistance
11 is being provided to a dependent child and for which
12 no payment has been made in accordance with an
13 administrative or court order for more than one year
14 from the entering of the order, initiate proceedings
15 to collect the support.

16 2. The attorney initiating the action shall notify
17 the unit of the action, but shall not be subject to
18 prior consent of the unit, any party to the action, or
19 any other person to initiate the action.

20 3. The attorney may utilize any existing action or
21 proceeding authorized by law and available to a
22 private attorney or obligee, to enforce the support
23 obligation.

24 4. All of the following are applicable to an
25 action initiated by an attorney under this section:

26 a. The attorney has a lien for compensation which
27 is an amount equal to thirty-three and one-third
28 percent of any amount collected due to the action.

29 b. The amount paid toward the lien and any court
30 costs incurred are in addition to the amount of the
31 support obligation to be paid under the support order.

32 c. Negotiation of a partial payment or settlement
33 of any action shall not be made without the approval
34 of the unit.

35 5. An obligor or payor of income who obstructs an
36 action to collect support under this section is
37 subject to a penalty, which is three times the amount
38 of the support order and which is in addition to the
39 amount of the support owed. The attorney shall reduce
40 this amount to a judgment which may be collected
41 through any action or proceeding available to a
42 private attorney. Any penalty collected shall be
43 applied equally to the support obligation assigned to
44 the state and to payment of the lien established under
45 this section."

46 2. By renumbering as necessary.

By BODDICKER of Cedar

H-1328 FILED MARCH 25, 1997

w/d 3/26/97 (p. 849)

HOUSE FILE 612

H-1333

1 Amend House File 612 as follows:

2 1. Page 115, line 24, by striking the word

3 "subsection" and inserting the following:

4 "subsections".

5 2. Page 115, by inserting after line 27 the

6 following:

7 "NEW SUBSECTION. 8A. If a parent awarded joint
8 legal custody and physical care or sole legal custody
9 is relocating the residence of the minor child to
10 another state, the court shall modify the custody
11 order to preserve, as nearly as possible, the existing
12 relationship between the minor child and the
13 nonrelocating parent. If modified, the order shall,
14 at a minimum, include a provision for extended
15 visitation during summer vacations and school breaks
16 and scheduled telephone contact between the
17 nonrelocating parent and the minor child. The
18 modification may include a provision assigning the
19 responsibility for transportation of the minor child
20 for visitation purposes to either or both parents. If
21 the court makes a finding of past interference by the
22 parent awarded joint legal custody and physical care
23 or sole legal custody with the minor child's access to
24 the other parent, the court may order the posting of a
25 cash bond to assure future compliance with the
26 visitation provisions of the decree. The supreme
27 court shall prescribe guidelines for the forfeiting of
28 the bond and restoration of the bond following
29 forfeiting of the bond."

30 3. Page 121, by inserting after line 25 the
31 following:

32 "Sec. ____ . Section 598.23, subsection 2, Code
33 1997, is amended by adding the following new
34 paragraphs:

35 NEW PARAGRAPH. c. Directs the parties to provide
36 access to the child through a neutral party or neutral
37 site or center.

38 NEW PARAGRAPH. d. Imposes sanctions or specific
39 requirements or orders the parties to participate in
40 mediation to enforce the joint custody provisions of
41 the decree.

42 Sec. ____ . Section 598.23, Code 1997, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 3. In addition to the provisions
45 for punishment for contempt under this section, if the
46 court finds a person in contempt for failing to comply
47 with the visitation provisions of an order or decree
48 without good cause, the court may enjoin the contemnor
49 from engaging in the activity governed by a license to
50 operate a motor vehicle through suspension or

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- 1 revocation of the license and may impose conditions
- 2 for reinstatement of the license."
- 3 4. By renumbering as necessary.

By CONNORS of Polk
BODDICKER of Cedar

H-1333 FILED MARCH 25, 1997

w/d 3/26/97 (p. 858)

HOUSE FILE 612

H-1335

1 Amend House File 612 as follows:

2 1. Page 113, by inserting after line 5 the
3 following:

4 "Sec. 101. Section 598.1, subsections 1, 3, and 5,
5 Code 1997, are amended to read as follows:

6 1. "Best interest of the child" includes, but is
7 not limited to, the opportunity for the maximum
8 possible continuous physical and emotional contact
9 possible-with access by the child to both parents,
10 unless direct physical or significant emotional harm
11 to the child may result from this contact access.
12 Refusal by one parent to provide this-opportunity
13 access by the child to the other parent without just
14 cause shall be considered harmful to the best interest
15 of the child.

16 3. "Joint custody" or "joint legal custody" means
17 an award of legal custody of a minor child to both
18 parents jointly under which both parents have legal
19 custodial rights and responsibilities toward the child
20 and under which neither parent has legal custodial
21 rights superior to those of the other parent. The
22 court-may-award-physical-care-to-one-parent-only.
23 Rights and responsibilities of joint legal custody
24 include, but are not limited to, equal participation
25 in decisions affecting the child's legal status,
26 medical care, education, extracurricular activities,
27 third-party child care, and religious instruction.

28 5. "Physical care" means the right and
29 responsibility to maintain the-principal a home of for
30 the minor child and provide for the routine care of
31 the child.

32 Sec. 102. Section 598.1, Code 1997, is amended by
33 adding the following new subsections:

34 NEW SUBSECTION. 3A. "Joint physical care" means
35 an award of physical care of a minor child to both
36 joint legal custodial parents under which both parents
37 have rights and responsibilities toward the child
38 including, but not limited to, shared parenting time
39 with the child, maintaining homes for the child,
40 providing routine care for the child and under which
41 neither parent has physical care rights superior to
42 those of the other parent.

43 NEW SUBSECTION. 3B. "Legal custody" or "custody"
44 means an award of the rights of legal custody of a
45 minor child to a parent under which a parent has legal
46 custodial rights and responsibilities toward the
47 child. Rights and responsibilities of legal custody
48 include, but are not limited to, decision making
49 affecting the child's legal status, medical care,
50 education, extracurricular activities, third-party

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1 child care, and religious instruction."

2 2. Page 122, by inserting after line 35 the
3 following:

4 "Sec. 103. Section 598.41, subsection 1,
5 paragraphs a and c, Code 1997, are amended to read as
6 follows:

7 a. The court, insofar as is reasonable and in the
8 best interest of the child, shall order the custody
9 award, including liberal visitation rights where
10 appropriate, which will assure the child the
11 opportunity for the maximum possible continuing
12 physical and emotional ~~contact-with~~ access to both
13 parents after the parents have separated or dissolved
14 the marriage, and which will encourage parents to
15 share the rights and responsibilities of raising the
16 child unless direct physical harm or significant
17 emotional harm to the child, other children, or a
18 parent is likely to result from such ~~contact-with~~
19 access to one parent.

20 c. The court shall consider the denial by one
21 parent of the child's ~~opportunity-for~~ right to the
22 maximum possible continuing contact-with access to the
23 other parent, without just cause, a significant factor
24 in determining the proper custody arrangement. Just
25 cause may include a determination by the court
26 pursuant to subsection 3, paragraph "j", that a
27 history of domestic abuse exists between the parents.

28 Sec. 104. Section 598.41, subsection 3, paragraph
29 b, Code 1997, is amended to read as follows:

30 b. Whether the psychological and emotional needs
31 and development of the child will suffer due to lack
32 of ~~active-contact-with~~ access to and attention from
33 both parents.

34 Sec. 105. Section 598.41, subsections 5 and 6,
35 Code 1997, are amended to read as follows:

36 ~~5. Joint-legal-custody-does-not-require-joint~~
37 ~~physical-care:~~ When the court determines such action
38 ~~would be-in-the~~ best interest-of preserve the
39 relationship between each parent and the child, joint
40 physical care may be given awarded to both joint
41 custodial parents or physical care may be awarded to
42 one joint custodial parent and-not-to-the-other. If
43 one joint custodial parent is awarded physical care,
44 the court-shall-hold-that parent responsible for
45 providing fer-the-best-interest-of physical care shall
46 support the other parent's relationship with the
47 child. However,-physical Physical care given awarded
48 to one parent does not affect the other parent's
49 rights and responsibilities as a joint legal custodian
50 of the child. Rights and responsibilities as joint

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1 legal custodian of the child include, but are not
2 limited to, equal participation in decisions affecting
3 the child's legal status, medical care, education,
4 extracurricular activities, third-party child care,
5 and religious instruction.
6 6. When the a parent awarded legal custody or
7 physical care of the a child cannot act as custodian
8 or caretaker because the parent has died or has been
9 judicially adjudged incompetent, the court shall award
10 legal custody including physical care of the child to
11 the surviving parent unless the court finds that such
12 an award is not in the child's best interest."

13 3. Page 124, by inserting after line 13 the
14 following:

15 "Sec. ____ . EFFECTIVE DATE. Sections 101, 102,
16 103, 104, and 105 of this Division XII, being deemed
17 of immediate importance, are effective upon
18 enactment."

19 4. By renumbering as necessary.

By MILLAGE of Scott

H-1335 FILED MARCH 25, 1997

Adopted 3/26/97 (p. 858)

HOUSE FILE 612

H-1341

1 Amend House File 612 as follows:

2 1. By striking page 123, line 1, through page
3 124, line 13.

4 2. By striking page 129, line 15, through page
5 130, line 22.

6 3. By renumbering as necessary.

By KREIMAN of Davis

H-1341 FILED MARCH 25, 1997

Adopted 3/26/97 (p. 862)

HOUSE FILE 612

H-1330

1 Amend House File 612 as follows:

2 1. Page 41, by inserting after line 20 the
3 following:

4 "Sec. ____ . NEW SECTION. 252B.17A IMAGING OR
5 PHOTOGRAPHIC COPIES -- ORIGINALS DESTROYED.

6 1. If the unit, in the regular course of business
7 or activity, has recorded or received any memorandum,
8 writing, entry, print, document, representation, or
9 combination thereof, of any act, transaction,
10 occurrence, event, or communication from any source,
11 and in the regular course of business has caused any
12 or all of the same to be recorded, copied, or
13 reproduced by any photographic, photostatic,
14 microfilm, microcard, miniature photographic,
15 electronic imaging, electronic data processing, or
16 other process which accurately reproduces or forms a
17 durable medium for accurately and legibly reproducing
18 an unaltered image or reproduction of the original,
19 the original may be destroyed. Such reproduction,
20 when satisfactorily identified, is as admissible in
21 evidence as the original itself in any judicial or
22 administrative proceeding whether the original is in
23 existence or not and an enlargement or facsimile of
24 such reproduction is likewise admissible in evidence
25 if the original recording, copy, or reproduction is in
26 existence and available for inspection. The
27 introduction of a reproduced record, enlargement, or
28 facsimile, does not preclude admission of the
29 original.

30 2. The electronically imaged, copied, or otherwise
31 reproduced record or document maintained or received
32 by the unit, when certified over the signature of a
33 designated employee of the unit, shall be considered
34 to be satisfactorily identified. Certified documents
35 are deemed to have been imaged or copied or otherwise
36 reproduced accurately and unaltered in the regular
37 course of business, and such documents are admissible
38 in any judicial or administrative proceeding as
39 evidence. Additional proof of the official character
40 of the person certifying the record or authenticity of
41 the person's signature shall not be required.
42 Whenever the unit or an employee of the unit is served
43 with a summons, subpoena, subpoena duces tecum, or
44 order directing production of such records, the unit
45 or employee may comply by transmitting a copy of the
46 record certified as described above to the district
47 court."

48 2. By renumbering as necessary.

By BODDICKER of Cedar

H-1330 FILED MARCH 25, 1997

Adopted 3/26/97 (p. 851)

HOUSE FILE 612

H-1342

1 Amend House File 612 as follows:

2 1. Page 31, by inserting after line 31 the
3 following:

4 "Sec. ____ . NEW SECTION. 252B.6A EXTERNAL
5 SERVICES -- OBSTRUCTION OF ACTIONS.

6 1. Provided that the action is consistent with
7 applicable federal law and regulation, an attorney
8 licensed to practice in this state may, for the
9 purposes of collecting support payments for cases
10 being enforced by the unit for which public assistance
11 is being provided to a dependent child and for which
12 no payment has been made in accordance with an
13 administrative or court order for more than one year
14 from the entering of the order, initiate proceedings
15 to collect the support.

16 2. The attorney initiating the action shall notify
17 the unit of the action, but shall not be subject to
18 prior consent of the unit, any party to the action, or
19 any other person to initiate the action.

20 3. The attorney may utilize any action or
21 proceeding authorized by law and available to a
22 private attorney or obligee to enforce the support
23 obligation.

24 4. All of the following are applicable to an
25 action initiated by an attorney under this section:

26 a. The attorney has a lien for compensation which
27 is an amount equal to thirty-three and one-third
28 percent of any amount collected due to the action.

29 b. The amount paid toward the lien and any court
30 costs incurred are in addition to the amount of the
31 support obligation to be paid under the support order.

32 c. Negotiation of a partial payment or settlement
33 of any action shall not be made without the approval
34 of the unit.

35 5. An obligor or payor of income who obstructs an
36 action to collect support under this section is
37 subject to a penalty, which is three times the amount
38 of the support obligation and which is in addition to
39 the amount of support owed. The attorney shall reduce
40 this amount to a judgment which may be collected
41 through any action or proceeding available to a
42 private attorney. Any penalty collected shall be
43 applied equally to the support obligation assigned to
44 the state and to payment of the lien established under
45 subsection 4.

46 6. An action initiated under this section
47 constitutes a substantial change in circumstances.
48 This basis for modification of the child support order
49 is applicable to orders existing or entered on or
50 after July 1, 1997."

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- 1 2. Page 117, by inserting after line 7 the
2 following:
3 "Sec. _____. Section 598.21, Code 1997, is amended
4 by adding the following new subsection:
5 NEW SUBSECTION. 9A. An action initiated under
6 section 252B.6A constitutes a substantial change of
7 circumstances. This basis for modification is
8 applicable to orders existing or entered on or after
9 July 1, 1997."
10 3. By renumbering as necessary.

By BODDICKER of Cedar

H-1342 FILED MARCH 25, 1997

Last 3/26/97 (p. 850)

HOUSE FILE 612

H-1343

- 1 Amend House File 612 as follows:
2 1. Page 47, line 34, by inserting after the words
3 "these obligations." the following: "These
4 obligations may include support for a child who is
5 between the ages of eighteen and twenty-two years and
6 who is regularly attending an accredited school in
7 pursuance of a course of study leading to a high
8 school diploma or its equivalent, or regularly
9 attending a course of vocational-technical training
10 either as part of a regular school program or under
11 special arrangements adapted to the individual
12 person's needs, or is, in good faith, a full-time
13 student in a college, university, or community
14 college, or has been accepted for admission to a
15 college, university, or community college and the next
16 regular term has not yet begun."
17 2. Page 48, by striking lines 5 through 7, and
18 inserting the following: "foreign jurisdiction."
19 3. By striking page 113, line 6, through page
20 114, line 11.
21 4. Page 115, by striking lines 23 through 27.
22 5. By renumbering as necessary.

By MORELAND of Wapello

H-1343 FILED MARCH 25, 1997

Last 3/26/97 (p. 855)

HOUSE FILE 612

H-1379

1 Amend House File 612 as follows:

2 1. Page 115, line 24, by striking the word
3 "subsection" and inserting the following:
4 "subsections".

5 2. Page 115, by inserting after line 27 the
6 following:

7 "NEW SUBSECTION. 8A. If a parent awarded joint
8 legal custody and physical care or sole legal custody
9 is relocating the residence of the minor child to a
10 location which is less than one hundred fifty miles
11 from the residence of the minor child at the time that
12 custody was awarded, the court may consider the
13 relocation as a factor in determining whether to grant
14 an application for modification of a decree or a
15 petition for modification of an order regarding the
16 custody arrangements. If a parent awarded joint legal
17 custody and physical care or sole legal custody is
18 relocating the residence of the minor child to a
19 location which is one hundred fifty miles or more from
20 the residence of the minor child at the time that
21 custody was awarded, the relocation shall be
22 considered a substantial change in circumstances and
23 the court shall modify the custody order to, at a
24 minimum, preserve, as nearly as possible, the existing
25 relationship between the minor child and the
26 nonrelocating parent. If modified, the order may
27 include a provision for extended visitation during
28 summer vacations and school breaks and scheduled
29 telephone contact between the nonrelocating parent and
30 the minor child. The modification may include a
31 provision assigning the responsibility for
32 transportation of the minor child for visitation
33 purposes to either or both parents. If the court
34 makes a finding of past interference by the parent
35 awarded joint legal custody and physical care or sole
36 legal custody with the minor child's access to the
37 other parent, the court may order the posting of a
38 cash bond to assure future compliance with the
39 visitation provisions of the decree. The supreme
40 court shall prescribe guidelines for the forfeiting of
41 the bond and restoration of the bond following
42 forfeiting of the bond."

43 3. Page 121, by inserting after line 25 the
44 following:

45 "Sec. ____. Section 598.23, subsection 2, Code
46 1997, is amended by adding the following new
47 paragraphs:

48 NEW PARAGRAPH. c. Directs the parties to provide
49 access to the child through a neutral party or neutral
50 site or center.

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1 NEW PARAGRAPH. d. Imposes sanctions or specific
2 requirements or orders the parties to participate in
3 mediation to enforce the joint custody provisions of
4 the decree.

5 Sec. _____. Section 598.23, Code 1997, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 3. In addition to the provisions
8 for punishment for contempt under this section, if the
9 court finds a person in contempt for failing to comply
10 with the visitation provisions of an order or decree
11 without good cause, the court may enjoin the contemnor
12 from engaging in the activity governed by a license to
13 operate a motor vehicle through suspension or
14 revocation of the license and may impose conditions
15 for reinstatement of the license."

16 4. By renumbering as necessary.

By CONNORS of Polk
BODDICKER of Cedar

H-1379 FILED MARCH 25, 1997

Adopted 3/26/97 (p. 861)

HOUSE FILE 612

H-1433

1 Amend the amendment, H-1318, to House File 612 as
2 follows:

3 1. By striking page 1, line 4, through page 2,
4 line 34, and inserting the following:

5 "Sec. ____ . Section 252C.3, subsection 1, paragraph
6 c, subparagraphs (2) and (4), Code 1997, are amended
7 to read as follows:

8 (2) A statement that if a negotiation conference
9 is requested, then the responsible person shall have
10 ten days from the date set for the negotiation
11 conference or twenty thirty days from the date of
12 service of the original notice, whichever is later, to
13 send a request for a hearing to the office of the
14 child support recovery unit which issued the notice.

15 (4) A statement that if the administrator issues a
16 new notice and finding of financial responsibility for
17 child support or medical support, or both, then the
18 responsible person shall have ten thirty days from the
19 date of issuance of the new notice ~~or twenty days from~~
20 ~~the date of service of the original notice, whichever~~
21 ~~is later,~~ to send a request for a hearing to the
22 office of the child support recovery unit which issued
23 the notice. If the administrator does not issue a new
24 notice and finding of financial responsibility for
25 child support or medical support, or both, the
26 responsible party shall have ten days from the date of
27 issuance of the conference report to send a request
28 for a hearing to the office of the child support
29 recovery unit which issued the conference report.

30 Sec. ____ . Section 252C.3, subsection 1, paragraph
31 d, Code 1997, is amended to read as follows:

32 d. A statement that if the responsible person
33 objects to all or any part of the notice or finding of
34 financial responsibility for child support or medical
35 support, or both, and a negotiation conference is not
36 requested, the responsible person shall, within twenty
37 thirty days of the date of service send to the office
38 of the child support recovery unit which issued the
39 notice a written response setting forth any objections
40 and requesting a hearing.

41 Sec. ____ . Section 252C.3, subsection 5, Code 1997,
42 is amended to read as follows:

43 5. The responsible person shall be sent a copy of
44 the order by regular mail addressed to the responsible
45 person's last known address, or if applicable, to the
46 last known address of the responsible person's
47 attorney. The order is final, and action by the
48 administrator to enforce and collect upon the order,
49 including arrearages and medical support, or both, may
50 be taken from the date of issuance approval of the

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1 order by the court pursuant to section 252C.5.
 2 Sec. ____ Section 252C.5, Code 1997, is amended by
 3 adding the following new subsection:
 4 NEW SUBSECTION. 4. If the responsible party
 5 appeals the order approved by the court under this
 6 section, and the court on appeal establishes an amount
 7 of support which is less than the amount of support
 8 established under the approved order, the court, in
 9 the order issued on appeal, shall reconcile the
 10 amounts due and shall provide that any amount which
 11 represents the difference between the amount under the
 12 approved order and the amount under the order of the
 13 court on appeal shall be applied to satisfy any unpaid
 14 support obligations."

15 2. By renumbering as necessary.

By HEATON of Henry
 LAMBERTI of Polk

H-1433 FILED MARCH 26, 1997

Adapted (p. 854)

HOUSE FILE 612

H-1434

1 Amend amendment H-1342, to House File 612, as
 2 follows:
 3 1. Page 1, line 35, by inserting after the word
 4 "who" the word "knowingly".

By BODDICKER of Cedar

H-1434 FILED MARCH 26, 1997

Adopted (p. 850)

HOUSE FILE 612

H-1400

1 Amend the amendment, H-1379, to House File 612 as
 2 follows:

- A 3 1. Page 1, line 33, by striking the words "If the
 4 court".
 5 2. Page 1, by striking lines 34 through 42.
 B 6 3. Page 2, by striking lines 5 through 15.
 A 7 4. By renumbering as necessary.

By KREIMAN of Davis

H-1400 FILED MARCH 26, 1997

*A-Lost (p. 860)**B-Lost (p. 861)*

S- 3/31/97 *Hemond Reed*
S- 4/2/97 *Do Pass*
S- 4/10/97 *Unlimited Business Calendar*

HOUSE FILE 612
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 183)

(As Amended and Passed by the House, March 26, 1997)

Passed House, Date 4/23/97 (P. 1473) Passed Senate, Date 4-17-97 (P. 1238)
Vote: Ayes 59 Nays 37 Vote: Ayes 49 Nays 0

Approved May 21, 1997
(P. 1619) Passed 4-28-97 (P. 1501) Passed 4-28-97
Vote 59-37 Vote 47-0

A BILL FOR

1 An Act relating to child support recovery, providing penalties,
2 and providing effective dates.

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

4 House Conf. Committee 4/23/97
5 (P. 1504)

Senate Conf. Comm.

6 Boddicker Ch House Amendments _____
7 Millage
8 Lamberti Deleted Language *
9 Brand
10 Burnett

Boettger ca
Redfern
Schuerer
Neuhouser
Vilsack

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1 DIVISION I

2 PART A

3 Section 1. Section 252A.3, subsection 8, paragraphs b and
4 c, Code 1997, are amended to read as follows:

5 b. By the statement of the person admitting paternity in
6 court and upon concurrence of the mother. If the mother was
7 married, at the time of conception, birth or at any time
8 during the period between conception and birth of the child,
9 to an individual other than the person admitting paternity,
10 the individual to whom the mother was married at the time of
11 conception, birth or at any time during the period between
12 conception and birth must deny paternity in order to establish
13 the paternity of the person admitting paternity upon the sole
14 basis of the admission.

15 c. By Subject to the right of any signatory to rescind as
16 provided in section 252A.3A, subsection 12, by the filing and
17 registration by the state registrar of an affidavit of
18 paternity executed on or after July 1, 1993, as provided in
19 section 252A.3A, provided that the mother of the child was
20 unmarried at the time of conception, birth and at any time
21 during the period between conception and birth of the child or
22 if the mother was married at the time of conception, birth or
23 at any time during the period between conception and birth of
24 the child, a court of competent jurisdiction has determined
25 that the individual to whom the mother was married at that
26 time is not the father of the child.

27 Sec. 2. Section 252A.3A, Code 1997, is amended to read as
28 follows:

29 252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.

30 1. The paternity of a child born out of wedlock may be
31 legally established by the completion, and filing and
32 registration by the state registrar of an affidavit of
33 paternity only as provided by this section.

34 2. When paternity has not been legally established,
35 paternity may be established by affidavit under this section

1 for the following children:

2 a. The child of a woman who was unmarried at the time of
3 conception, and birth and at any time during the period
4 between conception and birth of the child.

5 b. The child of a woman who is married at the time of
6 conception, or birth or at any time during the period between
7 conception and birth of the child if a court of competent
8 jurisdiction has determined that the individual to whom the
9 mother was married at that time is not the father of the
10 child.

11 3. a. Prior to or at the time of completion of an
12 affidavit of paternity, written and oral information about
13 paternity establishment, developed by the child support
14 recovery unit created in section 252B.2, shall be provided to
15 the mother and putative father.

16 b. The information provided shall include a description of
17 parental rights and responsibilities, including the duty to
18 provide financial support for the child, and the benefits of
19 establishing paternity, and the alternatives to and legal
20 consequences of signing an affidavit of paternity, including
21 the rights available if a parent is a minor.

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

27 4. a. The affidavit of paternity form developed and used
28 by the Iowa department of public health is the only affidavit
29 of paternity form recognized for the purpose of establishing
30 paternity under this section. It shall include the minimum
31 requirements specified by the secretary of the United States
32 department of health and human services pursuant to 42 U.S.C.
33 § 652(a)(7). A properly completed affidavit of paternity form
34 developed by the Iowa department of public health and existing
35 on or after July 1, 1993, but which is superseded by a later

1 affidavit of paternity form developed by the Iowa department
2 of public health, shall have the same legal effect as a
3 paternity affidavit form used by the Iowa department of public
4 health on or after July 1, 1997, regardless of the date of the
5 filing and registration of the affidavit of paternity, unless
6 otherwise required under federal law.

7 b. The form shall be available from the state registrar,
8 each county registrar, the child support recovery unit, and
9 any institution in the state.

10 c. The Iowa department of public health shall make copies
11 of the form available to the entities identified in paragraph
12 "b" for distribution.

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

15 a. A statement by the mother consenting to the assertion
16 of paternity and the identity of the father and acknowledging
17 either of the following:

18 (1) That the mother was unmarried at the time of
19 conception, and birth and at anytime during the period between
20 conception and birth of the child.

21 (2) That the mother was married at the time of conception,
22 or birth or at any time during the period between conception
23 and birth of the child, and that a court order has been
24 entered ruling that the individual to whom the mother was
25 married at that time is not the father of the child.

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

29 c. A statement from the putative father that the putative
30 father is the father of the child.

31 d. The name of the child at birth and the child's birth
32 date.

33 e. The signatures of the mother and putative father.

34 f. The social security numbers of the mother and putative
35 father.

1 g. The addresses of the mother and putative father, as
2 available.

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

5 i. Instructions for filing the affidavit.

6 6. A completed affidavit of paternity shall be filed with
7 the state registrar. However, if the affidavit of paternity
8 is obtained directly from the county registrar, the completed
9 affidavit may be filed with the county registrar who shall
10 forward the original affidavit to the state registrar. For
11 the purposes of legal establishment of paternity under this
12 section, paternity is legally established only upon filing of
13 the affidavit with and registration of the affidavit by the
14 state registrar subject to the right of any signatory to
15 recision pursuant to subsection 12.

16 7. The state registrar shall make copies of affidavits of
17 paternity and identifying information from the affidavits
18 filed and registered pursuant to this section available to the
19 child support recovery unit created under section 252B.2 in
20 accordance with section 144.13, subsection 4, and any
21 subsequent recision form which rescinds the affidavit.

22 8. An affidavit of paternity completed and filed with and
23 registered by the state registrar pursuant to this section has
24 all of the following effects:

25 a. Is admissible as evidence of paternity.

26 b. Has the same legal force and effect as a judicial
27 determination of paternity subject to the right of any
28 signatory to recision pursuant to subsection 12.

29 c. Serves as a basis for seeking child or medical support
30 without further determination of paternity subject to the
31 right of any signatory to recision pursuant to subsection 12.

32 9. All institutions in the state shall provide the
33 following services with respect to any newborn child born out
34 of wedlock:

35 a. Prior to discharge of the newborn from the institution,

1 the institution where the birth occurs shall provide the
2 mother and, if present, the putative father, with all of the
3 following:

4 (1) Written and oral information about establishment of
5 paternity pursuant to subsection 3.

6 (2) An affidavit of paternity form.

7 (3) An opportunity for consultation with the staff of the
8 institution regarding the written information provided under
9 subparagraph (1).

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

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

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

20 b. An institution electing reimbursement shall enter into
21 a written agreement with the child support recovery unit for
22 this purpose.

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

26 d. Reimbursement shall be based only on the number of
27 affidavits completed in compliance with this section and
28 submitted to the state registrar during the duration of the
29 written agreement with the child support recovery unit.

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

32 11. The state registrar, upon request of the mother or the
33 putative father, shall provide the following services with
34 respect to a child born out of wedlock:

35 a. Written and oral information about the establishment of

1 paternity pursuant to subsection 3.

2 b. An affidavit of paternity form.

3 c. An opportunity for consultation with staff regarding
4 the information provided under paragraph "a".

5 12. a. A completed affidavit of paternity may be
6 rescinded by registration by the state registrar of a
7 completed and notarized rescision form signed by either the
8 mother or putative father who signed the affidavit of
9 paternity that the putative father is not the father of the
10 child. The completed and notarized rescision form shall be
11 filed with the state registrar for the purpose of registration
12 prior to the earlier of the following:

13 (1) Sixty days after the latest notarized signature of the
14 mother or putative father on the affidavit of paternity.

15 (2) Twenty days after the service of the notice or
16 petition initiating a proceeding in this state to which the
17 signatory is a party relating to the child, including a
18 proceeding to establish a support order under chapter 252A,
19 252C, 252F, 598, or 600B or other law of this state.

*20 b. Unless the state registrar has received and registered
21 an order as provided in section 252A.3, subsection 8,
22 paragraph "a", which legally establishes paternity, upon
23 registration of a timely rescision form the state registrar
24 shall remove the father's information from the certificate of
25 birth, and shall send a written notice of the rescision to the
26 last known address of the signatory of the affidavit of
27 paternity who did not sign the rescision form.

28 c. The Iowa department of public health shall develop a
29 rescision form and an administrative process for rescission.
30 The form shall be the only rescision form recognized for the
31 purpose of rescinding a completed affidavit of paternity. A
32 completed rescision form shall include the signature of a
33 notary public attesting to the identity of the party signing
34 the rescision form. The Iowa department of public health shall
35 adopt rules which establish a fee, based upon the average

1 administrative cost, to be collected for the registration of a
2 rescission.

3 d. If an affidavit of paternity has been rescinded under
4 this subsection, the state registrar shall not register any
5 subsequent affidavit of paternity signed by the same mother
6 and putative father relating to the same child.

7 13. The child support recovery unit may enter into a
8 written agreement with an entity designated by the secretary
9 of the United States department of health and human services
10 to offer voluntary paternity establishment services.

11 a. The agreement shall comply with federal requirements
12 pursuant to 42 U.S.C. § 666(a)(5)(C) including those regarding
13 notice, materials, training, and evaluations.

14 b. The agreement may provide for reimbursement of the
15 entity by the state if reimbursement is permitted by federal
16 law.

17 Sec. 3. Section 252A.6A, subsection 1, paragraph a, Code
18 1997, is amended to read as follows:

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

26 Sec. 4. Section 252A.6A, subsection 1, Code 1997, is
27 amended by adding the following new paragraphs:

28 NEW PARAGRAPH. c. Appropriate genetic testing procedures
29 shall be used which include any genetic test generally
30 acknowledged as reliable by accreditation bodies designated by
31 the secretary of the United States department of health and
32 human services and which are performed by a laboratory
33 approved by such an accreditation body.

34 NEW PARAGRAPH. d. A copy of a bill for blood or genetic
35 testing, or for the cost of prenatal care or the birth of the

1 child, shall be admitted as evidence without requiring third-
2 party foundation testimony and shall constitute prima facie
3 evidence of amounts incurred for testing.

4 Sec. 5. Section 252A.6A, Code 1997, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 3. If the expert analyzing the blood or
7 genetic test concludes that the test results demonstrate that
8 the putative father is not excluded and that the probability
9 of the putative father's paternity is ninety-nine percent or
10 higher and if the test results have not been challenged, the
11 court, upon motion by a party, shall enter a temporary order
12 for child support to be paid pursuant to section 598.21,
13 subsection 4. The court shall require temporary support to be
14 paid to the clerk of court or to the collection services
15 center. If the court subsequently determines the putative
16 father is not the father, the court shall terminate the
17 temporary support order. All support obligations which came
18 due prior to the order terminating temporary support are
19 unaffected by this action and remain a judgment subject to
20 enforcement.

21 Sec. 6. Section 252A.10, Code 1997, is amended to read as
22 follows:

23 252A.10 COSTS ADVANCED.

24 Actual costs incurred in this state incidental to any
25 action brought under the provisions of this chapter shall be
26 advanced by the initiating party or agency, as appropriate,
27 unless otherwise ordered by the court. Where the action is
28 brought by an agency of the state or county there shall be no
29 filing fee or court costs of any type either advanced by or
30 charged to the state or county.

31 Sec. 7. Section 252A.13, Code 1997, is amended to read as
32 follows:

33 252A.13 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF
34 SUPPORT PAYMENTS.

35 A-person-entitled-to-periodic-support-payments-pursuant-to

1 an-order-or-judgment-entered-in-a-uniform-support-action-under
2 this-chapter,-who-is-also-a-recipient-of-public-assistance,-is
3 deemed-to-have-assigned-the-person's-rights-to-the-support
4 payments,-to-the-extent-of-public-assistance-received-by-the
5 person,-to-the-department-of-human-services. If public
6 assistance is provided by the department of human services to
7 or on behalf of a dependent child or a dependent child's
8 caretaker, there is an assignment by operation of law to the
9 department of any and all rights in, title to, and interest in
10 any support obligation, payment, and arrearages owed to or on
11 behalf of the child or caretaker not to exceed the amount of
12 public assistance paid for or on behalf of the child or
13 caretaker. The department shall immediately notify the clerk
14 of court by mail when a-person-entitled-to-support-payments
15 such child or caretaker has been determined to be eligible for
16 public assistance. Upon notification by the department that-a
17 person-entitled-to-periodic-support-payments-pursuant-to-this
18 chapter-is-receiving-public-assistance, the clerk of court
19 shall make a notation of the automatic assignment in the
20 judgment docket and lien index. The notation constitutes
21 constructive notice of the assignment. If the applicant for
22 public assistance, for whom public assistance is approved and
23 provided on or after July 1, 1997, is a person other than a
24 parent of the child, the department shall send notice of the
25 assignment by regular mail to the last known addresses of the
26 obligee and obligor. The clerk of court shall forward support
27 payments received pursuant to section 252A.6, to which the
28 department is entitled, to the department, unless the court
29 has ordered the payments made directly to the department under
30 subsection-12-of that section. The department may secure
31 support payments in default through other proceedings
32 prescribed-in-this-chapter. The clerk shall furnish the
33 department with copies of all orders or decrees awarding and
34 temporary domestic abuse orders addressing support to-parties
35 having-custody-of-minor-children when the parties are

1 receiving public assistance or services are otherwise provided
2 by the child support recovery unit. Unless otherwise
3 specified in the order, an equal and proportionate share of
4 any child support awarded is presumed to be payable on behalf
5 of each child, subject to the order or judgment, for purposes
6 of an assignment under this section.

7 PART B

8 Sec. 8. Section 252A.1, Code 1997, is amended to read as
9 follows:

10 252A.1 TITLE AND PURPOSE.

11 This chapter may be cited and referred to as the "Uniform
12 Support of Dependents Law".

13 The purpose of this uniform chapter is to secure support in
14 civil proceedings for dependent spouses, children and poor
15 relatives from persons legally responsible for their support.

16 Sec. 9. Section 252A.2, Code 1997, is amended to read as
17 follows:

18 252A.2 DEFINITIONS.

19 As used in this chapter, unless the context shall require
20 otherwise, the following terms shall have the meanings
21 ascribed to them by this section:

22 1. "Birth center" means birth center as defined in section
23 135G.2.

24 2. "Birthing hospital" means a private or public hospital
25 licensed pursuant to chapter 135B that has a licensed
26 obstetric unit or is licensed to provide obstetric services,
27 or a licensed birthing center associated with a hospital.

28 3. "Child" includes but shall not be limited to a
29 stepchild, foster child or legally adopted child and means a
30 child actually or apparently under eighteen years of age, and
31 a dependent person eighteen years of age or over who is unable
32 to maintain the person's self and is likely to become a public
33 charge.

34 4. "Court" shall mean and include any court ~~by-whatever~~
35 ~~name-known,-in-any-state-having-reciprocal-laws-or-laws~~

1 ~~substantially-similar-to-this-chapter~~ upon which jurisdiction
2 has been conferred to determine the liability of persons for
3 the support of dependents ~~within-and-without-such-state~~.

4 5. "Dependent" shall mean and include a spouse, child,
5 mother, father, grandparent or grandchild who is in need of
6 and entitled to support from a person who is declared to be
7 legally liable for such support ~~by-the-laws-of-the-state-or~~
8 ~~states-wherein-the-petitioner-and-the-respondent-reside~~.

9 6. ~~---"Initiating-state"-shall-mean-the-state-of-domicile-or~~
10 ~~residence-of-the-petitioner-~~

11 7 6. "Institution" means a birthing hospital or birth
12 center.

13 8 7. "Petitioner" ~~shall-mean-and-include~~ includes each
14 dependent person for whom support is sought in a proceeding
15 instituted pursuant to this chapter or a mother or putative
16 father of a dependent. However, in an action brought by the
17 child support recovery unit, the state is the petitioner.

18 8. "Party" means a petitioner, a respondent, or a person
19 who intervenes in a proceeding instituted under this chapter.

20 9. "Petitioner's representative" ~~shall-mean-and-include-a~~
21 corporation includes counsel, of a dependent person for whom
22 support is sought and counsel for a mother or putative father
23 of a dependent. In an action brought by the child support
24 recovery unit, "petitioner's representative" includes a county
25 attorney, state's attorney, commonwealth attorney and any
26 other public officer, by whatever title the officer's public
27 office may be known, charged by law with the duty of
28 instituting, maintaining, or prosecuting a proceeding under
29 this chapter or under the laws of the state ~~or-states-wherein~~
30 ~~the-petitioner-and-the-respondent-reside~~.

31 10. "Putative father" means a man who is alleged to be or
32 who claims to be the biological father of a child born to a
33 woman to whom the man is not married at the time of the birth
34 of the child.

35 11. "Register" means to file a foreign support order in

1 the registry of foreign support orders maintained as a filing
2 in equity by the clerk of court.

3 ~~±2.---"Rendering-state"-means-a-state-in-which-the-court-has~~
4 ~~issued-a-support-order-for-which-registration-is-sought-or~~
5 ~~granted-in-the-court-of-another-state.~~

6 ~~±3~~ 12. "Respondent" shall mean and include includes each
7 person against whom a proceeding is instituted pursuant to
8 this chapter. "Respondent" may include the mother or the
9 putative father of a dependent.

10 ~~±4.---"Responding-state"-shall-mean-the-state-wherein-the~~
11 ~~respondent-resides-or-is-domiciled-or-found.~~

12 ~~±5.---"State"-means-any-state, territory, or possession of~~
13 ~~the-United-States, the-District-of-Columbia, the-Commonwealth~~
14 ~~of-Puerto-Rico, and-any-foreign-jurisdiction-in-which-this-or~~
15 ~~a-similar-reciprocal-law-is-in-effect.~~

16 ~~±6~~ 13. "State registrar" means state registrar as defined
17 in section 144.1.

18 ~~±7.---"Summons"-shall-mean-and-include-a-subpoena, warrant,~~
19 ~~citation, order or other notice, by whatever name known,~~
20 ~~provided for by the laws of the state or states wherein the~~
21 ~~petitioner and the respondent reside as the means for~~
22 ~~requiring the appearance and attendance in court of the~~
23 ~~respondent in a proceeding instituted pursuant to this~~
24 ~~chapter.~~

25 Sec. 10. Section 252A.3, subsections 1, 2, 3, 5, and 6,
26 Code 1997, are amended to read as follows:

27 1. A spouse ~~in one state~~ is hereby declared to be liable
28 for the support of the other spouse and any child or children
29 under eighteen years of age and any other dependent residing
30 ~~or found in the same state or in another state having~~
31 ~~substantially similar or reciprocal laws.~~ The court having
32 ~~jurisdiction of the respondent in a proceeding instituted~~
33 ~~under this chapter~~ shall establish the respondent's monthly
34 support payment and the amount of the support debt accrued and
35 accruing pursuant to section 598.217-subsection-4.

1 2. A parent ~~in-one-state~~ is hereby-declared-to-be liable
2 for the support of the parent's child or children under
3 eighteen years of age ~~residing-or-found-in-the-same-state-or~~
4 ~~in-another-state-having-substantially-similar-or-reciprocal~~
5 ~~laws~~, whenever the other parent of such child or children is
6 dead, or cannot be found, or is incapable of supporting the
7 child or children, and, if the liable parent is possessed of
8 sufficient means or able to earn the means. The court having
9 jurisdiction of the respondent in a proceeding instituted
10 under this chapter shall establish the respondent's monthly
11 support payment and the amount of the support debt accrued and
12 accruing pursuant to section 598.21, subsection 4.

13 3. The parents ~~in-one-state~~ are hereby-declared-to-be
14 severally liable for the support of a dependent child eighteen
15 years of age or older ~~residing-or-found-in-the-same-state-or~~
16 ~~in-another-state-having-substantially-similar-or-reciprocal~~
17 ~~laws~~, whenever such child is unable to maintain the child's
18 self and is likely to become a public charge.

19 5. A child or children born of parents who held or hold
20 themselves out as husband and wife by virtue of a common law
21 marriage ~~recognized-as-valid-by-the-laws-of-the-initiating~~
22 ~~state-and-of-the-responding-state-shall-be~~ are deemed the
23 legitimate child or children of both parents.

24 6. A man or woman who was or is held out as the person's
25 spouse by a person by virtue of a common law marriage
26 ~~recognized-as-valid-by-the-laws-of-the-initiating-state-and-of~~
27 ~~the-responding-state-shall-be~~ is deemed the legitimate spouse
28 of such person.

29 Sec. 11. Section 252A.3, Code 1997, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 9. The court may order a party to pay
32 sums sufficient to provide necessary food, shelter, clothing,
33 care, medical or hospital expenses, including medical support
34 as defined in chapter 252E, expenses of confinement, expenses
35 of education of a child, funeral expenses, and such other

1 reasonable and proper expenses of the dependent as justice
2 requires, giving due regard to the circumstances of the
3 respective parties.

4 Sec. 12. Section 252A.5, Code 1997, is amended to read as
5 follows:

6 252A.5 WHEN PROCEEDING MAY BE MAINTAINED.

7 Unless prohibited pursuant to ~~section-252A-20~~ 28 U.S.C. §
8 1738B, a proceeding to compel support of a dependent may be
9 maintained under this chapter in any of the following cases:

10 1. Where the petitioner and the respondent are residents
11 of or domiciled or found ~~in the same state~~ in this state.

12 ~~2.--Where the petitioner resides in one state and the~~
13 ~~respondent is a resident of or is domiciled or found in~~
14 ~~another state having substantially similar or reciprocal laws.~~

15 ~~3.--Where the respondent is not and never was a resident of~~
16 ~~or domiciled in the initiating state and the petitioner~~
17 ~~resides or is domiciled in such state and the respondent is~~
18 ~~believed to be a resident of or domiciled in another state~~
19 ~~having substantially similar or reciprocal laws.~~

20 ~~4.--Where the respondent was or is a resident of or~~
21 ~~domiciled in the initiating state and has departed or departs~~
22 ~~from such state leaving therein a dependent in need of and~~
23 ~~entitled to support under this chapter and is believed to be a~~
24 ~~resident of or domiciled in another state having substantially~~
25 ~~similar or reciprocal laws.~~

26 5 2. Whenever the state or a political subdivision thereof
27 furnishes support to a dependent, it has the same right
28 through proceedings instituted by the petitioner's
29 representative to invoke the provisions hereof as the
30 dependent to whom the support was furnished, for the purpose
31 of securing reimbursement of expenditures so made and of
32 obtaining continuing support; the petition in such case may be
33 verified by any official having knowledge of such expenditures
34 without further verification of any person and consent of the
35 dependent shall not be required in order to institute

1 proceedings under this chapter. The child support recovery
2 unit may bring the action based upon a statement of a witness,
3 regardless of age, with knowledge of the circumstances,
4 including, but not limited to, statements by the mother of the
5 dependent or a relative of the mother or the putative father.

6 3. If the child support recovery unit is providing
7 services, the unit has the same right to invoke the provisions
8 of this section as the dependent for which support is owed for
9 the purpose of securing support. The petition in such case
10 may be verified by any official having knowledge of the
11 request for services by the unit, without further verification
12 by any other person, and consent of the dependent shall not be
13 required in order to institute proceedings under this chapter.
14 The child support recovery unit may bring the action based
15 upon the statement of a witness, regardless of age, with
16 knowledge of the circumstances, including, but not limited to,
17 statements by the mother of the dependent or a relative of the
18 mother or the putative father.

19 Sec. 13. Section 252A.6, Code 1997, is amended to read as
20 follows:

21 252A.6 HOW COMMENCED -- TRIAL.

22 1. A proceeding under this chapter shall be commenced by a
23 ~~petitioner, or a petitioner's representative, by~~ filing a
24 verified petition in the court in equity in the county ~~of the~~
25 ~~state wherein~~ where the ~~petitioner~~ dependent resides or is
26 domiciled, showing the name, age, residence, and circumstances
27 of the ~~petitioner~~ dependent, alleging that the ~~petitioner~~
28 dependent is in need of and is entitled to support from the
29 respondent, giving the respondent's name, age, residence, and
30 circumstances, and praying that the respondent be compelled to
31 furnish such support. The petitioner may include in or attach
32 to the petition any information which may help in locating or
33 identifying the respondent including, but without limitation
34 by enumeration, a photograph of the respondent, a description
35 of any distinguishing marks of the respondent's person, other

1 names and aliases by which the respondent has been or is
2 known, the name of the respondent's employer, the respondent's
3 fingerprints, or social security number.

4 ~~2.--If the respondent be a resident of or domiciled in such
5 state and the court has or can acquire jurisdiction of the
6 person of the respondent under existing laws in effect in such
7 state, such laws shall govern and control the procedure to be
8 followed in such proceeding.~~

9 ~~3.--If the court of this state acting as an initiating
10 state finds that the petition sets forth facts from which it
11 may be determined that the respondent owes a duty of support
12 and that a court of the responding state may obtain
13 jurisdiction of the respondent or the respondent's property,
14 it shall so certify and shall cause three copies of (a) the
15 petition (b) its certificate and (c) this chapter to be
16 transmitted to the court in the responding state.--If the name
17 and address of such court is unknown and the responding state
18 has an information agency comparable to that established in
19 the initiating state it shall cause such copies to be
20 transmitted to the state information agency or other proper
21 official of the responding state, with a request that it
22 forward them to the proper court, and that the court of the
23 responding state acknowledge their receipt to the court of the
24 initiating state.~~

25 ~~4.--When the court of this state, acting as a responding
26 state, receives from the court of an initiating state the
27 aforesaid copies, it shall docket the cause, notify the county
28 attorney or other official acting as petitioner's
29 representative, set a time and place for a hearing, and take
30 such action as is necessary in accordance with the laws of
31 this state to serve notice and thus obtain jurisdiction over
32 the respondent.--If a court of the state, acting as a
33 responding state, is unable to obtain jurisdiction of the
34 respondent or the respondent's property due to inaccuracies or
35 inadequacies in the petition or otherwise, the court shall~~

1 communicate this fact to the court in the initiating state,
2 shall on its own initiative use all means at its disposal to
3 trace the respondent or the respondent's property, and shall
4 hold the case pending the receipt of more accurate information
5 or an amended petition from the court in the initiating state.

6 However, if the court of the responding state is unable to
7 obtain jurisdiction because the respondent resides in or is
8 domiciled or found in another county of the responding state,
9 the papers received from the court of the initiating state may
10 be forwarded by the court of the responding state which
11 received the papers to the court of the county in the
12 responding state in which the respondent resides or is
13 domiciled or found, and the court of the initiating state
14 shall be notified of the transfer. The court of the county
15 where the respondent resides or is domiciled or found shall
16 acknowledge receipt of the papers to both the court of the
17 initiating state and the court of the responding state which
18 forwarded them, and shall take full jurisdiction of the
19 proceedings with the same powers as if it had received the
20 papers directly from the court of the initiating state.

21 5 2. It shall not be necessary for the petitioner
22 dependent or the petitioner's dependent's witnesses to appear
23 personally at such a hearing on the petition, but it shall be
24 the duty of the petitioner's representative of the responding
25 state to appear on behalf of and represent the petitioner at
26 all stages of the proceeding.

27 6 3. If at such a hearing on the petition the respondent
28 controverts the petition and enters a verified denial of any
29 of the material allegations thereof, the judge presiding at
30 such the hearing shall stay the proceedings and transmit to
31 the judge of the court in the initiating state a transcript of
32 the clerk's minutes showing the denials entered by the
33 respondent. The petitioner shall be given the opportunity to
34 present further evidence to address issues which the
35 respondent has controverted.

1 7.--Upon receipt by the judge of the court in the
2 initiating state of such transcript, such court shall take
3 such proof, including the testimony of the petitioner and the
4 petitioner's witnesses and such other evidence as the court
5 may deem proper, and, after due deliberation, the court shall
6 make its recommendation, based on all of such proof and
7 evidence, and shall transmit to the court in the responding
8 state an exemplified transcript of such proof and evidence and
9 of its proceedings and recommendation in connection therewith.

10 8.--Upon the receipt of such transcript, the court in the
11 responding state shall resume its hearing in the proceeding
12 and shall give the respondent a reasonable opportunity to
13 appear and reply.

14 9.--Upon the resumption of such hearing, the respondent
15 shall have the right to examine or cross-examine the
16 petitioner and the petitioner's witnesses by means of
17 depositions or written interrogatories, and the petitioner
18 shall have the right to examine or cross-examine the
19 respondent and the respondent's witnesses by means of
20 depositions or written interrogatories.

21 10.--If a respondent, duly summoned by a court in the
22 responding state, willfully fails without good cause to appear
23 as directed in the summons, the respondent shall be punished
24 in the same manner and to the same extent as is provided by
25 law for the punishment of a defendant or witness who willfully
26 disobeys a summons or subpoena duly issued out of such court
27 in any other action or proceeding cognizable by said court.

28 11 4. If, on the return day of the summons, the respondent
29 appears at the time and place specified in the summons hearing
30 and fails to answer the petition or admits the allegations of
31 the petition, or, if, after a hearing has been duly held by
32 the court in the responding state in accordance with this
33 section, the court has found and determined that the prayer of
34 the petitioner, or any part of the prayer, is supported by the
35 evidence adduced in the proceeding, and that the petitioner

1 dependent is in need of and entitled to support from the
2 respondent a party, the court shall make and enter an order
3 directing ~~the-respondent~~ a party to furnish support ~~to-the~~
4 petitioner for the dependent and to pay a sum as the court
5 determines pursuant to section 598.21, ~~subsection-4~~. A
6 ~~certified-copy-of-the-order-shall-be-transmitted-by-the-court~~
7 ~~to-the-court-in-the-initiating-state-and-the-copy-shall-be~~
8 ~~filed-with-and-made-a-part-of-the-records-of-the-court-in-the~~
9 ~~proceeding~~. Upon entry of an order for support or upon
10 failure of a person to make payments pursuant to an order for
11 support, the court may require ~~the-respondent~~ a party to
12 provide security, a bond, or other guarantee which the court
13 determines is satisfactory to secure the payment of the
14 support. Upon the ~~respondent's~~ party's failure to pay the
15 support under the order, the court may declare the security,
16 bond, or other guarantee forfeited.

17 ~~12~~ 5. The court making such order may require the
18 respondent party to make payment at specified intervals to the
19 clerk of the district court, or to the ~~dependent, or to any~~
20 ~~state-or-county-agency~~ collection services center, and to
21 report personally to the sheriff or any other official, at
22 such times as may be deemed necessary.

23 ~~13~~ 6. A respondent party who ~~shall~~ willfully ~~fail~~ fails to
24 comply with or ~~vioate~~ who violates the terms or conditions of
25 the support order or of the ~~respondent's~~ party's probation
26 shall be punished by the court in the same manner and to the
27 same extent as is provided by law for a contempt of such court
28 or a violation of probation ordered by such court in any other
29 suit or proceeding cognizable by such court.

30 ~~14.--The-court-of-this-state-when-acting-as-a-responding~~
31 ~~state-shall-have-the-following-duties-which-may-be-carried-out~~
32 ~~through-the-clerk-of-the-court:--Upon-receipt-of-a-payment~~
33 ~~made-by-the-respondent-pursuant-to-any-order-of-the-court-or~~
34 ~~otherwise,--to-transmit-the-same-forthwith-to-the-court-of-the~~
35 ~~initiating-state,--and-upon-request-to-furnish-to-the-court-of~~

1 the-initiating-state-a-certified-statement-of-all-payments
2 made-by-the-respondent.

3 15 7. Except as provided in section-252A-20 28 U.S.C. §
4 1738B, any order of support issued by a court of-the-state
5 acting-as-a-responding-state shall not supersede any previous
6 order of support issued in a divorce or separate maintenance
7 action, but the amounts for a particular period paid pursuant
8 to either order shall be credited against amounts accruing or
9 accrued for the same period under both. This subsection also
10 applies to orders entered following an administrative process
11 including, but not limited to, the administrative processes
12 provided pursuant to chapters 252C and 252F.

13 16.--The-court-of-the-initiating-state-shall-receive-and
14 accept-all-payments-made-by-the-respondent-to-the-probation
15 department-or-bureau-of-the-court-of-the-responding-state-and
16 transmitted-by-the-latter-on-behalf-of-the-respondent.--Upon
17 receipt-of-any-such-payment,--and-under-such-rules-as-the-court
18 of-the-initiating-state-may-prescribe,--the-court,--or-its
19 probation-department-or-bureau,--as-the-court-may-direct,--shall
20 deliver-such-payment-to-the-dependent-person-entitled-thereto,
21 take-a-proper-receipt-and-acquittance-therefor,--and-keep-a
22 permanent-record-thereof.

23 17.--A-court-or-administrative-agency-of-a-state-that-has
24 issued-a-child-support-order-consistent-with-28-U.S.C.-§-1738B
25 has-continuing,--exclusive-jurisdiction-over-the-order-if-the
26 state-is-the-state-in-which-the-child-is-residing-or-the-state
27 is-the-residence-of-the-petitioner-or-respondent-unless-the
28 court-or-administrative-agency-of-another-state,--acting-in
29 accordance-with-28-U.S.C.-§-1738B,--has-modified-the-order.

30 Sec. 14. Section 252A.6A, subsection 1, unnumbered
31 paragraph 1, Code 1997, is amended to read as follows:

32 When a-court-of-this-state-is-acting-as-the-responding
33 state-in an action is initiated under this chapter to
34 establish paternity, all of the following shall apply:

35 Sec. 15. Section 252A.6A, subsection 2, unnumbered

1 paragraph 1, Code 1997, is amended to read as follows:

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

8 Sec. 16. Section 252A.6A, subsection 2, paragraph a,
9 subparagraph (2), Code 1997, is amended to read as follows:

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

18 Sec. 17. Section 252A.6A, subsection 2, paragraph b, Code
19 1997, is amended to read as follows:

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

28 Sec. 18. Section 252A.17, Code 1997, is amended to read as
29 follows:

30 252A.17 REGISTRY OF FOREIGN SUPPORT ORDERS.

31 The petitioner may register ~~the~~ a foreign support order in
32 a court of this state in the manner and with the effect
33 provided in ~~sections 252A.18 and 252A.19~~ chapter 252K. The
34 clerk of the court shall maintain a registry of foreign
35 support orders in which foreign support orders shall be filed.

1 The filing is in equity.

2 Sec. 19. Section 252A.18, Code 1997, is amended to read as
3 follows:

4 252A.18 REGISTRATION PROCEDURE FOR FOREIGN SUPPORT ORDERS
5 -- NOTICE.

6 ~~1.--A petitioner seeking to register a foreign support
7 order in a court of this state shall transmit to the clerk of
8 the court three certified copies of the order reflecting all
9 modifications, one copy of the reciprocal enforcement of
10 support act of the state in which the order was made, and a
11 statement verified and signed by the petitioner, showing the
12 post office address of the petitioner, the last known place of
13 residence and post office address of the respondent, the
14 amount of support remaining unpaid, a description and the
15 location of any property of the respondent available upon
16 execution, and a list of the states in which the order is
17 registered.--Upon receipt of these documents the clerk of the
18 court, with payment of a filing fee of six dollars, shall file
19 them in the registry of foreign support orders.--The filing
20 constitutes registration under this chapter.~~

21 2.--Promptly Registration of a foreign support order shall
22 be in accordance with chapter 252K except that, with regard to
23 service, promptly upon registration, the clerk of the court
24 shall send a notice by restricted certified mail to the
25 respondent ~~at the address given a notice~~ of the registration
26 with a copy of the registered support order ~~and the post~~
27 ~~office address of the petitioner, or the petitioner may~~
28 ~~request that~~ or the respondent may be personally served with
29 the notice and the copy of the order in the same manner as
30 original notices are personally served. The clerk shall also
31 docket the case and notify the prosecuting attorney of the
32 action.

33 3.--~~a.--The respondent shall have twenty days after~~
34 ~~receiving notice of the registration in which to petition the~~
35 ~~court to vacate the registration or for other relief.--If the~~

1 respondent-does-not-so-petition, the respondent is in default
2 and the registered support order is confirmed.

3 b. -- If a registration action is initiated by the child
4 support recovery unit, issues subject to challenge are limited
5 to issues of fact relating to the support obligation and not
6 other issues including, but not limited to, custody and
7 visitation, or the terms of the support order.

8 Sec. 20. Section 252A.20, Code 1997, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 252A.20 LIMITATION ON ACTIONS.

12 Issues related to visitation, custody, or other provisions
13 not related to the support provisions of a support order shall
14 not be grounds for a hearing, modification, adjustment, or
15 other action under this chapter.

16 Sec. 21. Sections 252A.4, 252A.4A, 252A.7, 252A.9,
17 252A.11, 252A.12, 252A.16, 252A.19, 252A.24, and 252A.25, Code
18 1997, are repealed.

19 Sec. 22. Part B, sections 8 through 21 of this Act, are
20 effective January 1, 1998.

21 DIVISION II

22 PART A

23 Sec. 23. Section 252B.1, Code 1997, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 2A. "Child support agency" means child
26 support agency as defined in section 252H.2.

27 Sec. 24. Section 252B.1, subsection 5, Code 1997, is
28 amended to read as follows:

29 5. "Obligor" means the person legally responsible for the
30 support of a child as defined in section 252D.16A or 598.1
31 under a support order issued in this state or a foreign
32 jurisdiction.

33 Sec. 25. Section 252B.2, Code 1997, is amended to read as
34 follows:

35 252B.2 UNIT ESTABLISHED -- INTERVENTION -- REVIEW.

1 There is created within the department of human services a
2 child support recovery unit for the purpose of providing the
3 services required in sections 252B.3 to 252B.6. The unit is
4 not required to intervene in actions to provide such services.

5 Sec. 26. Section 252B.3, Code 1997, is amended to read as
6 follows:

7 252B.3 DUTY OF DEPARTMENT TO ENFORCE CHILD SUPPORT --
8 COOPERATION -- RULES.

9 1. Upon receipt by the department of an application for
10 public assistance on behalf of a child and determination by
11 the department that the child ~~has-been-abandoned-by-its~~
12 ~~parents-or-that-the-child-and-one-parent-have-been-abandoned~~
13 ~~by-the-other-parent-or-that-the-parent-or-other-person~~
14 ~~responsible-for-the-care,-support-or-maintenance-of-the-child~~
15 ~~has-failed-or-neglected-to-give-proper-care-or-support-to-the~~
16 child is eligible for public assistance and that provision of
17 child support services is appropriate, the department shall
18 take appropriate action under the provisions of this chapter
19 or under other appropriate statutes of this state including
20 but not limited to chapters 239, 252A, 252C, 252D, 252E, 252F,
21 252G, 252H, 252I, 252J, 598, and 600B, to ensure that the
22 parent or other person responsible for the support of the
23 child fulfills the support obligation. The department shall
24 also take appropriate action as required by federal law upon
25 receiving a request from a child support agency for a child
26 receiving public assistance in another state.

27 2. The department of human services may negotiate a
28 partial payment of a support obligation with a parent or other
29 person responsible for the support of the child, provided that
30 the negotiation and partial payment are consistent with
31 applicable federal law and regulation.

32 3. The department shall adopt rules pursuant to chapter
33 17A regarding cases in which, under federal law, it is a
34 condition of eligibility for an individual who is an applicant
35 for or recipient of public assistance to cooperate in good

1 faith with the department in establishing the paternity of, or
2 in establishing, modifying, or enforcing a support order by
3 identifying and locating the parent of the child or enforcing
4 rights to support payments. The rules shall include all of
5 the following provisions:

6 a. As required by the unit, the individual shall provide
7 the name of the noncustodial parent and additional necessary
8 information, and shall appear at interviews, hearings, and
9 legal proceedings.

10 b. If paternity is an issue, the individual and child
11 shall submit to blood or genetic tests pursuant to a judicial
12 or administrative order.

13 c. The individual may be requested to sign a voluntary
14 affidavit of paternity, after notice of the rights and
15 consequences of such an acknowledgment, but shall not be
16 required to sign an affidavit or otherwise relinquish the
17 right to blood or genetic tests.

18 d. The unit shall promptly notify the individual and the
19 appropriate division of the department administering the
20 public assistance program of each determination by the unit of
21 noncooperation of the individual and the reason for such
22 determination.

23 e. A procedure under which the individual may claim that,
24 and the department shall determine whether, the individual has
25 sufficient good cause or other exception for not cooperating,
26 taking into consideration the best interest of the child.

27 4. Without need for a court order and notwithstanding the
28 requirements of section 598.22A, the support payment ordered
29 pursuant to any chapter shall be satisfied as to the
30 department, the child, and either parent for the period during
31 which the parents are reconciled and are cohabiting, the child
32 for whom support is ordered is living in the same residence as
33 the parents, and the obligor receives public assistance on the
34 obligor's own behalf for the benefit of the child. The
35 department shall implement this subsection as follows:

1 a. The unit shall file a notice of satisfaction with the
2 clerk of court.

3 b. This subsection shall not apply unless all the children
4 for whom support is ordered reside with both parents, except
5 that a child may be absent from the home due to a foster care
6 placement pursuant to chapter 234 or a comparable law of a
7 foreign jurisdiction.

8 c. The unit shall send notice by regular mail to the
9 obligor when the provisions of this subsection no longer
10 apply. A copy of the notice shall be filed with the clerk of
11 court.

12 d. This section shall not limit the rights of the parents
13 or the department to proceed by other means to suspend,
14 terminate, modify, reinstate, or establish support.

15 Sec. 27. Section 252B.4, unnumbered paragraph 1, Code
16 1997, is amended to read as follows:

17 The child support and paternity determination services
18 established by the department pursuant to this chapter and
19 other appropriate services provided by law including but not
20 limited to the provisions of chapters 239, 252A, 252C, 252D,
21 252E, 252F, 598, and 600B shall be made available by the unit
22 to an individual not otherwise eligible as a public assistance
23 recipient upon application by the individual for the services
24 or upon referral as described in subsection 6. The
25 application shall be filed with the department.

26 Sec. 28. Section 252B.4, subsection 3, Code 1997, is
27 amended to read as follows:

28 3. When Except as provided in paragraph "c", when the unit
29 intercepts a federal tax refund of an obligor for payment of
30 delinquent support and the funds are due to a recipient of
31 services who is not otherwise eligible for public assistance,
32 the unit shall deduct a twenty-five dollar fee from the funds
33 before forwarding the balance to the recipient.

34 a. The unit shall inform the recipient of the fee under
35 this subsection prior to assessment.

1 b. The fee shall be assessed only to individuals who
2 receive support from the federal tax refund offset program.
3 If the tax refund due the recipient is less than fifty
4 dollars, the fee shall not be assessed.

5 c. The unit shall not deduct a twenty-five dollar fee if
6 the recipient is a resident of a foreign country and is
7 eligible for services pursuant to subsection 6, paragraph "b".

8 Sec. 29. Section 252B.4, Code 1997, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 6. The unit shall also provide child
11 support and paternity determination services and shall respond
12 as provided in federal law for an individual not otherwise
13 eligible as a public assistance recipient if the unit receives
14 a request from any of the following:

15 a. A child support agency.

16 b. A foreign reciprocating country or foreign country with
17 which the state has an arrangement as provided in 42 U.S.C. §
18 659A.

19 Sec. 30. Section 252B.5, subsection 3, Code 1997, is
20 amended to read as follows:

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

25 The director may enter into a contract with a private
26 collection agency to collect support payments for cases which
27 have been identified by the department as difficult collection
28 cases if the department determines that this form of
29 collection is more cost-effective than departmental collection
30 methods. A private collection agency with whom the department
31 enters a contract under this subsection shall comply with
32 state and federal confidentiality requirements and debt
33 collection laws. The director may use a portion of the state
34 share of funds collected through this means to pay the costs
35 of any contract authorized under this subsection.

1 Sec. 31. Section 252B.5, subsection 7, unnumbered
2 paragraph 1, Code 1997, is amended to read as follows:

3 At the request of either parent who is subject to the order
4 of support or upon its own initiation, review the amount of
5 the support award in accordance with the guidelines
6 established pursuant to section 598.21, subsection 4, and the
7 ~~federal-Family-Support-Act-of-1988~~ Title IV-D of the federal
8 Social Security Act, as amended, and take action to initiate
9 modification proceedings if the criteria established pursuant
10 to this section are met. However, a review of a support award
11 is not required ~~in-those-cases-for-which-an-assignment-ordered~~
12 ~~pursuant-to-chapter-234-or-239-is-in-effect~~ if the child
13 support recovery unit determines that such a review would not
14 be in the best interest of the child and neither parent has
15 requested such review.

16 Sec. 32. Section 252B.5, subsection 9, Code 1997, is
17 amended to read as follows:

18 9. The review and adjustment, ~~or~~ modification, or
19 alteration of a support order pursuant to chapter 252H upon
20 adoption of rules pursuant to chapter 17A ~~governing-policies~~
21 ~~and-procedures-for-review-and-adjustment-or-modification~~ and
22 periodic notification, at a minimum of once every three years,
23 to parents subject to a support order of their rights to these
24 services.

25 Sec. 33. Section 252B.5, Code 1997, is amended by adding
26 the following new subsections:

27 NEW SUBSECTION. 10. The unit shall not establish orders
28 for spousal support. The unit shall enforce orders for
29 spousal support only if the spouse is the custodial parent of
30 a child for whom the unit is also enforcing a child support or
31 medical support order.

32 NEW SUBSECTION. 11. a. Effective October 1, 1997,
33 periodically certify to the secretary of the United States
34 department of health and human services, a list of the names
35 of obligors determined by the unit to owe delinquent child

1 support, under a support order as defined in section 252J.1,
2 in excess of five thousand dollars. The determination of the
3 delinquent amount owed may be based upon one or more support
4 orders being enforced by the unit if the delinquent support
5 owed exceeds five thousand dollars. The determination shall
6 include any amounts which are delinquent pursuant to the
7 periodic payment plan when a modified order has been
8 retroactively applied. The certification shall be in a format
9 and shall include any supporting documentation required by the
10 secretary.

11 b. All of the following shall apply to an action initiated
12 by the unit under this subsection:

13 (1) At least thirty days prior to provision of
14 certification to the secretary, the unit shall send notice by
15 regular mail to the last known address of the obligor. The
16 notice shall include all of the following:

17 (a) A statement that the unit has determined that the
18 obligor owes delinquent child support in excess of five
19 thousand dollars.

20 (b) A statement that upon certification by the unit to the
21 secretary, the secretary will transmit the certification to
22 the United States secretary of state for denial, revocation,
23 restriction, or limitation of a passport as provided in 42
24 U.S.C. § 652(k).

25 (c) Information regarding the procedures for challenging
26 the determination by the unit, based upon mistake of fact.
27 For the purposes of this subsection, "mistake of fact" means a
28 mistake in the identity of the obligor or a mistake in the
29 amount of the delinquent child support owed if the amount did
30 not exceed five thousand dollars on the date of the unit's
31 decision on the challenge.

32 (2) (a) If the obligor chooses to challenge the
33 determination, the obligor shall submit the challenge in
34 writing to the unit, to be received by the unit within twenty
35 days of the date of the notice to the obligor. The obligor

1 shall include any relevant information in the written
2 challenge.

3 (b) Upon timely receipt of the written challenge, the unit
4 shall review the determination for a mistake of fact.

5 (c) Following review of the determination, the unit shall
6 send a written decision to the obligor within ten days of
7 timely receipt of the written challenge.

8 (i) If the unit determines that a mistake of fact exists,
9 the unit shall not certify the name of the obligor to the
10 secretary.

11 (ii) If the unit determines that a mistake of fact does
12 not exist, the unit shall certify the name of the obligor to
13 the secretary no earlier than ten days following the issuance
14 of the decision, unless, within ten days of the issuance of
15 the decision, the obligor requests a contested case proceeding
16 pursuant to chapter 17A or makes a payment for child support
17 so that the amount of delinquent child support no longer
18 exceeds five thousand dollars.

19 (3) Following issuance of a final decision under chapter
20 17A that no mistake of fact exists, the obligor may request a
21 hearing before the district court in the county where one or
22 more of the support orders upon which the determination is
23 based is filed. To request a hearing, the obligor shall file
24 a written application with the court contesting the decision
25 and shall send a copy of the application to the unit by
26 regular mail. Notwithstanding the time specifications of
27 section 17A.19, an application for a hearing shall be filed
28 with the court no later than ten days after issuance of the
29 final decision. The clerk of the district court shall
30 schedule a hearing and shall mail a copy of the order
31 scheduling the hearing to the obligor and to the unit. The
32 unit shall certify a copy of its written decision indicating
33 the date of issuance to the court prior to the hearing. The
34 hearing shall be held within thirty days of the filing of the
35 application. The filing of an application for a hearing shall

1 stay the certification by the unit to the secretary. However,
2 if the obligor fails to appear at the scheduled hearing, the
3 stay shall be automatically lifted and the unit shall certify
4 the name of the obligor to the secretary. The scope of the
5 review by the district court shall be limited to demonstration
6 of a mistake of fact. Issues related to visitation, custody,
7 or other provisions not related to the support provisions of a
8 support order are not grounds for a hearing under this
9 subsection.

10 c. Following certification to the secretary, if the unit
11 determines that an obligor no longer owes delinquent child
12 support in excess of five thousand dollars, the unit shall
13 notify the secretary of the change or shall provide
14 information to the secretary as the secretary requires.

15 Sec. 34. Section 252B.6, subsection 3, Code 1997, is
16 amended to read as follows:

17 3. Appear on behalf of the state for the purpose of
18 facilitating the modification of support awards consistent
19 with guidelines established pursuant to section 598.21,
20 subsection 4, and ~~the federal Family Support Act of 1988~~ Title
21 IV-D of the federal Social Security Act. The unit shall not
22 otherwise participate in the proceeding.

23 Sec. 35. Section 252B.7, subsection 4, Code 1997, is
24 amended to read as follows:

25 4. An attorney employed by or under contract with the
26 child support recovery unit represents and acts exclusively on
27 behalf of the state when providing child support enforcement
28 services. An attorney-client relationship does not exist
29 between the attorney and an individual party, witness, or
30 person other than the state, regardless of the name in which
31 the action is brought.

32 Sec. 36. Section 252B.7A, subsection 1, paragraph a and
33 paragraph d, Code 1997, are amended to read as follows:

34 a. Income as identified in a signed statement of the
35 parent pursuant to section 252B.9, subsection 1, paragraph

1 "b". If evidence suggests that the statement is incomplete or
2 inaccurate, the unit may present the evidence to the court in
3 a judicial proceeding or to the administrator in a proceeding
4 under chapter 252C or a comparable chapter, and the court or
5 administrator shall weigh the evidence in setting the support
6 obligation. Evidence includes but is not limited to income as
7 established under paragraph "c".

8 d. The Until such time as the department adopts rules
9 establishing a different standard for determining the income
10 of a parent who does not provide income information or for
11 whom income information is not available, the estimated state
12 median income for a one-person family as published annually in
13 the Federal Register for use by the federal office of
14 community services, office of energy assistance, for the
15 subsequent federal fiscal year.

16 Sec. 37. NEW SECTION. 252B.7B INFORMATIONAL MATERIALS
17 PROVIDED BY THE UNIT.

18 1. The unit shall prepare and make available to the
19 public, informational materials which explain the unit's
20 procedures including, but not limited to, procedures with
21 regard to all of the following:

- 22 a. Accepting applications for services.
- 23 b. Locating individuals.
- 24 c. Establishing paternity.
- 25 d. Establishing support.
- 26 e. Enforcing support.
- 27 f. Modifying, suspending, or reinstating support.
- 28 g. Terminating services.

29 2. The informational materials shall include general
30 information about and descriptions of the processes involved
31 relating to the services provided by the unit including
32 application for services, fees for services, the
33 responsibilities of the recipient of services, resolution of
34 disagreements with the unit, rights to challenge the actions
35 of the unit, and obtaining additional information.

1 Sec. 38. Section 252B.9, Code 1997, is amended to read as
2 follows:

3 252B.9 INFORMATION AND ASSISTANCE FROM OTHERS --
4 AVAILABILITY OF RECORDS.

5 1. a. The director may request from state, county and
6 local agencies, information and assistance deemed necessary to
7 carry out the provisions of this chapter. State, county and
8 local agencies, officers and employees shall co-operate with
9 the unit ~~in locating absent parents of children on whose~~
10 ~~behalf public assistance is being provided~~ and shall on
11 request supply the department with available information
12 relative to ~~the location, income and property holdings of the~~
13 absent parent, and the custodial parent, and any other
14 necessary party, notwithstanding any provisions of law making
15 this information confidential. The cooperation and
16 information required by this subsection shall also be provided
17 ~~to the department~~ when it is requested by ~~the unit on behalf~~
18 ~~of persons who have applied for support enforcement services a~~
19 child support agency. Information required by this subsection
20 includes, but is not limited to, information relative to
21 location, income, property holdings, records of licenses as
22 defined in section 252J.1, and records concerning the
23 ownership and control of corporations, partnerships, and other
24 business entities. If the information is maintained in an
25 automated database, the unit shall be provided automated
26 access.

27 b. Parents of a child on whose behalf support enforcement
28 services are provided shall provide information regarding
29 income, resources, financial circumstances, and property
30 holdings to the department for the purpose of establishment,
31 modification, or enforcement of a support obligation. The
32 department may provide the information to parents of a child
33 as needed to implement the requirements of section 598.21,
34 subsection 4, notwithstanding any provisions of law making
35 this information confidential.

1 c. Notwithstanding any provisions of law making this
2 information confidential, all persons, including for-profit,
3 nonprofit, and governmental employers, shall, on request,
4 promptly supply the unit or a child support agency information
5 on the employment, compensation, and benefits of any
6 individual employed by such person as an employee or
7 contractor with relation to whom the unit or a child support
8 agency is providing services.

9 d. Notwithstanding any provisions of law making this
10 information confidential, the unit may subpoena or a child
11 support agency may use the administrative subpoena form
12 promulgated by the secretary of the United States department
13 of health and human services under 42 U.S.C. § 652(a)(11)(C),
14 to obtain any of the following:

15 (1) Books, papers, records, or information regarding any
16 financial or other information relating to a paternity or
17 support proceeding.

18 (2) Certain records held by public utilities and cable
19 television companies with respect to individuals who owe or
20 are owed support, or against or with respect to whom a support
21 obligation is sought, consisting of the names and addresses of
22 such individuals and the names and addresses of the employers
23 of such individuals, as appearing in customer records. If the
24 records are maintained in automated databases, the unit shall
25 be provided with automated access.

26 e. The unit or a child support agency may subpoena
27 information for one or more individuals.

28 f. If the unit or a child support agency issues a request
29 under paragraph "c", or a subpoena under paragraph "d", all of
30 the following shall apply:

31 (1) The unit or child support agency may issue a request
32 or subpoena to a person by sending it by regular mail. Proof
33 of service may be completed according to R.C.P. 82.

34 (2) A person who is not a parent or putative father in a
35 paternity or support proceeding, who is issued a request or

1 subpoena, shall be provided an opportunity to refuse to comply
2 for good cause by filing a request for a conference with the
3 unit or child support agency in the manner and within the time
4 specified in rules adopted pursuant to subparagraph (8).

5 (3) Good cause shall be limited to mistake in the identity
6 of the person, or prohibition under federal law to release
7 such information.

8 (4) After the conference the unit shall issue a notice
9 finding that the person has good cause for refusing to comply,
10 or a notice finding that the person does not have good cause
11 for failing to comply. If the person refuses to comply after
12 issuance of notice finding lack of good cause, or refuses to
13 comply and does not request a conference, the person is
14 subject to the following:

15 (a) For an initial refusal to comply, a penalty of twenty-
16 five dollars.

17 (b) For a second or subsequent refusal to comply, a
18 penalty of one hundred dollars.

19 (5) If the unit imposes a penalty under subparagraph (4),
20 the person may seek contested case proceedings and judicial
21 review pursuant to chapter 17A.

22 (6) If the person fails to comply with the request or
23 subpoena, fails to request a conference, fails to pay a fine
24 imposed under subparagraph (4), and fails to timely seek
25 contested case proceedings pursuant to chapter 17A, the unit
26 may petition the district court to compel the person to comply
27 with this paragraph.

28 (7) If a parent or putative father fails to comply with a
29 subpoena or request for information, the provisions of chapter
30 252J shall apply.

31 (8) The unit may adopt rules pursuant to chapter 17A to
32 implement this section.

33 g. Notwithstanding any provisions of law making this
34 information confidential, the unit or a child support agency
35 shall have access to records and information held by financial

1 institutions with respect to individuals who owe or are owed
2 support, or with respect to whom a support obligation is
3 sought including information on assets and liabilities. If
4 the records are maintained in automated databases, the unit
5 shall be provided with automated access. For the purposes of
6 this section, "financial institution" means financial
7 institution as defined in section 252I.1.

8 h. Notwithstanding any law to the contrary, the unit and a
9 child support agency shall have access to any data maintained
10 by the state of Iowa which contains information that would aid
11 the agency in locating individuals. Such information shall
12 include, but is not limited to, driver's license, motor
13 vehicle, and criminal justice information. However, the
14 information does not include criminal investigative reports or
15 intelligence files maintained by law enforcement. The unit
16 and child support agency shall use or disclose the information
17 obtained pursuant to this paragraph only in accordance with
18 subsection 3. Criminal history records maintained by the
19 department of public safety shall be disclosed in accordance
20 with chapter 692.

21 i. Liability shall not arise under this subsection with
22 respect to any disclosure by a person as required by this
23 subsection, and no advance notice from the unit or a child
24 support agency is required prior to requesting information or
25 assistance or issuing a subpoena under this subsection.

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

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

35 b. Except as otherwise provided in subsection 1, the

1 department shall not release details related to payment
2 records or provide alternative formats for release of the
3 information, with the following additional exceptions:

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

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

1 subparagraph. Actions taken pursuant to this subparagraph are
2 not subject to review under chapter 17A, and the lack of
3 receipt of a notice does not prevent the unit from proceeding
4 in implementing this subparagraph.

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

15 3. Notwithstanding other statutory provisions to the
16 contrary, including but not limited to, chapters 22 and 217,
17 as the chapters relate to the confidentiality of records
18 maintained by the department, information recorded by the
19 department pursuant to this section or obtained by the unit is
20 confidential and, except when prohibited by federal law or
21 regulation, may be used or disclosed as provided in subsection
22 1, paragraph "b" and "h", and subsection 2, and as follows:

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

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

29 c. The unit may release or disclose information as
30 necessary to provide services under section 252B.5, as
31 provided by Title IV-D of the federal Social Security Act, as
32 amended, or as required by federal law.

33 d. After contact with the nonrequesting party, information
34 on the location of a party may be released to a party unless
35 the unit has or obtains knowledge of a protective order

1 against the requesting party with respect to a nonrequesting
2 party, or unless the unit has or obtains reasonable evidence
3 of domestic violence or child abuse or reason to believe that
4 the release of the information may result in physical or
5 emotional harm to a nonrequesting party or a child, and if one
6 of the following conditions is met:

7 (1) Release of the information is required by federal law
8 or regulation.

9 (2) Release of the information is required by chapter
10 252K.

11 (3) The requesting party demonstrates a need for that
12 information to notify a nonrequesting party of a proceeding
13 relating to a child who is subject to a paternity or support
14 order being enforced by the unit for a child of the parties.

15 e. Information may be released if directly connected with
16 any of the following:

17 (1) The administration of the plan or program approved
18 under Title I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI, XIX, or
19 XX, or the supplemental security income program established
20 under Title XVI of the federal Social Security Act, as
21 amended.

22 (2) Any investigations, prosecutions, or criminal or civil
23 proceeding conducted in connection with the administration of
24 any such plan or program.

25 (3) The administration of any other federal or federally
26 assisted program which provides assistance in cash or in kind
27 or provides services, directly to individuals on the basis of
28 need.

29 (4) Reporting to an appropriate agency or official,
30 information on known or suspected instances of physical or
31 mental injury, sexual abuse or exploitation, or negligent
32 treatment or maltreatment of a child who is the subject of a
33 child support enforcement action under circumstances which
34 indicate that the child's health or welfare is threatened.

35 3. f. Except-as-otherwise-provided-in-subsection-17

1 paragraph-"b",-and-in-subsection-2,-information-recorded-by
2 the-department-pursuant-to-this-section-shall-be-available
3 only-to-the-unit,-attorneys-prosecuting-a-case-in-which-the
4 unit-may-participate-according-to-sections-252B.5-and-252B.6,
5 Information may be released to courts having jurisdiction in
6 support or abandonment proceedings,-and-agencies-in-other
7 states-charged-with-support-collection-and-paternity
8 determination-responsibilities-as-determined-by-the-rules-of
9 the-department-and-the-provisions-of-Title-IV-of-the-federal
10 Social-Security-Act. However,-information-relating-to-the
11 location-of-an-absent-parent-shall-be-made-available,-pursuant
12 to-federal-regulations,-to-a-resident-parent,-legal-guardian,
13 attorney,-or-agent-of-a-child-who-is-not-receiving-assistance
14 under-Title-IV-A-of-the-federal-Social-Security-Act.--Unless
15 otherwise-prohibited-by-federal-statute-or-regulation,-the

16 g. The child support recovery unit shall release
17 information relating to an absent parent to another unit of
18 the department pursuant to a written request for the
19 information approved by the director or the director's
20 designee.

21 h. For purposes of this subsection, "party" means an
22 absent parent, obligor, resident parent, or other necessary
23 party.

24 Sec. 39. Section 252B.10, subsection 2, Code 1997, is
25 amended to read as follows:

26 2. Any reasonable grounds for belief that a public
27 employee has violated any provision of this chapter shall be
28 grounds for immediate removal from all access to paternity
29 determination and support collection data available through or
30 recorded under section 252B.9.

31 Sec. 40. Section 252B.13A, Code 1997, is amended to read
32 as follows:

33 252B.13A COLLECTION SERVICES CENTER.

34 The department shall establish within the unit a collection
35 services center for the receipt and disbursement of support

1 payments as defined in section 252D.16A or 598.1 as required
2 for orders by section 252B.14. For purposes of this section,
3 support payments do not include attorney fees, court costs, or
4 property settlements.

5 Sec. 41. Section 252B.14, subsection 1, Code 1997, is
6 amended to read as follows:

7 1. For the purposes of this section, "support order"
8 includes any order entered pursuant to chapter 234, 252A,
9 252C, 598, 600B, or any other support chapter or proceeding
10 which establishes support payments as defined in section
11 252D.16A or 598.1.

12 Sec. 42. NEW SECTION. 252B.17A IMAGING OR PHOTOGRAPHIC
13 COPIES -- ORIGINALS DESTROYED.

14 1. If the unit, in the regular course of business or
15 activity, has recorded or received any memorandum, writing,
16 entry, print, document, representation, or combination
17 thereof, of any act, transaction, occurrence, event, or
18 communication from any source, and in the regular course of
19 business has caused any or all of the same to be recorded,
20 copied, or reproduced by any photographic, photostatic,
21 microfilm, microcard, miniature photographic, electronic
22 imaging, electronic data processing, or other process which
23 accurately reproduces or forms a durable medium for accurately
24 and legibly reproducing an unaltered image or reproduction of
25 the original, the original may be destroyed. Such
26 reproduction, when satisfactorily identified, is as admissible
27 in evidence as the original itself in any judicial or
28 administrative proceeding whether the original is in existence
29 or not and an enlargement or facsimile of such reproduction is
30 likewise admissible in evidence if the original recording,
31 copy, or reproduction is in existence and available for
32 inspection. The introduction of a reproduced record,
33 enlargement, or facsimile, does not preclude admission of the
34 original.

35 2. The electronically imaged, copied, or otherwise

1 reproduced record or document maintained or received by the
2 unit, when certified over the signature of a designated
3 employee of the unit, shall be considered to be satisfactorily
4 identified. Certified documents are deemed to have been
5 imaged or copied or otherwise reproduced accurately and
6 unaltered in the regular course of business, and such
7 documents are admissible in any judicial or administrative
8 proceeding as evidence. Additional proof of the official
9 character of the person certifying the record or authenticity
10 of the person's signature shall not be required. Whenever the
11 unit or an employee of the unit is served with a summons,
12 subpoena, subpoena duces tecum, or order directing production
13 of such records, the unit or employee may comply by
14 transmitting a copy of the record certified as described above
15 to the district court.

16 Sec. 43. COOPERATION OF APPLICANT OR RECIPIENT -- RULES.

17 Until the department adopts rules pursuant to section
18 252B.3, subsection 3, relating to cooperation by applicants or
19 recipients of public assistance, the department shall apply
20 existing rules regarding cooperation, except that the child
21 support recovery unit, rather than the income maintenance
22 unit, shall determine noncooperation of an applicant or
23 recipient of public assistance under that subsection.

24 PART B

25 Sec. 44. Section 252B.6, subsections 1, 2, and 4, Code
26 1997, are amended to read as follows:

27 1. Represent the child state in obtaining a support order
28 necessary to meet the child's needs or in enforcing a similar
29 order previously entered.

30 2. ~~Appear-as-a-friend-of-the-court~~ Represent the state's
31 interest in obtaining support for a child in dissolution of
32 marriage and separate maintenance proceedings, or proceedings
33 supplemental ~~thereto~~ to these proceedings or any other support
34 proceedings, when either or both of the parties to the
35 proceedings are receiving public assistance, for the purpose

1 of advising the court of the financial interest of the state
2 in the proceeding.

3 4. ~~If public assistance has been applied for or granted on~~
4 ~~behalf of a child of parents who are legally separated or~~
5 ~~whose marriage has been legally dissolved, the unit may apply~~
6 Apply to the district court for a court order directing either
7 ~~or both parents to show cause for the following: or initiate~~
8 an administrative action, as necessary, to obtain, enforce, or
9 modify support.

10 a. ~~Why an order of support for the child should not be~~
11 ~~entered, or~~

12 b. ~~Why the parent should not be held in contempt for~~
13 ~~failure to comply with a support order previously entered.~~

14 Sec. 45. Section 252B.7, subsection 1, paragraph b, Code
15 1997, is amended to read as follows:

16 b. Cases under chapter 252A, the Uniform Support of
17 Dependents Law.

18 Sec. 46. Section 252B.12, Code 1997, is amended to read as
19 follows:

20 252B.12 JURISDICTION OVER NONRESIDENT PARENTS.

21 In an action to establish paternity or to establish or
22 enforce a child support obligation, or to modify a support
23 order, a nonresident person is subject to the jurisdiction of
24 the courts of this state upon ~~service of process of original~~
25 ~~notice in accordance with the rules of civil procedure, Iowa~~
26 ~~court rules, third edition, if any of the following~~
27 circumstances exists: as specified in section 252K.201.

28 1. ~~Any circumstance in which the nonresident has the~~
29 ~~necessary minimum contact with this state for the exercise of~~
30 ~~jurisdiction, consistent with the constitutions of this state~~
31 ~~and the United States.~~

32 2. ~~The affected child was conceived in this state while at~~
33 ~~least one of the parents was a resident of this state and the~~
34 ~~nonresident is the parent or alleged parent of the child.~~

35 3. ~~The affected child resides in this state as a result of~~

1 ~~the-acts-or-directives-or-with-the-approval-of-the~~
2 ~~nonresident.~~

3 ~~4.--The-nonresident-has-resided-with-the-affected-child-in~~
4 ~~this-state.~~

5 Sec. 47. Part B, sections 44 through 46 of this Act, are
6 effective January 1, 1998.

7 DIVISION III

8 Sec. 48. Section 252C.2, subsections 1 and 2, Code 1997,
9 are amended to read as follows:

10 1. ~~By-accepting~~ If public assistance for is provided by
11 the department to or on behalf of a dependent child or a
12 dependent child's caretaker, the-recipient-is-deemed-to-have
13 made there is an assignment by operation of law to the
14 department of any and all right in, title to, and interest in
15 any support obligation and, payment, and arrearages owed to or
16 for the child or caretaker up to the amount of public
17 assistance paid for or on behalf of the child or caretaker.
18 Unless otherwise specified in the order, an equal and
19 proportionate share of any child support awarded is presumed
20 to be payable on behalf of each child subject to the order or
21 judgment for purposes of an assignment under this section.

22 2. The payment of public assistance to or for the benefit
23 of a dependent child or a dependent child's caretaker creates
24 a support debt due and owing to the department by the
25 responsible person in an amount equal to the public assistance
26 payment, except that the support debt is limited to the amount
27 of a support obligation established by court order or by the
28 administrator. The administrator may establish a support debt
29 as to amounts accrued and accruing pursuant to section 598.21,
30 subsection 4. However, when establishing a support debt-is
31 not-created-in-favor-of-the-department obligation against a
32 responsible person, no debt shall be created for the period
33 during which the responsible person is a recipient on the
34 person's own behalf of public assistance for the benefit of
35 the dependent child or the dependent child's caretaker, if

1 any of the following conditions exist:

2 a. The parents have reconciled and are cohabiting, and the
3 child for whom support would otherwise be sought is living in
4 the same residence as the parents.

5 b. The child is living with the parent from whom support
6 would otherwise be sought.

7 Sec. 49. Section 252C.3, subsection 1, paragraph c,
8 subparagraphs (2) and (4), Code 1997, are amended to read as
9 follows:

10 (2) A statement that if a negotiation conference is
11 requested, then the responsible person shall have ten days
12 from the date set for the negotiation conference or twenty
13 thirty days from the date of service of the original notice,
14 whichever is later, to send a request for a hearing to the
15 office of the child support recovery unit which issued the
16 notice.

17 (4) A statement that if the administrator issues a new
18 notice and finding of financial responsibility for child
19 support or medical support, or both, then the responsible
20 person shall have ten thirty days from the date of issuance of
21 the new notice or-twenty-days-from-the-date-of-service-of-the
22 original-notice, whichever is later, to send a request for a
23 hearing to the office of the child support recovery unit which
24 issued the notice. If the administrator does not issue a new
25 notice and finding of financial responsibility for child
26 support or medical support, or both, the responsible party
27 shall have ten days from the date of issuance of the
28 conference report to send a request for a hearing to the
29 office of the child support recovery unit which issued the
30 conference report.

31 Sec. 50. Section 252C.3, subsection 1, paragraph d, Code
32 1997, is amended to read as follows:

33 d. A statement that if the responsible person objects to
34 all or any part of the notice or finding of financial
35 responsibility for child support or medical support, or both,

1 and a negotiation conference is not requested, the responsible
2 person shall, within twenty thirty days of the date of service
3 send to the office of the child support recovery unit which
4 issued the notice a written response setting forth any
5 objections and requesting a hearing.

6 Sec. 51. Section 252C.3, subsection 5, Code 1997, is
7 amended to read as follows:

8 5. The responsible person shall be sent a copy of the
9 order by regular mail addressed to the responsible person's
10 last known address, or if applicable, to the last known
11 address of the responsible person's attorney. The order is
12 final, and action by the administrator to enforce and collect
13 upon the order, including arrearages and medical support, or
14 both, may be taken from the date of issuance approval of the
15 order by the court pursuant to section 252C.5.

16 Sec. 52. Section 252C.5, Code 1997, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 4. If the responsible party appeals the
19 order approved by the court under this section, and the court
20 on appeal establishes an amount of support which is less than
21 the amount of support established under the approved order,
22 the court, in the order issued on appeal, shall reconcile the
23 amounts due and shall provide that any amount which represents
24 the difference between the amount under the approved order and
25 the amount under the order of the court on appeal shall be
26 applied to satisfy any unpaid support obligations.

27 Sec. 53. Section 252C.7, Code 1997, is repealed.

28 DIVISION IV

29 PART A

30 Sec. 54. Section 252D.1, Code 1997, is amended to read as
31 follows:

32 252D.1 SUPPORT-DEFINITION--- DELINQUENT SUPPORT PAYMENTS
33 ---ASSIGNMENT-OF-INCOME.

34 1:--As-used-in-this-chapter, unless the context otherwise
35 requires, "support" or "support payments" means any amount

1 which-the-court-may-require-a-person-to-pay-for-the-benefit-of
2 a-child-under-a-temporary-order-or-a-final-judgment-or-decree,
3 and-may-include-child-support,-maintenance,-medical-support-as
4 defined-in-chapter-252E,-and,-if-contained-in-a-child-support
5 order,-spousal-support,-and-any-other-term-used-to-describe
6 these-obligations.--These-obligations-may-include-support-for
7 a-child-who-is-between-the-ages-of-eighteen-and-twenty-two
8 years-and-who-is-regularly-attending-an-accredited-school-in
9 pursuance-of-a-course-of-study-leading-to-a-high-school
10 diploma-or-its-equivalent,-or-regularly-attending-a-course-of
11 vocational-technical-training-either-as-a-part-of-a-regular
12 school-program-or-under-special-arrangements-adapted-to-the
13 individual-person's-needs,-or-is,-in-good-faith,-a-full-time
14 student-in-a-college,-university,-or-community-college,-or-has
15 been-accepted-for-admission-to-a-college,-university,-or
16 community-college-and-the-next-regular-term-has-not-yet-begun;
17 and-may-include-support-for-a-child-of-any-age-who-is
18 dependent-on-the-parties-to-the-dissolution-proceedings
19 because-of-physical-or-mental-disability.

20 2. If support payments ordered under chapter 232, 234,
21 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other
22 applicable chapter, or under a comparable statute of a foreign
23 jurisdiction, as certified to the child support recovery unit
24 established in section 252B.2, are not paid to the clerk of
25 the district court or the collection services center pursuant
26 to section 598.22 and become delinquent in an amount equal to
27 the payment for one month, the child support recovery unit may
28 enter an ex parte order or, upon application of a person
29 entitled to receive the support payments, ~~the-child-support~~
30 ~~recovery-unit-or~~ the district court may enter an ex parte
31 order, notifying the person whose income is to be assigned
32 withheld, of the delinquent amount, of the amount of income,
33 ~~wages,-compensation,-or-benefits~~ to be withheld, and of the
34 procedure to file a motion to quash the order of assignment
35 for income withholding, and shall order an assignment of

1 ~~income-requiring~~ ordering the withholding of specified sums to
2 be deducted from the delinquent person's ~~periodic-earnings,~~
3 ~~trust-income,~~~~compensation,~~~~benefits,~~~~or-other~~ income as
4 defined in section 252D.16A sufficient to pay the support
5 obligation and, except as provided in section 598.22,
6 requiring the payment of such sums to the clerk of the
7 district court or the collection services center.
8 Notification of income withholding shall be provided to the
9 obligor and to the payor of earnings,~~trust-income,~~~~or-other~~
10 income pursuant to section 252D.17.

11 ~~3.--A-person-entitled-by-court-order-to-receive-support~~
12 ~~payments-or-a-person-responsible-for-enforcing-such-a-court~~
13 ~~order-may-petition-the-clerk-of-the-district-court-for-an~~
14 ~~assignment-of-income.--If-the-petition-is-verified-and~~
15 ~~establishes-that-support-payments-are-delinquent-in-an-amount~~
16 ~~equal-to-the-payment-for-one-month-and-if-the-clerk-of-the~~
17 ~~district-court-determines,-after-providing-an-opportunity-for~~
18 ~~a-hearing,-that-notice-of-the-mandatory-assignment-of-income~~
19 ~~as-provided-in-section-252D.3-has-been-given,-the-clerk-of-the~~
20 ~~district-court-shall-order-an-assignment-of-income-under~~
21 ~~subsection-2-~~

22 Sec. 55. Section 252D.3, Code 1997, is amended to read as
23 follows:

24 252D.3 NOTICE OF ASSIGNMENT INCOME WITHHOLDING.

25 All orders for support entered on or after July 1, 1984
26 shall notify the person ordered to pay support of the
27 mandatory assignment withholding of income required under
28 section 252D.1. However, for orders for support entered
29 before July 1, 1984, the clerk of the district court, the
30 child support recovery unit, or the person entitled by the
31 order to receive the support payments, shall notify each
32 person ordered to pay support under such orders of the
33 mandatory assignment withholding of income required under
34 section 252D.1. The notice shall be sent by certified mail to
35 the person's last known address or the person shall be

1 personally served with the notice in the manner provided for
2 service of an original notice at least fifteen days prior to
3 ~~the filing of a petition under section 252D.17 subsection 3 or~~
4 the ordering of an assignment of income withholding under
5 section 252D.17 ~~subsection 2 or 3~~. A person ordered to pay
6 support may waive the right to receive the notice at any time.

7 Sec. 56. Section 252D.9, Code 1997, is amended to read as
8 follows:

9 252D.9 SUMS SUBJECT TO IMMEDIATE WITHHOLDING.

10 Specified sums shall be deducted from the obligor's
11 ~~earnings, trust income, or other~~ income sufficient to pay the
12 support obligation and any judgment established or delinquency
13 accrued under the support order. The amount withheld pursuant
14 to an assignment of income withholding order or notice of
15 order for income withholding shall not exceed the amount
16 specified in 15 U.S.C. § 1673(b).

17 Sec. 57. Section 252D.10, Code 1997, is amended to read as
18 follows:

19 252D.10 NOTICE OF ASSIGNMENT IMMEDIATE INCOME WITHHOLDING.

20 The notice requirements of section 252D.3 do not apply to
21 this subchapter. An order for support entered after November
22 1, 1990, shall contain the notice of immediate income
23 withholding. However, this subchapter is sufficient notice
24 for implementation of immediate income withholding without any
25 further notice.

26 Sec. 58. NEW SECTION. 252D.16A DEFINITIONS.

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

29 1. "Income" means all of the following:

30 a. Any periodic form of payment due an individual,
31 regardless of source, including but not limited to wages,
32 salaries, commissions, bonuses, worker's compensation,
33 disability payments, payments pursuant to a pension or
34 retirement program, and interest.

35 b. A sole payment or lump sum as provided in section

1 252D.18C.

2 c. Irregular income as defined in section 252D.18B.

3 2. "Payor of income" or "payor" means and includes, but is
4 not limited to, an obligor's employer, trustee, the state of
5 Iowa and all governmental subdivisions and agencies and any
6 other person from whom an obligor receives income.

7 3. "Support" or "support payments" means any amount which
8 the court or administrative agency may require a person to pay
9 for the benefit of a child under a temporary order or a final
10 judgment or decree entered under chapter 232, 234, 252A, 252C,
11 252F, 252H, 598, 600B, or any other comparable chapter, and
12 may include child support, maintenance, medical support as
13 defined in chapter 252E, spousal support, and any other term
14 used to describe these obligations. These obligations may
15 include support for a child of any age who is dependent on the
16 parties to the dissolution proceedings because of physical or
17 mental disability. The obligations may include support for a
18 child eighteen or more years of age with respect to whom a
19 child support order has been issued pursuant to the laws of a
20 foreign jurisdiction. These obligations shall not include
21 amounts for a postsecondary education subsidy as defined in
22 section 598.1.

23 Sec. 59. Section 252D.17, Code 1997, is amended to read as
24 follows:

25 252D.17 NOTICE TO EMPLOYER-OR-INCOME PAYOR OF INCOME --
26 DUTIES AND LIABILITY -- CRIMINAL PENALTY.

27 The district court shall provide notice by sending a copy
28 of the order for income withholding or a notice of the order
29 for income withholding to the obligor and the obligor's
30 ~~employer, trustee, or other~~ payor of income by regular mail,
31 with proof of service completed according to rule of civil
32 procedure 82. The child support recovery unit shall provide
33 notice of the income withholding order by sending a notice of
34 the order to the obligor's ~~employer, trustee, or other~~ payor
35 of income by regular mail or by electronic means. Proof of

1 service may be completed according to rule of civil procedure
2 82. The ~~order-or-the~~ child support recovery unit's notice of
3 the order may be sent to the ~~employer,-trustee,-or-other~~ payor
4 of income on the same date that the order is sent to the clerk
5 of court for filing. In all other instances, the income
6 withholding order shall be filed with the clerk of court prior
7 to sending the notice of the order to the payor of income. In
8 addition to the amount to be withheld for payment of support,
9 the order or the ~~child-support-recovery-unit's~~ notice of the
10 order shall be in a standard format as prescribed by the unit
11 and shall include all of the following information regarding
12 the duties of the payor in implementing the withholding order:
13 1. The withholding order or notice of the order for income
14 withholding for child support or child support and spousal
15 support has priority over a garnishment or an assignment for a
16 any other purpose other-than-the-support-of-the-dependents-in
17 the-court-order-being-enforced.
18 2. As reimbursement for the payor's processing costs, the
19 payor may deduct a fee of no more than two dollars for each
20 payment in addition to the amount withheld for support. The
21 payor of income is not required to vary the payroll cycle to
22 comply with the frequency of payment of a support order.
23 3. The amount withheld for support, including the
24 processing fee, shall not exceed the amounts specified in 15
25 U.S.C. § 1673(b).
26 4. The income withholding order is binding on an existing
27 or future ~~employer,-trustee,-or-other~~ payor of income ten days
28 after receipt of the copy of the order or the ~~child-support~~
29 ~~recovery-unit's~~ notice of the order, and is binding whether or
30 not the copy of the order received is file-stamped.
31 5. The payor shall send the amounts withheld to the
32 collection services center or the clerk of the district court
33 within ~~ten-working~~ seven business days of the date the obligor
34 is paid. "Business day" means a day on which state offices
35 are open for regular business.

1 6. The payor may combine amounts withheld from the
2 ~~obligor's wages~~ obligors' income in a single payment to the
3 clerk of the district court or to the collection services
4 center, as appropriate. Whether combined or separate,
5 payments shall be identified by the name of the obligor,
6 account number, amount, and the date withheld. If payments
7 for multiple obligors are combined, the portion of the payment
8 attributable to each obligor shall be specifically identified.

9 ~~7. The payor shall deliver or send a copy of the order or~~
10 ~~the child support recovery unit's notice of the order to the~~
11 ~~obligor within one business day after receipt of the order or~~
12 ~~the child support recovery unit's notice of the order.~~

13 8. 7. The withholding is binding on the payor until
14 further notice by the court or the child support recovery
15 unit.

16 9. 8. If the payor knowingly fails to withhold income or
17 to pay the amounts withheld to the collection services center
18 or the clerk of court in accordance with the provisions of the
19 order or the ~~child support recovery unit's~~ notice of the
20 order, the payor commits a simple misdemeanor and is liable
21 for the accumulated amount which should have been withheld,
22 together with costs, interest, and reasonable attorney fees
23 related to the collection of the amounts due from the payor.

24 ~~10.~~ 9. The payor shall promptly notify the court or the
25 child support recovery unit when the obligor's employment or
26 other income terminates, and provide the obligor's last known
27 address and the name and address of the obligor's new
28 employer, if known.

29 ~~11.~~ 10. Any payor who discharges an obligor, refuses to
30 employ an obligor, or takes disciplinary action against an
31 obligor based upon income withholding is guilty of a simple
32 misdemeanor. A withholding order or the ~~child support~~
33 ~~recovery unit's~~ notice of the order for income withholding has
34 the same force and effect as any other district court order,
35 including, but not limited to, contempt of court proceedings

1 for noncompliance.

2 11. a. Beginning July 1, 1997, if a payor of income does
3 business in another state through a registered agent and
4 receives a notice of income withholding issued by another
5 state the payor shall, and beginning January 1, 1998, any
6 payor of income shall withhold funds as directed in a notice
7 issued by another state, except that a payor of income shall
8 follow the laws of the obligor's principal place of employment
9 when determining all of the following:

10 (1) The payor's fee for processing an income withholding
11 payment.

12 (2) The maximum amount permitted to be withheld from the
13 obligor's income.

14 (3) The time periods for implementing the income
15 withholding order and forwarding the support payments.

16 (4) The priorities for withholding and allocating income
17 withheld for multiple child support obligees.

18 (5) Any withholding terms or conditions not specified in
19 the order.

20 b. A payor of income who complies with an income
21 withholding notice that is regular on its face shall not be
22 subject to any civil liability to any individual or agency for
23 conduct in compliance with the notice.

24 Sec. 60. NEW SECTION. 252D.17A NOTICE TO OBLIGOR OF
25 IMPLEMENTATION OF INCOME WITHHOLDING ORDER.

26 The child support recovery unit or the district court shall
27 send a notice of the income withholding order to the obligor
28 at the time the notice is sent to the payor of income.

29 Sec. 61. Section 252D.18A, unnumbered paragraph 1, Code
30 1997, is amended to read as follows:

31 When the obligor is responsible for paying more than one
32 support obligation and the ~~employer-or-the-income~~ payor of
33 income has received more than one income withholding order or
34 ~~the-child-support-recovery-unit's~~ notice of an order for the
35 obligor, the payor shall withhold amounts in accordance with

1 all of the following:

2 Sec. 62. Section 252D.18A, subsection 3, paragraph a, Code
3 1997, is amended to read as follows:

4 a. To arrive at the amount to be withheld for each
5 obligee, the payor shall total the amounts due for current
6 support under the income withholding orders and the ~~child~~
7 ~~support-recovery-unit's~~ notices of orders and determine the
8 proportionate share for each obligee. The proportionate share
9 shall be determined by dividing the amount due for current
10 support for each order or ~~child-support-recovery-unit's~~ notice
11 of order by the total due for current support for all orders
12 and ~~child-support-recovery-unit's~~ notices of orders. The
13 results are the percentages of the obligor's net income which
14 shall be withheld for each obligee.

15 Sec. 63. NEW SECTION. 252D.19A DISPARITY BETWEEN ORDER
16 AND PAY DATES -- NOT DELINQUENT.

17 1. An obligor whose support payments are automatically
18 withheld from the obligor's paycheck shall not be delinquent
19 or in arrears if all of the following conditions are met:

20 a. Any delinquency or arrearage is caused solely by a
21 disparity between the schedules of the obligor's regular pay
22 dates and the scheduled date the support is due.

23 b. The amount calculated to be withheld is such that the
24 total amount of current support to be withheld from the
25 paychecks of the obligor and the amount ordered to be paid in
26 the support order are the same on an annual basis.

27 c. The automatic deductions for support are continuous and
28 occurring.

29 2. If the unit takes an enforcement action during a
30 calendar year against an obligor and the obligor is not
31 delinquent or in arrears solely due to the applicability of
32 this section to the obligor, upon discovering the
33 circumstances, the unit shall promptly discontinue the
34 enforcement action.

35 Sec. 64. Section 252D.21, Code 1997, is amended to read as

1 follows:

2 252D.21 PENALTY FOR MISREPRESENTATION.

3 A person who knowingly makes a false statement or
4 representation of a material fact or knowingly fails to
5 disclose a material fact in order to secure an ~~assignment-of~~
6 income withholding order or notice of income withholding
7 against another person and to receive support payments or
8 additional support payments pursuant to this chapter, is
9 guilty, upon conviction, of a serious misdemeanor.

10 Sec. 65. Section 252D.23, Code 1997, is amended to read as
11 follows:

12 252D.23 FILING OF WITHHOLDING ORDER -- ORDER EFFECTIVE AS
13 DISTRICT COURT ORDER.

14 An income withholding order entered by the child support
15 recovery unit pursuant to this chapter shall be filed with the
16 clerk of the district court. For the purposes of
17 demonstrating compliance by the ~~employer, trustee, or other~~
18 payor of income, the copy of the withholding order or the
19 ~~child-support-recovery-unit's~~ notice of the order received,
20 whether or not the copy of the order is file-stamped, shall
21 have all the force, effect, and attributes of a docketed order
22 of the district court including, but not limited to,
23 availability of contempt of court proceedings against an
24 ~~employer, trustee, or other~~ a payor of income for
25 noncompliance. However, any information contained in the
26 income withholding order or the ~~child-support-recovery-unit's~~
27 notice of the order related to the amount of the accruing or
28 accrued support obligation which does not reflect the correct
29 amount of support due does not modify the underlying support
30 judgment.

31 Sec. 66. NEW SECTION. 252D.31 MOTION TO QUASH.

32 An obligor under this chapter may move to quash an income
33 withholding order or a notice of income withholding by filing
34 a motion to quash with the clerk of court.

35 1. Grounds for contesting a withholding order under this

1 chapter include all of the following:

2 a. A mistake of fact, which for purposes of this chapter
3 means an error in the amount withheld or the amount of the
4 withholding or the identity of the obligor.

5 b. For immediate withholding only, the conditions for
6 exception to immediate income withholding as defined under
7 section 252D.8 existed at the time of implementation of the
8 withholding.

9 2. The clerk of the district court shall schedule a
10 hearing on the motion to quash for a time not later than seven
11 days after the filing of the motion to quash and the notice of
12 the motion to quash. The clerk shall mail to the parties
13 copies of the motion to quash, the notice of the motion to
14 quash, and the order scheduling the hearing.

15 3. The payor shall withhold and transmit the amount
16 specified in the order or notice of the order of income
17 withholding to the clerk of the district court or the
18 collection services center, as appropriate, until the notice
19 that a motion to quash has been granted is received.

20 Sec. 67. Sections 252D.2 and 252D.11, Code 1997, are
21 repealed.

22 PART B

23 Sec. 68. Section 252D.17, Code 1997, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 12. The payor of income shall comply with
26 chapter 252K when receiving a notice of income withholding
27 from another state.

28 Sec. 69. Section 252D.24, subsection 3, Code 1997, is
29 amended to read as follows:

30 3. Income withholding for a support order issued by a
31 foreign jurisdiction is ~~subject to the law and procedures for~~
32 ~~income withholding of the jurisdiction where the income~~
33 ~~withholding order is implemented. With respect to when the~~
34 ~~obligor becomes subject to withholding, however, the law and~~
35 ~~procedures of the jurisdiction where the support order was~~

1 entered-apply governed by chapter 252K, articles 5 or 6, and
2 this chapter, as appropriate.

3 Sec. 70. Part B, sections 68 and 69 of this Act, are
4 effective January 1, 1998.

5 DIVISION V

6 Sec. 71. Section 252E.2, subsection 2, unnumbered
7 paragraph 1, Code 1997, is amended to read as follows:

8 An insurer who is subject to the federal Omnibus-Budget
9 ~~Reconciliation Act of 1993, section 4301~~ Employee Retirement
10 Income Security Act, as codified in ~~42-U.S.C. § 1936g-1~~ 29
11 U.S.C. § 1169, shall provide benefits in accordance with that
12 section which meet the requirements of a qualified medical
13 child support order. For the purposes of this subsection
14 "qualified medical child support order" means a child support
15 order which creates or recognizes the existence of a child's
16 right to, or assigns to a child the right to, receive benefits
17 for which a participant or child is eligible under a group
18 health plan and which specifies the following:

19 Sec. 72. Section 252E.4, subsection 1, Code 1997, is
20 amended to read as follows:

21 1. When a support order requires an obligor to provide
22 coverage under a health benefit plan, the district court or
23 the department may enter an ex parte order directing an
24 employer to take all actions necessary to enroll an obligor's
25 dependent for coverage under a health benefit plan or may
26 include the provisions in an ex parte income withholding order
27 or notice of income withholding pursuant to chapter 252D. The
28 department may amend the information in the ex parte order
29 regarding health insurance provisions if necessary to comply
30 with health insurance requirements including but not limited
31 to the provisions of section 252E.2, subsection 2.

32 Sec. 73. NEW SECTION. 252E.6A MOTION TO QUASH.

33 1. An obligor may move to quash the order to the employer
34 under section 252E.4 by following the same procedures and
35 alleging a mistake of a fact as provided in section 252D.31.

1 If the unit is enforcing an income withholding order and a
2 medical support order simultaneously, any challenge to the
3 income withholding order and medical support enforcement shall
4 be filed and heard simultaneously.

5 2. The employer shall comply with the requirements of this
6 chapter until the employer receives notice that a motion to
7 quash has been granted.

8 Sec. 74. Section 252E.13, subsection 2, Code 1997, is
9 amended to read as follows:

10 2. In addition, if ~~an administrative a support order~~
11 ~~entered-pursuant-to-chapter-252E~~ does not provide medical
12 support as defined in this chapter or equivalent medical
13 support, the department or a party to the order may ~~obtain-a~~
14 ~~medical-support-order-pursuant-to-chapter-252E~~ seek a
15 modification of the order. ~~A-medical-support-order-obtained~~
16 ~~pursuant-to-chapter-252E-may-be-an-additional-or-separate~~
17 ~~support-judgment-and-shall-be-known-as-an-administrative-order~~
18 ~~for-medical-support.~~

19 DIVISION VI

20 Sec. 75. Section 252F.3, subsection 1, paragraph f,
21 subparagraph (2), subparagraph subpart (c), Code 1997, is
22 amended to read as follows:

23 (c) If paternity was contested and paternity testing was
24 conducted, and the putative father does not deny paternity
25 after the testing or challenge the paternity test results, ~~ten~~
26 twenty days from the date paternity test results are issued or
27 mailed by the unit to the putative father.

28 Sec. 76. Section 252F.3, subsection 1, paragraph f,
29 subparagraph (4), subparagraph subpart (c), Code 1997, is
30 amended to read as follows:

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

1 Sec. 77. Section 252F.3, subsection 1, paragraph g, Code
2 1997, is amended to read as follows:

3 g. A statement that if a conference is not requested, and
4 the putative father does not deny paternity or challenge the
5 results of any paternity testing conducted but objects to the
6 finding of financial responsibility or the amount of child
7 support or medical support, or both, the putative father shall
8 send a written request for a court hearing on the issue of
9 support to the unit within twenty days of the date of service
10 of the original notice, or, if paternity was contested and
11 paternity testing conducted, and the putative father does not
12 deny paternity after the testing or challenge the paternity
13 test results, within ~~ten~~ twenty days from the date the
14 paternity test results are issued or mailed to the putative
15 father by the unit, whichever is later.

16 Sec. 78. Section 252F.3, subsection 4, paragraphs b and c,
17 Code 1997, are amended to read as follows:

18 b. If paternity establishment was contested and paternity
19 tests conducted, a court hearing on the issue of paternity
20 shall be ~~scheduled~~ held no earlier than ~~fifty~~ thirty days from
21 the date paternity test results are issued to all parties by
22 the unit, unless the parties mutually agree to waive the time
23 frame pursuant to section 252F.8.

24 ~~c. If a court hearing is scheduled regarding the issue of~~
25 ~~paternity establishment, any~~ Any objection to the results of
26 paternity tests shall be filed no later than ~~thirty~~ twenty
27 days ~~before~~ after the date ~~the court hearing is originally~~
28 ~~scheduled~~ paternity test results are issued or mailed to the
29 putative father by the unit. Any objection to paternity test
30 results filed by a party ~~less~~ more than ~~thirty~~ twenty days
31 ~~before~~ after the date ~~the court hearing is originally~~
32 ~~scheduled~~ paternity tests are issued or mailed to the putative
33 father by the unit shall not be accepted or considered by the
34 court.

35 Sec. 79. Section 252F.3, subsection 6, paragraph d, Code

1 1997, is amended to read as follows:

2 d. If a paternity test is ordered under this section, the
3 administrator shall direct that inherited characteristics be
4 analyzed and interpreted, and shall appoint an expert
5 qualified as an examiner of genetic markers to analyze and
6 interpret the results. The test shall be of a type generally
7 acknowledged as reliable by accreditation entities designated
8 by the secretary of the United States department of health and
9 human services and shall be performed by a laboratory approved
10 by an accreditation entity.

11 Sec. 80. Section 252F.3, subsection 6, paragraph i,
12 subparagraph (1), Code 1997, is amended to read as follows:

13 (1) In order to challenge the presumption of paternity, a
14 party shall file a written notice of the challenge with the
15 district court within twenty days from the date the paternity
16 test results are issued or mailed to all parties by the unit,
17 ~~or-if-a-court-hearing-is-scheduled-to-resolve-the-issue-of~~
18 ~~paternity,-no-later-than-thirty-days-before-the-scheduled-date~~
19 ~~of-the-court-hearing,-whichever-occurs-later. Any-subsequent~~
20 ~~rescheduling-or-continuances-of-the-originally-scheduled~~
21 ~~hearing-shall-not-extend-the-initial-time-frame. Any~~
22 challenge to a presumption of paternity resulting from
23 paternity tests, or to paternity test results filed after the
24 initial lapse of the twenty-day time frame shall not be
25 accepted or admissible by the unit or the court.

26 Sec. 81. Section 252F.3, subsection 6, paragraph k, Code
27 1997, is amended to read as follows:

28 k. If the results of the test or the verified expert's
29 analysis are timely challenged as provided in this subsection,
30 the administrator, upon the request of a party and advance
31 payment by the contestant or upon the unit's own initiative,
32 shall order that an additional test be performed by the same
33 laboratory or an independent laboratory or. If the party
34 requesting additional testing does not advance payment, the
35 administrator shall certify the case to the district court in

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

2 Sec. 82. Section 252F.3, subsection 6, paragraph n, Code
3 1997, is amended to read as follows:

4 n. Except as provided in paragraph "k", the unit shall
5 advance the costs of genetic testing. If paternity is
6 established and paternity testing was conducted, the unit
7 shall enter an order or, if the action proceeded to a court
8 hearing, request that the court enter a judgment for the costs
9 of the paternity tests consistent with applicable federal law.
10 In a proceeding under this chapter, a copy of a bill for
11 genetic testing shall be admitted as evidence without
12 requiring third-party foundation testimony and shall
13 constitute prima facie evidence of the amount incurred for
14 genetic testing.

15 Sec. 83. Section 252F.4, subsection 6, Code 1997, is
16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. j. Statements as required pursuant to
18 section 598.22B.

19 Sec. 84. Section 252F.5, subsection 3, paragraph d, Code
20 1997, is amended by striking the paragraph.

21 DIVISION VII

22 Sec. 85. Section 252G.1, Code 1997, is amended by adding
23 the following new subsections:

24 NEW SUBSECTION. 4A. "Business day" means a day on which
25 state offices are open for regular business.

26 NEW SUBSECTION. 8A. "Labor organization" means any
27 organization of any kind, or any agency, or employee
28 representation committee or plan, in which employees
29 participate and which exists for the purpose, in whole or in
30 part, of dealing with employers concerning grievances, labor
31 disputes, wages, rates of pay, hours of employment, or
32 conditions of work.

33 Sec. 86. Section 252G.1, subsection 8, Code 1997, is
34 amended to read as follows:

35 8. "Employer" means a person doing business in this state

1 who engages an employee for compensation and for whom the
2 employer withholds federal or state tax liabilities from the
3 employee's compensation. "Employer" includes any governmental
4 entity and any labor organization.

5 Sec. 87. Section 252G.3, subsection 1, paragraph d, Code
6 1997, is amended to read as follows:

7 d. The address to which income withholding orders or the
8 ~~child-support-recovery-unit's~~ notices of orders and
9 garnishments should be sent.

10 Sec. 88. Section 252G.3, subsection 3, Code 1997, is
11 amended to read as follows:

12 ~~3. Until such time as the Iowa employee's withholding~~
13 ~~allowance certificate is amended to provide for inclusion of~~
14 ~~all of the information required under subsection 1, submission~~
15 ~~of the certificate constitutes compliance with this section.~~
16 An employer with employees in two or more states that
17 transmits reports magnetically or electronically may comply
18 with subsection 1 by transmitting the report described in
19 subsection 1 to each state, or by designating as the recipient
20 state one state, in which the employer has employees, and
21 transmitting the report to that state. An employer that
22 transmits reports pursuant to this subsection shall notify the
23 United States secretary of health and human services, in
24 writing, of the state designated by the employer for the
25 purpose of transmitting reports.

26 Sec. 89. NEW SECTION. 252G.7 DATA ENTRY AND TRANSMITTING
27 CENTRALIZED EMPLOYEE REGISTRY RECORDS TO THE NATIONAL NEW HIRE
28 REGISTRY.

29 The unit shall enter new hire data into the centralized
30 employee directory database within five business days of
31 receipt from employers and shall transmit the records of the
32 centralized employee registry to the national directory of new
33 hires within three business days after the date information
34 regarding a newly hired employee is entered into the
35 centralized employee registry.

1 Sec. 90. NEW SECTION. 252G.8 INCOME WITHHOLDING
2 REQUIREMENTS.

3 Within two business days after the date information
4 regarding a newly hired employee is entered into the
5 centralized employee registry and matched with obligors in
6 cases being enforced by the unit, the unit shall transmit a
7 notice to the employer or payor of income of the employee
8 directing the employer or payor of income to withhold from the
9 income of the employee in accordance with chapter 252D.

10 DIVISION VIII

11 Sec. 91. Section 252H.1, Code 1997, is amended to read as
12 follows:

13 252H.1 PURPOSE AND INTENT.

14 This chapter is intended to provide a means for state
15 compliance with the Title IV-D of the federal Family-Support
16 Social Security Act of 1988 , as amended, requiring states to
17 provide procedures for the review and adjustment of support
18 orders being enforced under Title IV-D of the federal Social
19 Security Act, and also to provide an expedited modification
20 process when review and adjustment procedures are not
21 required, appropriate, or applicable. Actions under this
22 chapter shall be initiated only by the child support recovery
23 unit.

24 Sec. 92. Section 252H.2, Code 1997, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 5A. "Cost-of-living alteration" means a
27 change in an existing child support order which equals an
28 amount which is the amount of the support obligation following
29 application of the percentage change of the consumer price
30 index for all urban consumers, United States city average, as
31 published in the federal register by the federal department of
32 labor, bureau of labor statistics.

33 Sec. 93. Section 252H.2, subsection 6, paragraph a, Code
34 1997, is amended to read as follows:

35 a. ~~An-alteration,~~ A change, correction, or termination of

1 an existing support order.

2 Sec. 94. Section 252H.2, subsection 8, Code 1997, is
3 amended to read as follows:

4 8. "Public assistance" means benefits received in this
5 state or any other state, under Title IV-A (~~aid-to-dependent~~
6 children temporary assistance to needy families), IV-E (foster
7 care), or XIX (medicaid) of the Act.

8 Sec. 95. Section 252H.3, subsection 1, Code 1997, is
9 amended to read as follows:

10 1. Any action initiated under this chapter, including any
11 court hearing resulting from an action, shall be limited in
12 scope to the adjustment or modification of the child or
13 medical support or cost-of-living alteration of the child
14 support provisions of a support order.

15 Sec. 96. Section 252H.4, subsections 1 and 4, Code 1997,
16 are amended to read as follows:

17 1. The unit may administratively adjust or modify or may
18 provide for an administrative cost-of-living alteration of a
19 support order entered under chapter 234, 252A, 252C, 598, or
20 600B, or any other support chapter if the unit is providing
21 enforcement services pursuant to chapter 252B. The unit is
22 not required to intervene to administratively adjust or modify
23 or provide for an administrative cost-of-living alteration of
24 a support order under this chapter.

25 4. The unit shall adopt rules pursuant to chapter 17A to
26 establish the process for the review of requests for
27 adjustment, the criteria and procedures for conducting a
28 review and determining when an adjustment is appropriate, the
29 procedure and criteria for a cost-of-living alteration, the
30 criteria and procedure for a request for review pursuant to
31 section 252H.18A, and other rules necessary to implement this
32 chapter.

33 Sec. 97. Section 252H.6, Code 1997, is amended to read as
34 follows:

35 252H.6 COLLECTION OF INFORMATION.

1 The unit ~~shall~~ may request, obtain, and validate
2 information concerning the financial circumstances of the
3 parents of a child as necessary to determine the appropriate
4 amount of support pursuant to the guidelines established in
5 section 598.21, subsection 4, including but not limited to
6 those sources and procedures described in sections 252B.7A and
7 252B.9. The collection of information does not constitute a
8 review conducted pursuant to section 252H.16.

9 Sec. 98. Section 252H.8, subsection 4, paragraph f, Code
10 1997, is amended to read as follows:

11 f. Copies of any financial statements and supporting
12 documentation provided by the parents including proof of a
13 substantial change in circumstances for a request filed
14 pursuant to section 252H.18A.

15 Sec. 99. Section 252H.9, subsections 2 and 7, Code 1997,
16 are amended to read as follows:

17 2. The For orders to which subchapter II or III is
18 applicable, the unit shall determine the appropriate amount of
19 the child support obligation using the current child support
20 guidelines established pursuant to section 598.21, subsection
21 4, and the criteria established pursuant to section 252B.7A
22 and shall determine the provisions for medical support
23 pursuant to chapter 252E.

24 7. A copy of the order shall be sent by regular mail
25 within fourteen days after filing to each parent's last known
26 address, or if applicable, to the last known address of the
27 parent's attorney.

28 Sec. 100. Section 252H.11, subsection 2, unnumbered
29 paragraph 1, Code 1997, is amended to read as follows:

30 If the modification action filed by the parent is
31 subsequently dismissed before being heard by the court, the
32 unit shall continue the action previously initiated under ~~this~~
33 chapter subchapter II or III, or initiate a new action as
34 follows:

35 Sec. 101. Section 252H.13, Code 1997, is amended to read

1 as follows:

2 252H.13 RIGHT TO REQUEST REVIEW.

3 A parent shall have the right to request the review of a
4 support order for which the unit is currently providing
5 enforcement services of an ongoing child support obligation
6 pursuant to chapter 252B including by objecting to a cost-of-
7 living alteration pursuant to section 252H.24, subsections 1
8 and 2.

9 Sec. 102. Section 252H.14, Code 1997, is amended to read
10 as follows:

11 252H.14 REVIEWS INITIATED BY THE CHILD SUPPORT RECOVERY
12 UNIT.

13 1. The unit ~~shall~~ may periodically initiate a review of
14 support orders meeting the conditions in section 252H.12 in
15 accordance with the following:

16 a. The right to any ongoing child support obligation is
17 currently assigned to the state due to the receipt of public
18 assistance.

19 b. The right to any ongoing medical support obligation is
20 currently assigned to the state due to the receipt of public
21 assistance unless:

22 (1) The support order already includes provisions
23 requiring the parent ordered to pay child support to also
24 provide medical support.

25 (2) The parent entitled to receive support has
26 satisfactory health insurance coverage for the children,
27 excluding coverage resulting from the receipt of public
28 assistance benefits.

29 c. The review is otherwise necessary to comply with this
30 Act.

31 2. The unit ~~shall~~ may periodically initiate a request to a
32 child support agency of another state to conduct a review of a
33 support order entered in that state when the right to any
34 ongoing child or medical support obligation due under the
35 order is currently assigned to the state of Iowa.

1 3. The unit shall adopt rules establishing criteria to
2 determine the appropriateness of initiating a review.

3 4. The unit shall initiate reviews under this section in
4 accordance with the ~~federal-Family-Support Act of-1988~~.

5 Sec. 103. NEW SECTION. 252H.18A REQUEST FOR REVIEW
6 OUTSIDE APPLICABLE TIME FRAMES.

7 1. If a support order is not eligible for review and
8 adjustment because the support order is outside of the minimum
9 time frames specified by rule of the department, a parent may
10 request a review and administrative modification by submitting
11 all of the following to the unit:

12 a. A request for review of the support order which is
13 outside of the applicable time frames.

14 b. Verified documentation of a substantial change in
15 circumstances as specified by rule of the department.

16 2. Upon receipt of the request and all documentation
17 required in subsection 1, the unit shall review the request
18 and documentation and if appropriate shall issue a notice of
19 intent to modify as provided in section 252H.19.

20 3. Notwithstanding section 598.21, subsections 8 and 9,
21 for purposes of this section, a substantial change in
22 circumstances means there has been a change of fifty percent
23 or more in the income of a parent, and the change is due to
24 financial circumstances which have existed for a minimum
25 period of three months and can reasonably be expected to exist
26 for an additional three months.

27 SUBCHAPTER IV

28 COST-OF-LIVING ALTERATION

29 Sec. 104. NEW SECTION. 252H.21 PURPOSE -- INTENT --
30 EFFECT ON REQUIREMENTS FOR GUIDELINES.

31 1. This subchapter is intended to provide a procedure to
32 accommodate a request of both parents to expeditiously change
33 a support order due to changes in the cost of living.

34 2. All of the following shall apply to a cost of living
35 alteration under this subchapter:

1 a. To the extent permitted under 42 U.S.C. §
2 666(a)(10)(A)(i)(II), the cost-of-living alteration shall be
3 an exception to any requirement under law for the application
4 of the child support guidelines established pursuant to
5 section 598.21, subsection 4, including but not limited to,
6 any requirement in this chapter or chapter 234, 252A, 252B,
7 252C, 252F, 598, or 600B.

8 b. The cost-of-living alteration shall not prevent any
9 subsequent modification or adjustment to the support order as
10 otherwise provided in law based on application of the child
11 support guidelines.

12 c. The calculation of a cost-of-living alteration to a
13 child support order shall be compounded as follows:

14 (1) Increase or decrease the child support order by the
15 percentage change of the appropriate consumer price index for
16 the month and year after the month and year the child support
17 order was last issued, modified, adjusted, or altered.

18 (2) Increase or decrease the amount of the child support
19 order calculated in subparagraph (1) for each subsequent year
20 by applying the appropriate consumer price index for each
21 subsequent year to the result of the calculation for the
22 previous year. The final year in the calculation shall be the
23 year immediately preceding the year the unit received the
24 completed request for the cost-of-living alteration.

25 d. The amount of the cost-of-living alteration in the
26 notice in section 252H.24, subsection 1, shall be the result
27 of the calculation in paragraph "c".

28 Sec. 105. NEW SECTION. 252H.22 SUPPORT ORDERS SUBJECT TO
29 COST-OF-LIVING ALTERATION.

30 A support order meeting all of the following conditions is
31 eligible for a cost-of-living alteration under this
32 subchapter.

33 1. The support order is subject to the jurisdiction of
34 this state for the purposes of a cost-of-living alteration.

35 2. The support order provides for the ongoing support of

1 at least one child under the age of eighteen or a child
2 between the ages of eighteen and nineteen who has not yet
3 graduated from high school but who is reasonably expected to
4 graduate from high school before attaining the age of
5 nineteen.

6 3. The unit is providing enforcement services for the
7 ongoing support obligation pursuant to chapter 252B.

8 4. A parent requests a cost-of-living alteration as
9 provided in section 252H.23.

10 5. The support order addresses medical support for the
11 child.

12 Sec. 106. NEW SECTION. 252H.23 RIGHT TO REQUEST COST-OF-
13 LIVING ALTERATION.

14 A parent may request a cost-of-living alteration by
15 submitting all of the following to the unit:

16 1. A written request for a cost-of-living alteration to
17 the support order signed by the parent making the request.

18 2. A statement signed by the nonrequesting parent agreeing
19 to the cost-of-living alteration to the support order.

20 3. A statement signed by each parent waiving that parent's
21 right to personal service and accepting service by regular
22 mail.

23 4. Other documentation specified by rule of the
24 department.

25 Sec. 107. NEW SECTION. 252H.24 ROLE OF THE CHILD SUPPORT
26 RECOVERY UNIT -- FILING AND DOCKETING OF COST-OF-LIVING
27 ALTERATION ORDER -- ORDER EFFECTIVE AS DISTRICT COURT ORDER.

28 1. Upon receipt of a request and required documentation
29 for a cost-of-living alteration, the unit shall issue a notice
30 of the amount of cost-of-living alteration by regular mail to
31 the last known address of each parent, or, if applicable, each
32 parent's attorney. The notice shall include all of the
33 following:

34 a. A statement that either parent may contest the cost-of-
35 living alteration within thirty days of the date of the notice

1 by making a request for a review of a support order as
2 provided in section 252H.13, and if either parent does not
3 make a request for a review within thirty days, the unit shall
4 prepare an administrative order as provided in subsection 4.

5 b. A statement that the parent may waive the thirty-day
6 notice waiting period provided for in this section.

7 2. Upon timely receipt of a request and required
8 documentation for a review of a support order as provided in
9 subsection 1 from either parent, the unit shall terminate the
10 cost-of-living alteration process and apply the provisions of
11 subchapters I and II of this chapter relating to review and
12 adjustment.

13 3. Upon receipt of signed requests from both parents
14 subject to the support order, waiving the notice waiting
15 period, the unit may prepare an administrative order pursuant
16 to subsection 4 altering the support obligation.

17 4. If timely request for a review pursuant to section
18 252H.13 is not made, and if the thirty-day notice waiting
19 period has expired, or if both parents have waived the notice
20 waiting period, the unit shall prepare and present an
21 administrative order for a cost-of-living alteration, ex
22 parte, to the district court where the order to be altered is
23 filed.

24 5. Unless defects appear on the face of the administrative
25 order or on the attachments, the district court shall approve
26 the order. Upon filing, the approved order shall have the
27 same force, effect, and attributes of an order of the district
28 court.

29 6. Upon filing, the clerk of the district court shall
30 enter the order in the judgment docket and judgment lien
31 index.

32 7. If the parents jointly waive the thirty-day notice
33 waiting period, the signed statements of both parents waiving
34 the notice period shall be filed in the court record with the
35 administrative order altering the support obligation.

1 8. The unit shall send a copy of the order by regular mail
2 to each parent's last known address, or, if applicable, to the
3 last known address of the parent's attorney.

4 9. An administrative order approved by the district court
5 is final, and action by the unit to enforce and collect upon
6 the order may be taken from the date of the entry of the order
7 by the district court.

8 DIVISION IX

9 Sec. 108. Section 252I.1, subsections 1, 3, 5, and 8, Code
10 1997, are amended to read as follows:

11 1. "Account" means "account" as defined in section
12 524.103, "share account or shares" as defined in section
13 534.102, the savings or deposits of a member received or being
14 held by a credit union, or certificates of deposit. "Account"
15 also includes deposits held by an agent, a broker-dealer, or
16 an issuer as defined in section 502.102 and money-market
17 mutual fund accounts. However, "account" does not include
18 amounts held by a financial institution as collateral for
19 loans extended by the financial institution.

20 3. "Court order" means "support order" as defined in
21 section ~~252E.1~~ 252J.1.

22 5. "Financial institution" includes a bank, credit union,
23 or savings and loan association means "financial institution"
24 as defined in 42 U.S.C. § 669A(d)(1). "Financial institution"
25 also includes an institution which holds deposits for an
26 agent, broker-dealer, or an issuer as defined in section
27 502.102.

28 8. "Support" or "support payments" means "support" or
29 "support payments" as defined in section ~~252B.1~~ 252D.16A.

30 Sec. 109. Section 252I.4, Code 1997, is amended to read as
31 follows:

32 252I.4 VERIFICATION OF ACCOUNTS AND IMMUNITY FROM
33 LIABILITY.

34 1. The unit may contact a financial institution to obtain
35 verification of the account number, the names and social

1 security numbers listed for the account, and the account
2 balance of any account held by an obligor. Contact with a
3 financial institution may be by telephone or by written
4 communication. The financial institution may require positive
5 voice recognition and may require the telephone number of the
6 authorized person from the unit before releasing an obligor's
7 account information by telephone.

8 2. The unit and financial institutions doing business in
9 Iowa shall enter into agreements to develop and operate a data
10 match system, using automated data exchanges to the maximum
11 extent feasible. The data match system shall allow a means by
12 which each financial institution shall provide to the unit for
13 each calendar quarter the name, record address, social
14 security number or other taxpayer identification number, and
15 other identifying information for each obligor who maintains
16 an account at the institution and who owes past-due support,
17 as identified by the unit by name and social security number
18 or other taxpayer identification number. The unit shall work
19 with representatives of financial institutions to develop a
20 system to assist nonautomated financial institutions in
21 complying with the provisions of this section.

22 3. The unit may pay a reasonable fee to a financial
23 institution for conducting the data match required in
24 subsection 2, not to exceed the actual costs incurred by the
25 financial institution.

26 ~~2.~~ 4. The financial institution is immune from any
27 liability, civil or criminal, which might otherwise be
28 incurred or imposed for any of the following:

29 a. Any information released by the financial institution
30 to the unit pursuant to this chapter section.

31 b. Any encumbrance or surrender of any assets held by the
32 financial institution in response to a notice of lien or levy
33 issued by the unit.

34 c. Any other action taken in good faith to comply with
35 section 252I.4 or 252I.7.

1 3- 5. The financial institution or the unit is not liable
2 for the cost of any early withdrawal penalty of an obligor's
3 certificate of deposit.

4 DIVISION X

5 Sec. 110. Section 252J.1, subsections 1, 2, 3, 4, 6, and
6 9, Code 1997, are amended to read as follows:

7 1. "Certificate of noncompliance" means a document
8 provided by the child support recovery unit certifying that
9 the named ~~obligor~~ individual is not in compliance with a any
10 of the following:

- 11 a. A support order. ~~or-with-a~~
- 12 b. A written agreement for payment of support entered into
13 by the unit and the obligor.
- 14 c. A subpoena or warrant relating to a paternity or
15 support proceeding.

16 2. "License" means a license, certification, registration,
17 permit, approval, renewal, or other similar authorization
18 issued to an ~~obligor~~ individual by a licensing authority which
19 evidences the admission to, or granting of authority to engage
20 in, a profession, occupation, business, ~~or~~ industry, or
21 recreation or to operate or register a motor vehicle.

22 "License" ~~does-not-mean-or-include~~ includes licenses for
23 hunting, fishing, boating, or other recreational activity.

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

27 4. "Licensing authority" means a county treasurer, county
28 recorder or designated depository, the supreme court, or an
29 instrumentality, agency, board, commission, department,
30 officer, organization, or any other entity of the state, which
31 has authority within this state to suspend or revoke a license
32 or to deny the renewal or issuance of a license authorizing an
33 ~~obligor~~ individual to register or operate a motor vehicle or
34 to engage in a business, occupation, profession, recreation,
35 or industry.

1 6. "Support" means support or support payments as defined
2 in section 252D:1 252D.16A, whether established through court
3 or administrative order.

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

9 Sec. 111. Section 252J.1, Code 1997, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 1A. "Individual" means a parent, an
12 obligor, or a putative father in a paternity or support
13 proceeding.

14 NEW SUBSECTION. 5A. "Subpoena or warrant" means a
15 subpoena or warrant relating to a paternity or support
16 proceeding initiated or obtained by the unit or a child
17 support agency as defined in section 252H.2.

18 Sec. 112. Section 252J.2, subsections 1, 2, and 4, Code
19 1997, are amended to read as follows:

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

25 2. For cases in which services are provided by the unit
26 all of the following apply:

27 a. An obligor is subject to the provisions of this chapter
28 if the obligor's support obligation is being enforced by the
29 unit, if the support payments required by a support order to
30 be paid to the clerk of the district court or the collection
31 services center pursuant to section 598.22 are not paid and
32 become delinquent in an amount equal to the support payment
33 for ninety-days three months, and if the obligor's situation
34 meets other criteria specified under rules adopted by the
35 department pursuant to chapter 17A. The criteria specified by

1 rule shall include consideration of the length of time since
2 the obligor's last support payment and the total amount of
3 support owed by the obligor.

4 b. An individual is subject to the provisions of this
5 chapter if the individual has failed, after receiving
6 appropriate notice, to comply with a subpoena or warrant.

7 4. ~~Notwithstanding the confidentiality provisions of~~
8 ~~chapter 252B or 422, or any other statutory provision~~
9 ~~pertaining to the confidentiality of records, a licensing~~
10 ~~authority shall exchange information with the unit through~~
11 ~~manual or automated means.~~ 22 all of the following apply:

12 a. Information exchanged obtained by the unit under this
13 chapter shall be used solely for the purposes of this chapter
14 or chapter 598 shall be used solely for the purpose of
15 identifying licensees subject to enforcement pursuant to this
16 chapter or chapter 598 252B.

17 b. Information obtained by a licensing authority shall be
18 used solely for the purposes of this chapter.

19 Sec. 113. Section 252J.3, Code 1997, is amended to read as
20 follows:

21 252J.3 NOTICE TO OBLIGOR INDIVIDUAL OF POTENTIAL SANCTION
22 OF LICENSE.

23 The unit shall proceed in accordance with this chapter only
24 if notice is served on the obligor individual in accordance
25 with R.C.P. 56.1 or notice is sent by certified mail addressed
26 to the obligor's individual's last known address and served
27 upon any person who may accept service under R.C.P. 56.1.
28 Return acknowledgment is required to prove service by
29 certified mail. The notice shall include all of the
30 following:

31 1. The address and telephone number of the unit and the
32 unit case number.

33 2. A statement that the obligor is not in compliance with
34 a support order or the individual has not complied with a
35 subpoena or warrant.

1 3. A statement that the obligor individual may request a
2 conference with the unit to contest the action.

3 4. A statement that if, within twenty days of service of
4 notice on the obligor individual, the obligor individual fails
5 to contact the unit to schedule a conference, the unit shall
6 issue a certificate of noncompliance, bearing the obligor's
7 individual's name, social security number, and unit case
8 number, ~~and the docket number of a support order requiring the~~
9 ~~obligor to pay support~~, to any appropriate licensing
10 authority, certifying that the obligor is not in compliance
11 with a support order or an individual has not complied with a
12 subpoena or warrant.

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

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

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

25 Sec. 114. Section 252J.4, Code 1997, is amended to read as
26 follows:

27 252J.4 CONFERENCE.

28 1. The obligor individual may schedule a conference with
29 the unit following service of notice pursuant to section
30 252J.3, or at any time after service of notice of suspension,
31 revocation, denial of issuance, or nonrenewal of a license
32 from a licensing authority, to challenge the unit's actions
33 under this chapter.

34 2. The request for a conference shall be made to the unit,
35 in writing, and, if requested after service of a notice

1 pursuant to section 252J.3, shall be received by the unit
2 within twenty days following service of notice.

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

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

12 a. The unit finds a mistake in the identity of the obligor
13 individual.

14 b. The unit finds a mistake in determining that the amount
15 of delinquent support is equal to or greater than ninety-days
16 three months.

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

21 d. Issuance of a certificate of noncompliance is not
22 appropriate under other criteria established in accordance
23 with rules adopted by the department pursuant to chapter 17A.

24 e. The unit finds a mistake in determining the compliance
25 of the individual with a subpoena or warrant.

26 f. The individual complies with a subpoena or warrant.

27 5. The unit shall grant the obligor individual a stay of
28 the issuance of a certificate of noncompliance upon receiving
29 a timely written request for a conference, and if a
30 certificate of noncompliance has previously been issued, shall
31 issue a withdrawal of a certificate of noncompliance if the
32 obligor enters into a written agreement with the unit to
33 comply with a support order or if the individual complies with
34 a subpoena or warrant.

35 6. If the obligor individual does not timely request a

1 conference or does not comply with a subpoena or warrant or if
2 the obligor does not pay the total amount of delinquent
3 support owed within twenty days of service of the notice
4 pursuant to section 252J.3, the unit shall issue a certificate
5 of noncompliance.

6 Sec. 115. Section 252J.5, subsection 1, unnumbered
7 paragraph 1, Code 1997, is amended to read as follows:

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

15 Sec. 116. Section 252J.6, Code 1997, is amended to read as
16 follows:

17 252J.6 DECISION OF THE UNIT.

18 1. If an obligor is not in compliance with a support order
19 or the individual is not in compliance with a subpoena or
20 warrant pursuant to section 252J.2, the unit notifies the
21 obligor individual pursuant to section 252J.3, and the obligor
22 individual requests a conference pursuant to section 252J.4,
23 the unit shall issue a written decision if any of the
24 following conditions exists:

25 a. The obligor individual fails to appear at a scheduled
26 conference under section 252J.4.

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

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

30 2. The unit shall send a copy of the written decision to
31 the obligor individual by regular mail at the obligor's
32 individual's most recent address of record. If the decision
33 is made to issue a certificate of noncompliance or to withdraw
34 the certificate of noncompliance, a copy of the certificate of
35 noncompliance or of the withdrawal of the certificate of

1 noncompliance shall be attached to the written decision. The
2 written decision shall state all of the following:

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

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

12 c. That in order to obtain a withdrawal of a certificate
13 of noncompliance from the unit, the obligor shall enter into a
14 written agreement with the unit, comply with an existing
15 written agreement with the unit, or pay the total amount of
16 delinquent support owed or the individual shall comply with a
17 subpoena or warrant.

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

21 (1) The ~~obligor~~ individual may request a hearing as
22 provided in section 252J.9, before the district court as
23 follows:

24 (a) If the action is a result of section 252J.2,
25 subsection 2, paragraph "a", in the county in which the
26 underlying support order is filed, by filing a written
27 application to the court challenging the issuance of the
28 certificate of noncompliance by the unit and sending a copy of
29 the application to the unit within the time period specified
30 in section 252J.9.

31 (b) If the action is a result of section 252J.2,
32 subsection 2, paragraph "b" and the individual is not an
33 obligor, in the county in which the dependent child or
34 children reside if the child or children reside in Iowa; in
35 the county in which the dependent child or children last

1 received public assistance if the child or children received
2 public assistance in Iowa; or in the county in which the
3 individual resides if the action is the result of a request
4 from a child support agency in a foreign jurisdiction.

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

8 (3) The scope of review of the district court shall be
9 limited to demonstration of a mistake of fact related to the
10 delinquency of the obligor or the compliance of the individual
11 with a subpoena or warrant.

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

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

17 b. The unit finds a mistake in determining compliance with
18 a subpoena or warrant.

19 b- c. The unit or the court finds a mistake in determining
20 that the amount of delinquent support due is equal to or
21 greater than ninety-days three months.

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

26 e. The individual complies with the subpoena or warrant.

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

31 Sec. 117. Section 252J.7, Code 1997, is amended to read as
32 follows:

33 252J.7 CERTIFICATE OF NONCOMPLIANCE -- CERTIFICATION TO
34 LICENSING AUTHORITY.

35 1. If the obligor individual fails to respond to the

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

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

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

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

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

25 Sec. 118. Section 252J.8, subsections 3, 4, and 5, Code
26 1997, are amended to read as follows:

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

33 4. A licensing authority that is issued a certificate of
34 noncompliance shall initiate procedures for the suspension,
35 revocation, or denial of issuance or renewal of licensure to

1 an obligor individual. The licensing authority shall utilize
2 existing rules and procedures for suspension, revocation, or
3 denial of the issuance or renewal of a license.

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

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

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

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

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

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

1 authority.

2 Sec. 119. Section 252J.9, subsections 1, 2, and 3, Code
3 1997, are amended to read as follows:

4 1. Following the issuance of a written decision by the
5 unit under section 252J.6 which includes the issuance of a
6 certificate of noncompliance, or following provision of notice
7 to the ~~obligor~~ individual by a licensing authority pursuant to
8 section 252J.8, an ~~obligor~~ individual may seek review of the
9 decision and request a hearing before the district court as
10 follows:

11 a. If the action is a result of section 252J.2, subsection
12 2, paragraph "a", in the county in which the underlying
13 support order is filed, by filing an application with the
14 district court, and sending a copy of the application to the
15 unit by regular mail.

16 b. If the action is a result of section 252J.2, subsection
17 2, paragraph "b" and the individual is not an obligor, in a
18 county in which the dependent child or children reside if the
19 child or children reside in Iowa; in the county in which the
20 dependent child or children last received public assistance if
21 the child or children received public assistance in Iowa; or
22 in the county in which the individual resides if the action is
23 the result of a request from a child support agency in a
24 foreign jurisdiction.

25 PARAGRAPH DIVIDED. An application shall be filed to seek
26 review of the decision by the unit or following issuance of
27 notice by the licensing authority no later than within thirty
28 days after the issuance of the notice pursuant to section
29 252J.8. The clerk of the district court shall schedule a
30 hearing and mail a copy of the order scheduling the hearing to
31 the ~~obligor~~ individual and the unit and shall also mail a copy
32 of the order to the licensing authority, if applicable. The
33 unit shall certify a copy of its written decision and
34 certificate of noncompliance, indicating the date of issuance,
35 and the licensing authority shall certify a copy of a notice

1 issued pursuant to section 252J.8, to the court prior to the
2 hearing.

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

11 3. The scope of review by the district court shall be
12 limited to demonstration of a mistake of fact relating to the
13 delinquency of the obligor or the noncompliance of the
14 individual with a subpoena or warrant. Issues related to
15 visitation, custody, or other provisions not related to the
16 support provisions of a support order are not grounds for a
17 hearing under this chapter.

18 DIVISION XI

19 UNIFORM INTERSTATE FAMILY SUPPORT ACT

20 (1996)

21 ARTICLE 1

22 GENERAL PROVISIONS

23 Sec. 120. NEW SECTION. 252K.101 DEFINITIONS.

24 In this chapter:

25 1. "Child" means an individual, whether over or under the
26 age of majority, who is or is alleged to be owed a duty of
27 support by the individual's parent or who is or is alleged to
28 be the beneficiary of a support order directed to the parent.

29 2. "Child-support order" means a support order for a
30 child, including a child who has attained the age of majority
31 under the law of the issuing state.

32 3. "Duty of support" means an obligation imposed or
33 imposable by law to provide support for a child, spouse, or
34 former spouse, including an unsatisfied obligation to provide
35 support.

1 4. "Home state" means the state in which a child lived
2 with a parent or a person acting as parent for at least six
3 consecutive months immediately preceding the time of filing of
4 a petition or comparable pleading for support and, if a child
5 is less than six months old, the state in which the child
6 lived from birth with any of them. A period of temporary
7 absence of any of them is counted as part of the six-month or
8 other period.

9 5. "Income" includes earnings or other periodic
10 entitlements to money from any source and any other property
11 subject to withholding for support under the law of this
12 state.

13 6. "Income-withholding order" means an order or other
14 legal process directed to an obligor's employer or other payor
15 of income, as defined by the income-withholding law of this
16 state, to withhold support from the income of the obligor.

17 7. "Initiating state" means a state from which a
18 proceeding is forwarded or in which a proceeding is filed for
19 forwarding to a responding state under this chapter or a law
20 or procedure substantially similar to this chapter, the
21 Uniform Reciprocal Enforcement of Support Act, or the Revised
22 Uniform Reciprocal Enforcement of Support Act.

23 8. "Initiating tribunal" means the authorized tribunal in
24 an initiating state.

25 9. "Issuing state" means the state in which a tribunal
26 issues a support order or renders a judgment determining
27 parentage.

28 10. "Issuing tribunal" means the tribunal that issues a
29 support order or renders a judgment determining parentage.

30 11. "Law" includes decisional and statutory law and rules
31 and regulations having the force of law.

32 12. "Obligee" means any of the following:

33 a. An individual to whom a duty of support is or is
34 alleged to be owed or in whose favor a support order has been
35 issued or a judgment determining parentage has been rendered.

1 b. A state or political subdivision to which the rights
2 under a duty of support or support order have been assigned or
3 which has independent claims based on financial assistance
4 provided to an individual obligee.

5 c. An individual seeking a judgment determining parentage
6 of the individual's child.

7 13. "Obligor" means an individual, or the estate of a
8 decedent, to which any of the following applies:

9 a. Who owes or is alleged to owe a duty of support.

10 b. Who is alleged but has not been adjudicated to be a
11 parent of a child.

12 c. Who is liable under a support order.

13 14. "Register" means to file a support order or judgment
14 determining parentage in the appropriate location for the
15 filing of foreign judgments.

16 15. "Registering tribunal" means a tribunal in which a
17 support order is registered.

18 16. "Responding state" means a state in which a proceeding
19 is filed or to which a proceeding is forwarded for filing from
20 an initiating state under this chapter or a law or procedure
21 substantially similar to this chapter, the Uniform Reciprocal
22 Enforcement of Support Act, or the Revised Uniform Reciprocal
23 Enforcement of Support Act.

24 17. "Responding tribunal" means the authorized tribunal in
25 a responding state.

26 18. "Spousal-support order" means a support order for a
27 spouse or former spouse of the obligor.

28 19. "State" means a state of the United States, the
29 District of Columbia, Puerto Rico, the United States Virgin
30 Islands, or any territory or insular possession subject to the
31 jurisdiction of the United states. The term includes:

32 a. An Indian tribe.

33 b. A foreign jurisdiction that has enacted a law or
34 established procedures for issuance and enforcement of support
35 orders which are substantially similar to the procedures under

1 this chapter, the Uniform Reciprocal Enforcement of Support
2 Act, or the Revised Uniform Reciprocal Enforcement of Support
3 Act.

4 20. "Support enforcement agency" means a public official
5 or agency authorized to seek any of the following:

6 a. Enforcement of support orders or laws relating to the
7 duty of support.

8 b. Establishment or modification of child support.

9 c. Determination of parentage.

10 d. Location of obligors or their assets.

11 21. "Support order" means a judgment, decree, or order,
12 whether temporary, final, or subject to modification, for the
13 benefit of a child, a spouse, or a former spouse, which
14 provides for monetary support, health care, arrearages, or
15 reimbursement, and may include related costs and fees,
16 interest, income withholding, attorney's fees, and other
17 relief.

18 22. "Tribunal" means a court, administrative agency, or
19 quasi-judicial entity authorized to establish, enforce, or
20 modify support orders or to determine parentage.

21 Sec. 121. NEW SECTION. 252K.102 TRIBUNALS OF THIS STATE.

22 The child support recovery unit when the unit establishes
23 or modifies an order, upon ratification by the court, and the
24 court, are the tribunals of this state.

25 Sec. 122. NEW SECTION. 252K.103 REMEDIES CUMULATIVE.

26 Remedies provided by this chapter are cumulative and do not
27 affect the availability of remedies under other law.

28 ARTICLE 2

29 JURISDICTION

30 PART 1

31 EXTENDED PERSONAL JURISDICTION

32 Sec. 123. NEW SECTION. 252K.201 BASES FOR JURISDICTION
33 OVER NONRESIDENT.

34 In a proceeding to establish, enforce, or modify a support
35 order or to determine parentage, a tribunal of this state may

1 exercise personal jurisdiction over a nonresident individual
2 or the individual's guardian or conservator if any of the
3 following applies:

4 1. The individual is personally served with notice within
5 this state.

6 2. The individual submits to the jurisdiction of this
7 state by consent, by entering a general appearance, or by
8 filing a responsive document having the effect of waiving any
9 contest to personal jurisdiction.

10 3. The individual resided with the child in this state.

11 4. The individual resided in this state and provided
12 prenatal expenses or support for the child.

13 5. The child resides in this state as a result of the acts
14 or directives of the individual.

15 6. The individual engaged in sexual intercourse in this
16 state and the child may have been conceived by that act of
17 intercourse.

18 7. The individual asserted parentage in the declaration of
19 paternity registry maintained in this state by the Iowa
20 department of public health pursuant to section 144.12A or
21 established paternity by affidavit under section 252A.3A.

22 8. There is any other basis consistent with the
23 constitutions of this state and the United States for the
24 exercise of personal jurisdiction.

25 Sec. 124. NEW SECTION. 252K.202 PROCEDURE WHEN
26 EXERCISING JURISDICTION OVER NONRESIDENT.

27 A tribunal of this state exercising personal jurisdiction
28 over a nonresident under section 252K.201 may apply section
29 252K.316 to receive evidence from another state, and section
30 252K.318 to obtain discovery through a tribunal of another
31 state. In all other respects, Articles 3 through 7 do not
32 apply and the tribunal shall apply the procedural and
33 substantive law of this state, including the rules on choice
34 of law other than those established by this chapter.

35

PART 2

1 PROCEEDINGS INVOLVING TWO OR MORE STATES

2 Sec. 125. NEW SECTION. 252K.203 INITIATING AND
3 RESPONDING TRIBUNAL OF THIS STATE.

4 Under this chapter, a tribunal of this state may serve as
5 an initiating tribunal to forward proceedings to another state
6 and as a responding tribunal for proceedings initiated in
7 another state.

8 Sec. 126. NEW SECTION. 252K.204 SIMULTANEOUS PROCEEDINGS
9 IN ANOTHER STATE.

10 1. A tribunal of this state may exercise jurisdiction to
11 establish a support order if the petition or comparable
12 pleading is filed after a pleading is filed in another state
13 only if all of the following apply:

14 a. The petition or comparable pleading in this state is
15 filed before the expiration of the time allowed in the other
16 state for filing a responsive pleading challenging the
17 exercise of jurisdiction by the other state.

18 b. The contesting party timely challenges the exercise of
19 jurisdiction in the other state.

20 c. If relevant, this state is the home state of the child.

21 2. A tribunal of this state may not exercise jurisdiction
22 to establish a support order if the petition or comparable
23 pleading is filed before a petition or comparable pleading is
24 filed in another state if all of the following apply:

25 a. The petition or comparable pleading in the other state
26 is filed before the expiration of the time allowed in this
27 state for filing a responsive pleading challenging the
28 exercise of jurisdiction by this state.

29 b. The contesting party timely challenges the exercise of
30 jurisdiction in this state.

31 c. If relevant, the other state is the home state of the
32 child.

33 Sec. 127. NEW SECTION. 252K.205 CONTINUING, EXCLUSIVE
34 JURISDICTION.

35 1. A tribunal of this state issuing a support order

1 consistent with the law of this state has continuing,
2 exclusive jurisdiction over a child-support order if any of
3 the following applies:

4 a. As long as this state remains the residence of the
5 obligor, the individual obligee, or the child for whose
6 benefit the support order is issued.

7 b. Until all of the parties who are individuals have filed
8 written consents with the tribunal of this state for a
9 tribunal of another state to modify the order and assume
10 continuing, exclusive jurisdiction.

11 2. A tribunal of this state issuing a child-support order
12 consistent with the law of this state may not exercise its
13 continuing jurisdiction to modify the order if the order has
14 been modified by a tribunal of another state pursuant to this
15 chapter or a law substantially similar to this chapter.

16 3. If a child support order of this state is modified by a
17 tribunal of another state pursuant to this chapter or a law
18 substantially similar to this chapter, a tribunal of this
19 state loses its continuing, exclusive jurisdiction with regard
20 to prospective enforcement of the order issued in this state,
21 and may only:

22 a. Enforce the order that was modified as to amounts
23 accruing before the modification.

24 b. Enforce nonmodifiable aspects of that order.

25 c. Provide other appropriate relief for violations of that
26 order which occurred before the effective date of the
27 modification.

28 4. A tribunal of this state shall recognize the
29 continuing, exclusive jurisdiction of a tribunal of another
30 state which has issued a child support order pursuant to this
31 chapter or a law substantially similar to this chapter.

32 5. A temporary support order issued ex parte or pending
33 resolution of a jurisdictional conflict does not create
34 continuing, exclusive jurisdiction in the issuing tribunal.

35 6. A tribunal of this state issuing a support order

1 consistent with the law of this state has continuing,
2 exclusive jurisdiction over a spousal support order throughout
3 the existence of the support obligation. A tribunal of this
4 state may not modify a spousal support order issued by a
5 tribunal of another state having continuing, exclusive
6 jurisdiction over that order under the law of that state.

7 Sec. 128. NEW SECTION. 252K.206 ENFORCEMENT AND
8 MODIFICATION OF SUPPORT ORDER BY TRIBUNAL HAVING CONTINUING
9 JURISDICTION.

10 1. A tribunal of this state may serve as an initiating
11 tribunal to request a tribunal of another state to enforce or
12 modify a support order issued in that state.

13 2. A tribunal of this state having continuing, exclusive
14 jurisdiction over a support order may act as a responding
15 tribunal to enforce or modify the order. If a party subject
16 to the continuing, exclusive jurisdiction of the tribunal no
17 longer resides in the issuing state, in subsequent proceedings
18 the tribunal may apply section 252K.316 to receive evidence
19 from another state and section 252K.318 to obtain discovery
20 through a tribunal of another state.

21 3. A tribunal of this state which lacks continuing,
22 exclusive jurisdiction over a spousal-support order may not
23 serve as a responding tribunal to modify a spousal-support
24 order of another state.

25 PART 3

26 RECONCILIATION OF MULTIPLE ORDERS

27 Sec. 129. NEW SECTION. 252K.207 RECOGNITION OF
28 CONTROLLING CHILD-SUPPORT ORDER.

29 1. If a proceeding is brought under this chapter and only
30 one tribunal has issued a child support order, the order of
31 that tribunal controls and must be so recognized.

32 2. If a proceeding is brought under this chapter, and two
33 or more child-support orders have been issued by tribunals of
34 this state or another state with regard to the same obligor
35 and child, a tribunal of this state shall apply the following

1 rules in determining which order to recognize for purposes of
2 continuing, exclusive jurisdiction:

3 a. If only one of the tribunals would have continuing,
4 exclusive jurisdiction under this chapter, the order of that
5 tribunal controls and must be so recognized.

6 b. If more than one of the tribunals would have
7 continuing, exclusive jurisdiction under this chapter, an
8 order issued by a tribunal in the current home state of the
9 child controls and must be so recognized, but if an order has
10 not been issued in the current home state of the child, the
11 order most recently issued controls and must be so recognized.

12 c. If none of the tribunals would have continuing,
13 exclusive jurisdiction under this chapter, the tribunal of
14 this state having jurisdiction over the parties shall issue a
15 child-support order, which controls and must be so recognized.

16 3. If two or more child support orders have been issued
17 for the same obligor and child and if the obligor or the
18 individual obligee resides in this state, a party may request
19 a tribunal of this state to determine which order controls and
20 must be so recognized under subsection 2. The request must be
21 accompanied by a certified copy of every support order in
22 effect. The requesting party shall give notice of the request
23 to each party whose rights may be affected by the
24 determination.

25 4. The tribunal that issued the controlling order under
26 subsection 1, 2, or 3 is the tribunal that has continuing,
27 exclusive jurisdiction under section 252K.205.

28 5. A tribunal of this state which determines by order the
29 identity of the controlling order under subsection 2,
30 paragraph "a" or "b", or which issues a new controlling order
31 under subsection 2, paragraph "c", shall state in that order
32 the basis upon which the tribunal made its determination.

33 6. Within thirty days after issuance of an order
34 determining the identity of the controlling order, the party
35 obtaining the order shall file a certified copy of it with

1 each tribunal that issued or registered an earlier order of
2 child support. A party who obtains the order and fails to
3 file a certified copy is subject to appropriate sanctions by a
4 tribunal in which the issue of failure to file arises. The
5 failure to file does not affect the validity or enforceability
6 of the controlling order.

7 Sec. 130. NEW SECTION. 252K.208 MULTIPLE CHILD SUPPORT
8 ORDERS FOR TWO OR MORE OBLIGEEES.

9 In responding to multiple registrations or requests for
10 enforcement of two or more child support orders in effect at
11 the same time with regard to the same obligor and different
12 individual obligees, at least one of which was issued by a
13 tribunal of another state, a tribunal of this state shall
14 enforce those orders in the same manner as if the multiple
15 orders had been issued by a tribunal of this state.

16 Sec. 131. NEW SECTION. 252K.209 CREDIT FOR PAYMENTS.

17 Amounts collected and credited for a particular period
18 pursuant to a support order issued by a tribunal of another
19 state must be credited against the amounts accruing or accrued
20 for the same period under a support order issued by the
21 tribunal of this state.

22 ARTICLE 3

23 CIVIL PROVISIONS OF GENERAL APPLICATION

24 Sec. 132. NEW SECTION. 252K.301 PROCEEDINGS UNDER THIS
25 CHAPTER.

26 1. Except as otherwise provided in this chapter, this
27 article applies to all proceedings under this chapter.

28 2. This chapter provides for the following proceedings:

29 a. Establishment of an order for spousal support or child
30 support pursuant to Article 4.

31 b. Enforcement of a support order and income withholding
32 order of another state without registration pursuant to
33 Article 5.

34 c. Registration of an order for spousal support or child
35 support of another state for enforcement pursuant to Article

1 6.

2 d. Modification of an order for child support or spousal
3 support issued by a tribunal of this state pursuant to Article
4 2, part 2.

5 e. Registration of an order for child support of another
6 state for modification pursuant to Article 6.

7 f. Determination of parentage pursuant to Article 7.

8 g. Assertion of jurisdiction over nonresidents pursuant to
9 Article 2, part 1.

10 3. An individual movant or a support enforcement agency
11 may commence a proceeding authorized under this chapter by
12 filing a petition or a comparable pleading in an initiating
13 tribunal for forwarding to a responding tribunal or by filing
14 a petition or a comparable pleading directly in a tribunal of
15 another state which has or can obtain personal jurisdiction
16 over the respondent or nonmoving party.

17 Sec. 133. NEW SECTION. 252K.302 ACTION BY MINOR PARENT.

18 A minor parent, or a guardian or other legal representative
19 of a minor parent, may maintain a proceeding on behalf of or
20 for the benefit of the minor's child.

21 Sec. 134. NEW SECTION. 252K.303 APPLICATION OF LAW OF
22 THIS STATE.

23 Except as otherwise provided by this chapter, a responding
24 tribunal of this state shall do all of the following:

25 1. Apply the procedural and substantive law, including the
26 rules on choice of law, generally applicable to similar
27 proceedings originating in this state, and may exercise all
28 powers and provide all remedies available in those
29 proceedings.

30 2. Determine the duty of support and the amount payable in
31 accordance with the law and support guidelines of this state.

32 Sec. 135. NEW SECTION. 252K.304 DUTIES OF INITIATING
33 TRIBUNAL.

34 1. Upon the filing of a petition or comparable pleading
35 authorized by this chapter, an initiating tribunal of this

1 state shall forward three copies of the petition or comparable
2 pleading and its accompanying documents:

3 a. To the responding tribunal or appropriate support
4 enforcement agency in the responding state.

5 b. If the identity of the responding tribunal is unknown,
6 to the state information agency of the responding state with a
7 request that they be forwarded to the appropriate tribunal and
8 that receipt be acknowledged.

9 2. If a responding state has not enacted this law or a law
10 or procedure substantially similar to this chapter, a tribunal
11 of this state may issue a certificate or other document and
12 make findings required by the law of the responding state. If
13 the responding state is a foreign jurisdiction, the tribunal
14 may specify the amount of support sought and provide other
15 documents necessary to satisfy the requirements of the
16 responding state.

17 Sec. 136. NEW SECTION. 252K.305 DUTIES AND POWERS OF
18 RESPONDING TRIBUNAL.

19 1. When a responding tribunal of this state receives a
20 petition or comparable pleading from an initiating tribunal or
21 directly pursuant to section 252K.301, subsection 3, it shall
22 cause the petition or pleading to be filed and notify the
23 movant where and when it was filed.

24 2. A responding tribunal of this state, to the extent
25 otherwise authorized by law, may do one or more of the
26 following:

27 a. Issue or enforce a support order, modify a child-
28 support order, or render a judgment to determine parentage.

29 b. Order an obligor to comply with a support order,
30 specifying the amount and the manner of compliance.

31 c. Order income withholding.

32 d. Determine the amount of any arrearages, and specify a
33 method of payment.

34 e. Enforce orders by civil or criminal contempt, or both.

35 f. Set aside property for satisfaction of the support

1 order.

2 g. Place liens and order execution on the obligor's
3 property.

4 h. Order an obligor to keep the tribunal informed of the
5 obligor's current residential address, telephone number,
6 employer, address of employment, and telephone number at the
7 place of employment.

8 i. Issue a bench warrant for an obligor who has failed
9 after proper notice to appear at a hearing ordered by the
10 tribunal and enter the bench warrant in any local and state
11 computer systems for criminal warrants.

12 j. Order the obligor to seek appropriate employment by
13 specified methods.

14 k. Award reasonable attorney's fees and other fees and
15 costs.

16 l. Grant any other available remedy.

17 3. A responding tribunal of this state shall include in a
18 support order issued under this chapter, or in the documents
19 accompanying the order, the calculations on which the support
20 order is based.

21 4. A responding tribunal of this state may not condition
22 the payment of a support order issued under this chapter upon
23 compliance by a party with provisions for visitation.

24 5. If a responding tribunal of this state issues an order
25 under this chapter, the tribunal shall send a copy of the
26 order to the movant and the respondent and to the initiating
27 tribunal, if any.

28 Sec. 137. NEW SECTION. 252K.306 INAPPROPRIATE TRIBUNAL.

29 If a petition or comparable pleading is received by an
30 inappropriate tribunal of this state, it shall forward the
31 pleading and accompanying documents to an appropriate tribunal
32 in this state or another state and notify the movant where and
33 when the pleading was sent.

34 Sec. 138. NEW SECTION. 252K.307 DUTIES OF SUPPORT
35 ENFORCEMENT AGENCY.

1 1. A support enforcement agency of this state, upon
2 request, shall provide services to a movant in a proceeding
3 under this chapter.

4 2. A support enforcement agency that is providing services
5 to the movant as appropriate shall:

6 a. Take all steps necessary to enable an appropriate
7 tribunal in this state or another state to obtain jurisdiction
8 over the respondent.

9 b. Request an appropriate tribunal to set a date, time,
10 and place for a hearing.

11 c. Make a reasonable effort to obtain all relevant
12 information, including information as to income and property
13 of the parties.

14 d. Within five days, exclusive of Saturdays, Sundays, and
15 legal holidays, after receipt of a written notice from an
16 initiating, responding, or registering tribunal, send a copy
17 of the notice to the movant.

18 e. Within five days, exclusive of Saturdays, Sundays, and
19 legal holidays, after receipt of a written communication from
20 the respondent or the respondent's attorney, send a copy of
21 the communication to the movant.

22 f. Notify the movant if jurisdiction over the respondent
23 cannot be obtained.

24 3. This chapter does not create or negate a relationship
25 of attorney and client or other fiduciary relationship between
26 a support enforcement agency or the attorney for the agency
27 and the individual being assisted by the agency.

28 Sec. 139. NEW SECTION. 252K.308 DUTY OF ATTORNEY
29 GENERAL.

30 If the attorney general determines that the support
31 enforcement agency is neglecting or refusing to provide
32 services to an individual, the attorney general may order the
33 agency to perform its duties under this chapter or may provide
34 those services directly to the individual.

35 Sec. 140. NEW SECTION. 252K.309 PRIVATE COUNSEL.

1 An individual may employ private counsel to represent the
2 individual in proceedings authorized by this chapter.

3 Sec. 141. NEW SECTION. 252K.310 DUTIES OF STATE
4 INFORMATION AGENCY.

5 1. The child support recovery unit is the state
6 information agency under this chapter.

7 2. The state information agency shall:

8 a. Compile and maintain a current list, including
9 addresses, of the tribunals in this state which have
10 jurisdiction under this chapter and any support enforcement
11 agencies in this state and transmit a copy to the state
12 information agency of every other state.

13 b. Maintain a register of tribunals and support
14 enforcement agencies received from other states.

15 c. Forward to the appropriate tribunal in the place in
16 this state in which the individual obligee or the obligor
17 resides, or in which the obligor's property is believed to be
18 located, all documents concerning a proceeding under this
19 chapter received from an initiating tribunal or the state
20 information agency of the initiating state.

21 d. Obtain information concerning the location of the
22 obligor and the obligor's property within this state not
23 exempt from execution, by such means as postal verification
24 and federal or state locator services, examination of
25 telephone directories, requests for the obligor's address from
26 employers, and examination of governmental records, including,
27 to the extent not prohibited by other law, those relating to
28 real property, vital statistics, law enforcement, taxation,
29 motor vehicles, driver's licenses, and social security.

30 Sec. 142. NEW SECTION. 252K.311 PLEADINGS AND
31 ACCOMPANYING DOCUMENTS.

32 1. A movant seeking to establish or modify a support order
33 or to determine parentage in a proceeding under this chapter
34 must verify the petition. Unless otherwise ordered under
35 section 252K.312, the petition or accompanying documents must

1 provide, so far as known, the name, residential address, and
2 social security numbers of the obligor and the obligee, and
3 the name, sex, residential address, social security number,
4 and date of birth of each child for whom support is sought.
5 The petition must be accompanied by a certified copy of any
6 support order in effect. The petition may include any other
7 information that may assist in locating or identifying the
8 respondent.

9 2. The petition must specify the relief sought. The
10 petition and accompanying documents shall conform
11 substantially with the requirements imposed by the forms
12 mandated by federal law for use in cases filed by a support
13 enforcement agency.

14 Sec. 143. NEW SECTION. 252K.312 NONDISCLOSURE OF
15 INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.

16 Upon a finding, which may be made ex parte, that the
17 health, safety, or liberty of a party or child would be
18 unreasonably put at risk by the disclosure of identifying
19 information, or if an existing order so provides, a tribunal
20 shall order that the address of the child or party or other
21 identifying information not be disclosed in a pleading or
22 other document filed in a proceeding under this chapter.

23 Sec. 144. NEW SECTION. 252K.313 COSTS AND FEES.

24 1. The movant shall not be required to pay a filing fee or
25 other costs.

26 2. If an obligee prevails, a responding tribunal may
27 assess against an obligor filing fees, reasonable attorney's
28 fees, other costs, and necessary travel and other reasonable
29 expenses incurred by the obligee and the obligee's witnesses.
30 The tribunal may not assess fees, costs, or expenses against
31 the obligee or the support enforcement agency of either the
32 initiating or the responding state, except as provided by
33 other law. Attorney's fees may be taxed as costs, and may be
34 ordered paid directly to the attorney, who may enforce the
35 order in the attorney's own name. Payment of support owed to

1 the obligee has priority over fees, costs, and expenses.

2 3. The tribunal shall order the payment of costs and
3 reasonable attorney's fees if the tribunal determines that a
4 hearing was requested primarily for delay. In a proceeding
5 under Article 6, a hearing is presumed to have been requested
6 primarily for delay if a registered support order is confirmed
7 or enforced without change.

8 Sec. 145. NEW SECTION. 252K.314 LIMITED IMMUNITY OF
9 MOVANT.

10 1. Participation by a movant in a proceeding before a
11 responding tribunal, whether in person, by private attorney,
12 or through services provided by the support enforcement
13 agency, does not confer personal jurisdiction over the movant
14 in another proceeding.

15 2. A movant is not amenable to service of civil process
16 while physically present in this state to participate in a
17 proceeding under this chapter.

18 3. The immunity granted by this section does not extend to
19 civil litigation based on acts unrelated to a proceeding under
20 this chapter committed by a party while present in this state
21 to participate in the proceeding.

22 Sec. 146. NEW SECTION. 252K.315 NONPARENTAGE AS DEFENSE.

23 A party whose parentage of a child has been previously
24 determined by or pursuant to law may not plead nonparentage as
25 a defense to a proceeding under this chapter.

26 Sec. 147. NEW SECTION. 252K.316 SPECIAL RULES OF
27 EVIDENCE AND PROCEDURE.

28 1. The physical presence of the movant in a responding
29 tribunal of this state is not required for the establishment,
30 enforcement, or modification of a support order or the
31 rendition of a judgment determining parentage.

32 2. A verified petition, affidavit, document substantially
33 complying with federally mandated forms, and a document
34 incorporated by reference in any of them, not excluded under
35 the hearsay rule if given in person, is admissible in evidence

1 if given under oath by a party or witness residing in another
2 state.

3 3. A copy of the record of child-support payments
4 certified as a true copy of the original by the custodian of
5 the record may be forwarded to a responding tribunal. The
6 copy is evidence of facts asserted in it, and is admissible to
7 show whether payments were made.

8 4. Copies of bills for testing for parentage, and for
9 prenatal and postnatal health care of the mother and child,
10 furnished to the adverse party at least ten days before trial,
11 are admissible in evidence to prove the amount of the charges
12 billed and that the charges were reasonable, necessary, and
13 customary.

14 5. Documentary evidence transmitted from another state to
15 a tribunal of this state by telephone, telecopier, or other
16 means that do not provide an original writing may not be
17 excluded from evidence on an objection based on the means of
18 transmission.

19 6. In a proceeding under this chapter, a tribunal of this
20 state may permit a party or witness residing in another state
21 to be deposed or to testify by telephone, audiovisual means,
22 or other electronic means at a designated tribunal or other
23 location in that state. A tribunal of this state shall
24 cooperate with tribunals of other states in designating an
25 appropriate location for the deposition or testimony.

26 7. If a party called to testify at a civil hearing refuses
27 to answer on the ground that the testimony may be self-
28 incriminating, the trier of fact may draw an adverse inference
29 from the refusal.

30 8. A privilege against disclosure of communications
31 between spouses does not apply in a proceeding under this
32 chapter.

33 9. The defense of immunity based on the relationship of
34 husband and wife or parent and child does not apply in a
35 proceeding under this chapter.

1 Sec. 148. NEW SECTION. 252K.317 COMMUNICATIONS BETWEEN
2 TRIBUNALS.

3 A tribunal of this state may communicate with a tribunal of
4 another state in writing, or by telephone or other means, to
5 obtain information concerning the laws of that state, the
6 legal effect of a judgment, decree, or order of that tribunal,
7 and the status of a proceeding in the other state. A tribunal
8 of this state may furnish similar information by similar means
9 to a tribunal of another state.

10 Sec. 149. NEW SECTION. 252K.318 ASSISTANCE WITH
11 DISCOVERY.

12 A tribunal of this state may:

13 1. Request a tribunal of another state to assist in
14 obtaining discovery.

15 2. Upon request, compel a person over whom it has
16 jurisdiction to respond to a discovery order issued by a
17 tribunal of another state.

18 Sec. 150. NEW SECTION. 252K.319 RECEIPT AND DISBURSEMENT
19 OF PAYMENTS.

20 A support enforcement agency or tribunal of this state
21 shall disburse promptly any amounts received pursuant to a
22 support order, as directed by the order. The agency or
23 tribunal shall furnish to a requesting party or a tribunal of
24 another state a certified statement by the custodian of the
25 record of the amounts and dates of all payments received.

26 ARTICLE 4

27 ESTABLISHMENT OF SUPPORT ORDER

28 Sec. 151. NEW SECTION. 252K.401 PETITION TO ESTABLISH
29 SUPPORT ORDER.

30 1. If a support order entitled to recognition under this
31 chapter has not been issued, a responding tribunal of this
32 state may issue a support order if any of the following
33 applies:

34 a. The individual seeking the order resides in another
35 state.

1 b. The support enforcement agency seeking the order is
2 located in another state.

3 2. The tribunal may issue a temporary child-support order
4 if any of the following applies:

5 a. The respondent has signed a verified statement
6 acknowledging parentage.

7 b. The respondent has been determined by or pursuant to
8 law to be the parent.

9 c. There is other clear and convincing evidence that the
10 respondent is the child's parent.

11 3. Upon finding, after notice and opportunity to be heard,
12 that an obligor owes a duty of support, the tribunal shall
13 issue a support order directed to the obligor and may issue
14 other orders pursuant to section 252K.305.

15 ARTICLE 5

16 ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

17 Sec. 152. NEW SECTION. 252K.501 EMPLOYER'S RECEIPT OF
18 INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

19 An income-withholding order issued in another state may be
20 sent to the person or entity defined as the obligor's employer
21 under the income-withholding law of this state without first
22 filing a petition or comparable pleading or registering the
23 order with a tribunal of this state.

24 Sec. 153. NEW SECTION. 252K.502 EMPLOYER'S COMPLIANCE
25 WITH INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

26 1. Upon receipt of an income-withholding order, the
27 obligor's employer shall immediately provide a copy of the
28 order to the obligor.

29 2. The employer shall treat an income-withholding order
30 issued in another state which appears regular on its face as
31 if it had been issued by a tribunal of this state.

32 3. Except as otherwise provided in subsection 4 and
33 section 252K.503 the employer shall withhold and distribute
34 the funds as directed in the withholding order by complying
35 with terms of the order which specify:

1 a. The duration and amount of periodic payments of current
2 child support, stated as a sum certain.

3 b. The person or agency designated to receive payments and
4 the address to which the payments are to be forwarded.

5 c. Medical support, whether in the form of periodic cash
6 payment, stated as a sum certain, or ordering the obligor to
7 provide health insurance coverage for the child under a policy
8 available through the obligor's employment.

9 d. The amount of periodic payments of fees and costs for a
10 support enforcement agency, the issuing tribunal, and the
11 obligee's attorney, stated as sums certain.

12 e. The amount of periodic payments of arrearages and
13 interest on arrearages, stated as sums certain.

14 4. An employer shall comply with the law of the state of
15 the obligor's principal place of employment for withholding
16 from income with respect to:

17 a. The employer's fee for processing an income-withholding
18 order.

19 b. The maximum amount permitted to be withheld from the
20 obligor's income.

21 c. The times within which the employer must implement the
22 withholding order and forward the child support payment.

23 Sec. 154. NEW SECTION. 252K.503 COMPLIANCE WITH MULTIPLE
24 INCOME-WITHHOLDING ORDERS.

25 If an obligor's employer receives multiple income-
26 withholding orders with respect to the earnings of the same
27 obligor, the employer satisfies the terms of the multiple
28 orders if the employer complies with the law of the state of
29 the obligor's principal place of employment to establish the
30 priorities for withholding and allocating income withheld for
31 multiple child support obligees.

32 Sec. 155. NEW SECTION. 252K.504 IMMUNITY FROM CIVIL
33 LIABILITY.

34 An employer who complies with an income-withholding order
35 issued in another state in accordance with this article is not

1 subject to civil liability to an individual or agency with
2 regard to the employer's withholding of child support from the
3 obligor's income.

4 Sec. 156. NEW SECTION. 252K.505 PENALTIES FOR
5 NONCOMPLIANCE.

6 An employer who willfully fails to comply with an income-
7 withholding order issued by another state and received for
8 enforcement is subject to the same penalties that may be
9 imposed for noncompliance with an order issued by a tribunal
10 of this state.

11 Sec. 157. NEW SECTION. 252K.506 CONTEST BY OBLIGOR.

12 1. An obligor may contest the validity or enforcement of
13 an income-withholding order issued in another state and
14 received directly by an employer in this state in the same
15 manner as if the order had been issued by a tribunal of this
16 state. Section 252K.604 applies to the contest.

17 2. The obligor shall give notice of the contest to:

18 a. A support enforcement agency providing services to the
19 obligee.

20 b. Each employer that has directly received an income-
21 withholding order.

22 c. The person or agency designated to receive payments in
23 the income-withholding order, or if no person or agency is
24 designated, to the obligee.

25 Sec. 158. NEW SECTION. 252K.507 ADMINISTRATIVE
26 ENFORCEMENT OF ORDERS.

27 1. A party seeking to enforce a support order or an
28 income-withholding order, or both, issued by a tribunal of
29 another state may send the documents required for registering
30 the order to a support enforcement agency of this state.

31 2. Upon receipt of the documents, the support enforcement
32 agency, without initially seeking to register the order, shall
33 consider and, if appropriate, use any administrative procedure
34 authorized by the law of this state to enforce a support order
35 or an income-withholding order, or both. If the obligor does

1 not contest administrative enforcement, the order need not be
2 registered. If the obligor contests the validity or
3 administrative enforcement of the order, the support
4 enforcement agency shall register the order pursuant to this
5 chapter.

6 ARTICLE 6

7 ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER

8 AFTER REGISTRATION

9 PART 1

10 REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

11 Sec. 159. NEW SECTION. 252K.601 REGISTRATION OF ORDER
12 FOR ENFORCEMENT.

13 A support order or an income-withholding order issued by a
14 tribunal of another state may be registered in this state for
15 enforcement.

16 Sec. 160. NEW SECTION. 252K.602 PROCEDURE TO REGISTER
17 ORDER FOR ENFORCEMENT.

18 1. A support order or income-withholding order of another
19 state may be registered in this state by sending the following
20 documents and information to the appropriate tribunal in this
21 state:

22 a. A letter of transmittal to the tribunal requesting
23 registration and enforcement.

24 b. Two copies, including one certified copy, of all orders
25 to be registered, including any modification of an order.

26 c. A sworn statement by the party seeking registration or
27 a certified statement by the custodian of the records showing
28 the amount of any arrearage.

29 d. The name of the obligor and, if known:

30 (1) The obligor's address and social security number.

31 (2) The name and address of the obligor's employer and any
32 other source of income of the obligor.

33 (3) A description and the location of property of the
34 obligor in this state not exempt from execution.

35 e. The name and address of the obligee and, if applicable,

1 the agency or person to whom support payments are to be
2 remitted.

3 2. On receipt of a request for registration, the
4 registering tribunal shall cause the order to be filed as a
5 foreign judgment, together with one copy of the documents and
6 information, regardless of their form.

7 3. A petition or comparable pleading seeking a remedy that
8 must be affirmatively sought under other law of this state may
9 be filed at the same time as the request for registration or
10 later. The pleading must specify the grounds for the remedy
11 sought.

12 Sec. 161. NEW SECTION. 252K.603 EFFECT OF REGISTRATION
13 FOR ENFORCEMENT.

14 1. A support order or income-withholding order issued in
15 another state is registered when the order is filed in the
16 registering tribunal of this state.

17 2. A registered order issued in another state is
18 enforceable in the same manner and is subject to the same
19 procedures as an order issued by a tribunal of this state.

20 3. Except as otherwise provided in this Article, a
21 tribunal of this state shall recognize and enforce, but may
22 not modify, a registered order if the issuing tribunal had
23 jurisdiction.

24 Sec. 162. NEW SECTION. 252K.604 CHOICE OF LAW.

25 1. The law of the issuing state governs the nature,
26 extent, amount, and duration of current payments and other
27 obligations of support and the payment of arrearages under the
28 order.

29 2. In a proceeding for arrearages, the statute of
30 limitation under the laws of this state or of the issuing
31 state, whichever is longer, applies.

32 PART 2
33 CONTEST OF VALIDITY OR ENFORCEMENT

34 Sec. 163. NEW SECTION. 252K.605 NOTICE OF REGISTRATION
35 OF ORDER.

1 1. When a support order or income-withholding order issued
2 in another state is registered, the registering tribunal shall
3 notify the nonregistering party. The notice must be
4 accompanied by a copy of the registered order and the
5 documents and relevant information accompanying the order.

6 2. The notice must inform the nonregistering party:
7 a. That a registered order is enforceable as of the date
8 of registration in the same manner as an order issued by a
9 tribunal of this state.

10 b. That a hearing to contest the validity or enforcement
11 of the registered order must be requested within twenty days
12 after the date of mailing or personal service of the notice.

13 c. That failure to contest the validity or enforcement of
14 the registered order in a timely manner will result in
15 confirmation of the order and enforcement of the order and the
16 alleged arrearages and precludes further contest of that order
17 with respect to any matter that could have been asserted.

18 d. Of the amount of any alleged arrearages.

19 3. Upon registration of an income-withholding order for
20 enforcement, the registering tribunal shall notify the
21 obligor's employer pursuant to the income-withholding law of
22 this state.

23 Sec. 164. NEW SECTION. 252K.606 PROCEDURE TO CONTEST
24 VALIDITY OR ENFORCEMENT OF REGISTERED ORDER.

25 1. A nonregistering party seeking to contest the validity
26 or enforcement of a registered order in this state shall
27 request a hearing within twenty days after the date of mailing
28 or personal service of notice of the registration. The
29 nonregistering party may seek to vacate the registration, to
30 assert any defense to an allegation of noncompliance with the
31 registered order, or to contest the remedies being sought or
32 the amount of any alleged arrearages pursuant to section
33 252K.607.

34 2. If the nonregistering party fails to contest the
35 validity or enforcement of the registered order in a timely

1 manner, the order is confirmed by operation of law.

2 3. If a nonregistering party requests a hearing to contest
3 the validity or enforcement of the registered order, the
4 registering tribunal shall schedule the matter for hearing and
5 give notice to the parties of the date, time, and place of the
6 hearing.

7 Sec. 165. NEW SECTION. 252K.607 CONTEST OF REGISTRATION
8 OR ENFORCEMENT.

9 1. A party contesting the validity or enforcement of a
10 registered order or seeking to vacate the registration has the
11 burden of proving one or more of the following defenses:

12 a. The issuing tribunal lacked personal jurisdiction over
13 the contesting party.

14 b. The order was obtained by fraud.

15 c. The order has been vacated, suspended, or modified by a
16 later order.

17 d. The issuing tribunal has stayed the order pending
18 appeal.

19 e. There is a defense under the law of this state to the
20 remedy sought.

21 f. Full or partial payment has been made.

22 g. The statute of limitation under section 252K.604
23 precludes enforcement of some or all of the arrearages.

24 2. If a party presents evidence establishing a full or
25 partial defense under subsection 1, a tribunal may stay
26 enforcement of the registered order, continue the proceeding
27 to permit production of additional relevant evidence, and
28 issue other appropriate orders. An uncontested portion of the
29 registered order may be enforced by all remedies available
30 under the law of this state.

31 3. If the contesting party does not establish a defense
32 under subsection 1 to the validity or enforcement of the
33 order, the registering tribunal shall issue an order
34 confirming the order.

35 Sec. 166. NEW SECTION. 252K.608 CONFIRMED ORDER.

1 Confirmation of a registered order, whether by operation of
2 law or after notice and hearing, precludes further contest of
3 the order with respect to any matter that could have been
4 asserted at the time of registration.

5 PART 3

6 REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER

7 Sec. 167. NEW SECTION. 252K.609 PROCEDURE TO REGISTER
8 CHILD-SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION.

9 A party or support enforcement agency seeking to modify, or
10 to modify and enforce, a child-support order issued in another
11 state shall register that order in this state in the same
12 manner provided in Part 1 if the order has not been
13 registered. A petition for modification may be filed at the
14 same time as a request for registration, or later. The
15 pleading must specify the grounds for modification.

16 Sec. 168. NEW SECTION. 252K.610 EFFECT OF REGISTRATION
17 FOR MODIFICATION.

18 A tribunal of this state may enforce a child-support order
19 of another state registered for purposes of modification, in
20 the same manner as if the order had been issued by a tribunal
21 of this state, but the registered order may be modified only
22 if the requirements of section 252K.611 have been met.

23 Sec. 169. NEW SECTION. 252K.611 MODIFICATION OF CHILD-
24 SUPPORT ORDER OF ANOTHER STATE.

25 1. After a child-support order issued in another state has
26 been registered in this state, the responding tribunal of this
27 state may modify that order only if section 252K.613 does not
28 apply and after notice and hearing it finds that paragraph "a"
29 or "b" applies:

30 a. The following requirements are met:

31 (1) The child, the individual obligee, and the obligor do
32 not reside in the issuing state.

33 (2) A movant who is a nonresident of this state seeks
34 modification.

35 (3) The respondent is subject to the personal jurisdiction

1 of the tribunal of this state.

2 b. The child, or a party who is an individual, is subject
3 to the personal jurisdiction of the tribunal of this state and
4 all of the parties who are individuals have filed written
5 consents in the issuing tribunal for a tribunal of this state
6 to modify the support order and assume continuing, exclusive
7 jurisdiction over the order. However, if the issuing state is
8 a foreign jurisdiction that has not enacted a law or
9 established procedures substantially similar to the procedures
10 under this chapter, the consent otherwise required of an
11 individual residing in this state is not required for the
12 tribunal to assume jurisdiction to modify the child-support
13 order.

14 2. Modification of a registered child-support order is
15 subject to the same requirements, procedures, and defenses
16 that apply to the modification of an order issued by a
17 tribunal of this state and the order may be enforced and
18 satisfied in the same manner.

19 3. A tribunal of this state may not modify any aspect of a
20 child-support order that may not be modified under the law of
21 the issuing state. If two or more tribunals have issued
22 child-support orders for the same obligor and child, the order
23 that controls and must be so recognized under section 252K.207
24 establishes the aspects of the support order which are
25 nonmodifiable.

26 4. On issuance of an order modifying a child-support order
27 issued in another state, a tribunal of this state becomes the
28 tribunal having continuing, exclusive jurisdiction.

29 Sec. 170. NEW SECTION. 252K.612 RECOGNITION OF ORDER
30 MODIFIED IN ANOTHER STATE.

31 A tribunal of this state shall recognize a modification of
32 its earlier child-support order by a tribunal of another state
33 which assumed jurisdiction pursuant to this chapter or a law
34 substantially similar to this chapter and, upon request,
35 except as otherwise provided in this chapter, shall:

1 1. Enforce the order that was modified only as to amounts
2 accruing before the modification.

3 2. Enforce only nonmodifiable aspects of that order.

4 3. Provide other appropriate relief only for violations of
5 the order which occurred before the effective date of the
6 modification.

7 4. Recognize the modifying order of the other state, upon
8 registration, for the purpose of enforcement.

9 Sec. 171. NEW SECTION. 252K.613 JURISDICTION TO MODIFY
10 CHILD-SUPPORT ORDER OF ANOTHER STATE WHEN INDIVIDUAL PARTIES
11 RESIDE IN THIS STATE.

12 1. If all of the parties who are individuals reside in
13 this state and the child does not reside in the issuing state,
14 a tribunal of this state has jurisdiction to enforce and to
15 modify the issuing state's child-support order in a proceeding
16 to register that order.

17 2. A tribunal of this state exercising jurisdiction under
18 this section shall apply the provisions of Articles 1 and 2,
19 this Article, and the procedural and substantive law of this
20 state to the proceeding for enforcement or modification.
21 Articles 3, 4, 5, 7, and 8 do not apply.

22 Sec. 172. NEW SECTION. 252K.614 NOTICE TO ISSUING
23 TRIBUNAL OF MODIFICATION.

24 Within thirty days after issuance of a modified child-
25 support order, the party obtaining the modification shall file
26 a certified copy of the order with the issuing tribunal that
27 had continuing, exclusive jurisdiction over the earlier order,
28 and in each tribunal in which the party knows the earlier
29 order has been registered. A party who obtains the order and
30 fails to file a certified copy is subject to appropriate
31 sanctions by a tribunal in which the issue of failure to file
32 arises. The failure to file does not affect the validity or
33 enforceability of the modified order of the new tribunal
34 having continuing, exclusive jurisdiction.

35

ARTICLE 7

1 DETERMINATION OF PARENTAGE

2 Sec. 173. NEW SECTION. 252K.701 PROCEEDING TO DETERMINE
3 PARENTAGE.

4 1. A tribunal of this state may serve as an initiating or
5 responding tribunal in a proceeding brought under this chapter
6 or a law or procedure substantially similar to this chapter,
7 the Uniform Reciprocal Enforcement of Support Act, or the
8 Revised Uniform Reciprocal Enforcement of Support Act to
9 determine that the petitioner is a parent of a particular
10 child or to determine that a respondent is a parent of that
11 child.

12 2. In a proceeding to determine parentage, a responding
13 tribunal of this state shall apply the procedural and
14 substantive laws pursuant to chapters 252A and 252F, and the
15 rules of this state on choice of law.

16 ARTICLE 8

17 INTERSTATE RENDITION

18 Sec. 174. NEW SECTION. 252K.801 GROUNDS FOR RENDITION.

19 1. For purposes of this Article, "governor" includes an
20 individual performing the functions of governor or the
21 executive authority of a state covered by this chapter.

22 2. The governor of this state may:

23 a. Demand that the governor of another state surrender an
24 individual found in the other state who is charged criminally
25 in this state with having failed to provide for the support of
26 an obligee.

27 b. On the demand by the governor of another state,
28 surrender an individual found in this state who is charged
29 criminally in the other state with having failed to provide
30 for the support of an obligee.

31 3. A provision for extradition of individuals not
32 inconsistent with this chapter applies to the demand even if
33 the individual whose surrender is demanded was not in the
34 demanding state when the crime was allegedly committed and has
35 not fled therefrom.

1 Sec. 175. NEW SECTION. 252K.802 CONDITIONS OF RENDITION.

2 1. Before making demand that the governor of another state
3 surrender an individual charged criminally in this state with
4 having failed to provide for the support of an obligee, the
5 governor of this state may require a prosecutor of this state
6 to demonstrate that at least sixty days previously the obligee
7 had initiated proceedings for support pursuant to this chapter
8 or that the proceeding would be of no avail.

9 2. If, under this chapter, or a law substantially similar
10 to this chapter, the Uniform Reciprocal Enforcement of Support
11 Act, or the Revised Uniform Reciprocal Enforcement of Support
12 Act, the governor of another state makes a demand that the
13 governor of this state surrender an individual charged
14 criminally in that state with having failed to provide for the
15 support of a child or other individual to whom a duty of
16 support is owed, the governor may require a prosecutor to
17 investigate the demand and report whether a proceeding for
18 support has been initiated or would be effective. If it
19 appears that a proceeding would be effective but has not been
20 initiated, the governor may delay honoring the demand for a
21 reasonable time to permit the initiation of a proceeding.

22 3. If a proceeding for support has been initiated and the
23 individual whose rendition is demanded prevails, the governor
24 may decline to honor the demand. If the movant prevails and
25 the individual whose rendition is demanded is subject to a
26 support order, the governor may decline to honor the demand if
27 the individual is complying with the support order.

28

ARTICLE 9

29

MISCELLANEOUS PROVISIONS

30 Sec. 176. NEW SECTION. 252K.901 UNIFORMITY OF
31 APPLICATION AND CONSTRUCTION.

32 This chapter shall be applied and construed to effectuate
33 its general purpose to make uniform the law with respect to
34 the subject of this chapter among states enacting it.

35 Sec. 177. NEW SECTION. 252K.902 SHORT TITLE.

1 This chapter may be cited as the Uniform Interstate Family
2 Support Act.

3 Sec. 178. NEW SECTION. 252K.903 SEVERABILITY CLAUSE.

4 If any provision of this chapter or its application to any
5 person or circumstance is held invalid, the invalidity does
6 not affect other provisions or application of this chapter
7 which can be given effect without the invalid provision or
8 application, and to this end the provisions of this chapter
9 are severable.

10 Sec. 179. NEW SECTION. 252K.904 EFFECTIVE DATE --
11 PENDING MATTERS.

12 1. This chapter takes effect January 1, 1998.

13 2. A tribunal of this state shall apply this chapter
14 beginning January 1, 1998, with the following conditions:

15 a. Matters pending on January 1, 1998, shall be governed
16 by this chapter.

17 b. Pleadings and accompanying documents on pending matters
18 are sufficient if the documents substantially comply with the
19 requirements of chapter 252A in effect on December 31, 1997.

20 DIVISION XII

21 Sec. 180. Section 598.1, subsections 1, 3, and 5, Code
22 1997, are amended to read as follows:

23 1. "Best interest of the child" includes, but is not
24 limited to, the opportunity for the maximum possible
25 continuous physical and emotional ~~contact-possible-with~~ access
26 by the child to both parents, unless direct physical or
27 significant emotional harm to the child may result from this
28 contact access. Refusal by one parent to provide this
29 opportunity access by the child to the other parent without
30 just cause shall be considered harmful to the best interest of
31 the child.

32 3. "Joint custody" or "joint legal custody" means an award
33 of legal custody of a minor child to both parents jointly
34 under which both parents have legal custodial rights and
35 responsibilities toward the child and under which neither

1 parent has legal custodial rights superior to those of the
2 other parent. The court may award physical care to one parent
3 only. Rights and responsibilities of joint legal custody
4 include, but are not limited to, equal participation in
5 decisions affecting the child's legal status, medical care,
6 education, extracurricular activities, third-party child care,
7 and religious instruction.

8 5. "Physical care" means the right and responsibility to
9 maintain the principal a home of for the minor child and
10 provide for the routine care of the child.

11 Sec. 181. Section 598.1, Code 1997, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 3A. "Joint physical care" means an award
14 of physical care of a minor child to both joint legal
15 custodial parents under which both parents have rights and
16 responsibilities toward the child including, but not limited
17 to, shared parenting time with the child, maintaining homes
18 for the child, providing routine care for the child and under
19 which neither parent has physical care rights superior to
20 those of the other parent.

21 NEW SUBSECTION. 3B. "Legal custody" or "custody" means an
22 award of the rights of legal custody of a minor child to a
23 parent under which a parent has legal custodial rights and
24 responsibilities toward the child. Rights and
25 responsibilities of legal custody include, but are not limited
26 to, decision making affecting the child's legal status,
27 medical care, education, extracurricular activities, third-
28 party child care, and religious instruction.

29 Sec. 182. Section 598.1, Code 1997, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 5A. "Postsecondary education subsidy"
32 means an amount which either of the parties may be required to
33 pay under a temporary order or final judgment or decree for
34 educational expenses of a child who is between the ages of
35 eighteen and twenty-two years if the child is regularly

1 attending a course of vocational-technical training either as
2 a part of a regular school program or under special
3 arrangements adapted to the individual person's needs; or is,
4 in good faith, a full-time student in a college, university,
5 or community college; or has been accepted for admission to a
6 college, university, or community college and the next regular
7 term has not yet begun.

8 Sec. 183. Section 598.1, subsection 6, Code 1997, is
9 amended to read as follows:

10 6. "Support" or "support payments" means an amount which
11 the court may require either of the parties to pay under a
12 temporary order or a final judgment or decree, and may include
13 alimony, child support, maintenance, and any other term used
14 to describe these obligations. For orders entered on or after
15 July 1, 1990, unless the court specifically orders otherwise,
16 medical support is not included in the monetary amount of
17 child support. The obligations may shall include support for
18 a child who is between the ages of eighteen and ~~twenty-two~~
19 ~~nineteen~~ years who is ~~regularly-attending-an-accredited-school~~
20 ~~in-pursuance-of-a-course-of-study-leading-to-a-high-school~~
21 ~~diploma-or-its-equivalent,-or-regularly-attending-a-course-of~~
22 ~~vocational-technical-training-either-as-a-part-of-a-regular~~
23 ~~school-program-or-under-special-arrangements-adapted-to-the~~
24 ~~individual-person's-needs,-or-is,-in-good-faith,-a-full-time~~
25 ~~student-in-a-college,-university,-or-community-college,-or-has~~
26 ~~been-accepted-for-admission-to-a-college,-university,-or~~
27 ~~community-college-and-the-next-regular-term-has-not-yet-begun,-~~
28 or engaged full-time in completing high school graduation or
29 equivalency requirements in a manner which is reasonably
30 expected to result in completion of the requirements prior to
31 the person reaching nineteen years of age; and may include
32 support for a child of any age who is dependent on the parties
33 to the dissolution proceedings because of physical or mental
34 disability.

35 Sec. 184. Section 598.5, subsection 5, Code 1997, is

1 amended to read as follows:

2 5. State whether or not a separate action for dissolution
3 of marriage or child support has been commenced ~~by the~~
4 ~~respondent~~ and whether such action is pending in any court in
5 this state or elsewhere. State whether the entry of an order
6 would violate 28 U.S.C. § 1738B. If there is an existing
7 child support order, the party shall disclose identifying
8 information regarding the order.

9 Sec. 185. NEW SECTION. 598.14A RETROACTIVE MODIFICATION
10 OF TEMPORARY SUPPORT ORDER.

11 An order for temporary support may be retroactively
12 modified only from three months after notice of hearing for
13 temporary support pursuant to section 598.11 or from three
14 months after notice of hearing for modification of a temporary
15 order for support pursuant to section 598.14. The three-month
16 limitation applies to modification actions pending on or after
17 July 1, 1997.

18 Sec. 186. Section 598.21, subsection 4, paragraph a, Code
19 1997, is amended to read as follows:

20 a. Upon Unless prohibited pursuant to 28 U.S.C. § 1738B,
21 upon every judgment of annulment, dissolution, or separate
22 maintenance, the court may order either parent or both parents
23 to pay an amount reasonable and necessary for supporting a
24 child. In establishing the amount of support, consideration
25 shall be given to the responsibility of both parents to
26 support and provide for the welfare of the minor child and of
27 a child's need, whenever practicable, for a close relationship
28 with both parents. There shall be a rebuttable presumption
29 that the amount of child support which would result from the
30 application of the guidelines prescribed by the supreme court
31 is the correct amount of child support to be awarded. A
32 variation from the guidelines shall not be considered by a
33 court without a record or written finding, based on stated
34 reasons, that the guidelines would be unjust or inappropriate
35 as determined under the criteria prescribed by the supreme

1 court.

2 The court shall order as child medical support a health
3 benefit plan as defined in chapter 252E if available to either
4 parent at a reasonable cost. A health benefit plan is
5 considered reasonable in cost if it is employment-related or
6 other group health insurance, regardless of the service
7 delivery mechanism. The premium cost of the health benefit
8 plan may be considered by the court as a reason for varying
9 from the child support guidelines. If a health benefit plan
10 is not available at a reasonable cost, the court may order any
11 other provisions for medical support as defined in chapter
12 252E.

13 Sec. 187. Section 598.21, subsection 4A, paragraph c, Code
14 1997, is amended to read as follows:

15 c. Notwithstanding paragraph "a", in a pending dissolution
16 action under this chapter, a prior determination of paternity
17 by operation of law through the marriage of the established
18 father and mother of the child may be overcome under this
19 chapter if the following conditions are met:

20 {1}--The established father and mother of the child file a
21 written statement with the court that both parties agree that
22 the established father is not the biological father of the
23 child.

24 {2}--The court finds that it is in the best interest of the
25 child to overcome the established paternity. In determining
26 the best interest of the child, the court shall consider the
27 criteria provided in section 600B:41A, subsection 3, paragraph
28 "g".

29 Sec. 188. Section 598.21, Code 1997, is amended by adding
30 the following new subsections:

31 NEW SUBSECTION. 5A. The court shall order a postsecondary
32 education subsidy if mutually agreed to in writing by the
33 parties.

34 NEW SUBSECTION. 8A. If a parent awarded joint legal
35 custody and physical care or sole legal custody is relocating

1 the residence of the minor child to a location which is less
2 than one hundred fifty miles from the residence of the minor
3 child at the time that custody was awarded, the court may
4 consider the relocation as a factor in determining whether to
5 grant an application for modification of a decree or a
6 petition for modification of an order regarding the custody
7 arrangements. If a parent awarded joint legal custody and
8 physical care or sole legal custody is relocating the
9 residence of the minor child to a location which is one
10 hundred fifty miles or more from the residence of the minor
11 child at the time that custody was awarded, the relocation
12 shall be considered a substantial change in circumstances and
13 the court shall modify the custody order to, at a minimum,
14 preserve, as nearly as possible, the existing relationship
15 between the minor child and the nonrelocating parent. If
16 modified, the order may include a provision for extended
17 visitation during summer vacations and school breaks and
18 scheduled telephone contact between the nonrelocating parent
19 and the minor child. The modification may include a provision
20 assigning the responsibility for transportation of the minor
21 child for visitation purposes to either or both parents. If
22 the court makes a finding of past interference by the parent
23 awarded joint legal custody and physical care or sole legal
24 custody with the minor child's access to the other parent, the
25 court may order the posting of a cash bond to assure future
26 compliance with the visitation provisions of the decree. The
27 supreme court shall prescribe guidelines for the forfeiting of
28 the bond and restoration of the bond following forfeiting of
29 the bond.

30 Sec. 189. Section 598.21, subsection 8, unnumbered
31 paragraphs 2 and 3, Code 1997, are amended to read as follows:
32 A Unless otherwise provided pursuant to 28 U.S.C. § 1738B,
33 a modification of a support order entered under chapter 234,
34 252A, 252C, 600B, this chapter, or any other support chapter
35 or proceeding between parties to the order is void unless the

1 modification is approved by the court, after proper notice and
2 opportunity to be heard is given to all parties to the order,
3 and entered as an order of the court. If support payments
4 have been assigned to the department of human services
5 pursuant to section 234.39, 239.3, or 252E.11, or if services
6 are being provided pursuant to chapter 252B, the department
7 ~~shall be considered~~ is a party to the support order.

8 Modifications of orders pertaining to child custody shall be
9 made pursuant to chapter 598A. If the petition for a
10 modification of an order pertaining to child custody asks
11 either for joint custody or that joint custody be modified to
12 an award of sole custody, the modification, if any, shall be
13 made pursuant to section 598.41.

14 Judgments for child support or child support awards entered
15 pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B,
16 or any other chapter of the Code which are subject to a
17 modification proceeding may be retroactively modified only
18 from three months after the date the notice of the pending
19 petition for modification is served on the opposing party.
20 The three-month limitation applies to a modification action
21 pending on or after July 1, 1997. The prohibition of
22 retroactive modification does not bar the child support
23 recovery unit from obtaining orders for accrued support for
24 previous time periods. Any retroactive modification which
25 increases the amount of child support or any order for accrued
26 support under this paragraph shall include a periodic payment
27 plan. A retroactive modification shall not be regarded as a
28 delinquency unless there are subsequent failures to make
29 payments in accordance with the periodic payment plan.

30 Sec. 190. Section 598.21, subsection 9, unnumbered
31 paragraph 2, Code 1997, is amended to read as follows:

32 This basis for modification is applicable to petitions
33 filed on or after July 1, 1992, notwithstanding whether the
34 guidelines prescribed by subsection 4 were used in
35 establishing the current amount of support. Upon application

1 for a modification of an order for child support for which
2 services are being received pursuant to chapter 252B, the
3 court shall set the amount of child support based upon the
4 most current child support guidelines established pursuant to
5 subsection 4, including provisions for medical support
6 pursuant to chapter 252E. The child support recovery unit
7 shall, in submitting an application for modification, or
8 adjustment, or alteration of an order for support, employ
9 additional criteria and procedures as provided in chapter 252H
10 and as established by rule.

11 Sec. 191. Section 598.21, subsection 10, Code 1997, is
12 amended to read as follows:

13 10. Notwithstanding any other provision of law to the
14 contrary, when an application for modification or adjustment
15 of support is submitted by the child support recovery unit,
16 the sole issues which may be considered by the court in that
17 action are the application of the guidelines in establishing
18 the amount of support pursuant to subsection 4, and provision
19 for medical support under chapter 252E. When an application
20 for a cost-of-living alteration of support is submitted by the
21 child support recovery unit pursuant to section 252H.24, the
22 sole issue which may be considered by the court in the action
23 is the application of the cost-of-living alteration in
24 establishing the amount of child support. Issues related to
25 custody, visitation, or other provisions unrelated to support
26 shall be considered only under a separate application for
27 modification.

28 Sec. 192. Section 598.22, Code 1997, is amended to read as
29 follows:

30 598.22 SUPPORT PAYMENTS -- CLERK OF COURT -- COLLECTION
31 SERVICES CENTER -- DEFAULTS -- SECURITY.

32 Except as otherwise provided in section 598.22A, this
33 section applies to all initial or modified orders for support
34 entered under this chapter, chapter 234, 252A, 252C, 252F,
35 600B, or any other chapter of the Code. All orders or

1 judgments entered under chapter 234, 252A, 252C, 252F, or
2 600B, or under this chapter or any other chapter which provide
3 for temporary or permanent support payments shall direct the
4 payment of those sums to the clerk of the district court or
5 the collection services center in accordance with section
6 252B.14 for the use of the person for whom the payments have
7 been awarded. Payments to persons other than the clerk of the
8 district court and the collection services center do not
9 satisfy the support obligations created by the orders or
10 judgments, except as provided for trusts governed by the
11 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
12 tax refunds or rebates in section 602.8102, subsection 47, or
13 for dependent benefits paid to the child support obligee as
14 the result of disability benefits awarded to the child support
15 obligor under the federal Social Security Act. For trusts
16 governed by the federal Retirement Equity Act of 1984, Pub. L.
17 No. 98-397, the assignment-of order for income withholding or
18 notice of the order for income withholding shall require the
19 payment of such sums to the alternate payee in accordance with
20 the federal Act.

21 ~~Upon a finding of previous failure to pay child support,~~
22 ~~the court may order the person obligated for permanent child~~
23 ~~support to make an assignment of periodic earnings or trust~~
24 ~~income to the clerk of court or the collection services center~~
25 ~~established pursuant to section 252B.13A for the use of the~~
26 ~~person for whom the assignment is ordered. The assignment of~~
27 ~~earnings ordered by the court shall not exceed the amounts set~~
28 ~~forth in 15 U.S.C. § 1673(b) (1982). The assignment is binding~~
29 ~~on the employer, trustee, or other payor of the funds two~~
30 ~~weeks after service upon that person of notice that the~~
31 ~~assignment has been made. The payor shall withhold from the~~
32 ~~earnings or trust income payable to the person obligated the~~
33 ~~amount specified in the assignment and shall transmit the~~
34 ~~payments to the clerk or the collection services center, as~~
35 ~~appropriate.~~ An income withholding order or notice of the

1 order for income withholding shall be entered under the terms
2 and conditions of chapter 252D. However, for trusts governed
3 by the federal Retirement Equity Act of 1984, Pub. L. No. 98-
4 397, the payor shall transmit the payments to the alternate
5 payee in accordance with the federal Act. ~~The payer may~~
6 ~~deduct from each payment a sum not exceeding two dollars as a~~
7 ~~reimbursement for costs.--An employer who dismisses an~~
8 ~~employee due to the entry of an assignment order commits a~~
9 ~~simple misdemeanor.~~

10 ~~An assignment of periodic income may also be entered under~~
11 ~~the terms and conditions of chapter 252B.~~

12 An order or judgment entered by the court for temporary or
13 permanent support or for an assignment income withholding
14 shall be filed with the clerk. The orders have the same force
15 and effect as judgments when entered in the judgment docket
16 and lien index and are records open to the public. The clerk
17 or the collection services center, as appropriate, shall
18 disburse the payments received pursuant to the orders or
19 judgments within two working days of the receipt of the
20 payments. All moneys received or disbursed under this section
21 shall be entered in records kept by the clerk, or the
22 collection services center, as appropriate, which shall be
23 available to the public. The clerk or the collection services
24 center shall not enter any moneys paid in the record book if
25 not paid directly to the clerk or the center, as appropriate,
26 except as provided for trusts and federal social security
27 disability payments in this section, and for tax refunds or
28 rebates in section 602.8102, subsection 47.

29 If the sums ordered to be paid in a support payment order
30 are not paid to the clerk or the collection services center,
31 as appropriate, at the time provided in the order or judgment,
32 the clerk or the collection services center, as appropriate,
33 shall certify a default to the court which may, on its own
34 motion, proceed as provided in section 598.23.

35 Prompt payment of sums required to be paid under sections

1 598.11 and 598.21 is the essence of such orders or judgments
2 and the court may act pursuant to section 598.23 regardless of
3 whether the amounts in default are paid prior to the contempt
4 hearing.

5 Upon entry of an order for support or upon the failure of a
6 person to make payments pursuant to an order for support, the
7 court may require the person to provide security, a bond, or
8 other guarantee which the court determines is satisfactory to
9 secure the payment of the support. Upon the person's failure
10 to pay the support under the order, the court may declare the
11 security, bond, or other guarantee forfeited.

12 For the purpose of enforcement, medical support is
13 additional support which, upon being reduced to a dollar
14 amount, may be collected through the same remedies available
15 for the collection and enforcement of child support.

16 Sec. 193. NEW SECTION. 598.22B INFORMATION REQUIRED IN
17 ORDER OR JUDGMENT.

18 This section applies to all initial or modified orders for
19 paternity or support entered under this chapter, chapter 234,
20 252A, 252C, 252F, 252H, 252K, 600B, or under any other
21 chapter, and any subsequent order to enforce such support
22 orders.

23 1. All such orders or judgments shall direct each party to
24 file with the clerk of court or the child support recovery
25 unit, as appropriate, upon entry of the order, and to update
26 as appropriate, information on location and identity of the
27 party, including social security number, residential and
28 mailing addresses, telephone number, driver's license number,
29 and name, address, and telephone number of the party's
30 employer. The order shall also include a provision that the
31 information filed will be disclosed and used pursuant to this
32 section. The party shall file the information with the clerk
33 of court, or, if support payments are to be directed to the
34 collection services center as provided in sections 252B.14 and
35 252B.16, with the child support recovery unit.

1 2. All such orders or judgments shall include a statement
2 that in any subsequent child support action initiated by the
3 child support recovery unit or between the parties, upon
4 sufficient showing that diligent effort has been made to
5 ascertain the location of such a party, the unit or the court
6 may deem due process requirements for notice and service of
7 process to be met with respect to the party, upon delivery of
8 written notice to the most recent residential or employer
9 address filed with the clerk of court or unit pursuant to
10 subsection 1.

11 3. a. Information filed pursuant to subsection 1 shall
12 not be a public record.

13 b. Information filed with the clerk of court pursuant to
14 subsection 1 shall be available to the child support recovery
15 unit, upon request.

16 c. Information filed with the clerk of court shall be
17 available, upon request, to a party unless the party filing
18 the information also files an affidavit alleging the party has
19 reason to believe that release of the information may result
20 in physical or emotional harm to the affiant or child.

21 d. If the child support recovery unit is providing
22 services pursuant to chapter 252B, information filed with the
23 unit shall only be disclosed as provided in section 252B.9.

24 Sec. 194. Section 598.23, subsection 2, paragraph a, Code
25 1997, is amended by striking the paragraph and inserting in
26 lieu thereof the following:

27 a. Withholds income under the terms and conditions of
28 chapter 252D.

29 Sec. 195. Section 598.23, subsection 2, Code 1997, is
30 amended by adding the following new paragraphs:

31 NEW PARAGRAPH. c. Directs the parties to provide access
32 to the child through a neutral party or neutral site or
33 center.

34 NEW PARAGRAPH. d. Imposes sanctions or specific
35 requirements or orders the parties to participate in mediation

1 to enforce the joint custody provisions of the decree.

2 Sec. 196. Section 598.23, Code 1997, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 3. In addition to the provisions for
5 punishment for contempt under this section, if the court finds
6 a person in contempt for failing to comply with the visitation
7 provisions of an order or decree without good cause, the court
8 may enjoin the contemnor from engaging in the activity
9 governed by a license to operate a motor vehicle through
10 suspension or revocation of the license and may impose
11 conditions for reinstatement of the license.

12 Sec. 197. Section 598.34, Code 1997, is amended to read as
13 follows:

14 598.34 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF
15 SUPPORT PAYMENTS.

16 ~~A person entitled to periodic support payments pursuant to~~
17 ~~an order or judgment entered in an action for dissolution of~~
18 ~~marriage, who is also a recipient of public assistance, is~~
19 ~~deemed to have assigned the person's rights to the support~~
20 ~~payments, to the extent of public assistance received by the~~
21 ~~person, to the department of human services. If public~~
22 assistance is provided by the department of human services to
23 or on behalf of a dependent child or a dependent child's
24 caretaker, there is an assignment by operation of law to the
25 department of any and all rights in, title to, and interest in
26 any support obligation, payment, and arrearages owed to or for
27 the child or caretaker not to exceed the amount of public
28 assistance paid for or on behalf of the child or caretaker.

29 The department shall immediately notify the clerk of court by
30 mail when ~~a person entitled to support payments~~ such a child
31 or caretaker has been determined to be eligible for public
32 assistance. Upon notification by the department ~~that a person~~
33 ~~entitled to periodic support payments pursuant to this chapter~~
34 ~~is receiving public assistance~~, the clerk of court shall make
35 a notation of the automatic assignment in the judgment docket

1 and lien index. The notation constitutes constructive notice
2 of the assignment. For public assistance approved and
3 provided on or after July 1, 1997, if the applicant for public
4 assistance is a person other than a parent of the child, the
5 department shall send a notice by regular mail to the last
6 known addresses of the obligee and obligor. The clerk of
7 court shall forward support payments received pursuant to
8 section 598.22, to which the department is entitled, to the
9 department, which may secure support payments in default
10 through other proceedings provided-for-in-chapter-252A-or
11 section-598-24.

12 The clerk shall furnish the department with copies of all
13 orders or decrees awarding and temporary or domestic abuse
14 orders addressing support te-parties-having-custody-of-minor
15 children when the parties are receiving public assistance or
16 services are otherwise provided by the child support recovery
17 unit pursuant to chapter 252B. Unless otherwise specified in
18 the order, an equal and proportionate share of any child
19 support awarded shall be presumed to be payable on behalf of
20 each child subject to the order or judgment for purposes of an
21 assignment under this section.

* 22 Sec. 198. Section 598.41, subsection 1, paragraphs a and
23 c, Code 1997, are amended to read as follows:

24 a. The court, insofar as is reasonable and in the best
25 interest of the child, shall order the custody award,
26 including liberal visitation rights where appropriate, which
27 will assure the child the opportunity for the maximum possible
28 continuing physical and emotional contact-with access to both
29 parents after the parents have separated or dissolved the
30 marriage, and which will encourage parents to share the rights
31 and responsibilities of raising the child unless direct
32 physical harm or significant emotional harm to the child,
33 other children, or a parent is likely to result from such
34 contact-with access to one parent.

35 c. The court shall consider the denial by one parent of

1 the child's opportunity-for right to the maximum possible
2 continuing contact-with access to the other parent, without
3 just cause, a significant factor in determining the proper
4 custody arrangement. Just cause may include a determination
5 by the court pursuant to subsection 3, paragraph "j", that a
6 history of domestic abuse exists between the parents.

7 Sec. 199. Section 598.41, subsection 3, paragraph b, Code
8 1997, is amended to read as follows:

9 b. Whether the psychological and emotional needs and
10 development of the child will suffer due to lack of active
11 contact-with access to and attention from both parents.

12 Sec. 200. Section 598.41, subsections 5 and 6, Code 1997,
13 are amended to read as follows:

14 5. ~~Joint-legal-custody-does-not-require-joint-physical~~
15 ~~care.~~ When the court determines such action would ~~be-in-the~~
16 ~~best interest-of~~ preserve the relationship between each parent
17 ~~and the child,~~ joint physical care may be given awarded to
18 ~~both joint custodial parents or physical care may be awarded~~
19 ~~to one joint custodial parent and-not-to-the-other.~~ If one
20 ~~joint custodial parent is awarded physical care, the court~~
21 ~~shall-hold-that~~ parent responsible for providing ~~for-the-best~~
22 ~~interest-of~~ physical care shall support the other parent's
23 ~~relationship with the child. However,~~ physical Physical care
24 ~~given awarded~~ to one parent does not affect the other parent's
25 rights and responsibilities as a joint legal custodian of the
26 child. Rights and responsibilities as joint legal custodian
27 of the child include, but are not limited to, equal
28 participation in decisions affecting the child's legal status,
29 medical care, education, extracurricular activities, third-
30 party child care, and religious instruction.

31 6. When the a parent awarded legal custody or physical
32 care of the a child cannot act as custodian or caretaker
33 because the parent has died or has been judicially adjudged
34 incompetent, the court shall award legal custody including
35 physical care of the child to the surviving parent unless the

1 court finds that such an award is not in the child's best
2 interest.

3 Sec. 201. EFFECTIVE DATE. Sections 180, 181, 198, 199,
4 and 200 of this Division XII, being deemed of immediate
5 importance, are effective upon enactment.

6 DIVISION XIII

7 Sec. 202. NEW SECTION. 252B.22 STATEWIDE SUPPORT LIEN
8 INDEX.

9 1. The child support recovery unit created in chapter 252B
10 shall establish a task force to assist in the development of a
11 plan for a statewide support lien index. The unit, in
12 consultation with the task force, may recommend additional
13 statutory changes to the general assembly by January 1, 1999,
14 to facilitate implementation of a statewide index.

15 2. The plan shall provide for an index pertaining to any
16 person against whom a support judgment is entered, registered,
17 or otherwise filed with a court in this state, against whom
18 the unit is enforcing a support judgment, or against whom an
19 interstate lien form promulgated by the United States
20 secretary of health and human services is filed. The plan
21 shall also provide for implementation and administration of an
22 automated statewide support lien index, access to at least one
23 location in every county, and the development of procedures to
24 periodically update the lien information.

25 3. Members of the task force may include, but shall not be
26 limited to, representatives, appointed by the respective
27 entity, of the Iowa land title association, the Iowa realtors'
28 association, the Iowa state bar association, the Iowa county
29 recorders' association, the Iowa clerks of court association,
30 the Iowa county treasurers' association, the Iowa automobile
31 dealers' association, department of revenue and finance, state
32 department of transportation, the office of the secretary of
33 state, the office of the state court administrator, and other
34 constituency groups and agencies which have an interest in a
35 statewide support lien index to the record liens.

1 Appointments are not subject to sections 69.16 and 69.16A.

2 Vacancies shall be filled by the original appointment

3 authority and in the manner of the original appointments.

4 Sec. 203. Section 624.23, Code 1997, is amended by adding

5 the following new subsection:

6 NEW SUBSECTION. 4. In addition to other provisions

7 relating to the attachment of liens, full faith and credit

8 shall be afforded to liens arising for overdue support due on

9 support judgments entered by a court or administrative agency

10 of another state on real estate in this state owned by the

11 obligor, for the period of ten years from the date of the

12 judgment. Notwithstanding any other provisions of law,

13 including but not limited to, the formatting of forms or

14 requirement of signatures, the lien attaches on the date that

15 a notice of interstate lien promulgated by the United States

16 secretary of health and human services is filed with the clerk

17 of district court in the county where the real estate is

18 located.

19 The lien shall apply only prospectively as of the date of

20 attachment to all real estate the obligor may subsequently

21 acquire and does not retroactively apply to the chain of title

22 for any real estate that the obligor had disposed of prior to

23 the date of attachment.

24 Sec. 204. NEW SECTION. 624.24A LIENS OF SUPPORT

25 JUDGMENTS.

26 1. In addition to other provisions relating to the

27 attachment of liens, support judgments in the appellate or

28 district courts of this state, are liens upon the personal

29 property titled in this state and owned by the obligor at the

30 time of such rendition or subsequently acquired by the

31 obligor.

32 2. The lien shall attach from the date of the notation on

33 the title.

34 3. In addition to other provisions relating to the

35 attachment of liens, full faith and credit shall be afforded

1 to a lien arising for overdue support due on support judgments
2 entered by a court or administrative agency of another state
3 on personal property titled in this state and owned by the
4 obligor. In this state a lien attaches on the date that a
5 notice of interstate lien promulgated by the United States
6 secretary of health and human services is filed with the clerk
7 of district court in the county where the personal property is
8 titled and the lien is noted on the title.

9 The lien shall apply only prospectively as of the date of
10 attachment, shall attach to any titled personal property the
11 obligor may subsequently acquire, and does not retroactively
12 apply to the chain of title for any personal property that the
13 obligor had disposed of prior to the date of attachment.

14 DIVISION XIV

15 PART A

16 Sec. 205. Section 600B.9, Code 1997, is amended to read as
17 follows:

18 600B.9 TIME OF INSTITUTING PROCEEDINGS.

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

28 Sec. 206. Section 600B.18, Code 1997, is amended to read
29 as follows:

30 600B.18 METHOD OF TRIAL.

31 The trial shall be by ~~jury, if either party demands a jury,~~
32 ~~otherwise by~~ the court, and shall be conducted as in other
33 civil cases.

34 Sec. 207. Section 600B.23, Code 1997, is amended to read
35 as follows:

1 600B.23 COSTS PAYABLE BY COUNTY.

2 If the ~~verdict-of-the-jury-at-the-trial-or-the~~ finding of
3 the court be in favor of the defendant the costs of the action
4 shall be paid by the county.

5 Sec. 208. Section 600B.24, subsection 2, Code 1997, is
6 amended to read as follows:

7 2. Upon a finding ~~or-verdict~~ of paternity against the
8 defendant, the court shall enter a judgment against the
9 defendant declaring paternity and ordering support of the
10 child.

11 Sec. 209. Section 600B.25, Code 1997, is amended to read
12 as follows:

13 600B.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT ORDER --
14 EVIDENCE -- COSTS.

15 1. Upon a finding ~~or-verdict~~ of paternity pursuant to
16 section 600B.24, the court shall establish the father's
17 monthly support payment and the amount of the support debt
18 accrued or accruing pursuant to section 598.21, subsection 4,
19 until the child reaches majority or until the child finishes
20 high school, if after majority. The court may order the
21 father to pay amounts the court deems appropriate for the past
22 support and maintenance of the child and for the reasonable
23 and necessary expenses incurred by or for the mother in
24 connection with prenatal care, the birth of the child, and
25 postnatal care of the child and the mother, and other medical
26 support as defined in section 252E.1. The court may award the
27 prevailing party the reasonable costs of suit, including but
28 not limited to reasonable attorney fees.

29 2. A copy of a bill for the costs of prenatal care or the
30 birth of the child shall be admitted as evidence, without
31 requiring third-party foundation testimony, and shall
32 constitute prima facie evidence of amounts incurred.

33 Sec. 210. Section 600B.38, Code 1997, is amended to read
34 as follows:

35 600B.38 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF

1 SUPPORT PAYMENTS.

2 ~~A person entitled to periodic support payments pursuant to~~
3 ~~an order or judgment entered in a paternity action under this~~
4 ~~chapter, who is also a recipient of public assistance, is~~
5 ~~deemed to have assigned the person's rights to the support~~
6 ~~payments, to the extent of public assistance received by the~~
7 ~~person, to the department of human services. If public~~
8 assistance is provided by the department of human services to
9 or on behalf of a dependent child or a dependent child's
10 caretaker, there is an assignment by operation of law to the
11 department of any and all rights in, title to, and interest in
12 any support obligation, payment, and arrearages owed to or on
13 behalf of the child or caretaker, not to exceed the amount of
14 public assistance paid for or on behalf of the child or
15 caretaker. The department shall immediately notify the clerk
16 of court by mail when ~~a person entitled to support payments~~
17 such a child or caretaker has been determined to be eligible
18 for public assistance. Upon notification by the department
19 ~~that a person entitled to periodic support payments pursuant~~
20 ~~to this chapter is receiving public assistance,~~ the clerk of
21 court shall make a notation of the automatic assignment in the
22 judgment docket and lien index. The notation constitutes
23 constructive notice of the assignment. For public assistance
24 approved and provided on or after July 1, 1997, if the
25 applicant for public assistance is a person other than a
26 parent of the child, the department shall send notice by
27 regular mail to the last known addresses of the obligee and
28 obligor. The clerk of court shall forward support payments
29 received pursuant to section 600B.25, to which the department
30 is entitled, to the department, which may secure support
31 payments in default through other proceedings ~~prescribed in~~
32 ~~chapter 252A or section 600B.37.~~ The clerk shall furnish the
33 department with copies of all orders or decrees awarding and
34 temporary or domestic abuse orders addressing support to
35 ~~parties having custody of minor children~~ when the parties are

1 receiving public assistance or services are otherwise provided
2 by the child support recovery unit. Unless otherwise
3 specified in the order, an equal and proportionate share of
4 any child support awarded shall be presumed to be payable on
5 behalf of each child subject to the order or judgment for
6 purposes of an assignment under this section.

* 7 Sec. 211. Section 600B.41, subsections 2 and 4, Code 1997,
8 are amended to read as follows:

9 2. If a blood or genetic test is required, the court shall
10 direct that inherited characteristics be determined by
11 appropriate testing procedures, and shall appoint an expert
12 qualified as an examiner of genetic markers to analyze and
13 interpret the results and to report to the court. Appropriate
14 testing procedures shall include any genetic test generally
15 acknowledged as reliable by accreditation bodies designated by
16 the secretary of the United States department of health and
17 human services and which are performed by a laboratory
18 approved by such an accreditation body.

19 4. A verified expert's report shall be admitted at trial.
20 A copy of a bill for blood or genetic testing shall be
21 admitted as evidence, without requiring third-party foundation
22 testimony, and shall constitute prima facie evidence of
23 amounts incurred for blood or genetic testing.

24 Sec. 212. Section 600B.41, subsection 5, paragraph a,
25 unnumbered paragraph 1, Code 1997, is amended to read as
26 follows:

27 Test results which show a statistical probability of
28 paternity are admissible. To challenge the test results, a
29 party shall file a notice of the challenge, with the court,
30 within no later than twenty days of after the filing of the
31 expert's report with the clerk of the district court~~7-or7-if-a~~
32 ~~court-hearing-is-scheduled-to-resolve-the-issue-of-paternity7~~
33 ~~no-later-than-thirty-days-before-the-original-court-hearing~~
34 date.

35 Sec. 213. Section 600B.41A, subsection 3, paragraph e,

1 subparagraph (1), Code 1997, is amended to read as follows:

2 (1) Unless otherwise specified pursuant to subsection 2 or
3 8, blood or genetic testing shall be conducted in all cases
4 prior to the determination by the court of the best interest
5 of the child in an action to overcome the establishment of
6 paternity.

7 Sec. 214. Section 600B.41A, subsection 3, paragraph f,
8 Code 1997, is amended to read as follows:

9 f. The court finds that all of the following:

10 (1) That the conclusion of the expert as disclosed by the
11 evidence based upon blood or genetic testing demonstrates that
12 the established father is not the biological father of the
13 child.

14 (2) If paternity was established pursuant to section
15 252A.3A, the signed affidavit was based on fraud, duress, or
16 material mistake of fact, as shown by the petitioner.

17 Sec. 215. Section 600B.41A, subsection 3, paragraph g,
18 Code 1997, is amended by striking the paragraph.

19 Sec. 216. Section 600B.41A, subsection 6, Code 1997, is
20 amended to read as follows:

21 6. If the court determines that test results conducted in
22 accordance with section 600B.41 or chapter 252F exclude the
23 established father as the biological father, but the court
24 dismisses the action to overcome paternity, the court may
25 shall enter an order relieving the established father of any
26 or all future support obligations owed on behalf of the child,
27 while preserving the paternity determination. The court's
28 determination and the effective date of the determination
29 shall be in accordance with subsection 4, paragraphs "a" and
30 "b", and shall be made based upon the unique circumstances of
31 each case and the interests of all parties.

32 Sec. 217. Section 600B.30, Code 1997, is repealed.

33 PART B

34 Sec. 218. Section 600B.41A, subsection 2, paragraph a,
35 Code 1997, is amended to read as follows:

1 a. A paternity determination made in or by a foreign
2 jurisdiction ~~and, notwithstanding section 252A-207~~ or a
3 paternity determination which has been made in or by a foreign
4 jurisdiction and registered in this state in accordance with
5 section 252A.18 or chapter 252K.

6 Sec. 219. Section 600B.34, Code 1997, is repealed.

7 Sec. 220. EFFECTIVE DATE. Part B, sections 218 and 219 of
8 this Act, are effective January 1, 1998.

9 DIVISION XV

10 Sec. 221. Section 96.3, subsection 9, paragraph c, Code
11 1997, is amended to read as follows:

12 c. However, if the department is notified of ~~an assignment~~
13 ~~of income withholding~~ by the child support recovery unit under
14 chapter 252D or section 598.22 or 598.23 or if income is
15 garnisheed by the child support recovery unit under chapter
16 642 and an individual's benefits are condemned to the
17 satisfaction of the child support obligation being enforced by
18 the child support recovery unit, the department shall deduct
19 and withhold from the individual's benefits that amount
20 required through legal process.

21 Notwithstanding section 642.2, subsections 2, 3, 6, and 7,
22 which restrict garnishments under chapter 642 to wages of
23 public employees, the department may be garnisheed under
24 chapter 642 by the child support recovery unit established in
25 section 252B.2, pursuant to a judgment for child support
26 against an individual eligible for benefits under this
27 chapter.

28 Notwithstanding section 96.15, benefits under this chapter
29 are not exempt from income ~~assignment withholding~~,
30 garnishment, attachment, or execution if ~~assigned-to withheld~~
31 for or garnisheed by the child support recovery unit,
32 established in section 252B.2, or if an ~~assignment income~~
33 withholding order or notice of the income withholding order
34 under section 598.22 or 598.23 is being enforced by the child
35 support recovery unit to satisfy the child support obligation

1 of an individual who is eligible for benefits under this
2 chapter.

3 Sec. 222. Section 144.13, subsection 2, Code 1997, is
4 amended to read as follows:

5 2. If the mother was married ~~either~~ at the time of
6 conception, or birth, or at any time during the period between
7 conception and birth, the name of the husband shall be entered
8 on the certificate as the father of the child unless paternity
9 has been determined otherwise by a court of competent
10 jurisdiction, in which case the name of the father as
11 determined by the court shall be entered by the department.

12 Sec. 223. Section 144.13, subsection 3, Code 1997, is
13 amended to read as follows:

14 3. If the mother was not married ~~either~~ at the time of
15 conception, or birth, and at any time during the period
16 between conception and birth, the name of the father shall not
17 be entered on the certificate of birth ~~without-the-written~~
18 ~~consent-of-the-mother-and-the-person-to-be-named-as-the~~
19 ~~father~~, unless a determination of paternity has been made
20 pursuant to section 252A.3, in which case the name of the
21 father as established shall be entered by the department. If
22 the father is not named on the certificate of birth, no other
23 information about the father shall be entered on the
24 certificate.

25 Sec. 224. Section 144.13, subsection 4, paragraph c, Code
26 1997, is amended to read as follows:

27 c. A copy of the affidavit of paternity if filed pursuant
28 to section 252A.3A and any subsequent rescision form which
29 rescinds the affidavit.

30 Sec. 225. Section 144.26, Code 1997, is amended to read as
31 follows:

32 144.26 DEATH CERTIFICATE.

33 1. A death certificate for each death which occurs in this
34 state shall be filed with the county registrar of the county
35 in which the death occurs, within three days after the death

1 and prior to final disposition, and shall be registered by the
2 registrar if it has been completed and filed in accordance
3 with this chapter. A death certificate shall include the
4 social security number, if provided, of the deceased person.

5 All information including the certifying physician's name
6 shall be typewritten.

7 2. All information included on a death certificate may be
8 provided as mutually agreed upon by the division and the child
9 support recovery unit, including by automated exchange.

10 3. If the place of death is unknown, a death certificate
11 shall be filed in the county in which a dead body is found
12 within three days after the body is found. If death occurs in
13 a moving conveyance, a death certificate shall be filed in the
14 county in which the dead body is first removed from the
15 conveyance.

16 4. If a person dies outside of the county of the person's
17 residence, the state registrar shall send a copy of the death
18 certificate to the county registrar of the county of the
19 decedent's residence. The county registrar shall record the
20 death certificate in the same records in which death
21 certificates of persons who died within the county are
22 recorded.

23 Sec. 226. Section 234.39, subsections 1, 2, and 3, Code
24 1997, are amended to read as follows:

25 1. For an individual to whom section 234.35, subsection 1,
26 is applicable, a dispositional order of the juvenile court
27 requiring the provision of foster care, or an administrative
28 order entered pursuant to chapter 252C, or any order
29 establishing paternity and support for a child in foster care,
30 shall establish, after notice and a reasonable opportunity to
31 be heard is provided to a parent or guardian, the amount of
32 the parent's or guardian's support obligation for the cost of
33 foster care provided by the department. The amount of the
34 parent's or guardian's support obligation and the amount of
35 support debt accrued and accruing shall be established in

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

25 2. For an individual who is served by the department of
26 human services under section 234.35, and is not subject to a
27 dispositional order of the juvenile court requiring the
28 provision of foster care, the department shall determine the
29 obligation of the individual's parent or guardian pursuant to
30 chapter 252C and in accordance with the child support
31 guidelines prescribed under section 598.21, subsection 4.
32 However, the department may adjust the prescribed obligation
33 for expenses related to goals and objectives of a case
34 permanency plan as defined under section 237.15. An
35 obligation determined under this subsection may be modified

1 only in accordance with conditions under section 598.21,
2 subsection 8, or under chapter 252H.

3 3. A person entitled to periodic support payments pursuant
4 to an order or judgment entered in any action for support, who
5 also is or has a child receiving foster care services, is
6 deemed to have assigned to the department current and accruing
7 support payments attributable to the child effective as of the
8 date the child enters foster care placement, to the extent of
9 expenditure of foster care funds. The department shall notify
10 the clerk of the district court when a child entitled to
11 support payments is receiving foster care services pursuant to
12 chapter 234. Upon notification by the department that a child
13 entitled to periodic support payments is receiving foster care
14 services, the clerk of the district court shall make a
15 notation of the automatic assignment in the judgment docket
16 and lien index. The notation constitutes constructive notice
17 of assignment. The clerk of court shall furnish the
18 department with copies of all orders and decrees awarding
19 support when the child is receiving foster care services. At
20 the time the child ceases to receive foster care services, the
21 assignment of support shall be automatically terminated.
22 Unpaid support accrued under the assignment of support rights
23 during the time that the child was in foster care remains due
24 to the department up to the amount of unreimbursed foster care
25 funds expended. The department shall notify the clerk of
26 court of the automatic termination of the assignment. Unless
27 otherwise specified in the support order, an equal and
28 proportionate share of any child support awarded shall be
29 presumed to be payable on behalf of each child subject to the
30 order or judgment for purposes of an assignment under this
31 section.

32 Sec. 227. Section 236.5, subsection 2, paragraph e, Code
33 1997, is amended to read as follows:

34 e. That Unless prohibited pursuant to 28 U.S.C. § 1738B,
35 that the defendant pay the clerk a sum of money for the

1 separate support and maintenance of the plaintiff and children
2 under eighteen.

3 Sec. 228. Section 236.10, Code 1997, is amended to read as
4 follows:

5 236.10 CONFIDENTIALITY OF RECORDS.

6 The file in a domestic abuse case shall be sealed by the
7 clerk of court when it is complete and after the time for
8 appeal has expired. However, the clerk shall open the file
9 upon application to and order of the court for good cause
10 shown or upon request of the child support recovery unit.

11 Sec. 229. Section 239.3, Code 1997, is amended to read as
12 follows:

13 239.3 APPLICATION FOR ASSISTANCE -- ASSIGNMENT OF SUPPORT
14 RIGHTS.

15 1. An application for assistance shall be made to the
16 department. The application shall be in writing or reduced to
17 writing in the manner and upon the form prescribed by the
18 administrator. The application shall be made by the specified
19 relative with whom the dependent child resides or will reside,
20 and shall contain the information required on the application
21 form. One application may be made for several children of the
22 same family if they reside or will reside with the same
23 specified relative.

24 2. An assignment of support rights is created by any of
25 the following:

26 a. An applicant for assistance under this chapter and
27 other persons covered by an application are deemed to have
28 assigned to the department of human services at the time of
29 application all rights to periodic support payments to the
30 extent of public assistance received by the applicant and
31 other persons covered by the application.

32 b. A determination that a child or another person covered
33 by an application is eligible for assistance under this
34 chapter creates an assignment by operation of law to the
35 department of all rights to periodic support payments not to

1 exceed the amount of public assistance received by the child
2 and other persons covered by the application.

3 3. An assignment takes effect upon determination that an
4 applicant or another person covered by an application is
5 eligible for assistance under this chapter, applies to both
6 current and accrued support obligations, and terminates when
7 an applicant or another person covered by an application
8 ceases to receive assistance under this chapter, except with
9 respect to the amount of unpaid support obligations accrued
10 under the assignment. If an applicant or another person
11 covered by an application ceases to receive assistance under
12 this chapter and the applicant or other person covered by the
13 application receives a periodic support payment subject to
14 limitations of federal law, the department of human services
15 is entitled only to that amount of the periodic support
16 payment above the current periodic support obligation.

17 Sec. 230. Section 421.17, subsection 21, unnumbered
18 paragraph 1, Code 1997, is amended to read as follows:

19 To establish and maintain a procedure to set off against a
20 debtor's income tax refund or rebate any debt, which is
21 assigned to the department of human services, or which the
22 child support recovery unit is otherwise attempting to collect
23 ~~on-behalf-of-an-individual-not-eligible-as-a-public-assistance~~
24 ~~recipient~~, or which the foster care recovery unit of the
25 department of human services is attempting to collect on
26 behalf of a child receiving foster care provided by the
27 department of human services.

28 Sec. 231. Section 535.3, subsection 3, Code 1997, is
29 amended to read as follows:

30 3. Interest on periodic payments for child, spousal, or
31 medical support shall not accrue until thirty days after the
32 payment becomes due and owing. Additionally, interest on
33 these payments shall not accrue on amounts being paid through
34 income withholding pursuant to chapter 252D for the time these
35 payments are unpaid solely because the date on which the payor

1 of income withholds income based upon the payor's regular pay
2 cycle varies from the provisions of the support order.

3 Sec. 232. Section 595.4, unnumbered paragraph 1, Code
4 1997, is amended to read as follows:

5 Previous to the issuance of any license to marry, the
6 parties desiring the license shall sign and file a verified
7 application with the county registrar which application either
8 may be mailed to the parties at their request or may be signed
9 by them at the office of the county registrar in the county in
10 which the license is to be issued. The application shall
11 include the social security number of each applicant and shall
12 set forth at least one affidavit of some competent and
13 disinterested person stating the facts as to age and
14 qualification of the parties. Upon the filing of the
15 application for a license to marry, the county registrar shall
16 file the application in a record kept for that purpose and
17 shall take all necessary steps to ensure the confidentiality
18 of the social security number of each applicant. All
19 information included on an application may be provided as
20 mutually agreed upon by the division of records and statistics
21 and the child support recovery unit, including by automated
22 exchange.

23 Sec. 233. Section 626A.2, subsection 2, Code 1997, is
24 amended to read as follows:

25 2. ~~In a~~ A proceeding to enforce a child support order, ~~the~~
26 ~~law of this state shall apply except as follows: is governed~~
27 by 28 U.S.C. § 1738B.

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

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

34 Sec. 234. Section 627.11, Code 1997, is amended to read as
35 follows:

1 627.11 EXCEPTION UNDER DECREE FOR SPOUSAL SUPPORT.

2 If the party in whose favor the order, judgment, or decree
3 for the support of a spouse was rendered has not remarried,
4 the personal earnings of the debtor are not exempt from an
5 order, judgment, or decree for temporary or permanent support,
6 as defined in section ~~252B.1~~ 252D.16A, of a spouse, nor from
7 an installment of an order, judgment, or decree for the
8 support of a spouse.

9 Sec. 235. Section 627.12, Code 1997, is amended to read as
10 follows:

11 627.12 EXCEPTION UNDER DECREE FOR CHILD SUPPORT.

12 The personal earnings of the debtor are not exempt from an
13 order, judgment, or decree for the support, as defined in
14 section ~~252B.1~~ 252D.16A, of a child, nor from an installment
15 of an order, judgment, or decree for the support of a child.

16 Sec. 236. Section 642.2, subsections 1 and 5, Code 1997,
17 are amended to read as follows:

18 1. The state of Iowa, and all of its governmental
19 subdivisions and agencies, ~~may be garnisheed~~ garnished, only
20 as provided in this section and the consent of the state and
21 of its governmental subdivisions and agencies to those
22 garnishment proceedings is hereby given. However,
23 notwithstanding the requirements of this chapter, income
24 withholding notices shall be served on the state, and all of
25 its governmental subdivisions and agencies, pursuant to the
26 requirements of chapter 252D.

27 5. Service Except as provided in subsection 1, service
28 upon the garnishee shall be made by serving an original notice
29 with a copy of the judgment against the defendant, and with a
30 copy of the questions specified in section 642.5, by certified
31 mail or by personal service upon the attorney general, county
32 attorney, city attorney, secretary of the school district, or
33 legal counsel of the appropriate governmental unit. The
34 garnishee shall be required to answer within thirty days
35 following receipt of the notice.

1 Sec. 237. PUBLIC ASSISTANCE -- ACCRUED SUPPORT AND
2 ARREARAGES -- REVIEW AND RECOMMENDATIONS. The child support
3 recovery unit shall review and make recommendations to the
4 general assembly on or before February 1, 1998, regarding the
5 establishment of an accrued support debt which is based upon
6 receipt of public assistance and the determination of the
7 amount to be withheld as payment of arrearages under an income
8 withholding order.

9 DIVISION XVI
10 SURCHARGE

11 Sec. 238. Section 252B.9, subsection 2, paragraph b, is
12 amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (4) Records relating to the
14 administration, collection, and enforcement of surcharges
15 pursuant to section 252B.22 which are recorded by the unit or
16 a collection entity shall be confidential records except that
17 information, as necessary for support collection and
18 enforcement, may be provided to other governmental agencies,
19 the obligor or the resident parent, or a collection entity
20 under contract with the unit unless otherwise prohibited by
21 the federal law. A collection entity under contract with the
22 unit shall use information obtained for the sole purpose of
23 fulfilling the duties required under the contract, and shall
24 disclose any records obtained by the collection entity to the
25 unit for use in support establishment and enforcement.

26 Sec. 239. Section 252B.13A, Code 1997, is amended to read
27 as follows:

28 252B.13A COLLECTION SERVICES CENTER.

29 The department shall establish within the unit a collection
30 services center for the receipt and disbursement of support
31 payments as defined in section 598.1 as required for orders by
32 section 252B.14. For purposes of this section, support
33 payments do not include attorney fees, court costs, or
34 property settlements. The center may also receive and
35 disburse surcharges as provided in section 252B.22.

1 Sec. 240. NEW SECTION. 252B.22 SURCHARGE.

2 1. A surcharge shall be due and payable by the obligor on
3 a support arrearage identified as difficult to collect and
4 referred by the unit on or after January 1, 1998, to a
5 collection entity under contract with the unit or other state
6 entity. The amount of the surcharge shall be a percent of the
7 amount of the support arrearage referred to the collection
8 entity and shall be specified in the contract with the
9 collection entity. For the purpose of this chapter, a
10 "collection entity" includes but is not limited to a state
11 agency, including the central collection unit of the
12 department of revenue and finance, or a private collection
13 agency. Use of a collection entity is in addition to any
14 other legal means by which support payments may be collected.
15 The unit shall continue to use other enforcement actions, as
16 appropriate.

17 2. a. Notice that a surcharge may be assessed on a
18 support arrearage referred to a collection entity pursuant to
19 this section shall be provided to an obligor in accordance
20 with one of the following as applicable:

21 (1) In the order establishing or modifying the support
22 obligation. The unit or district court shall include notice
23 in any new or modified support order issued on or after July
24 1, 1997.

25 (2) Through notice sent by the unit by regular mail to the
26 last known address of the support obligor.

27 b. The notice shall also advise that any appropriate
28 information may be provided to a collection entity for
29 purposes of administering and enforcing the surcharge.

30 3. Arrearages submitted for referral and surcharge
31 pursuant to this section shall meet all of the following
32 criteria:

33 a. The arrearages owed shall be based on a court or
34 administrative order which establishes the support obligation.

35 b. The arrearage is due for a case in which the unit is

1 providing services pursuant to this chapter and one for which
2 the arrearage has been identified as difficult to collect by
3 the unit.

4 c. The obligor was provided notice pursuant to subsection
5 2 at least fifteen days prior to sending the notice of
6 referral pursuant to subsection 4.

7 4. The unit shall send notice of referral to the obligor
8 by regular mail to the obligor's last known address, with
9 proof of service completed according to R.C.P. § 82, at least
10 thirty days prior to the date the arrearage is referred to the
11 collection entity. The notice shall inform the obligor of all
12 of the following:

13 a. The arrearage will be referred to a collection entity.

14 b. Upon referral, a surcharge is due and payable by the
15 obligor.

16 c. The amount of the surcharge.

17 d. That the obligor may avoid referral by paying the
18 amount of the arrearage to the collection services center
19 within twenty days of the date of notice of referral.

20 e. That the obligor may contest the referral by submitting
21 a written request for review of the unit. The request shall
22 be received by the unit within twenty days of the date of the
23 notice of referral.

24 f. The right to contest the referral is limited to a
25 mistake of fact, which includes a mistake in the identity of
26 the obligor, a mistake as to fulfillment of the requirements
27 for referral under this subsection, or a mistake in the amount
28 of the arrearages.

29 g. The unit shall issue a written decision following a
30 requested review.

31 h. Following the issuance of a written decision by the
32 unit denying that a mistake of fact exists, the obligor may
33 request a hearing to challenge the surcharge by sending a
34 written request for a hearing to the office of the unit which
35 issued the decision. The request shall be received by the

1 office of the unit which issued the decision within ten days
2 of the unit's written decision. The only grounds for a
3 hearing shall be mistake of fact. Following receipt of the
4 written request, the unit which receives the request shall
5 certify the matter for hearing in the district court in the
6 county in which the underlying support order is filed.

7 i. The address of the collection services center for
8 payment of the arrearages.

9 5. If the obligor pays the amount of arrearage within
10 twenty days of the date of the notice of referral, referral of
11 the arrearage to a collection entity shall not be made.

12 6. If the obligor requests a review or court hearing
13 pursuant to this section, referral of the arrearages shall be
14 stayed pending the decision of the unit or the court.

15 7. Actions of the unit under this section shall not be
16 subject to contested case proceedings or further review
17 pursuant to chapter 17A and any resulting court hearing shall
18 be an original hearing before the district court. However,
19 the department shall establish, by rule pursuant to chapter
20 17A, an internal process to provide an additional review by
21 the administrator of the child support recovery unit or the
22 administrator's designee.

23 8. If an obligor does not pay the amount of the arrearage,
24 does not contest the referral, or if following the unit's
25 review and any court hearing the unit or court does not find a
26 mistake of fact, the arrearages shall be referred to a
27 collection entity. Following the review or hearing, if the
28 unit or court finds a mistake in the amount of the arrearage,
29 the arrearages shall be referred to the collection entity in
30 the appropriate arrearage amount. For arrearages referred to
31 a collection entity, the obligor shall pay a surcharge equal
32 to a percent of the amount of the support arrearage due as of
33 the date of the referral. The surcharge is in addition to the
34 arrearages and any other fees or charges owed, and shall be
35 enforced by the collection entity as provided under section

1 252B.5. Upon referral to the collection entity, the surcharge
2 is an automatic judgment against the obligor.

3 9. The director or the director's designee may file a
4 notice of the surcharge with the clerk of the district court
5 in the county in which the underlying support order is filed.
6 Upon filing, the clerk shall enter the amount of the surcharge
7 on the lien index and judgment docket.

8 10. Following referral of a support arrearage to a
9 collection entity, the surcharge shall be due and owing and
10 enforceable by a collection entity or the unit notwithstanding
11 satisfaction of the support obligation or whether the
12 collection entity is enforcing a support arrearage. However,
13 the unit may waive payment of all or a portion of the
14 surcharge if waiver will facilitate the collection of the
15 support arrearage.

16 11. All surcharge payments shall be received and disbursed
17 by the collection services center.

18 12. a. A payment received by the collection services
19 center which meets all the following conditions shall be
20 allocated as specified in paragraph "b":

21 (1) The payment is for a case in which arrearages have
22 been referred to a collection entity.

23 (2) A surcharge is assessed on the arrearages.

24 (3) The payment is collected under the provisions of the
25 contract with the collection entity.

26 b. A payment meeting all of the conditions in paragraph
27 "a" shall be allocated between support and costs and fees, and
28 the surcharge according to the following formula:

29 (1) The payment shall be divided by the sum of one hundred
30 percent plus the percent specified in the contract.

31 (2) The quotient shall be the amount allocated to the
32 support arrearage and other fees and costs.

33 (3) The difference between the dividend and the quotient
34 shall be the amount allocated to the surcharge.

35 13. Any computer or software programs developed and any

1 records used in relation to a contract with a collection
2 entity remain the property of the department.

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HOUSE FILE 612

S-3552

1 Amend House File 612 as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 26, line 27, through page 27,
4 line 7, and inserting the following: "amended by
5 striking the subsection."

6 2. Page 27, line 30, by inserting after the word
7 "methods." the following: "The department shall
8 utilize, to the maximum extent possible, every
9 available automated process to collect support
10 payments prior to referral of a case to a private
11 collection agency."

12 3. By inserting after page 31, line 22 the
13 following:

14 "Sec. ____ . NEW SECTION. 252B.6A EXTERNAL
15 SERVICES.

16 1. Provided that the action is consistent with
17 applicable federal law and regulation, an attorney
18 licensed in this state shall receive compensation as
19 provided in this section for support collected as the
20 direct result of a judicial proceeding maintained by
21 the attorney, if all of the following apply to the
22 case:

23 a. The unit is providing services under this
24 chapter.

25 b. The current support obligation is terminated
26 and only arrearages are due under an administrative or
27 court order and there has been no payment under the
28 order for at least the twelve-month period prior to
29 the provision of notice to the unit by the attorney
30 under this section.

31 c. Support is assigned to the state based upon
32 cash assistance paid under chapter 239, or its
33 successor.

34 d. The attorney has provided written notice to the
35 central office of the unit and to the obligee at the
36 last known address of the obligee of the intent to
37 initiate a specified judicial proceeding, at least
38 thirty days prior to initiating the proceeding.

39 e. The attorney has provided documentation to the
40 unit that the attorney is insured against loss caused
41 by the attorney's legal malpractice or acts or
42 omissions of the attorney which result in loss to the
43 state or other person.

44 f. The collection is received by the collection
45 services center within ninety days of provision of the
46 notice to the unit. An attorney may provide
47 subsequent notices to the unit to extend the time for
48 receipt of the collection by subsequent ninety-day
49 periods.

50 2. a. If, prior to February 15, 1998, notice is

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1 provided pursuant to subsection 1 to initiate a
2 specific judicial proceeding, this section shall not
3 apply to the proceeding unless the unit consents to
4 the proceeding.

5 b. (1) If, on or after February 15, 1998, notice
6 is provided pursuant to subsection 1 to initiate a
7 specific judicial proceeding, this section shall apply
8 to the proceeding only if the case is exempt from
9 application of rules adopted by the department
10 pursuant to subparagraph (2) which limit application
11 of this section.

12 (2) The department shall adopt rules which
13 include, but are not limited to, exemption from
14 application of this section to proceedings based upon,
15 but not limited to, any of the following:

16 (a) A finding of good cause pursuant to section
17 252B.3.

18 (b) The existence of a support obligation due
19 another state based upon public assistance provided by
20 that state.

21 (c) The maintaining of another proceeding by an
22 attorney under this section for which the unit has not
23 received notice that the proceeding has concluded or
24 the ninety-day period during which a collection may be
25 received pertaining to the same case has not yet
26 expired.

27 (d) The initiation of a seek employment action
28 under section 252B.21, and the notice from the
29 attorney indicates that the attorney intends to pursue
30 a contempt action.

31 (e) Any other basis for exemption of a specified
32 proceeding designated by rule which relates to
33 collection and enforcement actions provided by the
34 unit.

35 3. The unit shall issue a response to the attorney
36 providing notice within ten days of receipt of the
37 notice. The response shall advise the attorney
38 whether the case to which the specified judicial
39 proceeding applies meets the requirements of this
40 section.

41 4. For the purposes of this section, a "judicial
42 proceeding" means an action to enforce support filed
43 with a court of competent jurisdiction in which the
44 court issues an order which identifies the amount of
45 the support collection which is a direct result of the
46 court proceeding. "Judicial proceedings" include but
47 are not limited to those pursuant to chapters 598,
48 626, 633, 642, 654, or 684 and also include contempt
49 proceedings if the collection payment is identified in
50 the court order as the result of such a proceeding.

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1 "Judicial proceedings" do not include enforcement
2 actions which the unit is required to implement under
3 federal law including, but not limited to, income
4 withholding.

5 5. All of the following are applicable to a
6 collection which is the result of a judicial
7 proceeding which meets the requirements of this
8 section:

9 a. All payments made as the result of a judicial
10 proceeding under this section shall be made to the
11 clerk of the district court or to the collection
12 services center and shall not be made to the attorney.
13 Payments received by the clerk of the district court
14 shall be forwarded to the collection services center
15 as provided in section 252B.15.

16 b. The attorney shall be entitled to receive an
17 amount which is equal to twenty-five percent of the
18 support collected as the result of the specified
19 judicial proceeding not to exceed the amount of the
20 nonfederal share of assigned support collected as the
21 result of that proceeding. The amount paid under this
22 paragraph is the full amount of compensation due the
23 attorney for a proceeding under this section and is in
24 lieu of any attorney fees. The court shall not order
25 the obligor to pay additional attorney fees. The
26 amount of compensation calculated by the unit is
27 subject, upon application of the attorney, to judicial
28 review.

29 c. Any support collected shall be disbursed in
30 accordance with federal requirements and any support
31 due the obligee shall be disbursed to the obligee
32 prior to disbursement to the attorney as compensation.

33 d. The collection services center shall disburse
34 compensation due the attorney only from the nonfederal
35 share of assigned collections. The collection
36 services center shall not disburse any compensation
37 for court costs.

38 e. The unit may delay disbursement to the attorney
39 pending the resolution of any timely appeal by the
40 obligor or obligee.

41 f. Negotiation of a partial payment or settlement
42 for support shall not be made without the approval of
43 the unit and the obligee, as applicable.

44 6. The attorney initiating a judicial proceeding
45 under this section shall notify the unit when the
46 judicial proceeding is completed.

47 7. a. An attorney who initiates a judicial
48 proceeding under this section represents the state for
49 the sole and limited purpose of collecting support to
50 the extent provided in this section.

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1 b. The attorney is not an employee of the state
2 and has no right to any benefit or compensation other
3 than as specified in this section.

4 c. The state is not liable or subject to suit for
5 any acts or omissions resulting in any damages as a
6 consequence of the attorney's acts or omissions under
7 this section.

8 d. The attorney shall hold the state harmless from
9 any act or omissions of the attorney which may result
10 in any penalties or sanctions, including those imposed
11 under federal bankruptcy laws, and the state may
12 recover any penalty or sanction imposed by offsetting
13 any compensation due the attorney under this section
14 for collections received as a result of any judicial
15 proceeding initiated under this section.

16 e. The attorney initiating a proceeding under this
17 section does not represent the obligor.

18 8. The unit shall comply with all state and
19 federal laws regarding confidentiality. The unit may
20 release to an attorney who has provided notice under
21 this section, information regarding child support
22 balances due, to the extent provided under such laws.

23 9. This section shall not be interpreted to
24 prohibit the unit from providing services or taking
25 other actions to enforce support as provided under
26 this chapter."

27 4. Page 35, by striking lines 14 through 21 and
28 inserting the following: "subject to a penalty of one
29 hundred dollars per refusal."

30 5. Page 35, by striking lines 23 through 27 and
31 inserting the following: "subpoena, fails to request
32 a conference, and fails to pay a fine imposed under
33 subparagraph (4), the unit may petition the district
34 court to compel the person to comply with this
35 paragraph. If the person objects to imposition of the
36 fine, the person may seek judicial review by the
37 district court."

38 6. Page 41, by inserting after line 11 the
39 following:

40 "Sec. ____ . Section 252B.14, subsection 3, Code
41 1997, is amended to read as follows:

42 3. For a support order as to which subsection 2
43 does not apply, support payments made pursuant to the
44 order shall be directed to and disbursed by the clerk
45 of the district court in the county in which the order
46 for support is filed. The clerk of the district court
47 may require the obligor to submit payments by bank
48 draft or money order if the obligor submits an
49 insufficient funds support payment to the clerk of the
50 district court."

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1 7. Page 46, by striking lines 24 through 26 and
2 inserting the following: "the unpaid difference
3 between the amount under the approved order and the
4 amount under the order of the court on appeal is
5 satisfied."

6 8. By striking page 115, line 21, through page
7 116, line 28.

8 9. Page 119, by striking lines 31 through 33 and
9 inserting the following:

10 "NEW SUBSECTION. 5A. The court may order a
11 postsecondary education subsidy if good cause is
12 shown.

13 a. In determining whether good cause exists for
14 ordering a postsecondary education subsidy, the court
15 shall consider the age of the child, the ability of
16 the child relative to postsecondary education, the
17 child's financial resources, whether the child is
18 self-sustaining, and the financial condition of each
19 parent. If the court determines that good cause is
20 shown for ordering a postsecondary education subsidy,
21 the court shall determine the amount of subsidy as
22 follows:

23 (1) The court shall determine the cost of
24 postsecondary education based upon the cost of
25 attending an in-state public institution for a course
26 of instruction leading to an undergraduate degree and
27 shall include the reasonable costs for only necessary
28 postsecondary education expenses.

29 (2) The court shall then determine the amount, if
30 any, which the child may reasonably be expected to
31 contribute, considering the child's financial
32 resources, including but not limited to the
33 availability of financial aid whether in the form of
34 scholarships, grants, or student loans, and the
35 ability of the child to earn income while attending
36 school.

37 (3) The child's expected contribution shall be
38 deducted from the cost of postsecondary education and
39 the court shall apportion responsibility for the
40 remaining cost of postsecondary education to each
41 parent on a pro rata basis, in accordance with each
42 parent's income.

43 b. A postsecondary education subsidy shall be
44 payable to the child, to the educational institution,
45 or to both, but shall not be payable to the custodial
46 parent.

47 c. A postsecondary education subsidy shall not be
48 awarded if the child has disenfranchised the parent by
49 publicly disowning the parent, refusing to acknowledge
50 the parent, or by acting in a similar manner.

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1 d. Unless otherwise specified by the parties, a
2 postsecondary education subsidy awarded by the court
3 shall be terminated upon the child's completion of the
4 first calendar year of course instruction if the child
5 fails to maintain a cumulative grade point average in
6 the median range or above during that first calendar
7 year."

8 10. Page 120, by striking lines 1 through 16 and
9 inserting the following: "the residence of the minor
10 child to another state, the court shall modify the
11 order to preserve, as nearly as possible, the existing
12 relationship between the nonrelocating parent and the
13 minor child. If modified, the order shall, at a
14 minimum, include a provision for extended".

15 11. Page 125, by inserting after line 15 the
16 following:

17 "The clerk of the district court in the county in
18 which the order for support is filed and to whom
19 support payments are made pursuant to the order may
20 require the person obligated to pay support to submit
21 payments by bank draft or money order if the obligor
22 submits an insufficient funds support payment to the
23 clerk of the district court."

24 12. Page 127, by striking lines 2 through 11.

25 13. By striking page 128, line 22, through page
26 130, line 5 and inserting the following:

27 "Sec. ____ . EFFECTIVE DATE. Section 187, being
28 deemed of immediate importance, takes effect upon
29 enactment."

30 14. Page 136, by striking lines 19 through 31 and
31 inserting the following:

32 "Sec. 216. Section 600B.41A, subsections 4 and 6,
33 Code 1997, are amended by striking the subsections and
34 inserting in lieu thereof the following:

35 4. If the court finds that the establishment of
36 paternity is overcome, in accordance with all of the
37 conditions prescribed, the court shall enter an order
38 which provides all of the following:

39 a. That the established father is relieved of any
40 and all future support obligations owed on behalf of
41 the child from the date that the order determining
42 that the established father is not the biological
43 father is filed.

44 b. That any unpaid support due prior to the date
45 the order determining that the established father is
46 not the biological father is filed, is satisfied.

47 6. a. If the court determines that test results
48 conducted in accordance with section 600B.41 or
49 chapter 252F exclude the established father as the
50 biological father, the court may dismiss the action

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1 to overcome paternity and preserve the paternity
2 determination only if all of the following apply:

3 (1) The established father requests that paternity
4 be preserved and that the parent-child relationship,
5 as defined in section 600A.2, be continued.

6 (2) The court finds that it is in the best
7 interest of the child to preserve paternity. In
8 determining the best interest of the child, the court
9 shall consider all of the following:

10 (a) The age of the child.

11 (b) The length of time since the establishment of
12 paternity.

13 (c) The previous relationship between the child
14 and the established father, including but not limited
15 to the duration and frequency of any time periods
16 during which the child and established father resided
17 in the same household or engaged in a parent-child
18 relationship as defined in section 600A.2.

19 (d) The possibility that the child could benefit
20 by establishing the child's actual paternity.

21 (e) Additional factors which the court determines
22 are relevant to the individual situation.

23 (3) The biological father is a party to the action
24 and does not object to termination of the biological
25 father's parental rights, or the established father
26 petitions the court for termination of the biological
27 father's parental rights and the court grants the
28 petition pursuant to chapter 600A.

29 b. If the court dismisses the action to overcome
30 paternity and preserves the paternity determination
31 under this subsection, the court shall enter an order
32 establishing that the parent-child relationship exists
33 between the established father and the child, and
34 including establishment of a support obligation
35 pursuant to section 598.21 and provision of custody
36 and visitation pursuant to section 598.41.

37 Sec. 216A. Section 600B.41A, Code 1997, is amended
38 by adding the following new subsection:

39 NEW SUBSECTION. 6A. a. For any order entered
40 under this section on or before the effective date of
41 this subsection in which the court's determination
42 excludes the established father as the biological
43 father but dismisses the action to overcome paternity
44 and preserves paternity, the established father may
45 petition the court to issue an order which provides
46 all of the following:

47 (1) That the parental rights of the established
48 father are terminated.

49 (2) That the established father is relieved of any
50 and all future support obligations owed on behalf of

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1 the child from the date the order under this
2 subsection is filed.

3 b. The established father may proceed pro se under
4 this subsection. The supreme court shall prescribe
5 standard forms for use under this subsection and shall
6 distribute the forms to the clerks of the district
7 courts.

8 c. If a petition is filed pursuant to this section
9 and notice is served on any parent of the child not
10 filing the petition and any assignee of the support
11 obligation, the court shall grant the petition."

12 15. Page 136, by inserting after line 32, the
13 following:

14 "Sec. 218. Sections 215, 216, and 216A of this
15 Act, being deemed of immediate importance, take effect
16 upon enactment."

17 16. Page 138, by striking lines 34 and 35 and
18 inserting the following: "state shall be filed with
19 the county as directed by the state registrar of the
20 county in which the death occurs, within three days
21 after the death".

22 17. Page 139, line 2, by striking the word
23 "registrar" and inserting the following: "county
24 registrar".

25 18. Page 139, by striking lines 10 through 22 and
26 inserting the following:

27 "~~If the place of death is unknown, a death~~
28 ~~certificate shall be filed in the county in which a~~
29 ~~dead body is found within three days after the body is~~
30 ~~found.~~

31 3. The county in which a dead body is found is the
32 county of death. If death occurs in a moving
33 conveyance, a death certificate shall be filed in the
34 county in which the dead body is first removed from
35 the conveyance is the county of death.

36 ~~If a person dies outside of the county of the~~
37 ~~person's residence, the state registrar shall send a~~
38 ~~copy of the death certificate to the county registrar~~
39 ~~of the county of the decedent's residence. The county~~
40 ~~registrar shall record the death certificate in the~~
41 ~~same records in which death certificates of persons~~
42 ~~who died within the county are recorded."~~

43 19. Page 144, by inserting after line 2 the
44 following:

45 "Sec. ____ . NEW SECTION. 595.3A APPLICATION FORM
46 AND LICENSE, INCLUSION OF ABUSE PREVENTION LANGUAGE.

47 In addition to any other information contained in
48 an application form for a marriage license and a
49 marriage license, the application form and license
50 shall contain the following statement in bold print:

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1 "The laws of this state affirm your right to enter
2 into this marriage and at the same time to live within
3 the marriage under the full protection of the laws of
4 this state with regard to violence and abuse. Neither
5 of you is the property of the other. Assault, sexual
6 abuse, and willful injury of a spouse or other family
7 member are violations of the laws of this state and
8 are punishable by the state."

9 20. Page 144, by inserting after line 22 the
10 following:

11 "Sec. _____. Section 614.1, subsection 6, Code 1997,
12 is amended to read as follows:

13 6. JUDGMENTS OF COURTS OF RECORD. Those founded
14 on a judgment of a court of record, whether of this or
15 of any other of the United States, or of the federal
16 courts of the United States, within twenty years
17 except that a time period limitation shall not apply
18 to an action to recover a judgment for child support,
19 spousal support, or a judgment of distribution of
20 marital assets.

21 Sec. _____. Section 624.23, subsection 1, Code 1997,
22 is amended to read as follows:

23 1. Judgments in the appellate or district courts
24 of this state, or in the circuit or district court of
25 the United States within the state, are liens upon the
26 real estate owned by the defendant at the time of such
27 rendition, and also upon all the defendant may
28 subsequently acquire, for the period of ten years from
29 the date of the judgment except that a time period
30 limitation shall not apply to such liens with regard
31 to judgments for child support, spousal support, or a
32 judgment of distribution of marital assets."

33 21. Page 144, by inserting after line 33 the
34 following:

35 "Sec. _____. NEW SECTION. 627.6A EXEMPTIONS FOR
36 SUPPORT -- PENSIONS AND SIMILAR PAYMENTS.

37 1. Notwithstanding the provisions of section
38 627.6, a debtor shall not be permitted to claim
39 exemptions with regard to payment or a portion of
40 payment under a pension, annuity, individual
41 retirement account, profit-sharing plan, universal
42 life insurance policy, or similar plan or contract due
43 to illness, disability, death, age, or length of
44 service for child, spousal, or medical support.

45 2. In addition to subsection 1, if another
46 provision of law otherwise provides that payments,
47 income, or property are subject to attachment for
48 child, spousal, or medical support, those provisions
49 shall supersede section 627.6."

50 22. By renumbering as necessary.

By NANCY BOETTGER
TOM VILSACK
WILMER RENSINK

MAGGIE TINSMAN
ELAINE SZYMONIAK

S-3552 FILED APRIL 16, 1997

adopted 4-17-97

(P.1237)

SENATE AMENDMENT TO HOUSE FILE 612

H-1795

1 Amend House File 612 as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 26, line 27, through page 27,
4 line 7, and inserting the following: "amended by
5 striking the subsection."

6 2. Page 27, line 30, by inserting after the word
7 "methods." the following: "The department shall
8 utilize, to the maximum extent possible, every
9 available automated process to collect support
10 payments prior to referral of a case to a private
11 collection agency."

12 3. By inserting after page 31, line 22 the
13 following:

14 "Sec. ____ . NEW SECTION. 252B.6A EXTERNAL
15 SERVICES.

16 1. Provided that the action is consistent with
17 applicable federal law and regulation, an attorney
18 licensed in this state shall receive compensation as
19 provided in this section for support collected as the
20 direct result of a judicial proceeding maintained by
21 the attorney, if all of the following apply to the
22 case:

23 a. The unit is providing services under this
24 chapter.

25 b. The current support obligation is terminated
26 and only arrearages are due under an administrative or
27 court order and there has been no payment under the
28 order for at least the twelve-month period prior to
29 the provision of notice to the unit by the attorney
30 under this section.

31 c. Support is assigned to the state based upon
32 cash assistance paid under chapter 239, or its
33 successor.

34 d. The attorney has provided written notice to the
35 central office of the unit and to the obligee at the
36 last known address of the obligee of the intent to
37 initiate a specified judicial proceeding, at least
38 thirty days prior to initiating the proceeding.

39 e. The attorney has provided documentation to the
40 unit that the attorney is insured against loss caused
41 by the attorney's legal malpractice or acts or
42 omissions of the attorney which result in loss to the
43 state or other person.

44 f. The collection is received by the collection
45 services center within ninety days of provision of the
46 notice to the unit. An attorney may provide
47 subsequent notices to the unit to extend the time for
48 receipt of the collection by subsequent ninety-day
49 periods.

50 2. a. If, prior to February 15, 1998, notice is

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1 provided pursuant to subsection 1 to initiate a
2 specific judicial proceeding, this section shall not
3 apply to the proceeding unless the unit consents to
4 the proceeding.

5 b. (1) If, on or after February 15, 1998, notice
6 is provided pursuant to subsection 1 to initiate a
7 specific judicial proceeding, this section shall apply
8 to the proceeding only if the case is exempt from
9 application of rules adopted by the department
10 pursuant to subparagraph (2) which limit application
11 of this section.

12 (2) The department shall adopt rules which
13 include, but are not limited to, exemption from
14 application of this section to proceedings based upon,
15 but not limited to, any of the following:

16 (a) A finding of good cause pursuant to section
17 252B.3.

18 (b) The existence of a support obligation due
19 another state based upon public assistance provided by
20 that state.

21 (c) The maintaining of another proceeding by an
22 attorney under this section for which the unit has not
23 received notice that the proceeding has concluded or
24 the ninety-day period during which a collection may be
25 received pertaining to the same case has not yet
26 expired.

27 (d) The initiation of a seek employment action
28 under section 252B.21, and the notice from the
29 attorney indicates that the attorney intends to pursue
30 a contempt action.

31 (e) Any other basis for exemption of a specified
32 proceeding designated by rule which relates to
33 collection and enforcement actions provided by the
34 unit.

35 3. The unit shall issue a response to the attorney
36 providing notice within ten days of receipt of the
37 notice. The response shall advise the attorney
38 whether the case to which the specified judicial
39 proceeding applies meets the requirements of this
40 section.

41 4. For the purposes of this section, a "judicial
42 proceeding" means an action to enforce support filed
43 with a court of competent jurisdiction in which the
44 court issues an order which identifies the amount of
45 the support collection which is a direct result of the
46 court proceeding. "Judicial proceedings" include but
47 are not limited to those pursuant to chapters 598,
48 626, 633, 642, 654, or 684 and also include contempt
49 proceedings if the collection payment is identified in
50 the court order as the result of such a proceeding.

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Page 3

1 "Judicial proceedings" do not include enforcement
2 actions which the unit is required to implement under
3 federal law including, but not limited to, income
4 withholding.

5 5. All of the following are applicable to a
6 collection which is the result of a judicial
7 proceeding which meets the requirements of this
8 section:

9 a. All payments made as the result of a judicial
10 proceeding under this section shall be made to the
11 clerk of the district court or to the collection
12 services center and shall not be made to the attorney.
13 Payments received by the clerk of the district court
14 shall be forwarded to the collection services center
15 as provided in section 252B.15.

16 b. The attorney shall be entitled to receive an
17 amount which is equal to twenty-five percent of the
18 support collected as the result of the specified
19 judicial proceeding not to exceed the amount of the
20 nonfederal share of assigned support collected as the
21 result of that proceeding. The amount paid under this
22 paragraph is the full amount of compensation due the
23 attorney for a proceeding under this section and is in
24 lieu of any attorney fees. The court shall not order
25 the obligor to pay additional attorney fees. The
26 amount of compensation calculated by the unit is
27 subject, upon application of the attorney, to judicial
28 review.

29 c. Any support collected shall be disbursed in
30 accordance with federal requirements and any support
31 due the obligee shall be disbursed to the obligee
32 prior to disbursement to the attorney as compensation.

33 d. The collection services center shall disburse
34 compensation due the attorney only from the nonfederal
35 share of assigned collections. The collection
36 services center shall not disburse any compensation
37 for court costs.

38 e. The unit may delay disbursement to the attorney
39 pending the resolution of any timely appeal by the
40 obligor or obligee.

41 f. Negotiation of a partial payment or settlement
42 for support shall not be made without the approval of
43 the unit and the obligee, as applicable.

44 6. The attorney initiating a judicial proceeding
45 under this section shall notify the unit when the
46 judicial proceeding is completed.

47 7. a. An attorney who initiates a judicial
48 proceeding under this section represents the state for
49 the sole and limited purpose of collecting support to
50 the extent provided in this section.

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Page 4

1 b. The attorney is not an employee of the state
2 and has no right to any benefit or compensation other
3 than as specified in this section.

4 c. The state is not liable or subject to suit for
5 any acts or omissions resulting in any damages as a
6 consequence of the attorney's acts or omissions under
7 this section.

8 d. The attorney shall hold the state harmless from
9 any act or omissions of the attorney which may result
10 in any penalties or sanctions, including those imposed
11 under federal bankruptcy laws, and the state may
12 recover any penalty or sanction imposed by offsetting
13 any compensation due the attorney under this section
14 for collections received as a result of any judicial
15 proceeding initiated under this section.

16 e. The attorney initiating a proceeding under this
17 section does not represent the obligor.

18 8. The unit shall comply with all state and
19 federal laws regarding confidentiality. The unit may
20 release to an attorney who has provided notice under
21 this section, information regarding child support
22 balances due, to the extent provided under such laws.

23 9. This section shall not be interpreted to
24 prohibit the unit from providing services or taking
25 other actions to enforce support as provided under
26 this chapter."

27 4. Page 35, by striking lines 14 through 21 and
28 inserting the following: "subject to a penalty of one
29 hundred dollars per refusal."

30 5. Page 35, by striking lines 23 through 27 and
31 inserting the following: "subpoena, fails to request
32 a conference, and fails to pay a fine imposed under
33 subparagraph (4), the unit may petition the district
34 court to compel the person to comply with this
35 paragraph. If the person objects to imposition of the
36 fine, the person may seek judicial review by the
37 district court."

38 6. Page 41, by inserting after line 11 the
39 following:

40 "Sec. ____ . Section 252B.14, subsection 3, Code
41 1997, is amended to read as follows:

42 3. For a support order as to which subsection 2
43 does not apply, support payments made pursuant to the
44 order shall be directed to and disbursed by the clerk
45 of the district court in the county in which the order
46 for support is filed. The clerk of the district court
47 may require the obligor to submit payments by bank
48 draft or money order if the obligor submits an
49 insufficient funds support payment to the clerk of the
50 district court."

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1 7. Page 46, by striking lines 24 through 26 and
2 inserting the following: "the unpaid difference
3 between the amount under the approved order and the
4 amount under the order of the court on appeal is
5 satisfied."

6 8. By striking page 115, line 21, through page
7 116, line 28.

8 9. Page 119, by striking lines 31 through 33 and
9 inserting the following:

10 "NEW SUBSECTION. 5A. The court may order a
11 postsecondary education subsidy if good cause is
12 shown.

13 a. In determining whether good cause exists for
14 ordering a postsecondary education subsidy, the court
15 shall consider the age of the child, the ability of
16 the child relative to postsecondary education, the
17 child's financial resources, whether the child is
18 self-sustaining, and the financial condition of each
19 parent. If the court determines that good cause is
20 shown for ordering a postsecondary education subsidy,
21 the court shall determine the amount of subsidy as
22 follows:

23 (1) The court shall determine the cost of
24 postsecondary education based upon the cost of
25 attending an in-state public institution for a course
26 of instruction leading to an undergraduate degree and
27 shall include the reasonable costs for only necessary
28 postsecondary education expenses.

29 (2) The court shall then determine the amount, if
30 any, which the child may reasonably be expected to
31 contribute, considering the child's financial
32 resources, including but not limited to the
33 availability of financial aid whether in the form of
34 scholarships, grants, or student loans, and the
35 ability of the child to earn income while attending
36 school.

37 (3) The child's expected contribution shall be
38 deducted from the cost of postsecondary education and
39 the court shall apportion responsibility for the
40 remaining cost of postsecondary education to each
41 parent on a pro rata basis, in accordance with each
42 parent's income.

43 b. A postsecondary education subsidy shall be
44 payable to the child, to the educational institution,
45 or to both, but shall not be payable to the custodial
46 parent.

47 c. A postsecondary education subsidy shall not be
48 awarded if the child has disenfranchised the parent by
49 publicly disowning the parent, refusing to acknowledge
50 the parent, or by acting in a similar manner.

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1 d. Unless otherwise specified by the parties, a
2 postsecondary education subsidy awarded by the court
3 shall be terminated upon the child's completion of the
4 first calendar year of course instruction if the child
5 fails to maintain a cumulative grade point average in
6 the median range or above during that first calendar
7 year."

8 10. Page 120, by striking lines 1 through 16 and
9 inserting the following: "the residence of the minor
10 child to another state, the court shall modify the
11 order to preserve, as nearly as possible, the existing
12 relationship between the nonrelocating parent and the
13 minor child. If modified, the order shall, at a
14 minimum, include a provision for extended".

15 11. Page 125, by inserting after line 15 the
16 following:

17 "The clerk of the district court in the county in
18 which the order for support is filed and to whom
19 support payments are made pursuant to the order may
20 require the person obligated to pay support to submit
21 payments by bank draft or money order if the obligor
22 submits an insufficient funds support payment to the
23 clerk of the district court."

24 12. Page 127, by striking lines 2 through 11.

25 13. By striking page 128, line 22, through page
26 130, line 5 and inserting the following:

27 "Sec. ____ . EFFECTIVE DATE. Section 187, being
28 deemed of immediate importance, takes effect upon
29 enactment."

30 14. Page 136, by striking lines 19 through 31 and
31 inserting the following:

32 "Sec. 216. Section 600B.41A, subsections 4 and 6,
33 Code 1997, are amended by striking the subsections and
34 inserting in lieu thereof the following:

35 4. If the court finds that the establishment of
36 paternity is overcome, in accordance with all of the
37 conditions prescribed, the court shall enter an order
38 which provides all of the following:

39 a. That the established father is relieved of any
40 and all future support obligations owed on behalf of
41 the child from the date that the order determining
42 that the established father is not the biological
43 father is filed.

44 b. That any unpaid support due prior to the date
45 the order determining that the established father is
46 not the biological father is filed, is satisfied.

47 6. a. If the court determines that test results
48 conducted in accordance with section 600B.41 or
49 chapter 252F exclude the established father as the
50 biological father, the court may dismiss the action

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1 to overcome paternity and preserve the paternity
2 determination only if all of the following apply:
3 (1) The established father requests that paternity
4 be preserved and that the parent-child relationship,
5 as defined in section 600A.2, be continued.
6 (2) The court finds that it is in the best
7 interest of the child to preserve paternity. In
8 determining the best interest of the child, the court
9 shall consider all of the following:
10 (a) The age of the child.
11 (b) The length of time since the establishment of
12 paternity.
13 (c) The previous relationship between the child
14 and the established father, including but not limited
15 to the duration and frequency of any time periods
16 during which the child and established father resided
17 in the same household or engaged in a parent-child
18 relationship as defined in section 600A.2.
19 (d) The possibility that the child could benefit
20 by establishing the child's actual paternity.
21 (e) Additional factors which the court determines
22 are relevant to the individual situation.
23 (3) The biological father is a party to the action
24 and does not object to termination of the biological
25 father's parental rights, or the established father
26 petitions the court for termination of the biological
27 father's parental rights and the court grants the
28 petition pursuant to chapter 600A.
29 b. If the court dismisses the action to overcome
30 paternity and preserves the paternity determination
31 under this subsection, the court shall enter an order
32 establishing that the parent-child relationship exists
33 between the established father and the child, and
34 including establishment of a support obligation
35 pursuant to section 598.21 and provision of custody
36 and visitation pursuant to section 598.41.
37 Sec. 216A. Section 600B.41A, Code 1997, is amended
38 by adding the following new subsection:
39 NEW SUBSECTION. 6A. a. For any order entered
40 under this section on or before the effective date of
41 this subsection in which the court's determination
42 excludes the established father as the biological
43 father but dismisses the action to overcome paternity
44 and preserves paternity, the established father may
45 petition the court to issue an order which provides
46 all of the following:
47 (1) That the parental rights of the established
48 father are terminated.
49 (2) That the established father is relieved of any
50 and all future support obligations owed on behalf of

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1 the child from the date the order under this
2 subsection is filed.

3 b. The established father may proceed pro se under
4 this subsection. The supreme court shall prescribe
5 standard forms for use under this subsection and shall
6 distribute the forms to the clerks of the district
7 courts.

8 c. If a petition is filed pursuant to this section
9 and notice is served on any parent of the child not
10 filing the petition and any assignee of the support
11 obligation, the court shall grant the petition."

12 15. Page 136, by inserting after line 32, the
13 following:

14 "Sec. 218. Sections 215, 216, and 216A of this
15 Act, being deemed of immediate importance, take effect
16 upon enactment."

17 16. Page 138, by striking lines 34 and 35 and
18 inserting the following: "state shall be filed with
19 ~~the county as directed by the state registrar of the~~
20 ~~county in which the death occurs,~~ within three days
21 after the death".

22 17. Page 139, line 2, by striking the word
23 "registrar" and inserting the following: "county
24 registrar".

25 18. Page 139, by striking lines 10 through 22 and
26 inserting the following:

27 "~~if the place of death is unknown, a death~~
28 ~~certificate shall be filed in the county in which a~~
29 ~~dead body is found within three days after the body is~~
30 ~~found:~~

31 3. The county in which a dead body is found is the
32 county of death. If death occurs in a moving
33 conveyance, a death certificate shall be filed in the
34 county in which the dead body is first removed from
35 the conveyance is the county of death.

36 ~~If a person dies outside of the county of the~~
37 ~~person's residence, the state registrar shall send a~~
38 ~~copy of the death certificate to the county registrar~~
39 ~~of the county of the decedent's residence. The county~~
40 ~~registrar shall record the death certificate in the~~
41 ~~same records in which death certificates of persons~~
42 ~~who died within the county are recorded."~~

43 19. Page 144, by inserting after line 2 the
44 following:

45 "Sec. ____ . **NEW SECTION. 595.3A APPLICATION FORM**
46 **AND LICENSE, INCLUSION OF ABUSE PREVENTION LANGUAGE.**

47 In addition to any other information contained in
48 an application form for a marriage license and a
49 marriage license, the application form and license
50 shall contain the following statement in bold print:

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1 "The laws of this state affirm your right to enter
 2 into this marriage and at the same time to live within
 3 the marriage under the full protection of the laws of
 4 this state with regard to violence and abuse. Neither
 5 of you is the property of the other. Assault, sexual
 6 abuse, and willful injury of a spouse or other family
 7 member are violations of the laws of this state and
 8 are punishable by the state."

9 20. Page 144, by inserting after line 22 the
 10 following:

11 "Sec. _____. Section 614.1, subsection 6, Code 1997,
 12 is amended to read as follows:

13 6. JUDGMENTS OF COURTS OF RECORD. Those founded
 14 on a judgment of a court of record, whether of this or
 15 of any other of the United States, or of the federal
 16 courts of the United States, within twenty years
 17 except that a time period limitation shall not apply
 18 to an action to recover a judgment for child support,
 19 spousal support, or a judgment of distribution of
 20 marital assets.

21 Sec. _____. Section 624.23, subsection 1, Code 1997,
 22 is amended to read as follows:

23 1. Judgments in the appellate or district courts
 24 of this state, or in the circuit or district court of
 25 the United States within the state, are liens upon the
 26 real estate owned by the defendant at the time of such
 27 rendition, and also upon all the defendant may
 28 subsequently acquire, for the period of ten years from
 29 the date of the judgment except that a time period
 30 limitation shall not apply to such liens with regard
 31 to judgments for child support, spousal support, or a
 32 judgment of distribution of marital assets."

33 21. Page 144, by inserting after line 33 the
 34 following:

35 "Sec. _____. NEW SECTION. 627.6A EXEMPTIONS FOR
 36 SUPPORT -- PENSIONS AND SIMILAR PAYMENTS.

37 1. Notwithstanding the provisions of section
 38 627.6, a debtor shall not be permitted to claim
 39 exemptions with regard to payment or a portion of
 40 payment under a pension, annuity, individual
 41 retirement account, profit-sharing plan, universal
 42 life insurance policy, or similar plan or contract due
 43 to illness, disability, death, age, or length of
 44 service for child, spousal, or medical support.

45 2. In addition to subsection 1, if another
 46 provision of law otherwise provides that payments,
 47 income, or property are subject to attachment for
 48 child, spousal, or medical support, those provisions
 49 shall supersede section 627.6."

50 22. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1795 FILED APRIL 17, 1997

House Concurred
 4/23/97
 (P. 1473)

HOUSE FILE 612

H-1854

1 Amend the Senate amendment, H-1795, to House File
2 612 as amended, passed, and reprinted by the House, as
3 follows:

A 4 1. Page 5, by striking lines 6 and 7.
5 2. Page 5, by striking lines 41 and 42 and
6 inserting the following: "parent. The amount paid by
B 7 each parent shall not exceed thirty-three and one-
8 third percent of the total cost of postsecondary
9 education."

10 3. Page 5, line 48, by striking the word
11 "disenfranchised" and inserting the following:
12 "repudiated".

13 4. Page 6, line 1, by inserting after the word
14 "d." the following: "The child shall forward, to each
15 parent, reports of grades awarded at the completion of
16 each academic session, within ten days of receipt of
17 the reports."

A 18 5. Page 6, line 10, by inserting after the word
19 "state" the following: "or to a location which is one
20 hundred fifty miles or more from the residence of the
21 minor child at the time that custody is awarded".

22 6. Page 6, by striking lines 25 through 29 and
23 inserting the following:

24 "____. Page 130, line 3, by inserting after the
25 figure "181," the following: "187,"."

26 7. Page 9, by striking lines 21 through 32.

27 8. By renumbering as necessary.

By BODDICKER of Cedar

H-1854 FILED APRIL 22, 1997

*A. & B adopted (P. 1472-73)
4-23-97*

HOUSE FILE 612

H-1865

1 Amend the Senate amendment, H-1795, to House File
2 612, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 6, by striking lines 1 through 7.

By HOLVECK of Polk

H-1865 FILED APRIL 23, 1997

LOST

(P. 1472)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 612

S-3708

- 1 Amend the Senate amendment, H-1795, to House File
2 612 as amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 5, by striking lines 6 and 7.
5 2. Page 5, by striking lines 41 and 42 and
6 inserting the following: "parent. The amount paid by
7 each parent shall not exceed thirty-three and one-
8 third percent of the total cost of postsecondary
9 education."
10 3. Page 5, line 48, by striking the word
11 "disenfranchised" and inserting the following:
12 "repudiated".
13 4. Page 6, line 1, by inserting after the word
14 "d." the following: "The child shall forward, to each
15 parent, reports of grades awarded at the completion of
16 each academic session, within ten days of receipt of
17 the reports."
18 5. Page 6, line 10, by inserting after the word
19 "state" the following: "or to a location which is one
20 hundred fifty miles or more from the residence of the
21 minor child at the time that custody is awarded".
22 6. Page 6, by striking lines 25 through 29 and
23 inserting the following:
24 "____. Page 130, line 3, by inserting after the
25 figure "181," the following: "187, "."
26 7. Page 9, by striking lines 21 through 32.
27 8. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3708 FILED APRIL 23, 1997
REFUSED TO CONCUR (P 1379)

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 612

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 612, a bill for An Act relating to child support recovery, providing penalties, and providing effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S-3708.
2. That the Senate recedes from its amendment, H-1795.
3. That House File 612, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking page 26, line 27, through page 27, line 7, and inserting the following: "amended by striking the subsection."

2. Page 27, line 30, by inserting after the word "methods." the following: "The department shall utilize, to the maximum extent possible, every available automated process to collect support payments prior to referral of a case to a private collection agency."

3. Page 31, by inserting after line 22 the following:
"Sec. ____ . NEW SECTION. 252B.6A EXTERNAL SERVICES.

1. Provided that the action is consistent with applicable federal law and regulation, an attorney licensed in this state shall receive compensation as provided in this section for support collected as the direct result of a judicial proceeding maintained by the attorney, if all of the following apply to the case:

- a. The unit is providing services under this chapter.
- b. The current support obligation is terminated and only arrearages are due under an administrative or court order and there has been no payment under the order for at least the twelve-month period prior to the provision of notice to the

unit by the attorney under this section.

c. Support is assigned to the state based upon cash assistance paid under chapter 239, or its successor.

d. The attorney has provided written notice to the central office of the unit and to the obligee at the last known address of the obligee of the intent to initiate a specified judicial proceeding, at least thirty days prior to initiating the proceeding.

e. The attorney has provided documentation to the unit that the attorney is insured against loss caused by the attorney's legal malpractice or acts or omissions of the attorney which result in loss to the state or other person.

f. The collection is received by the collection services center within ninety days of provision of the notice to the unit. An attorney may provide subsequent notices to the unit to extend the time for receipt of the collection by subsequent ninety-day periods.

2. a. If, prior to February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall not apply to the proceeding unless the unit consents to the proceeding.

b. (1) If, on or after February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall apply to the proceeding only if the case is exempt from application of rules adopted by the department pursuant to subparagraph (2) which limit application of this section.

(2) The department shall adopt rules which include, but are not limited to, exemption from application of this section to proceedings based upon, but not limited to, any of the following:

(a) A finding of good cause pursuant to section 252B.3.

(b) The existence of a support obligation due another state based upon public assistance provided by that state.

(c) The maintaining of another proceeding by an attorney under this section for which the unit has not received notice

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that the proceeding has concluded or the ninety-day period during which a collection may be received pertaining to the same case has not yet expired.

(d) The initiation of a seek employment action under section 252B.21, and the notice from the attorney indicates that the attorney intends to pursue a contempt action.

(e) Any other basis for exemption of a specified proceeding designated by rule which relates to collection and enforcement actions provided by the unit.

3. The unit shall issue a response to the attorney providing notice within ten days of receipt of the notice. The response shall advise the attorney whether the case to which the specified judicial proceeding applies meets the requirements of this section.

4. For the purposes of this section, a "judicial proceeding" means an action to enforce support filed with a court of competent jurisdiction in which the court issues an order which identifies the amount of the support collection which is a direct result of the court proceeding. "Judicial proceedings" include but are not limited to those pursuant to chapters 598, 626, 633, 642, 654, or 684 and also include contempt proceedings if the collection payment is identified in the court order as the result of such a proceeding. "Judicial proceedings" do not include enforcement actions which the unit is required to implement under federal law including, but not limited to, income withholding.

5. All of the following are applicable to a collection which is the result of a judicial proceeding which meets the requirements of this section:

a. All payments made as the result of a judicial proceeding under this section shall be made to the clerk of the district court or to the collection services center and shall not be made to the attorney. Payments received by the clerk of the district court shall be forwarded to the collection services center as provided in section 252B.15.

b. The attorney shall be entitled to receive an amount

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which is equal to twenty-five percent of the support collected as the result of the specified judicial proceeding not to exceed the amount of the nonfederal share of assigned support collected as the result of that proceeding. The amount paid under this paragraph is the full amount of compensation due the attorney for a proceeding under this section and is in lieu of any attorney fees. The court shall not order the obligor to pay additional attorney fees. The amount of compensation calculated by the unit is subject, upon application of the attorney, to judicial review.

c. Any support collected shall be disbursed in accordance with federal requirements and any support due the obligee shall be disbursed to the obligee prior to disbursement to the attorney as compensation.

d. The collection services center shall disburse compensation due the attorney only from the nonfederal share of assigned collections. The collection services center shall not disburse any compensation for court costs.

e. The unit may delay disbursement to the attorney pending the resolution of any timely appeal by the obligor or obligee.

f. Negotiation of a partial payment or settlement for support shall not be made without the approval of the unit and the obligee, as applicable.

6. The attorney initiating a judicial proceeding under this section shall notify the unit when the judicial proceeding is completed.

7. a. An attorney who initiates a judicial proceeding under this section represents the state for the sole and limited purpose of collecting support to the extent provided in this section.

b. The attorney is not an employee of the state and has no right to any benefit or compensation other than as specified in this section.

c. The state is not liable or subject to suit for any acts or omissions resulting in any damages as a consequence of the attorney's acts or omissions under this section.

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d. The attorney shall hold the state harmless from any act or omissions of the attorney which may result in any penalties or sanctions, including those imposed under federal bankruptcy laws, and the state may recover any penalty or sanction imposed by offsetting any compensation due the attorney under this section for collections received as a result of any judicial proceeding initiated under this section.

e. The attorney initiating a proceeding under this section does not represent the obligor.

8. The unit shall comply with all state and federal laws regarding confidentiality. The unit may release to an attorney who has provided notice under this section, information regarding child support balances due, to the extent provided under such laws.

9. This section shall not be interpreted to prohibit the unit from providing services or taking other actions to enforce support as provided under this chapter."

4. Page 35, by striking lines 14 through 21 and inserting the following: "subject to a penalty of one hundred dollars per refusal."

5. Page 35, by striking lines 23 through 27 and inserting the following: "subpoena, fails to request a conference, and fails to pay a fine imposed under subparagraph (4), the unit may petition the district court to compel the person to comply with this paragraph. If the person objects to imposition of the fine, the person may seek judicial review by the district court."

6. Page 41, by inserting after line 11 the following:
"Sec. ____ . Section 252B.14, subsection 3, Code 1997, is amended to read as follows:

3. For a support order as to which subsection 2 does not apply, support payments made pursuant to the order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed. The clerk of the district court may require the obligor to submit payments by bank draft or money order if the obligor submits

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an insufficient funds support payment to the clerk of the district court."

7. Page 46, by striking lines 24 through 26 and inserting the following: "the unpaid difference between the amount under the approved order and the amount under the order of the court on appeal is satisfied."

8. Page 115, line 21, by striking the figures "1, 3," and inserting the following: "3".

9. Page 115, by striking lines 23 through 31.

10. Page 116, line 6, by striking the words "third-party child care,".

11. Page 116, lines 27 and 28, by striking the words "third-party child care,".

12. Page 119, by striking lines 31 through 33 and inserting the following:

"NEW SUBSECTION. 5A. The court may order a postsecondary education subsidy if good cause is shown.

a. In determining whether good cause exists for ordering a postsecondary education subsidy, the court shall consider the age of the child, the ability of the child relative to postsecondary education, the child's financial resources, whether the child is self-sustaining, and the financial condition of each parent. If the court determines that good cause is shown for ordering a postsecondary education subsidy, the court shall determine the amount of subsidy as follows:

(1) The court shall determine the cost of postsecondary education based upon the cost of attending an in-state public institution for a course of instruction leading to an undergraduate degree and shall include the reasonable costs for only necessary postsecondary education expenses.

(2) The court shall then determine the amount, if any, which the child may reasonably be expected to contribute, considering the child's financial resources, including but not limited to the availability of financial aid whether in the form of scholarships, grants, or student loans, and the ability of the child to earn income while attending school.

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(3) The child's expected contribution shall be deducted from the cost of postsecondary education and the court shall apportion responsibility for the remaining cost of postsecondary education to each parent. The amount paid by each parent shall not exceed thirty-three and one-third percent of the total cost of postsecondary education.

b. A postsecondary education subsidy shall be payable to the child, to the educational institution, or to both, but shall not be payable to the custodial parent.

c. A postsecondary education subsidy shall not be awarded if the child has repudiated the parent by publicly disowning the parent, refusing to acknowledge the parent, or by acting in a similar manner.

d. The child shall forward, to each parent, reports of grades awarded at the completion of each academic session, within ten days of receipt of the reports. Unless otherwise specified by the parties, a postsecondary education subsidy awarded by the court shall be terminated upon the child's completion of the first calendar year of course instruction if the child fails to maintain a cumulative grade point average in the median range or above during that first calendar year."

13. Page 120, by striking lines 1 through 12 and inserting the following: "the residence of the minor child to a location which is one hundred fifty miles or more from the residence of the minor child at the time that custody was awarded, the court may consider the relocation a substantial change in circumstances. If the court determines that the relocation is a substantial change in circumstances,".

14. Page 125, by inserting after line 15 the following:

"The clerk of the district court in the county in which the order for support is filed and to whom support payments are made pursuant to the order may require the person obligated to pay support to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court."

15. Page 126, lines 31 and 32, by striking the words

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"access to" and inserting the following: "contact with".

16. Page 127, by striking lines 2 through 11.

17. By striking page 128, line 22, through page 129, line 11.

18. Page 129, by striking lines 14 through 17 and inserting the following:

"5. Joint physical care may be in the best interest of the child, but joint legal custody does not require joint physical care. When the court determines such action would be in the best interest of the child and would preserve the relationship between each parent and the child, joint physical care may be given awarded to".

19. Page 129, lines 29 and 30, by striking the words "third-party child care,".

20. Page 130, line 3, by inserting after the figure "181," the following: "187,".

21. Page 136, by striking lines 19 through 31 and inserting the following:

"Sec. 216. Section 600B.41A, subsections 4 and 6, Code 1997, are amended by striking the subsections and inserting in lieu thereof the following:

4. If the court finds that the establishment of paternity is overcome, in accordance with all of the conditions prescribed, the court shall enter an order which provides all of the following:

a. That the established father is relieved of any and all future support obligations owed on behalf of the child from the date that the order determining that the established father is not the biological father is filed.

b. That any unpaid support due prior to the date the order determining that the established father is not the biological father is filed, is satisfied.

6. a. If the court determines that test results conducted in accordance with section 600B.41 or chapter 252F exclude the established father as the biological father, the court may dismiss the action to overcome paternity and preserve the

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paternity determination only if all of the following apply:

(1) The established father requests that paternity be preserved and that the parent-child relationship, as defined in section 600A.2, be continued.

(2) The court finds that it is in the best interest of the child to preserve paternity. In determining the best interest of the child, the court shall consider all of the following:

(a) The age of the child.

(b) The length of time since the establishment of paternity.

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

(d) The possibility that the child could benefit by establishing the child's actual paternity.

(e) Additional factors which the court determines are relevant to the individual situation.

(3) The biological father is a party to the action and does not object to termination of the biological father's parental rights, or the established father petitions the court for termination of the biological father's parental rights and the court grants the petition pursuant to chapter 600A.

b. If the court dismisses the action to overcome paternity and preserves the paternity determination under this subsection, the court shall enter an order establishing that the parent-child relationship exists between the established father and the child, and including establishment of a support obligation pursuant to section 598.21 and provision of custody and visitation pursuant to section 598.41.

Sec. 216A. Section 600B.41A, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. a. For any order entered under this section on or before the effective date of this subsection in which the court's determination excludes the established

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father as the biological father but dismisses the action to overcome paternity and preserves paternity, the established father may petition the court to issue an order which provides all of the following:

(1) That the parental rights of the established father are terminated.

(2) That the established father is relieved of any and all future support obligations owed on behalf of the child from the date the order under this subsection is filed.

b. The established father may proceed pro se under this subsection. The supreme court shall prescribe standard forms for use under this subsection and shall distribute the forms to the clerks of the district court.

c. If a petition is filed pursuant to this section and notice is served on any parent of the child not filing the petition and any assignee of the support obligation, the court shall grant the petition."

22. Page 136, by inserting after line 32, the following:

"Sec. 218. Sections 215, 216, and 216A of this Act, being deemed of immediate importance, take effect upon enactment."

23. Page 138, by striking lines 34 and 35 and inserting the following: "state shall be filed with the county as directed by the state registrar of the county in which the death occurs, within three days after the death".

24. Page 139, line 2, by striking the word "registrar" and inserting the following: "county registrar".

25. Page 139, by striking lines 10 through 22 and inserting the following:

~~"If the place of death is unknown, a death certificate shall be filed in the county in which a dead body is found within three days after the body is found.~~

3. The county in which a dead body is found is the county of death. If death occurs in a moving conveyance, ~~a death certificate shall be filed in~~ the county in which the dead body is first removed from the conveyance is the county of death.

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~~If a person dies outside of the county of the person's residence, the state registrar shall send a copy of the death certificate to the county registrar of the county of the decedent's residence. The county registrar shall record the death certificate in the same records in which death certificates of persons who died within the county are recorded.~~"

26. Page 144, by inserting after line 2 the following:

"Sec. ____ . NEW SECTION. 595.3A APPLICATION FORM AND LICENSE, INCLUSION OF ABUSE PREVENTION LANGUAGE.

In addition to any other information contained in an application form for a marriage license and a marriage license, the application form and license shall contain the following statement in bold print:

"The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage under the full protection of the laws of this state with regard to violence and abuse. Neither of you is the property of the other. Assault, sexual abuse, and willful injury of a spouse or other family member are violations of the laws of this state and are punishable by the state."

27. Page 144, by inserting after line 22 the following:

"Sec. ____ . Section 614.1, subsection 6, Code 1997, is amended to read as follows:

6. JUDGMENTS OF COURTS OF RECORD. Those founded on a judgment of a court of record, whether of this or of any other of the United States, or of the federal courts of the United States, within twenty years, except that a time period limitation shall not apply to an action to recover a judgment for child support, spousal support, or a judgment of distribution of marital assets."

28. Page 144, by inserting after line 33 the following:

"Sec. ____ . NEW SECTION. 627.6A EXEMPTIONS FOR SUPPORT -- PENSIONS AND SIMILAR PAYMENTS.

1. Notwithstanding the provisions of section 627.6, a debtor shall not be permitted to claim exemptions with regard

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to payment or a portion of payment under a pension, annuity, individual retirement account, profit-sharing plan, universal life insurance policy, or similar plan or contract due to illness, disability, death, age, or length of service for child, spousal, or medical support.

2. In addition to subsection 1, if another provision of law otherwise provides that payments, income, or property are subject to attachment for child, spousal, or medical support, those provisions shall supersede section 627.6."

29. By renumbering, relettering, and correcting internal references, as necessary.

ON THE PART OF THE HOUSE:

DAN BODDICKER, Chairperson
JEFFREY LAMBERTI
DAVID MILLAGE

ON THE PART OF THE SENATE:

NANCY BOETTGER, Chairperson
MARY NEUHAUSER
DONALD B. REDFERN
NEAL SCHUERER
TOM VILSACK

CCH-612

FILED APRIL 28, 1997

ADOPTED

(P. 1618)

adopted 4/28/97
(P. 1500)

Boddicker, Ch
Lord
Lamberti
Burnett
Moreland

HSB 183

HUMAN RESOURCES

Substituted By
SF/HB 612

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY
CHAIRPERSON BODDICKER)

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

A BILL FOR

1 An Act relating to child support recovery, providing penalties,
2 and providing effective dates.

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

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DIVISION I

PART A

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Section 1. Section 252A.3, subsection 8, paragraphs b and c, Code 1997, are amended to read as follows:

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

c. By Subject to the right of any signatory to rescind as provided in section 252A.3A, subsection 12, by the filing and registration by the state registrar of an affidavit of paternity executed on or after July 1, 1993, as provided in section 252A.3A, provided that the mother of the child was unmarried at the time of conception, birth and at any time during the period between conception and birth of the child or if the mother was married at the time of conception, birth or at any time during the period between conception and birth of the child, a court of competent jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

Sec. 2. Section 252A.3A, Code 1997, is amended to read as follows:

252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.

1. The paternity of a child born out of wedlock may be legally established by the completion, and filing and registration by the state registrar of an affidavit of paternity only as provided by this section.

2. When paternity has not been legally established, paternity may be established by affidavit under this section

1 for the following children:

2 a. The child of a woman who was unmarried at the time of
3 conception, and birth and at any time during the period
4 between conception and birth of the child.

5 b. The child of a woman who is married at the time of
6 conception, or birth or at any time during the period between
7 conception and birth of the child if a court of competent
8 jurisdiction has determined that the individual to whom the
9 mother was married at that time is not the father of the
10 child.

11 3. a. Prior to or at the time of completion of an
12 affidavit of paternity, written and oral information about
13 paternity establishment, developed by the child support
14 recovery unit created in section 252B.2, shall be provided to
15 the mother and putative father.

16 b. The information provided shall include a description of
17 parental rights and responsibilities, including the duty to
18 provide financial support for the child, and the benefits of
19 establishing paternity, and the alternatives to and legal
20 consequences of signing an affidavit of paternity, including
21 the rights available if a parent is a minor.

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

27 4. a. The affidavit of paternity form developed and used
28 by the Iowa department of public health is the only affidavit
29 of paternity form recognized for the purpose of establishing
30 paternity under this section. It shall include the minimum
31 requirements specified by the secretary of the United States
32 department of health and human services pursuant to 42 U.S.C.
33 § 652(a)(7). A properly completed affidavit of paternity form
34 developed by the Iowa department of public health and existing
35 on or after July 1, 1993, but which is superseded by a later

1 affidavit of paternity form developed by the Iowa department
2 of public health, shall have the same legal effect as a
3 paternity affidavit form used by the Iowa department of public
4 health on or after July 1, 1997, regardless of the date of the
5 filing and registration of the affidavit of paternity, unless
6 otherwise required under federal law.

7 b. The form shall be available from the state registrar,
8 each county registrar, the child support recovery unit, and
9 any institution in the state.

10 c. The Iowa department of public health shall make copies
11 of the form available to the entities identified in paragraph
12 "b" for distribution.

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

15 a. A statement by the mother consenting to the assertion
16 of paternity and the identity of the father and acknowledging
17 either of the following:

18 (1) That the mother was unmarried at the time of
19 conception, and birth and at anytime during the period between
20 conception and birth of the child.

21 (2) That the mother was married at the time of conception,
22 or birth or at any time during the period between conception
23 and birth of the child, and that a court order has been
24 entered ruling that the individual to whom the mother was
25 married at that time is not the father of the child.

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

29 c. A statement from the putative father that the putative
30 father is the father of the child.

31 d. The name of the child at birth and the child's birth
32 date.

33 e. The signatures of the mother and putative father.

34 f. The social security numbers of the mother and putative
35 father.

1 g. The addresses of the mother and putative father, as
2 available.

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

5 i. Instructions for filing the affidavit.

6 6. A completed affidavit of paternity shall be filed with
7 the state registrar. However, if the affidavit of paternity
8 is obtained directly from the county registrar, the completed
9 affidavit may be filed with the county registrar who shall
10 forward the original affidavit to the state registrar. For
11 the purposes of legal establishment of paternity under this
12 section, paternity is legally established only upon filing of
13 the affidavit with and registration of the affidavit by the
14 state registrar subject to the right of any signatory to
15 recision pursuant to subsection 12.

16 7. The state registrar shall make copies of affidavits of
17 paternity and identifying information from the affidavits
18 filed and registered pursuant to this section available to the
19 child support recovery unit created under section 252B.2 in
20 accordance with section 144.13, subsection 4, and any
21 subsequent recision form which rescinds the affidavit.

22 8. An affidavit of paternity completed and filed with and
23 registered by the state registrar pursuant to this section has
24 all of the following effects:

25 a. Is admissible as evidence of paternity.

26 b. Has the same legal force and effect as a judicial
27 determination of paternity subject to the right of any
28 signatory to recision pursuant to subsection 12.

29 c. Serves as a basis for seeking child or medical support
30 without further determination of paternity subject to the
31 right of any signatory to recision pursuant to subsection 12.

32 9. All institutions in the state shall provide the
33 following services with respect to any newborn child born out
34 of wedlock:

35 a. Prior to discharge of the newborn from the institution,

1 the institution where the birth occurs shall provide the
2 mother and, if present, the putative father, with all of the
3 following:

4 (1) Written and oral information about establishment of
5 paternity pursuant to subsection 3.

6 (2) An affidavit of paternity form.

7 (3) An opportunity for consultation with the staff of the
8 institution regarding the written information provided under
9 subparagraph (1).

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

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

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

20 b. An institution electing reimbursement shall enter into
21 a written agreement with the child support recovery unit for
22 this purpose.

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

26 d. Reimbursement shall be based only on the number of
27 affidavits completed in compliance with this section and
28 submitted to the state registrar during the duration of the
29 written agreement with the child support recovery unit.

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

32 11. The state registrar, upon request of the mother or the
33 putative father, shall provide the following services with
34 respect to a child born out of wedlock:

35 a. Written and oral information about the establishment of

1 paternity pursuant to subsection 3.

2 b. An affidavit of paternity form.

3 c. An opportunity for consultation with staff regarding
4 the information provided under paragraph "a".

5 12. a. A completed affidavit of paternity may be
6 rescinded through any of the following means:

7 (1) Registration by the state registrar of a completed and
8 notarized recision form signed by either the mother or
9 putative father who signed the affidavit of paternity that the
10 putative father is not the father of the child. The completed
11 and notarized recision form shall be filed with the state
12 registrar for the purpose of registration prior to the earlier
13 of the following:

14 (a) Sixty days after the latest notarized signature of the
15 mother or putative father on the affidavit of paternity.

16 (b) Twenty days after the service of the notice or
17 petition initiating a proceeding in this state to which the
18 signatory is a party relating to the child, including a
19 proceeding to establish a support order under chapter 252A,
20 252C, 252F, 598, or 600B or other law of this state.

21 (2) If a proceeding in this state to which the signatory
22 is a party relating to the child is initiated by the child
23 support recovery unit, filing a completed and notarized
24 recision form signed by either the mother or putative father
25 who signed the affidavit of paternity attesting that the
26 putative father is not the father of the child. The completed
27 and notarized recision form shall be filed with the state
28 registrar or the child support recovery unit prior to the
29 earlier of the following:

30 (a) Sixty days after the latest notarized signature of the
31 mother or putative father on the affidavit of paternity.

32 (b) Twenty days after the service of the notice or
33 petition initiating the proceeding.

34 b. If the child support recovery unit receives a completed
35 and notarized recision form, the unit shall file the form with

1 the state registrar for registration, as appropriate.

2 c. Unless the state registrar has received and registered
3 an order as provided in section 252A.3, subsection 8,
4 paragraph "a", which legally establishes paternity, upon
5 registration of a timely recision form the state registrar
6 shall remove the father's information from the certificate of
7 birth, and shall send a written notice of the recision to the
8 last known address of the signatory of the affidavit of
9 paternity who did not sign the recision form.

10 d. The Iowa department of public health shall develop a
11 recision form and the form shall be the only recision form
12 recognized for the purpose of rescinding a completed affidavit
13 of paternity. A completed recision form shall include the
14 signature of a notary public attesting to the identity of the
15 party signing the recision form.

16 13. The child support recovery unit may enter into a
17 written agreement with an entity designated by the secretary
18 of the United States department of health and human services
19 to offer voluntary paternity establishment services.

20 a. The agreement shall comply with federal requirements
21 pursuant to 42 U.S.C. § 666(a)(5)(C) including those regarding
22 notice, materials, training, and evaluations.

23 b. The agreement may provide for reimbursement of the
24 entity by the state if reimbursement is permitted by federal
25 law.

26 Sec. 3. Section 252A.6A, subsection 1, paragraph a, Code
27 1997, is amended to read as follows:

28 a. Except with the consent of all parties, the trial shall
29 not be held until after the birth of the child and shall be
30 held no earlier than twenty days from the date the respondent
31 is served with notice of the action or, if blood or genetic
32 tests are conducted, no earlier than ~~fifty~~ thirty days from
33 the date the test results are filed with the clerk of the
34 district court as provided under section 600B.41.

35 Sec. 4. Section 252A.6A, subsection 1, Code 1997, is

1 amended by adding the following new paragraphs:

2 NEW PARAGRAPH. c. Appropriate genetic testing procedures
3 shall be used which include any genetic test generally
4 acknowledged as reliable by accreditation bodies designated by
5 the secretary of the United States department of health and
6 human services and which are performed by a laboratory
7 approved by such an accreditation body.

8 NEW PARAGRAPH. d. A copy of a bill for blood or genetic
9 testing, or for the cost of prenatal care or the birth of the
10 child, shall be admitted as evidence without requiring third-
11 party foundation testimony and shall constitute prima facie
12 evidence of amounts incurred for testing.

13 Sec. 5. Section 252A.6A, Code 1997, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 3. If the expert analyzing the blood or
16 genetic test concludes that the test results demonstrate that
17 the putative father is not excluded and that the probability
18 of the putative father's paternity is ninety-nine percent or
19 higher and if the test results have not been challenged, the
20 court, upon motion by a party, shall enter a temporary order
21 for child support to be paid pursuant to section 598.21,
22 subsection 4. The court shall require temporary support to be
23 paid to the clerk of court or to the collection services
24 center. If the court subsequently determines the putative
25 father is not the father, the court shall terminate the
26 temporary support order. All support obligations which came
27 due prior to the order terminating temporary support are
28 unaffected by this action and remain a judgment subject to
29 enforcement.

30 Sec. 6. Section 252A.10, Code 1997, is amended to read as
31 follows:

32 252A.10 COSTS ADVANCED.

33 Actual costs incurred in this state incidental to any
34 action brought under the provisions of this chapter shall be
35 advanced by the initiating party or agency, as appropriate,

1 unless otherwise ordered by the court. Where the action is
2 brought by an agency of the state or county there shall be no
3 filing fee or court costs of any type either advanced by or
4 charged to the state or county.

5 Sec. 7. Section 252A.13, Code 1997, is amended to read as
6 follows:

7 252A.13 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF
8 SUPPORT PAYMENTS.

9 A person entitled to periodic support payments pursuant to
10 an order or judgment entered in a uniform support action under
11 this chapter, who is also a recipient of public assistance, is
12 deemed to have assigned the person's rights to the support
13 payments, to the extent of public assistance received by the
14 person, to the department of human services. If public
15 assistance is provided by the department of human services to
16 or on behalf of a dependent child or a dependent child's
17 caretaker, there is an assignment by operation of law to the
18 department of any and all rights in, title to, and interest in
19 any support obligation, payment, and arrearages owed to or on
20 behalf of the child or caretaker not to exceed the amount of
21 public assistance paid for or on behalf of the child or
22 caretaker. The department shall immediately notify the clerk
23 of court by mail when ~~a person entitled to support payments~~
24 such child or caretaker has been determined to be eligible for
25 public assistance. Upon notification by the department ~~that a~~
26 ~~person entitled to periodic support payments pursuant to this~~
27 ~~chapter is receiving public assistance,~~ the clerk of court
28 shall make a notation of the automatic assignment in the
29 judgment docket and lien index. The notation constitutes
30 constructive notice of the assignment. If the applicant for
31 public assistance, for whom public assistance is approved and
32 provided on or after July 1, 1997, is a person other than a
33 parent of the child, the department shall send notice of the
34 assignment by regular mail to the last known addresses of the
35 obligee and obligor. The clerk of court shall forward support

1 payments received pursuant to section 252A.6, to which the
2 department is entitled, to the department, unless the court
3 has ordered the payments made directly to the department under
4 ~~subsection 12 of~~ that section. The department may secure
5 support payments in default through other proceedings
6 ~~prescribed in this chapter~~. The clerk shall furnish the
7 department with copies of all orders or decrees awarding and
8 temporary domestic abuse orders addressing support to parties
9 having custody of minor children when the parties are
10 receiving public assistance or services are otherwise provided
11 by the child support recovery unit. Unless otherwise
12 specified in the order, an equal and proportionate share of
13 any child support awarded is presumed to be payable on behalf
14 of each child, subject to the order or judgment, for purposes
15 of an assignment under this section.

16 PART B

17 Sec. 8. Section 252A.1, Code 1997, is amended to read as
18 follows:

19 252A.1 TITLE AND PURPOSE.

20 This chapter may be cited and referred to as the "Uniform
21 Support of Dependents Law".

22 The purpose of this ~~uniform~~ chapter is to secure support in
23 civil proceedings for dependent spouses, children and poor
24 relatives from persons legally responsible for their support.

25 Sec. 9. Section 252A.2, Code 1997, is amended to read as
26 follows:

27 252A.2 DEFINITIONS.

28 As used in this chapter, unless the context shall require
29 otherwise, the following terms shall have the meanings
30 ascribed to them by this section:

31 1. "Birth center" means birth center as defined in section
32 135G.2.

33 2. "Birthing hospital" means a private or public hospital
34 licensed pursuant to chapter 135B that has a licensed
35 obstetric unit or is licensed to provide obstetric services,

1 or a licensed birthing center associated with a hospital.

2 3. "Child" includes but shall not be limited to a
3 stepchild, foster child or legally adopted child and means a
4 child actually or apparently under eighteen years of age, and
5 a dependent person eighteen years of age or over who is unable
6 to maintain the person's self and is likely to become a public
7 charge.

8 4. "Court" shall mean and include any court ~~by-whatever~~
9 ~~name-known, in-any-state-having-reciprocal-laws-or-laws~~
10 ~~substantially-similar-to-this-chapter~~ upon which jurisdiction
11 has been conferred to determine the liability of persons for
12 the support of dependents ~~within-and-without-such-state~~.

13 5. "Dependent" shall mean and include a spouse, child,
14 mother, father, grandparent or grandchild who is in need of
15 and entitled to support from a person who is declared to be
16 legally liable for such support ~~by-the-laws-of-the-state-or~~
17 ~~states-wherein-the-petitioner-and-the-respondent-reside~~.

18 6. ~~"Initiating-state" shall-mean-the-state-of-domicile-or~~
19 ~~residence-of-the-petitioner.~~

20 7 6. "Institution" means a birthing hospital or birth
21 center.

22 8 7. "Petitioner" ~~shall-mean-and-include~~ includes each
23 dependent person for whom support is sought in a proceeding
24 instituted pursuant to this chapter or a mother or putative
25 father of a dependent. However, in an action brought by the
26 child support recovery unit, the state is the petitioner.

27 8. "Party" means a petitioner or a respondent.

28 9. "Petitioner's representative" ~~shall-mean-and-include-a~~
29 corporation includes counsel, of a dependent person for whom
30 support is sought and counsel for a mother or putative father
31 of a dependent. In an action brought by the child support
32 recovery unit, "petitioner's representative" includes a county
33 attorney, state's attorney, ~~commonwealth-attorney~~ and any
34 other public officer, by whatever title the officer's public
35 office may be known, charged by law with the duty of

1 instituting, maintaining, or prosecuting a proceeding under
2 this chapter or under the laws of the state or states wherein
3 the petitioner and the respondent reside.

4 10. "Putative father" means a man who is alleged to be or
5 who claims to be the biological father of a child born to a
6 woman to whom the man is not married at the time of the birth
7 of the child.

8 11. "Register" means to file a foreign support order in
9 the registry of foreign support orders maintained as a filing
10 in equity by the clerk of court.

11 ~~12. "Rendering state" means a state in which the court has~~
12 ~~issued a support order for which registration is sought or~~
13 ~~granted in the court of another state.~~

14 ~~13~~ 12. "Respondent" shall mean and include includes each
15 person against whom a proceeding is instituted pursuant to
16 this chapter. "Respondent" may include the mother or the
17 putative father of a dependent.

18 ~~14. "Responding state" shall mean the state wherein the~~
19 ~~respondent resides or is domiciled or found.~~

20 ~~15. "State" means any state, territory, or possession of~~
21 ~~the United States, the District of Columbia, the Commonwealth~~
22 ~~of Puerto Rico, and any foreign jurisdiction in which this or~~
23 ~~a similar reciprocal law is in effect.~~

24 ~~16~~ 13. "State registrar" means state registrar as defined
25 in section 144.1.

26 ~~17. "Summons" shall mean and include a subpoena, warrant,~~
27 ~~citation, order or other notice, by whatever name known,~~
28 ~~provided for by the laws of the state or states wherein the~~
29 ~~petitioner and the respondent reside as the means for~~
30 ~~requiring the appearance and attendance in court of the~~
31 ~~respondent in a proceeding instituted pursuant to this~~
32 ~~chapter.~~

33 Sec. 10. Section 252A.3, subsections 1, 2, 3, 5, and 6,
34 Code 1997, are amended to read as follows:

35 1. A spouse in one state is hereby declared to be liable

1 for the support of the other spouse and any child or children
2 under eighteen years of age and any other dependent residing
3 ~~or-found-in-the-same-state-or-in-another-state-having~~
4 ~~substantially-similar-or-reciprocal-laws.~~ The court having
5 ~~jurisdiction-of-the-respondent-in-a-proceeding-instituted~~
6 ~~under-this-chapter~~ shall establish the respondent's monthly
7 support payment and the amount of the support debt accrued and
8 accruing pursuant to section 598.21~~7~~-~~subsection-4~~.

9 2. A parent ~~in-one-state~~ is hereby ~~declared-to-be~~ liable
10 for the support of the parent's child or children under
11 eighteen years of age ~~residing-or-found-in-the-same-state-or~~
12 ~~in-another-state-having-substantially-similar-or-reciprocal~~
13 ~~laws,~~ whenever the other parent of such child or children is
14 dead, or cannot be found, or is incapable of supporting the
15 child or children, and, if the liable parent is possessed of
16 sufficient means or able to earn the means. The court having
17 jurisdiction of the respondent in a proceeding instituted
18 under this chapter shall establish the respondent's monthly
19 support payment and the amount of the support debt accrued and
20 accruing pursuant to section 598.21, subsection 4.

21 3. The parents ~~in-one-state~~ are hereby ~~declared-to-be~~
22 severally liable for the support of a dependent child eighteen
23 years of age or older ~~residing-or-found-in-the-same-state-or~~
24 ~~in-another-state-having-substantially-similar-or-reciprocal~~
25 ~~laws,~~ whenever such child is unable to maintain the child's
26 self and is likely to become a public charge. . .

27 5. A child or children born of parents who held or hold
28 themselves out as husband and wife by virtue of a common law
29 marriage ~~recognized-as-valid-by-the-laws-of-the-initiating~~
30 ~~state-and-of-the-responding-state-shall-be~~ are deemed the
31 legitimate child or children of both parents.

32 6. A man or woman who was or is held out as the person's
33 spouse by a person by virtue of a common law marriage
34 ~~recognized-as-valid-by-the-laws-of-the-initiating-state-and-of~~
35 ~~the-responding-state-shall-be~~ is deemed the legitimate spouse

1 of such person.

2 Sec. 11. Section 252A.3, Code 1997, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 9. The court may order a party to pay
5 sums sufficient to provide necessary food, shelter, clothing,
6 care, medical or hospital expenses, including medical support
7 as defined in chapter 252E, expenses of confinement, expenses
8 of education of a child, funeral expenses, and such other
9 reasonable and proper expenses of the dependent as justice
10 requires, giving due regard to the circumstances of the
11 respective parties.

12 Sec. 12. Section 252A.5, Code 1997, is amended to read as
13 follows:

14 252A.5 WHEN PROCEEDING MAY BE MAINTAINED.

15 Unless prohibited pursuant to ~~section-252A-20~~ 28 U.S.C. §
16 1738B, a proceeding to compel support of a dependent may be
17 maintained under this chapter in any of the following cases:

18 1. Where the petitioner and the respondent are residents
19 of or domiciled or found ~~in-the-same-state~~ in this state.

20 ~~2.--Where-the-petitioner-resides-in-one-state-and-the~~
21 ~~respondent-is-a-resident-of-or-is-domiciled-or-found-in~~
22 ~~another-state-having-substantially-similar-or-reciprocal-laws.~~

23 ~~3.--Where-the-respondent-is-not-and-never-was-a-resident-of~~
24 ~~or-domiciled-in-the-initiating-state-and-the-petitioner~~
25 ~~resides-or-is-domiciled-in-such-state-and-the-respondent-is~~
26 ~~believed-to-be-a-resident-of-or-domiciled-in-another-state~~
27 ~~having-substantially-similar-or-reciprocal-laws.~~

28 ~~4.--Where-the-respondent-was-or-is-a-resident-of-or~~
29 ~~domiciled-in-the-initiating-state-and-has-departed-or-departs~~
30 ~~from-such-state-leaving-therein-a-dependent-in-need-of-and~~
31 ~~entitled-to-support-under-this-chapter-and-is-believed-to-be-a~~
32 ~~resident-of-or-domiciled-in-another-state-having-substantially~~
33 ~~similar-or-reciprocal-laws.~~

34 5 2. Whenever the state or a political subdivision thereof
35 furnishes support to a dependent, it has the same right

1 through proceedings instituted by the petitioner's
2 representative to invoke the provisions hereof as the
3 dependent to whom the support was furnished, for the purpose
4 of securing reimbursement of expenditures so made and of
5 obtaining continuing support; the petition in such case may be
6 verified by any official having knowledge of such expenditures
7 without further verification of any person and consent of the
8 dependent shall not be required in order to institute
9 proceedings under this chapter. The child support recovery
10 unit may bring the action based upon a statement of a witness,
11 regardless of age, with knowledge of the circumstances,
12 including, but not limited to, statements by the mother of the
13 dependent or a relative of the mother or the putative father.

14 3. If the child support recovery unit is providing
15 services, the unit has the same right to invoke the provisions
16 of this section as the dependent for which support is owed for
17 the purpose of securing support. The petition in such case
18 may be verified by any official having knowledge of the
19 request for services by the unit, without further verification
20 by any other person, and consent of the dependent shall not be
21 required in order to institute proceedings under this chapter.
22 The child support recovery unit may bring the action based
23 upon the statement of a witness, regardless of age, with
24 knowledge of the circumstances, including, but not limited to,
25 statements by the mother of the dependent or a relative of the
26 mother or the putative father.

27 Sec. 13. Section 252A.6, Code 1997, is amended to read as
28 follows:

29 252A.6 HOW COMMENCED -- TRIAL.

30 1. A proceeding under this chapter shall be commenced by a
31 ~~petitioner, or a petitioner's representative, by~~ filing a
32 verified petition in the court in equity in the county of ~~the~~
33 ~~state wherein~~ where the petitioner dependent resides or is
34 domiciled, showing the name, age, residence, and circumstances
35 of the petitioner dependent, alleging that the petitioner

1 dependent is in need of and is entitled to support from the
2 respondent, giving the respondent's name, age, residence, and
3 circumstances, and praying that the respondent be compelled to
4 furnish such support. The petitioner may include in or attach
5 to the petition any information which may help in locating or
6 identifying the respondent including, but without limitation
7 by enumeration, a photograph of the respondent, a description
8 of any distinguishing marks of the respondent's person, other
9 names and aliases by which the respondent has been or is
10 known, the name of the respondent's employer, the respondent's
11 fingerprints, or social security number.

12 ~~2.--If the respondent be a resident of or domiciled in such~~
13 ~~state and the court has or can acquire jurisdiction of the~~
14 ~~person of the respondent under existing laws in effect in such~~
15 ~~state, such laws shall govern and control the procedure to be~~
16 ~~followed in such proceeding.~~

17 ~~3.--If the court of this state acting as an initiating~~
18 ~~state finds that the petition sets forth facts from which it~~
19 ~~may be determined that the respondent owes a duty of support~~
20 ~~and that a court of the responding state may obtain~~
21 ~~jurisdiction of the respondent or the respondent's property,~~
22 ~~it shall so certify and shall cause three copies of (a) the~~
23 ~~petition (b) its certificate and (c) this chapter to be~~
24 ~~transmitted to the court in the responding state.--If the name~~
25 ~~and address of such court is unknown and the responding state~~
26 ~~has an information agency comparable to that established in~~
27 ~~the initiating state it shall cause such copies to be~~
28 ~~transmitted to the state information agency or other proper~~
29 ~~official of the responding state, with a request that it~~
30 ~~forward them to the proper court, and that the court of the~~
31 ~~responding state acknowledge their receipt to the court of the~~
32 ~~initiating state.~~

33 ~~4.--When the court of this state, acting as a responding~~
34 ~~state, receives from the court of an initiating state the~~
35 ~~aforsaid copies, it shall docket the cause, notify the county~~

1 attorney-or-other-official-acting-as-petitioner's
2 representative, set a time and place for a hearing, and take
3 such action as is necessary in accordance with the laws of
4 this state to serve notice and thus obtain jurisdiction over
5 the respondent. -- If a court of the state, acting as a
6 responding state, is unable to obtain jurisdiction of the
7 respondent or the respondent's property due to inaccuracies or
8 inadequacies in the petition or otherwise, the court shall
9 communicate this fact to the court in the initiating state,
10 shall on its own initiative use all means at its disposal to
11 trace the respondent or the respondent's property, and shall
12 hold the case pending the receipt of more accurate information
13 or an amended petition from the court in the initiating state.

14 However, if the court of the responding state is unable to
15 obtain jurisdiction because the respondent resides in or is
16 domiciled or found in another county of the responding state,
17 the papers received from the court of the initiating state may
18 be forwarded by the court of the responding state which
19 received the papers to the court of the county in the
20 responding state in which the respondent resides or is
21 domiciled or found, and the court of the initiating state
22 shall be notified of the transfer. -- The court of the county
23 where the respondent resides or is domiciled or found shall
24 acknowledge receipt of the papers to both the court of the
25 initiating state and the court of the responding state which
26 forwarded them, and shall take full jurisdiction of the
27 proceedings with the same powers as if it had received the
28 papers directly from the court of the initiating state.

29 5 2. It shall not be necessary for the petitioner
30 dependent or the petitioner's dependent's witnesses to appear
31 personally at such a hearing on the petition, but it shall be
32 the duty of the petitioner's representative of the responding
33 state to appear on behalf of and represent the petitioner at
34 all stages of the proceeding.

35 6 3. If at such a hearing on the petition the respondent

1 controverts the petition and enters a verified denial of any
2 of the material allegations thereof, the judge presiding at
3 such the hearing shall stay the proceedings and transmit to
4 ~~the judge of the court in the initiating state a transcript of~~
5 ~~the clerk's minutes showing the denials entered by the~~
6 respondent. The petitioner shall be given the opportunity to
7 present further evidence to address issues which the
8 respondent has controverted.

9 7.--Upon receipt by the judge of the court in the
10 initiating state of such transcript, such court shall take
11 such proof, including the testimony of the petitioner and the
12 petitioner's witnesses and such other evidence as the court
13 may deem proper, and after due deliberation, the court shall
14 make its recommendation based on all of such proof and
15 evidence, and shall transmit to the court in the responding
16 state an exemplified transcript of such proof and evidence and
17 of its proceedings and recommendation in connection therewith.

18 8.--Upon the receipt of such transcript, the court in the
19 responding state shall resume its hearing in the proceeding
20 and shall give the respondent a reasonable opportunity to
21 appear and reply.

22 9.--Upon the resumption of such hearing, the respondent
23 shall have the right to examine or cross-examine the
24 petitioner and the petitioner's witnesses by means of
25 depositions or written interrogatories, and the petitioner
26 shall have the right to examine or cross-examine the
27 respondent and the respondent's witnesses by means of
28 depositions or written interrogatories.

29 10.--If a respondent, duly summoned by a court in the
30 responding state, willfully fails without good cause to appear
31 as directed in the summons, the respondent shall be punished
32 in the same manner and to the same extent as is provided by
33 law for the punishment of a defendant or witness who willfully
34 disobeys a summons or subpoena duly issued out of such court
35 in any other action or proceeding cognizable by said court.

1 ~~11~~ 4. If, ~~on-the-return-day-of-the-summons,~~ the respondent
2 appears at the ~~time-and-place-specified-in-the-summons~~ hearing
3 and fails to answer the petition or admits the allegations of
4 the petition, or, if, after a hearing ~~has-been-duly-held-by~~
5 ~~the-court-in-the-responding-state-in-accordance-with-this~~
6 ~~section,~~ the court has found and determined that the prayer of
7 the petitioner, or any part of the prayer, is supported by the
8 evidence adduced in the proceeding, and that the petitioner
9 dependent is in need of and entitled to support from the
10 respondent a party, the court shall make and enter an order
11 directing ~~the-respondent~~ a party to furnish support ~~to-the~~
12 petitioner for the dependent and to pay a sum as the court
13 determines pursuant to section 598.21~~7~~-~~subsection-4.~~ A
14 ~~certified-copy-of-the-order-shall-be-transmitted-by-the-court~~
15 ~~to-the-court-in-the-initiating-state-and-the-copy-shall-be~~
16 ~~filed-with-and-made-a-part-of-the-records-of-the-court-in-the~~
17 ~~proceeding.~~ Upon entry of an order for support or upon
18 failure of a person to make payments pursuant to an order for
19 support, the court may require ~~the-respondent~~ a party to
20 provide security, a bond, or other guarantee which the court
21 determines is satisfactory to secure the payment of the
22 support. Upon the ~~respondent's~~ party's failure to pay the
23 support under the order, the court may declare the security,
24 bond, or other guarantee forfeited.

25 ~~12~~ 5. The court making such order may require the
26 respondent party to make payment at specified intervals to the
27 clerk of the district court, or to the dependent, or to any
28 state-or-county-agency collection services center, and to
29 report personally to the sheriff or any other official, at
30 such times as may be deemed necessary.

31 ~~13~~ 6. A respondent party who ~~shall~~ willfully ~~fail~~ fails to
32 comply with or ~~violete~~ who violates the terms or conditions of
33 the support order or of the ~~respondent's~~ party's probation
34 shall be punished by the court in the same manner and to the
35 same extent as is provided by law for a contempt of such court

1 or a violation of probation ordered by such court in any other
2 suit or proceeding cognizable by such court.

3 ~~14.--The court of this state when acting as a responding~~
4 ~~state shall have the following duties which may be carried out~~
5 ~~through the clerk of the court:--Upon receipt of a payment~~
6 ~~made by the respondent pursuant to any order of the court or~~
7 ~~otherwise, to transmit the same forthwith to the court of the~~
8 ~~initiating state, and upon request to furnish to the court of~~
9 ~~the initiating state a certified statement of all payments~~
10 ~~made by the respondent.~~

11 ~~15~~ 7. Except as provided in section-252A-20 28 U.S.C. §
12 1738B, any order of support issued by a court of the state
13 ~~acting as a responding state~~ shall not supersede any previous
14 order of support issued in a divorce or separate maintenance
15 action, but the amounts for a particular period paid pursuant
16 to either order shall be credited against amounts accruing or
17 accrued for the same period under both. This subsection also
18 applies to orders entered following an administrative process
19 including, but not limited to, the administrative processes
20 provided pursuant to chapters 252C and 252F.

21 ~~16.--The court of the initiating state shall receive and~~
22 ~~accept all payments made by the respondent to the probation~~
23 ~~department or bureau of the court of the responding state and~~
24 ~~transmitted by the latter on behalf of the respondent.--Upon~~
25 ~~receipt of any such payment, and under such rules as the court~~
26 ~~of the initiating state may prescribe, the court, or its~~
27 ~~probation department or bureau, as the court may direct, shall~~
28 ~~deliver such payment to the dependent person entitled thereto,~~
29 ~~take a proper receipt and acquittance therefor, and keep a~~
30 ~~permanent record thereof.~~

31 ~~17.--A court or administrative agency of a state that has~~
32 ~~issued a child support order consistent with 28 U.S.C. § 1738B~~
33 ~~has continuing, exclusive jurisdiction over the order if the~~
34 ~~state is the state in which the child is residing or the state~~
35 ~~is the residence of the petitioner or respondent unless the~~

~~1 court-or-administrative-agency-of-another-state,-acting-in
2 accordance-with-28-U.S.C.-§-1738B,-has-modified-the-order.~~

3 Sec. 14. Section 252A.6A, subsection 1, unnumbered
4 paragraph 1, Code 1997, is amended to read as follows:

5 ~~When a-court-of-this-state-is-acting-as-the-responding~~
6 ~~state-in~~ an action is initiated under this chapter to
7 establish paternity, all of the following shall apply:

8 Sec. 15. Section 252A.6A, subsection 2, unnumbered
9 paragraph 1, Code 1997, is amended to read as follows:

10 ~~When a-court-of-this-state-is-acting-as-the-responding~~
11 ~~state-in~~ an action is initiated under ~~this-chapter~~ to
12 establish child or medical support based on a prior
13 determination of paternity and the respondent files an answer
14 to the notice ~~required-under-section-252A-6~~ denying paternity,
15 all of the following shall apply:

16 Sec. 16. Section 252A.6A, subsection 2, paragraph a,
17 subparagraph (2), Code 1997, is amended to read as follows:

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

26 Sec. 17. Section 252A.6A, subsection 2, paragraph b, Code
27 1997, is amended to read as follows:

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

1 Sec. 18. Section 252A.17, Code 1997, is amended to read as
2 follows:

3 252A.17 REGISTRY OF FOREIGN SUPPORT ORDERS.

4 The petitioner may register the a foreign support order in
5 a court of this state in the manner and with the effect
6 provided in ~~sections-252A-18-and-252A-19~~ chapter 252K. The
7 clerk of the court shall maintain a registry of foreign
8 support orders in which foreign support orders shall be filed.
9 The filing is in equity.

10 Sec. 19. Section 252A.18, Code 1997, is amended to read as
11 follows:

12 252A.18 REGISTRATION PROCEDURE FOR FOREIGN SUPPORT ORDERS
13 -- NOTICE.

14 ~~1.--A-petitioner-seeking-to-register-a-foreign-support~~
15 ~~order-in-a-court-of-this-state-shall-transmit-to-the-clerk-of~~
16 ~~the-court-three-certified-copies-of-the-order-reflecting-all~~
17 ~~modifications,one-copy-of-the-reciprocal-enforcement-of~~
18 ~~support-act-of-the-state-in-which-the-order-was-made, and-a~~
19 ~~statement-verified-and-signed-by-the-petitioner, showing-the~~
20 ~~post-office-address-of-the-petitioner, the-last-known-place-of~~
21 ~~residence-and-post-office-address-of-the-respondent, the~~
22 ~~amount-of-support-remaining-unpaid, a-description-and-the~~
23 ~~location-of-any-property-of-the-respondent-available-upon~~
24 ~~execution, and-a-list-of-the-states-in-which-the-order-is~~
25 ~~registered.--Upon-receipt-of-these-documents-the-clerk-of-the~~
26 ~~court, with-payment-of-a-filing-fee-of-six-dollars, shall-file~~
27 ~~them-in-the-registry-of-foreign-support-orders.--The-filing~~
28 ~~constitutes-registration-under-this-chapter.~~

29 ~~2.--Promptly~~ Registration of a foreign support order shall
30 be in accordance with chapter 252K except that, with regard to
31 service, promptly upon registration, the clerk of the court
32 shall send a notice by restricted certified mail to the
33 respondent ~~at-the-address-given-a-notice~~ of the registration
34 with a copy of the registered support order ~~and-the-post-~~
35 ~~office-address-of-the-petitioner, or-the-petitioner-may~~

1 request-that or the respondent may be personally served with
2 the notice and the copy of the order in the same manner as
3 original notices are personally served. The clerk shall also
4 docket the case and notify the prosecuting attorney of the
5 action.

6 ~~3.--a.--The-respondent-shall-have-twenty-days-after~~
7 ~~receiving-notice-of-the-registration-in-which-to-petition-the~~
8 ~~court-to-vacate-the-registration-or-for-other-relief.--If-the~~
9 ~~respondent-does-not-so-petition,-the-respondent-is-in-default~~
10 ~~and-the-registered-support-order-is-confirmed-~~

11 ~~b.--If-a-registration-action-is-initiated-by-the-child~~
12 ~~support-recovery-unit,-issues-subject-to-challenge-are-limited~~
13 ~~to-issues-of-fact-relating-to-the-support-obligation-and-not~~
14 ~~other-issues-including,-but-not-limited-to,-custody-and~~
15 ~~visitation,-or-the-terms-of-the-support-order-~~

16 Sec. 20. Sections 252A.4, 252A.4A, 252A.7, 252A.9,
17 252A.11, 252A.12, 252A.16, 252A.19, 252A.20, 252A.24, and
18 252A.25, Code 1997, are repealed.

19 Sec. 21. Part B, sections 8 through 20 of this Act, are
20 effective January 1, 1998.

21 DIVISION II

22 PART A

23 Sec. 22. Section 252B.1, Code 1997, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 2A. "Child support agency" means child
26 support agency as defined in section 252H.2. --

27 Sec. 23. Section 252B.2, Code 1997, is amended to read as
28 follows:

29 252B.2 UNIT ESTABLISHED -- INTERVENTION -- REVIEW.

30 There is created within the department of human services a
31 child support recovery unit for the purpose of providing the
32 services required in sections 252B.3 to 252B.6. The unit is
33 not required to intervene in actions to provide such services.

34 Sec. 24. Section 252B.3, Code 1997, is amended to read as
35 follows:

1 252B.3 DUTY OF DEPARTMENT TO ENFORCE CHILD SUPPORT --
2 COOPERATION -- RULES.

3 1. Upon receipt by the department of an application for
4 public assistance on behalf of a child and determination by
5 the department that the child ~~has-been-abandoned-by-its~~
6 ~~parents-or-that-the-child-and-one-parent-have-been-abandoned~~
7 ~~by-the-other-parent-or-that-the-parent-or-other-person~~
8 ~~responsible-for-the-care,-support-or-maintenance-of-the-child~~
9 ~~has-failed-or-neglected-to-give-proper-care-or-support-to-the~~
10 child is eligible for public assistance and that provision of
11 child support services is appropriate, the department shall
12 take appropriate action under the provisions of this chapter
13 or under other appropriate statutes of this state including
14 but not limited to chapters 239, 252A, 252C, 252D, 252E, 252F,
15 252G, 252H, 252I, 252J, 598, and 600B, to ensure that the
16 parent or other person responsible for the support of the
17 child fulfills the support obligation. The department shall
18 also take appropriate action as required by federal law upon
19 receiving a request from a child support agency for a child
20 receiving public assistance in another state.

21 2. The department of human services may negotiate a
22 partial payment of a support obligation with a parent or other
23 person responsible for the support of the child, provided that
24 the negotiation and partial payment are consistent with
25 applicable federal law and regulation.

26 3. The department shall adopt rules pursuant to chapter
27 17A regarding cases in which, under federal law, it is a
28 condition of eligibility for an individual who is an applicant
29 for or recipient of public assistance to cooperate in good
30 faith with the department in establishing the paternity of, or
31 in establishing, modifying, or enforcing a support order by
32 identifying and locating the parent of the child or enforcing
33 rights to support payments. The rules shall include all of
34 the following provisions:

35 a. As required by the unit, the individual shall provide

1 the name of the noncustodial parent and additional necessary
2 information, and shall appear at interviews, hearings, and
3 legal proceedings.

4 b. If paternity is an issue, the individual and child
5 shall submit to blood or genetic tests pursuant to a judicial
6 or administrative order.

7 c. The individual may be requested to sign a voluntary
8 affidavit of paternity, after notice of the rights and
9 consequences of such an acknowledgment, but shall not be
10 required to sign an affidavit or otherwise relinquish the
11 right to blood or genetic tests.

12 d. The unit shall promptly notify the individual and the
13 appropriate division of the department administering the
14 public assistance program of each determination by the unit of
15 noncooperation of the individual and the reason for such
16 determination.

17 e. A procedure under which the individual may claim that,
18 and the department shall determine whether, the individual has
19 sufficient good cause or other exception for not cooperating,
20 taking into consideration the best interest of the child.

21 4. Without need for a court order and notwithstanding the
22 requirements of section 598.22A, the support payment ordered
23 pursuant to any chapter shall be satisfied as to the
24 department, the child, and either parent for the period during
25 which the parents are reconciled and are cohabiting, the child
26 for whom support is ordered is living in the same residence as
27 the parents, and the obligor receives public assistance on the
28 obligor's own behalf for the benefit of the child. The
29 department shall implement this subsection as follows:

30 a. The unit shall file a notice of satisfaction with the
31 clerk of court.

32 b. This subsection shall not apply unless all the children
33 for whom support is ordered reside with both parents, except
34 that a child may be absent from the home due to a foster care
35 placement pursuant to chapter 234 or a comparable law of a

1 foreign jurisdiction.

2 c. The unit shall send notice by regular mail to the
3 obligor when the provisions of this subsection no longer
4 apply. A copy of the notice shall be filed with the clerk of
5 court.

6 d. This section shall not limit the rights of the parents
7 or the department to proceed by other means to suspend,
8 terminate, modify, reinstate, or establish support.

9 Sec. 25. Section 252B.4, unnumbered paragraph 1, Code
10 1997, is amended to read as follows:

11 The child support and paternity determination services
12 established by the department pursuant to this chapter and
13 other appropriate services provided by law including but not
14 limited to the provisions of chapters 239, 252A, 252C, 252D,
15 252E, 252F, 598, and 600B shall be made available by the unit
16 to an individual not otherwise eligible as a public assistance
17 recipient upon application by the individual for the services
18 or upon referral as described in subsection 6. The
19 application shall be filed with the department.

20 Sec. 26. Section 252B.4, subsection 3, Code 1997, is
21 amended to read as follows:

22 3. When Except as provided in paragraph "c", when the unit
23 intercepts a federal tax refund of an obligor for payment of
24 delinquent support and the funds are due to a recipient of
25 services who is not otherwise eligible for public assistance,
26 the unit shall deduct a twenty-five dollar fee from the funds
27 before forwarding the balance to the recipient.

28 a. The unit shall inform the recipient of the fee under
29 this subsection prior to assessment.

30 b. The fee shall be assessed only to individuals who
31 receive support from the federal tax refund offset program.
32 If the tax refund due the recipient is less than fifty
33 dollars, the fee shall not be assessed.

34 c. The unit shall not deduct a twenty-five dollar fee if
35 the recipient is a resident of a foreign country and is

1 eligible for services pursuant to subsection 6, paragraph "b".

2 Sec. 27. Section 252B.4, Code 1997, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 6. The unit shall also provide child
5 support and paternity determination services and shall respond
6 as provided in federal law for an individual not otherwise
7 eligible as a public assistance recipient if the unit receives
8 a request from any of the following:

9 a. A child support agency.

10 b. A foreign reciprocating country or foreign country with
11 which the state has an arrangement as provided in 42 U.S.C. §
12 659A.

13 Sec. 28. Section 252B.5, subsection 3, Code 1997, is
14 amended to read as follows:

15 3. Aid in enforcing through court or administrative
16 proceedings an existing court order for support issued
17 pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any
18 other chapter under which child or medical support is granted.
19 The director may enter into a contract with a private
20 collection agency to collect support payments for cases which
21 have been identified by the department as difficult collection
22 cases if the department determines that this form of
23 collection is more cost-effective than departmental collection
24 methods. A private collection agency with whom the department
25 enters a contract under this subsection shall comply with
26 state and federal confidentiality requirements and debt
27 collection laws. The director may use a portion of the state
28 share of funds collected through this means to pay the costs
29 of any contract authorized under this subsection.

30 Sec. 29. Section 252B.5, subsection 7, unnumbered
31 paragraph 1, Code 1997, is amended to read as follows:

32 At the request of either parent who is subject to the order
33 of support or upon its own initiation, review the amount of
34 the support award in accordance with the guidelines
35 established pursuant to section 598.21, subsection 4, and the

1 ~~federal-Family-Support-Act-of-1988~~ Title IV-D of the federal
2 Social Security Act, as amended, and take action to initiate
3 modification proceedings if the criteria established pursuant
4 to this section are met. However, a review of a support award
5 is not required ~~in-these-cases-for-which-an-assignment-ordered~~
6 ~~pursuant-to-chapter-234-or-239-is-in-effect~~ if the child
7 support recovery unit determines that such a review would not
8 be in the best interest of the child and neither parent has
9 requested such review.

10 Sec. 30. Section 252B.5, subsection 9, Code 1997, is
11 amended to read as follows:

12 9. The review and adjustment, ~~or~~ modification, or
13 alteration of a support order pursuant to chapter 252H upon
14 adoption of rules pursuant to chapter 17A ~~governing-policies~~
15 ~~and-procedures-for-review-and-adjustment-or-modification~~ and
16 periodic notification, at a minimum of once every three years,
17 to parents subject to a support order of their rights to these
18 services.

19 Sec. 31. Section 252B.5, Code 1997, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 10. The unit shall not establish orders
22 for spousal support. The unit shall enforce orders for
23 spousal support only if the spouse is the custodial parent of
24 a child for whom the unit is also enforcing a child support or
25 medical support order.

26 NEW SUBSECTION. 11. a. Effective October-1, 1997,
27 periodically certify to the secretary of the United States
28 department of health and human services, a list of the names
29 of obligors determined by the unit to owe delinquent child
30 support, under a support order as defined in section 252J.1,
31 in excess of five thousand dollars. The determination of the
32 delinquent amount owed may be based upon one or more support
33 orders being enforced by the unit if the delinquent support
34 owed exceeds five thousand dollars. However, the
35 determination shall not include any amounts which are

1 delinquent due to the retroactive application of a modified
2 order. The certification shall be in a format and shall
3 include any supporting documentation required by the
4 secretary.

5 b. All of the following shall apply to an action initiated
6 by the unit under this subsection:

7 (1) At least thirty days prior to provision of
8 certification to the secretary, the unit shall send notice by
9 regular mail to the last known address of the obligor. The
10 notice shall include all of the following:

11 (a) A statement that the unit has determined that the
12 obligor owes delinquent child support in excess of five
13 thousand dollars.

14 (b) A statement that upon certification by the unit to the
15 secretary, the secretary will transmit the certification to
16 the United States secretary of state for denial, revocation,
17 restriction, or limitation of a passport as provided in 42
18 U.S.C. § 652(k).

19 (c) Information regarding the procedures for challenging
20 the determination by the unit, based upon mistake of fact.
21 For the purposes of this subsection, "mistake of fact" means a
22 mistake in the identity of the obligor or a mistake in the
23 amount of the delinquent child support owed if the amount did
24 not exceed five thousand dollars on the date of the unit's
25 decision on the challenge.

26 (2) (a) If the obligor chooses to challenge the
27 determination, the obligor shall submit the challenge in
28 writing to the unit, to be received by the unit within twenty
29 days of the date of the notice to the obligor. The obligor
30 shall include any relevant information in the written
31 challenge.

32 (b) Upon timely receipt of the written challenge, the unit
33 shall review the determination for a mistake of fact.

34 (c) Following review of the determination, the unit shall
35 send a written decision to the obligor within ten days of

1 timely receipt of the written challenge.

2 (i) If the unit determines that a mistake of fact exists,
3 the unit shall not certify the name of the obligor to the
4 secretary.

5 (ii) If the unit determines that a mistake of fact does
6 not exist, the unit shall certify the name of the obligor to
7 the secretary no earlier than ten days following the issuance
8 of the decision, unless, within ten days of the issuance of
9 the decision, the obligor requests a contested case proceeding
10 pursuant to chapter 17A or makes a payment for child support
11 so that the amount of delinquent child support no longer
12 exceeds five thousand dollars.

13 (3) Following issuance of a final decision under chapter
14 17A that no mistake of fact exists, the obligor may request a
15 hearing before the district court in the county where one or
16 more of the support orders upon which the determination is
17 based is filed. To request a hearing, the obligor shall file
18 a written application with the court contesting the decision
19 and shall send a copy of the application to the unit by
20 regular mail. Notwithstanding the time specifications of
21 section 17A.19, an application for a hearing shall be filed
22 with the court no later than ten days after issuance of the
23 final decision. The clerk of the district court shall
24 schedule a hearing and shall mail a copy of the order
25 scheduling the hearing to the obligor and to the unit. The
26 unit shall certify a copy of its written decision indicating
27 the date of issuance to the court prior to the hearing. The
28 hearing shall be held within thirty days of the filing of the
29 application. The filing of an application for a hearing shall
30 stay the certification by the unit to the secretary. However,
31 if the obligor fails to appear at the scheduled hearing, the
32 stay shall be automatically lifted and the unit shall certify
33 the name of the obligor to the secretary. The scope of the
34 review by the district court shall be limited to demonstration
35 of a mistake of fact. Issues related to visitation, custody,

1 or other provisions not related to the support provisions of a
2 support order are not grounds for a hearing under this
3 subsection.

4 c. Following certification to the secretary, if the unit
5 determines that an obligor no longer owes delinquent child
6 support in excess of five thousand dollars, the unit shall
7 notify the secretary of the change or shall provide
8 information to the secretary as the secretary requires.

9 Sec. 32. Section 252B.6, subsection 3, Code 1997, is
10 amended to read as follows:

11 3. Appear on behalf of the state for the purpose of
12 facilitating the modification of support awards consistent
13 with guidelines established pursuant to section 598.21,
14 subsection 4, and ~~the federal Family Support Act of 1988~~ Title
15 IV-D of the federal Social Security Act. The unit shall not
16 otherwise participate in the proceeding.

17 Sec. 33. Section 252B.7, subsection 4, Code 1997, is
18 amended to read as follows:

19 4. An attorney employed by or under contract with the
20 child support recovery unit represents and acts exclusively on
21 behalf of the state when providing child support enforcement
22 services. An attorney-client relationship does not exist
23 between the attorney and an individual party, witness, or
24 person other than the state, regardless of the name in which
25 the action is brought.

26 Sec. 34. Section 252B.7A, subsection 1, paragraph a, Code
27 1997, is amended to read as follows:

28 a. Income as identified in a signed statement of the
29 parent pursuant to section 252B.9, subsection 1, paragraph
30 "b". If evidence suggests that the statement is incomplete or
31 inaccurate, the unit may present the evidence to the court in
32 a judicial proceeding or to the administrator in a proceeding
33 under chapter 252C or a comparable chapter, and the court or
34 administrator shall weigh the evidence in setting the support
35 obligation. Evidence includes but is not limited to income as

1 established under paragraph "c".

2 Sec. 35. Section 252B.9, Code 1997, is amended to read as
3 follows:

4 252B.9 INFORMATION AND ASSISTANCE FROM OTHERS --
5 AVAILABILITY OF RECORDS.

6 1. a. The director may request from state, county and
7 local agencies, information and assistance deemed necessary to
8 carry out the provisions of this chapter. State, county and
9 local agencies, officers and employees shall co-operate with
10 the unit ~~in locating absent parents of children on whose~~
11 ~~behalf public assistance is being provided~~ and shall on
12 request supply the department with available information
13 relative to the ~~location, income and property holdings of~~ the
14 absent parent, and the custodial parent, and any other
15 necessary party, notwithstanding any provisions of law making
16 this information confidential. The cooperation and
17 information required by this subsection shall also be provided
18 ~~to the department~~ when it is requested by the ~~unit on behalf~~
19 ~~of persons who have applied for support enforcement services a~~
20 child support agency. Information required by this subsection
21 includes, but is not limited to, information relative to
22 location, income, property holdings, records of licenses as
23 defined in section 252J.1, and records concerning the
24 ownership and control of corporations, partnerships, and other
25 business entities. If the information is maintained in an
26 automated database, the unit shall be provided automated
27 access.

28 b. Parents of a child on whose behalf support enforcement
29 services are provided shall provide information regarding
30 income, resources, financial circumstances, and property
31 holdings to the department for the purpose of establishment,
32 modification, or enforcement of a support obligation. The
33 department may provide the information to parents of a child
34 as needed to implement the requirements of section 598.21,
35 subsection 4, notwithstanding any provisions of law making

1 this information confidential.

2 c. Notwithstanding any provisions of law making this
3 information confidential, all entities, including for-profit,
4 nonprofit, and governmental employers, shall, on request,
5 promptly supply the unit or a child support agency information
6 on the employment, compensation, and benefits of any
7 individual employed by such entity as an employee or
8 contractor with relation to whom the unit or a child support
9 agency is providing services.

10 d. Notwithstanding any provisions of law making this
11 information confidential, the unit may subpoena or a child
12 support agency may use the administrative subpoena form
13 promulgated by the secretary of the United States department
14 of health and human services under 42 U.S.C. § 652(a)(11)(C),
15 to obtain any of the following:

16 (1) Books, papers, records, or information regarding any
17 financial or other information relating to a paternity or
18 support proceeding.

19 (2) Certain records held by public utilities and cable
20 television companies with respect to individuals who owe or
21 are owed support, or against or with respect to whom a support
22 obligation is sought, consisting of the names and addresses of
23 such individuals and the names and addresses of the employers
24 of such individuals, as appearing in customer records. If the
25 records are maintained in automated databases, the unit shall
26 be provided with automated access.

27 e. The unit or a child support agency may subpoena
28 information for one or more individuals.

29 f. If the unit or a child support agency issues a request
30 under paragraph "c", or a subpoena under paragraph "d", all of
31 the following shall apply:

32 (1) The unit or child support agency may issue a request
33 or subpoena to a person or entity by sending it by regular
34 mail. Proof of service may be completed according to R.C.P.
35 82.

1 (2) A person who is not a parent or putative father in a
2 paternity or support proceeding, who is issued a request or
3 subpoena, shall be provided an opportunity to refuse to comply
4 for good cause by filing a request for a conference with the
5 unit or child support agency in the manner and within the time
6 specified in rules adopted pursuant to subparagraph (8).

7 (3) Good cause shall be limited to mistake in the identity
8 of the person, or prohibition under federal law to release
9 such information.

10 (4) After the conference the unit shall issue a notice
11 finding that the person has good cause for refusing to comply,
12 or a notice finding that the person does not have good cause
13 for failing to comply. If the person refuses to comply after
14 issuance of notice finding lack of good cause, the person is
15 subject to the following:

16 (a) For an initial refusal to comply, a penalty of twenty-
17 five dollars.

18 (b) For a second refusal to comply, a penalty of one
19 hundred dollars and the opportunity to contest the penalty
20 before an administrative law judge.

21 (c) For a third or subsequent offense, contempt of court
22 proceedings.

23 (5) If the unit imposes a penalty under subparagraph (4),
24 subparagraph subpart (a), the person may seek contested case
25 proceedings and judicial review pursuant to chapter 17A.

26 (6) If the unit imposes a penalty of contempt of court,
27 the person may request an original hearing before the district
28 court in the county where the person resides or has its
29 principal place of business. A person, or the unit, may
30 appeal any final judgment of the district court.

31 (7) If a parent or putative father fails to comply with a
32 subpoena or request for information, the provisions of chapter
33 252J shall apply.

34 (8) The unit may adopt rules pursuant to chapter 17A to
35 implement this section.

1 g. Notwithstanding any provisions of law making this
2 information confidential, the unit or a child support agency
3 shall have access to records and information held by financial
4 institutions with respect to individuals who owe or are owed
5 support, or with respect to whom a support obligation is
6 sought including information on assets and liabilities. If
7 the records are maintained in automated databases, the unit
8 shall be provided with automated access. For the purposes of
9 this section, "financial institution" means financial
10 institution as defined in section 252I.1.

11 h. Notwithstanding any law to the contrary, the unit and a
12 child support agency shall have access to any data maintained
13 by the state of Iowa which contains information that would aid
14 the agency in locating individuals. Such information shall
15 include, but is not limited to, driver's license, motor
16 vehicle, and criminal justice information. However, the
17 information does not include criminal investigative reports or
18 intelligence files maintained by law enforcement. The unit
19 and child support agency shall use or disclose the information
20 obtained pursuant to this paragraph only in accordance with
21 subsection 3. Criminal history records maintained by the
22 department of public safety shall be disclosed in accordance
23 with chapter 692.

24 i. Liability shall not arise under this subsection with
25 respect to any disclosure by a person or entity as required by
26 this subsection, and no advance notice from the unit or a
27 child support agency is required prior to requesting
28 information or assistance or issuing a subpoena under this
29 subsection.

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

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

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

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

16 (2) For support orders entered in Iowa which are being
17 enforced by the unit, the unit may compile and make available
18 for publication a listing of cases in which no payment has
19 been credited to an accrued or accruing support obligation
20 during a previous three-month period. Each case on the list
21 shall be identified only by the name of the support obligor,
22 the address, if known, of the support obligor, unless the
23 information pertaining to the address of the support obligor
24 is protected through confidentiality requirements established
25 by law and has not otherwise been verified with the unit, the
26 support obligor's court order docket or case number, the
27 county in which the obligor's support order is filed, the
28 collection services center case numbers, and the range within
29 which the balance of the support obligor's delinquency is
30 established. The department shall determine dates for the
31 release of information, the specific format of the information
32 released, and the three-month period used as a basis for
33 identifying cases. The department may not release the
34 information more than twice annually. In compiling the
35 listing of cases, no prior public notice to the obligor is

1 required, but the unit may send notice annually by mail to the
2 current known address of any individual owing a support
3 obligation which is being enforced by the unit. The notice
4 shall inform the individual of the provisions of this
5 subparagraph. Actions taken pursuant to this subparagraph are
6 not subject to review under chapter 17A, and the lack of
7 receipt of a notice does not prevent the unit from proceeding
8 in implementing this subparagraph.

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

19 3. Notwithstanding other statutory provisions to the
20 contrary, including but not limited to, chapters 22 and 217,
21 as the chapters relate to the confidentiality of records
22 maintained by the department, information recorded by the
23 department pursuant to this section or obtained by the unit is
24 confidential and, except when prohibited by federal law or
25 regulation, may be used or disclosed as provided in subsection
26 1, paragraph "b" and "h", and subsection 2, and as follows:

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

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

33 c. The unit may release or disclose information as
34 necessary to provide services under section 252B.5, as
35 provided by Title IV-D of the federal Social Security Act, as

1 amended, or as required by federal law.

2 d. After contact with the requesting party, information on
3 the location of a party may be released to a party unless the
4 unit has or obtains knowledge of a protective order against
5 the requesting party with respect to a nonrequesting party, or
6 unless the unit has or obtains reasonable evidence of domestic
7 violence or child abuse or reason to believe that the release
8 of the information may result in physical or emotional harm to
9 a nonrequesting party or a child, and if one of the following
10 conditions is met:

11 (1) Release of the information is required by federal law
12 or regulation.

13 (2) Release of the information is required by chapter
14 252K.

15 (3) The requesting party demonstrates a need for that
16 information to notify a nonrequesting party of a proceeding
17 relating to a child who is subject to a paternity or support
18 order being enforced by the unit for a child of the parties.

19 e. Information may be released if directly connected with
20 any of the following:

21 (1) The administration of the plan or program approved
22 under Title I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI, XIX, or
23 XX, or the supplemental security income program established
24 under Title XVI of the federal Social Security Act, as
25 amended.

26 (2) Any investigations, prosecutions, or criminal or civil
27 proceeding conducted in connection with the administration of
28 any such plan or program.

29 (3) The administration of any other federal or federally
30 assisted program which provides assistance in cash or in kind
31 or provides services, directly to individuals on the basis of
32 need.

33 (4) Reporting to an appropriate agency or official,
34 information on known or suspected instances of physical or
35 mental injury, sexual abuse or exploitation, or negligent

1 treatment or maltreatment of a child who is the subject of a
2 child support enforcement action under circumstances which
3 indicate that the child's health or welfare is threatened.

4 3. f. ~~Except as otherwise provided in subsection 1,~~
5 ~~paragraph "b", and in subsection 2, information recorded by~~
6 ~~the department pursuant to this section shall be available~~
7 ~~only to the unit, attorneys prosecuting a case in which the~~
8 ~~unit may participate according to sections 252B.5 and 252B.6.~~
9 Information may be released to courts having jurisdiction in
10 support or abandonment proceedings, and agencies in other
11 states charged with support collection and paternity
12 determination responsibilities as determined by the rules of
13 the department and the provisions of Title IV of the federal
14 Social Security Act. However, information relating to the
15 location of an absent parent shall be made available, pursuant
16 to federal regulations, to a resident parent, legal guardian,
17 attorney, or agent of a child who is not receiving assistance
18 under Title IV-A of the federal Social Security Act. Unless
19 otherwise prohibited by federal statute or regulation, the

20 g. The child support recovery unit shall release
21 information relating to an absent parent to another unit of
22 the department pursuant to a written request for the
23 information approved by the director or the director's
24 designee.

25 h. For purposes of this subsection, "party" means an
26 absent parent, obligor, resident parent, or other necessary
27 party.

28 Sec. 36. Section 252B.10, subsection 2, Code 1997, is
29 amended to read as follows:

30 2. Any reasonable grounds for belief that a public
31 employee has violated any provision of this chapter shall be
32 grounds for immediate removal from all access to paternity
33 determination and support collection data available through or
34 recorded under section 252B.9.

35 Sec. 37. Section 252B.13A, Code 1997, is amended to read

1 as follows:

2 252B.13A COLLECTION SERVICES CENTER.

3 The department shall establish within the unit a collection
4 services center for the receipt and disbursement of support
5 payments as defined in section 252D.16A or 598.1 as required
6 for orders by section 252B.14. For purposes of this section,
7 support payments do not include attorney fees, court costs, or
8 property settlements.

9 Sec. 38. Section 252B.14, subsection 1, Code 1997, is
10 amended to read as follows:

11 1. For the purposes of this section, "support order"
12 includes any order entered pursuant to chapter 234, 252A,
13 252C, 598, 600B, or any other support chapter or proceeding
14 which establishes support payments as defined in section
15 252D.16A or 598.1.

16 PART B

17 Sec. 39. Section 252B.6, subsections 1, 2, and 4, Code
18 1997, are amended to read as follows:

19 1. Represent the ~~child~~ state in obtaining a support order
20 necessary to meet the child's needs or in enforcing a similar
21 order previously entered.

22 2. ~~Appear-as-a-friend-of-the-court~~ Represent the state's
23 interest in obtaining support for a child in dissolution of
24 marriage and separate maintenance proceedings, or proceedings
25 supplemental ~~thereto~~ to these proceedings or any other support
26 proceedings, when either or both of the parties to the
27 proceedings are receiving public assistance, for the purpose
28 of advising the court of the financial interest of the state
29 in the proceeding.

30 4. ~~If-public-assistance-has-been-applied-for-or-granted-on~~
31 ~~behalf-of-a-child-of-parents-who-are-legally-separated-or~~
32 ~~whose-marriage-has-been-legally-dissolved, the unit may apply~~
33 Apply to the district court ~~for a court order directing either~~
34 ~~or both parents to show cause for the following:~~ or initiate
35 an administrative action, as necessary, to obtain, enforce, or

1 modify support.

2 a.--Why-an-order-of-support-for-the-child-should-not-be
3 entered,-or

4 b.--Why-the-parent-should-not-be-held-in-contempt-for
5 failure-to-comply-with-a-support-order-previously-entered.

6 Sec. 40. Section 252B.7, subsection 1, paragraph b, Code
7 1997, is amended to read as follows:

8 b. Cases under chapter 252A, the Uniform Support of
9 Dependents Law.

10 Sec. 41. Section 252B.12, Code 1997, is amended to read as
11 follows:

12 252B.12 JURISDICTION OVER NONRESIDENT PARENTS.

13 In an action to establish paternity or to establish or
14 enforce a child support obligation, or to modify a support
15 order, a nonresident person is subject to the jurisdiction of
16 the courts of this state ~~upon service of process of original~~
17 ~~notice in accordance with the rules of civil procedure, Iowa~~
18 ~~court rules, third edition, if any of the following~~
19 ~~circumstances exists:~~ as specified in section 252K.201.

20 1.--Any-circumstance-in-which-the-nonresident-has-the
21 necessary-minimum-contact-with-this-state-for-the-exercise-of
22 jurisdiction,-consistent-with-the-constitutions-of-this-state
23 and-the-United-States.

24 2.--The-affected-child-was-conceived-in-this-state-while-at
25 least-one-of-the-parents-was-a-resident-of-this-state-and-the
26 nonresident-is-the-parent-or-alleged-parent-of-the-child.

27 3.--The-affected-child-resides-in-this-state-as-a-result-of
28 the-acts-or-directives-or-with-the-approval-of-the
29 nonresident.

30 4.--The-nonresident-has-resided-with-the-affected-child-in
31 this-state.

32 Sec. 42. Part B, sections 39 through 41 of this Act, are
33 effective January 1, 1998.

34 DIVISION III

35 Sec. 43. Section 252C.2, subsections 1 and 2, Code 1997,

1 are amended to read as follows:

2 1. ~~By-accepting~~ If public assistance for is provided by
3 the department to or on behalf of a dependent child or a
4 dependent child's caretaker, the-recipient-is-deemed-to-have
5 made there is an assignment by operation of law to the
6 department of any and all rights in, title to, and interest in
7 any support obligation and, payment, and arrearages owed to or
8 for the child or caretaker up to the amount of public
9 assistance paid for or on behalf of the child or caretaker.
10 Unless otherwise specified in the order, an equal and
11 proportionate share of any child support awarded is presumed
12 to be payable on behalf of each child subject to the order or
13 judgment for purposes of an assignment under this section.

14 2. The payment of public assistance to or for the benefit
15 of a dependent child or a dependent child's caretaker creates
16 a support debt due and owing to the department by the
17 responsible person in an amount equal to the public assistance
18 payment, except that the support debt is limited to the amount
19 of a support obligation established by court order or by the
20 administrator. The administrator may establish a support debt
21 as to amounts accrued and accruing pursuant to section 598.21,
22 subsection 4. However, when establishing a support debt-is
23 not-created-in-favor-of-the-department obligation against a
24 responsible person, no debt shall be created for the period
25 during which the responsible person is a recipient on the
26 person's own behalf of public assistance for the benefit of
27 the dependent child or the dependent child's caretaker-, if
28 any of the following conditions exist:

29 a. The parents have reconciled and are cohabiting, and the
30 child for whom support would otherwise be sought is living in
31 the same residence as the parents.

32 b. The child is living with the parent from whom support
33 would otherwise be sought.

34 Sec. 44. Section 252C.7, Code 1997, is repealed.

35

DIVISION IV

1

PART A

2 Sec. 45. Section 252D.1, Code 1997, is amended to read as
3 follows:

4 252D.1 SUPPORT-DEFINITION--- DELINQUENT SUPPORT PAYMENTS
5 ---ASSIGNMENT-OF-INCOME.

6 ~~1:--As-used-in-this-chapter,unless-the-context-otherwise~~
7 ~~requires,"support"-or-"support-payments"-means-any-amount~~
8 ~~which-the-court-may-require-a-person-to-pay-for-the-benefit-of~~
9 ~~a-child-under-a-temporary-order-or-a-final-judgment-or-decree,~~
10 ~~and-may-include-child-support,maintenance,medical-support-as~~
11 ~~defined-in-chapter-252E, and,if-contained-in-a-child-support~~
12 ~~order,spousal-support,and-any-other-term-used-to-describe~~
13 ~~these-obligations.--These-obligations-may-include-support-for~~
14 ~~a-child-who-is-between-the-ages-of-eighteen-and-twenty-two~~
15 ~~years-and-who-is-regularly-attending-an-accredited-school-in~~
16 ~~pursuance-of-a-course-of-study-leading-to-a-high-school~~
17 ~~diploma-or-its-equivalent,or-regularly-attending-a-course-of~~
18 ~~vocational-technical-training-either-as-a-part-of-a-regular~~
19 ~~school-program-or-under-special-arrangements-adapted-to-the~~
20 ~~individual-person's-needs,or-is,in-good-faith,a-full-time~~
21 ~~student-in-a-college,university,or-community-college,or-has~~
22 ~~been-accepted-for-admission-to-a-college,university,or~~
23 ~~community-college-and-the-next-regular-term-has-not-yet-begun,~~
24 ~~and-may-include-support-for-a-child-of-any-age-who-is~~
25 ~~dependent-on-the-parties-to-the-dissolution-proceedings~~
26 ~~because-of-physical-or-mental-disability.~~ --

27 2: If support payments ordered under chapter 232, 234,
28 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other
29 applicable chapter, or under a comparable statute of a foreign
30 jurisdiction, as certified to the child support recovery unit
31 established in section 252B.2, are not paid to the clerk of
32 the district court or the collection services center pursuant
33 to section 598.22 and become delinquent in an amount equal to
34 the payment for one month, the child support recovery unit may
35 enter an ex parte order or, upon application of a person

1 entitled to receive the support payments, ~~the child support~~
2 ~~recovery unit or~~ the district court may enter an ex parte
3 order, notifying the person whose income is to be assigned
4 withheld, of the delinquent amount, of the amount of income,
5 ~~wages, compensation, or benefits~~ to be withheld, and of the
6 procedure to file a motion to quash the order ~~of assignment~~
7 for income withholding, and ~~shall order an assignment of~~
8 ~~income requiring ordering~~ the withholding of specified sums to
9 be deducted from the delinquent person's ~~periodic earnings,~~
10 ~~trust income, compensation, benefits, or other income as~~
11 defined in section 252D.16A sufficient to pay the support
12 obligation and, except as provided in section 598.22,
13 requiring the payment of such sums to the clerk of the
14 district court or the collection services center.

15 Notification of income withholding shall be provided to the
16 obligor and to the payor of earnings, trust income, or other
17 income pursuant to section 252D.17.

18 ~~3.---A person entitled by court order to receive support~~
19 ~~payments or a person responsible for enforcing such a court~~
20 ~~order may petition the clerk of the district court for an~~
21 ~~assignment of income.---If the petition is verified and~~
22 ~~establishes that support payments are delinquent in an amount~~
23 ~~equal to the payment for one month and if the clerk of the~~
24 ~~district court determines, after providing an opportunity for~~
25 ~~a hearing, that notice of the mandatory assignment of income~~
26 ~~as provided in section 252D.3 has been given, the clerk of the~~
27 ~~district court shall order an assignment of income under~~
28 ~~subsection 2.~~

29 Sec. 46. Section 252D.3, Code 1997, is amended to read as
30 follows:

31 252D.3 NOTICE OF ASSIGNMENT INCOME WITHHOLDING.

32 All orders for support entered on or after July 1, 1984
33 shall notify the person ordered to pay support of the
34 mandatory assignment withholding of income required under
35 section 252D.1. However, for orders for support entered

1 before July 1, 1984, the clerk of the district court, the
2 child support recovery unit, or the person entitled by the
3 order to receive the support payments, shall notify each
4 person ordered to pay support under such orders of the
5 mandatory assignment withholding of income required under
6 section 252D.1. The notice shall be sent by certified mail to
7 the person's last known address or the person shall be
8 personally served with the notice in the manner provided for
9 service of an original notice at least fifteen days prior to
10 ~~the filing of a petition under section 252D.17 subsection 3 or~~
11 the ordering of ~~an assignment of~~ income withholding under
12 section 252D.17 ~~subsection 2 or 3~~. A person ordered to pay
13 support may waive the right to receive the notice at any time.

14 Sec. 47. Section 252D.9, Code 1997, is amended to read as
15 follows:

16 252D.9 SUMS SUBJECT TO IMMEDIATE WITHHOLDING.

17 Specified sums shall be deducted from the obligor's
18 ~~earnings, trust income, or other~~ income sufficient to pay the
19 support obligation and any judgment established or delinquency
20 accrued under the support order. The amount withheld pursuant
21 to an ~~assignment of~~ income withholding order or notice of
22 order for income withholding shall not exceed the amount
23 specified in 15 U.S.C. § 1673(b).

24 Sec. 48. Section 252D.10, Code 1997, is amended to read as
25 follows:

26 252D.10 NOTICE OF ~~ASSIGNMENT~~ IMMEDIATE INCOME WITHHOLDING.

27 The notice requirements of section 252D.3 do not apply to
28 this subchapter. An order for support entered after November
29 1, 1990, shall contain the notice of immediate income
30 withholding. However, this subchapter is sufficient notice
31 for implementation of immediate income withholding without any
32 further notice.

33 Sec. 49. NEW SECTION. 252D.16A DEFINITIONS.

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

1 1. "Income" means all of the following:

2 a. Any periodic form of payment due an individual,
3 regardless of source, including but not limited to wages,
4 salaries, commissions, bonuses, worker's compensation,
5 disability payments, payments pursuant to a pension or
6 retirement program, and interest.

7 b. A sole payment or lump sum as provided in section
8 252D.18C.

9 c. Irregular income as defined in section 252D.18B.

10 2. "Payor of income" or "payor" means and includes, but is
11 not limited to, an obligor's employer, trustee, the state of
12 Iowa and all governmental subdivisions and agencies and any
13 other person from whom an obligor receives income.

14 3. "Support" or "support payments" means any amount which
15 the court or administrative agency may require a person to pay
16 for the benefit of a child under a temporary order or a final
17 judgment or decree, and may include child support,
18 maintenance, medical support as defined in chapter 252E,
19 spousal support, and any other term used to describe these
20 obligations. These obligations may include support for a
21 child of any age who is dependent on the parties to the
22 dissolution proceedings because of physical or mental
23 disability. The obligations may include support for a child
24 eighteen or more years of age with respect to whom a child
25 support order has been issued pursuant to the laws of a
26 foreign jurisdiction.

27 Sec. 50. Section 252D.17, Code 1997, is amended to read as
28 follows:

29 252D.17 NOTICE TO EMPLOYER-OR-INCOME PAYOR OF INCOME --
30 DUTIES AND LIABILITY -- CRIMINAL PENALTY.

31 The district court shall provide notice by sending a copy
32 of the order for income withholding or a notice of the order
33 for income withholding to the obligor and the obligor's
34 employer, trustee, or other payor of income by regular mail,
35 with proof of service completed according to rule of civil

1 procedure 82. The child support recovery unit shall provide
2 notice of the income withholding order by sending a notice of
3 the order to the obligor's ~~employer, trustee, or other~~ payor
4 of income by regular mail or by electronic means. Proof of
5 service may be completed according to rule of civil procedure
6 82. The ~~order or the~~ child support recovery unit's notice of
7 the order may be sent to the ~~employer, trustee, or other~~ payor
8 of income on the same date that the order is sent to the clerk
9 of court for filing. In all other instances, the income
10 withholding order shall be filed with the clerk of court prior
11 to sending the notice of the order to the payor of income. In
12 addition to the amount to be withheld for payment of support,
13 the order or the ~~child-support-recovery-unit's~~ notice of the
14 order shall be in a standard format as prescribed by the unit
15 and shall include all of the following information regarding
16 the duties of the payor in implementing the withholding order:
17 1. The withholding order or notice of the order for income
18 withholding for child support or child support and spousal
19 support has priority over a garnishment or an assignment for a
20 any other purpose other than the support of the dependents in
21 the court order being enforced.
22 2. As reimbursement for the payor's processing costs, the
23 payor may deduct a fee of no more than two dollars for each
24 payment in addition to the amount withheld for support. The
25 payor of income is not required to vary the payroll cycle to
26 comply with the frequency of payment of a support order.
27 3. The amount withheld for support, including the
28 processing fee, shall not exceed the amounts specified in 15
29 U.S.C. § 1673(b).
30 4. The income withholding order is binding on an existing
31 or future ~~employer, trustee, or other~~ payor of income ten days
32 after receipt of the copy of the order or the ~~child-support~~
33 ~~recovery-unit's~~ notice of the order, and is binding whether or
34 not the copy of the order received is file-stamped.
35 5. The payor shall send the amounts withheld to the

1 collection services center or the clerk of the district court
2 within ~~ten-working~~ seven business days of the date the obligor
3 is paid. "Business day" means a day on which state offices
4 are open for regular business.

5 6. The payor may combine amounts withheld from the
6 ~~obligor's-wages~~ obligors' income in a single payment to the
7 clerk of the district court or to the collection services
8 center, as appropriate. Whether combined or separate,
9 payments shall be identified by the name of the obligor,
10 account number, amount, and the date withheld. If payments
11 for multiple obligors are combined, the portion of the payment
12 attributable to each obligor shall be specifically identified.

13 ~~7. The payor shall deliver or send a copy of the order or~~
14 ~~the child support recovery unit's notice of the order to the~~
15 ~~obligor within one business day after receipt of the order or~~
16 ~~the child support recovery unit's notice of the order.~~

17 8. 7. The withholding is binding on the payor until
18 further notice by the court or the child support recovery
19 unit.

20 9. 8. If the payor knowingly fails to withhold income or
21 to pay the amounts withheld to the collection services center
22 or the clerk of court in accordance with the provisions of the
23 order or the ~~child support recovery unit's~~ notice of the
24 order, the payor commits a simple misdemeanor and is liable
25 for the accumulated amount which should have been withheld,
26 together with costs, interest, and reasonable attorney fees
27 related to the collection of the amounts due from the payor.

28 ~~10.~~ 9. The payor shall promptly notify the court or the
29 child support recovery unit when the obligor's employment or
30 other income terminates, and provide the obligor's last known
31 address and the name and address of the obligor's new
32 employer, if known.

33 ~~11.~~ 10. Any payor who discharges an obligor, refuses to
34 employ an obligor, or takes disciplinary action against an
35 obligor based upon income withholding is guilty of a simple

1 misdemeanor. A withholding order or the child-support
2 recovery-unit's notice of the order for income withholding has
3 the same force and effect as any other district court order,
4 including, but not limited to, contempt of court proceedings
5 for noncompliance.

6 11. a. Beginning July 1, 1997, if a payor of income does
7 business in another state through a registered agent and
8 receives a notice of income withholding issued by another
9 state the payor shall, and beginning January 1, 1998, any
10 payor of income shall withhold funds as directed in a notice
11 issued by another state, except that a payor of income shall
12 follow the laws of the obligor's principal place of employment
13 when determining all of the following:

14 (1) The payor's fee for processing an income withholding
15 payment.

16 (2) The maximum amount permitted to be withheld from the
17 obligor's income.

18 (3) The time periods for implementing the income
19 withholding order and forwarding the support payments.

20 (4) The priorities for withholding and allocating income
21 withheld for multiple child support obligees.

22 (5) Any withholding terms or conditions not specified in
23 the order.

24 b. A payor of income who complies with an income
25 withholding notice that is regular on its face shall not be
26 subject to any civil liability to any individual or agency for
27 conduct in compliance with the notice.

28 Sec. 51. NEW SECTION. 252D.17A NOTICE TO OBLIGOR OF
29 IMPLEMENTATION OF INCOME WITHHOLDING ORDER.

30 The child support recovery unit or the district court shall
31 send a notice of the income withholding order to the obligor
32 at the time the notice is sent to the payor of income.

33 Sec. 52. Section 252D.18A, unnumbered paragraph 1, Code
34 1997, is amended to read as follows:

35 When the obligor is responsible for paying more than one

1 support obligation and the ~~employer-or-the-income~~ payor of
2 income has received more than one income withholding order or
3 ~~the-child-support-recovery-unit's~~ notice of an order for the
4 obligor, the payor shall withhold amounts in accordance with
5 all of the following:

6 Sec. 53. Section 252D.18A, subsection 3, paragraph a, Code
7 1997, is amended to read as follows:

8 a. To arrive at the amount to be withheld for each
9 obligee, the payor shall total the amounts due for current
10 support under the income withholding orders and the ~~child~~
11 ~~support-recovery-unit's~~ notices of orders and determine the
12 proportionate share for each obligee. The proportionate share
13 shall be determined by dividing the amount due for current
14 support for each order or ~~child-support-recovery-unit's~~ notice
15 of order by the total due for current support for all orders
16 and ~~child-support-recovery-unit's~~ notices of orders. The
17 results are the percentages of the obligor's net income which
18 shall be withheld for each obligee.

19 Sec. 54. NEW SECTION. 252D.19A DISPARITY BETWEEN ORDER
20 AND PAY DATES -- NOT DELINQUENT.

21 1. An obligor whose support payments are automatically
22 withheld from the obligor's paycheck shall not be delinquent
23 or in arrears if all of the following conditions are met:

24 a. Any delinquency or arrearage is caused solely by a
25 disparity between the schedules of the obligor's regular pay
26 dates and the scheduled date the support is due.

27 b. The amount calculated to be withheld is such that the
28 total amount of current support to be withheld from the
29 paychecks of the obligor and the amount ordered to be paid in
30 the support order are the same on an annual basis.

31 c. The automatic deductions for support are continuous and
32 occurring.

33 2. If the unit takes an enforcement action during a
34 calendar year against an obligor and the obligor is not
35 delinquent or in arrears solely due to the applicability of

1 this section to the obligor, upon discovering the
2 circumstances, the unit shall promptly discontinue the
3 enforcement action.

4 Sec. 55. Section 252D.21, Code 1997, is amended to read as
5 follows:

6 252D.21 PENALTY FOR MISREPRESENTATION.

7 A person who knowingly makes a false statement or
8 representation of a material fact or knowingly fails to
9 disclose a material fact in order to secure an ~~assignment-of~~
10 income withholding order or notice of income withholding
11 against another person and to receive support payments or
12 additional support payments pursuant to this chapter, is
13 guilty, upon conviction, of a serious misdemeanor.

14 Sec. 56. Section 252D.23, Code 1997, is amended to read as
15 follows:

16 252D.23 FILING OF WITHHOLDING ORDER -- ORDER EFFECTIVE AS
17 DISTRICT COURT ORDER.

18 An income withholding order entered by the child support
19 recovery unit pursuant to this chapter shall be filed with the
20 clerk of the district court. For the purposes of
21 demonstrating compliance by the ~~employer, trustee, or other~~
22 payor of income, the copy of the withholding order or the
23 ~~child-support-recovery-unit's~~ notice of the order received,
24 whether or not the copy of the order is file-stamped, shall
25 have all the force, effect, and attributes of a docketed order
26 of the district court including, but not limited to,
27 availability of contempt of court proceedings against an
28 ~~employer, trustee, or other~~ a payor of income for
29 noncompliance. However, any information contained in the
30 income withholding order or the ~~child-support-recovery-unit's~~
31 notice of the order related to the amount of the accruing or
32 accrued support obligation which does not reflect the correct
33 amount of support due does not modify the underlying support
34 judgment.

35 Sec. 57. NEW SECTION. 252D.31 MOTION TO QUASH.

1 An obligor under this chapter may move to quash an income
2 withholding order or a notice of income withholding by filing
3 a motion to quash with the clerk of court.

4 1. Grounds for contesting a withholding order under this
5 chapter include all of the following:

6 a. A mistake of fact, which for purposes of this chapter
7 means an error in the amount withheld or the amount of the
8 withholding or the identity of the obligor.

9 b. For immediate withholding only, the conditions for
10 exception to immediate income withholding as defined under
11 section 252D.8 existed at the time of implementation of the
12 withholding.

13 2. The clerk of the district court shall schedule a
14 hearing on the motion to quash for a time not later than seven
15 days after the filing of the motion to quash and the notice of
16 the motion to quash. The clerk shall mail to the parties
17 copies of the motion to quash, the notice of the motion to
18 quash, and the order scheduling the hearing.

19 3. The payor shall withhold and transmit the amount
20 specified in the order or notice of the order of income
21 withholding to the clerk of the district court or the
22 collection services center, as appropriate, until the notice
23 that a motion to quash has been granted is received.

24 Sec. 58. Sections 252D.2 and 252D.11, Code 1997, are
25 repealed.

26 PART B

27 Sec. 59. Section 252D.17, Code 1997, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 12. The payor of income shall comply with
30 chapter 252K when receiving a notice of income withholding
31 from another state.

32 Sec. 60. Section 252D.24, subsection 3, Code 1997, is
33 amended to read as follows:

34 3. Income withholding for a support order issued by a
35 foreign jurisdiction is ~~subject-to-the-law-and-procedures-for~~

1 ~~income-withholding-of-the-jurisdiction-where-the-income~~
2 ~~withholding-order-is-implemented.--With-respect-to-when-the~~
3 ~~obligor-becomes-subject-to-withholding,-however,-the-law-and~~
4 ~~procedures-of-the-jurisdiction-where-the-support-order-was~~
5 ~~entered-apply~~ governed by chapter 252K, articles V or VI, and
6 this chapter, as appropriate.

7 Sec. 61. Part B, sections 59 and 60 of this Act, are
8 effective January 1, 1998.

9 DIVISION V

10 Sec. 62. Section 252E.2, subsection 2, unnumbered
11 paragraph 1, Code 1997, is amended to read as follows:

12 An insurer who is subject to the federal ~~Omnibus-Budget~~
13 ~~Reconciliation-Act-of-1993,-section-4301~~ Employee Retirement
14 Income Security Act, as codified in ~~42-U.S.C.--§-1936g-1~~ 29
15 U.S.C. § 1169, shall provide benefits in accordance with that
16 section which meet the requirements of a qualified medical
17 child support order. For the purposes of this subsection
18 "qualified medical child support order" means a child support
19 order which creates or recognizes the existence of a child's
20 right to, or assigns to a child the right to, receive benefits
21 for which a participant or child is eligible under a group
22 health plan and which specifies the following:

23 Sec. 63. Section 252E.4, subsection 1, Code 1997, is
24 amended to read as follows:

25 1. When a support order requires an obligor to provide
26 coverage under a health benefit plan, the district court or
27 the department may enter an ex parte order directing an
28 employer to take all actions necessary to enroll an obligor's
29 dependent for coverage under a health benefit plan or may
30 include the provisions in an ex parte income withholding order
31 or notice of income withholding pursuant to chapter 252D. The
32 department may amend the information in the ex parte order
33 regarding health insurance provisions if necessary to comply
34 with health insurance requirements including but not limited
35 to the provisions of section 252E.2, subsection 2.

1 conducted, and the putative father does not deny paternity
2 after the testing or challenge the paternity test results, ~~ten~~
3 twenty days from the date the paternity test results are
4 issued or mailed to the putative father by the unit.

5 Sec. 68. Section 252F.3, subsection 1, paragraph g, Code
6 1997, is amended to read as follows:

7 g. A statement that if a conference is not requested, and
8 the putative father does not deny paternity or challenge the
9 results of any paternity testing conducted but objects to the
10 finding of financial responsibility or the amount of child
11 support or medical support, or both, the putative father shall
12 send a written request for a court hearing on the issue of
13 support to the unit within ~~ten~~ twenty days of the date of service
14 of the original notice, or, if paternity was contested and
15 paternity testing conducted, and the putative father does not
16 deny paternity after the testing or challenge the paternity
17 test results, within ~~ten~~ twenty days from the date the
18 paternity test results are issued or mailed to the putative
19 father by the unit, whichever is later.

20 Sec. 69. Section 252F.3, subsection 4, paragraphs b and c,
21 Code 1997, are amended to read as follows:

22 b. If paternity establishment was contested and paternity
23 tests conducted, a court hearing on the issue of paternity
24 shall be ~~scheduled~~ held no earlier than ~~fifty~~ thirty days from
25 the date paternity test results are issued to all parties by
26 the unit, unless the parties mutually agree to waive the time
27 frame pursuant to section 252F.8.

28 ~~c. If a court hearing is scheduled regarding the issue of~~
29 ~~paternity establishment, any~~ Any objection to the results of
30 paternity tests shall be filed no later than ~~thirty~~ twenty
31 ~~days before~~ after the date ~~the court hearing is originally~~
32 ~~scheduled~~ paternity test results are issued or mailed to the
33 putative father by the unit. Any objection to paternity test
34 results filed by a party ~~less~~ more than ~~thirty~~ twenty days
35 ~~before~~ after the date ~~the court hearing is originally~~

1 scheduled paternity tests are issued or mailed to the putative
2 father by the unit shall not be accepted or considered by the
3 court.

4 Sec. 70. Section 252F.3, subsection 6, paragraph d, Code
5 1997, is amended to read as follows:

6 d. If a paternity test is ordered under this section, the
7 administrator shall direct that inherited characteristics be
8 analyzed and interpreted, and shall appoint an expert
9 qualified as an examiner of genetic markers to analyze and
10 interpret the results. The test shall be of a type generally
11 acknowledged as reliable by accreditation entities designated
12 by the secretary of the United States department of health and
13 human services and shall be performed by a laboratory approved
14 by an accreditation entity.

15 Sec. 71. Section 252F.3, subsection 6, paragraph i,
16 subparagraph (1), Code 1997, is amended to read as follows:

17 (1) In order to challenge the presumption of paternity, a
18 party shall file a written notice of the challenge with the
19 district court within twenty days from the date the paternity
20 test results are issued or mailed to all parties by the unit,
21 ~~or-if-a-court-hearing-is-scheduled-to-resolve-the-issue-of~~
22 ~~paternity,-no-later-than-thirty-days-before-the-scheduled-date~~
23 ~~of-the-court-hearing,-whichever-occurs-later.-.-Any-subsequent~~
24 ~~rescheduling-or-continuances-of-the-originally-scheduled~~
25 ~~hearing-shall-not-extend-the-initial-time-frame.~~ Any
26 challenge to a presumption of paternity resulting from
27 paternity tests, or to paternity test results filed after the
28 initial lapse of the twenty-day time frame shall not be
29 accepted or admissible by the unit or the court.

30 Sec. 72. Section 252F.3, subsection 6, paragraph k, Code
31 1997, is amended to read as follows:

32 k. If the results of the test or the verified expert's
33 analysis are timely challenged as provided in this subsection,
34 the administrator, upon the request of a party and advance
35 payment by the contestant or upon the unit's own initiative,

1 shall order that an additional test be performed by the same
2 laboratory or an independent laboratory ~~or~~. If the party
3 requesting additional testing does not advance payment, the
4 administrator shall certify the case to the district court in
5 accordance with paragraph "i" and section 252F.5.

6 Sec. 73. Section 252F.3, subsection 6, paragraph n, Code
7 1997, is amended to read as follows:

8 n. Except as provided in paragraph "k", the unit shall
9 advance the costs of genetic testing. If paternity is
10 established and paternity testing was conducted, the unit
11 shall enter an order or, if the action proceeded to a court
12 hearing, request that the court enter a judgment for the costs
13 of the paternity tests consistent with applicable federal law.
14 In a proceeding under this chapter, a copy of a bill for
15 genetic testing shall be admitted as evidence without
16 requiring third-party foundation testimony and shall
17 constitute prima facie evidence of the amount incurred for
18 genetic testing.

19 Sec. 74. Section 252F.4, subsection 6, Code 1997, is
20 amended by adding the following new paragraph:

21 NEW PARAGRAPH. j. Statements as required pursuant to
22 section 598.22B.

23 Sec. 75. Section 252F.5, subsection 3, paragraph d, Code
24 1997, is amended by striking the paragraph.

25 DIVISION VII

26 Sec. 76. Section 252G.1, Code 1997, is amended by adding
27 the following new subsections:

28 NEW SUBSECTION. 4A. "Business day" means a day on which
29 state offices are open for regular business.

30 NEW SUBSECTION. 8A. "Labor organization" means any
31 organization of any kind, or any agency, or employee
32 representation committee or plan, in which employees
33 participate and which exists for the purpose, in whole or in
34 part, of dealing with employers concerning grievances, labor
35 disputes, wages, rates of pay, hours of employment, or

1 conditions of work.

2 Sec. 77. Section 252G.1, subsection 8, Code 1997, is
3 amended to read as follows:

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

9 Sec. 78. Section 252G.3, subsection 1, paragraph d, Code
10 1997, is amended to read as follows:

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

14 Sec. 79. Section 252G.3, subsection 3, Code 1997, is
15 amended to read as follows:

16 3. ~~Until-such-time-as-the-Iowa-employee's-withholding~~
17 ~~allowance-certificate-is-amended-to-provide-for-inclusion-of~~
18 ~~all-of-the-information-required-under-subsection-17-submission~~
19 ~~of-the-certificate-constitutes-compliance-with-this-section.~~
20 An employer with employees in two or more states that
21 transmits reports magnetically or electronically may comply
22 with subsection 1 by transmitting the report described in
23 subsection 1 to each state, or by designating as the recipient
24 state one state, in which the employer has employees, and
25 transmitting the report to that state. An employer that
26 transmits reports pursuant to this subsection shall notify the
27 United States secretary of health and human services, in
28 writing, of the state designated by the employer for the
29 purpose of transmitting reports.

30 Sec. 80. NEW SECTION. 252G.7 DATA ENTRY AND TRANSMITTING
31 CENTRALIZED EMPLOYEE REGISTRY RECORDS TO THE NATIONAL NEW HIRE
32 REGISTRY.

33 The unit shall enter new hire data into the centralized
34 employee directory database within five business days of
35 receipt from employers and shall transmit the records of the

1 centralized employee registry to the national directory of new
2 hires within three business days after the date information
3 regarding a newly hired employee is entered into the
4 centralized employee registry.

5 Sec. 81. NEW SECTION. 252G.8 INCOME WITHHOLDING
6 REQUIREMENTS.

7 Within two business days after the date information
8 regarding a newly hired employee is entered into the
9 centralized employee registry and matched with obligors in
10 cases being enforced by the unit, the unit shall transmit a
11 notice to the employer or payor of income of the employee
12 directing the employer or payor of income to withhold from the
13 income of the employee in accordance with chapter 252D.

14 DIVISION VIII

15 Sec. 82. Section 252H.1, Code 1997, is amended to read as
16 follows:

17 252H.1 PURPOSE AND INTENT.

18 This chapter is intended to provide a means for state
19 compliance with the Title IV-D of the federal Family-Support
20 Social Security Act of-1988 , as amended, requiring states to
21 provide procedures for the review and adjustment of support
22 orders being enforced under Title IV-D of the federal Social
23 Security Act, and also to provide an expedited modification
24 process when review and adjustment procedures are not
25 required, appropriate, or applicable. Actions under this
26 chapter shall be initiated only by the child support recovery
27 unit.

28 Sec. 83. Section 252H.2, Code 1997, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 5A. "Cost-of-living alteration" means a
31 change in an existing child support order which equals an
32 amount which is the amount of the support obligation following
33 application of the percentage change of the consumer price
34 index for all urban consumers, United States city average, as
35 published in the federal register by the federal department of

1 labor, bureau of labor statistics.

2 Sec. 84. Section 252H.2, subsection 6, paragraph a, Code
3 1997, is amended to read as follows:

4 a. ~~An alteration;~~ A change, correction, or termination of
5 an existing support order.

6 Sec. 85. Section 252H.2, subsection 8, Code 1997, is
7 amended to read as follows:

8 8. "Public assistance" means benefits received in this
9 state or any other state, under Title IV-A (aid-to-dependent
10 children temporary assistance to needy families), IV-E (foster
11 care), or XIX (medicaid) of the Act.

12 Sec. 86. Section 252H.3, subsection 1, Code 1997, is
13 amended to read as follows:

14 1. Any action initiated under this chapter, including any
15 court hearing resulting from an action, shall be limited in
16 scope to the adjustment or modification of the child or
17 medical support or cost-of-living alteration of the child
18 support provisions of a support order.

19 Sec. 87. Section 252H.4, subsections 1 and 4, Code 1997,
20 are amended to read as follows:

21 1. The unit may administratively adjust or modify or may
22 provide for an administrative cost-of-living alteration of a
23 support order entered under chapter 234, 252A, 252C, 598, or
24 600B, or any other support chapter if the unit is providing
25 enforcement services pursuant to chapter 252B. The unit is
26 not required to intervene to administratively adjust or modify
27 or provide for an administrative cost-of-living alteration of
28 a support order under this chapter.

29 4. The unit shall adopt rules pursuant to chapter 17A to
30 establish the process for the review of requests for
31 adjustment, the criteria and procedures for conducting a
32 review and determining when an adjustment is appropriate, the
33 procedure and criteria for a cost-of-living alteration, the
34 criteria and procedure for a request for review pursuant to
35 section 252H.18A, and other rules necessary to implement this

1 chapter.

2 Sec. 88. Section 252H.6, Code 1997, is amended to read as
3 follows:

4 252H.6 COLLECTION OF INFORMATION.

5 The unit ~~shall~~ may request, obtain, and validate
6 information concerning the financial circumstances of the
7 parents of a child as necessary to determine the appropriate
8 amount of support pursuant to the guidelines established in
9 section 598.21, subsection 4, including but not limited to
10 those sources and procedures described in sections 252B.7A and
11 252B.9. The collection of information does not constitute a
12 review conducted pursuant to section 252H.16.

13 Sec. 89. Section 252H.8, subsection 4, paragraph f, Code
14 1997, is amended to read as follows:

15 f. Copies of any financial statements and supporting
16 documentation provided by the parents including proof of a
17 substantial change in circumstances for a request filed
18 pursuant to section 252H.18A.

19 Sec. 90. Section 252H.9, subsections 2 and 7, Code 1997,
20 are amended to read as follows:

21 2. The For orders to which subchapter II or III is
22 applicable, the unit shall determine the appropriate amount of
23 the child support obligation using the current child support
24 guidelines established pursuant to section 598.21, subsection
25 4, and the criteria established pursuant to section 252B.7A
26 and shall determine the provisions for medical support
27 pursuant to chapter 252E.

28 7. A copy of the order shall be sent by regular mail
29 within fourteen days after filing to each parent's last known
30 address, or if applicable, to the last known address of the
31 parent's attorney.

32 Sec. 91. Section 252H.11, subsection 2, unnumbered
33 paragraph 1, Code 1997, is amended to read as follows:

34 If the modification action filed by the parent is
35 subsequently dismissed before being heard by the court, the

1 unit shall continue the action previously initiated under this
2 chapter subchapter II or III, or initiate a new action as
3 follows:

4 Sec. 92. Section 252H.13, Code 1997, is amended to read as
5 follows:

6 252H.13 RIGHT TO REQUEST REVIEW.

7 A parent shall have the right to request the review of a
8 support order for which the unit is currently providing
9 enforcement services of an ongoing child support obligation
10 pursuant to chapter 252B including by objecting to a cost-of-
11 living alteration pursuant to section 252H.24, subsections 1
12 and 2.

13 Sec. 93. Section 252H.14, Code 1997, is amended to read as
14 follows:

15 252H.14 REVIEWS INITIATED BY THE CHILD SUPPORT RECOVERY
16 UNIT.

17 1. The unit ~~shall~~ may periodically initiate a review of
18 support orders meeting the conditions in section 252H.12 in
19 accordance with the following:

20 a. The right to any ongoing child support obligation is
21 currently assigned to the state due to the receipt of public
22 assistance.

23 b. The right to any ongoing medical support obligation is
24 currently assigned to the state due to the receipt of public
25 assistance unless:

26 (1) The support order already includes provisions
27 requiring the parent ordered to pay child support to also
28 provide medical support.

29 (2) The parent entitled to receive support has
30 satisfactory health insurance coverage for the children,
31 excluding coverage resulting from the receipt of public
32 assistance benefits.

33 c. The review is otherwise necessary to comply with this
34 Act:

35 2. The unit ~~shall~~ may periodically initiate a request to a

1 child support agency of another state to conduct a review of a
2 support order entered in that state when the right to any
3 ongoing child or medical support obligation due under the
4 order is currently assigned to the state of Iowa.

5 3. The unit shall adopt rules establishing criteria to
6 determine the appropriateness of initiating a review.

7 4. The unit shall initiate reviews under this section in
8 accordance with the ~~federal-Family-Support Act of-1988~~.

9 Sec. 94. NEW SECTION. 252H.18A REQUEST FOR REVIEW
10 OUTSIDE APPLICABLE TIME FRAMES.

11 1. If a support order is not eligible for review and
12 adjustment because the support order is outside of the minimum
13 time frames specified by rule of the department, a parent may
14 request a review and administrative modification by submitting
15 all of the following to the unit:

16 a. A request for review of the support order which is
17 outside of the applicable time frames.

18 b. Verified documentation of a substantial change in
19 circumstances as specified by rule of the department.

20 2. Upon receipt of the request and all documentation
21 required in subsection 1, the unit shall review the request
22 and documentation and if appropriate shall issue a notice of
23 intent to modify as provided in section 252H.19.

24 3. Notwithstanding section 598.21, subsections 8 and 9,
25 for purposes of this section, a substantial change in
26 circumstances means there has been a change of-fifty percent
27 or more in the income of a parent, and the change is due to
28 financial circumstances which have existed for a minimum
29 period of three months and can reasonably be expected to exist
30 for an additional three months.

31 SUBCHAPTER IV

32 COST-OF-LIVING ALTERATION

33 Sec. 95. NEW SECTION. 252H.21 PURPOSE -- INTENT --
34 EFFECT ON REQUIREMENTS FOR GUIDELINES.

35 1. This subchapter is intended to provide a procedure to

1 accommodate a request of both parents to expeditiously change
2 a support order due to changes in the cost of living.

3 2. All of the following shall apply to a cost of living
4 alteration under this subchapter:

5 a. To the extent permitted under 42 U.S.C. §
6 666(a)(10)(A)(i)(II), the cost-of-living alteration shall be
7 an exception to any requirement under law for the application
8 of the child support guidelines established pursuant to
9 section 598.21, subsection 4, including but not limited to,
10 any requirement in this chapter or chapter 234, 252A, 252B,
11 252C, 252F, 598, or 600B.

12 b. The cost-of-living alteration shall not prevent any
13 subsequent modification or adjustment to the support order as
14 otherwise provided in law based on application of the child
15 support guidelines.

16 c. The calculation of a cost-of-living alteration to a
17 child support order shall be compounded as follows:

18 (1) Increase or decrease the child support order by the
19 percentage change of the appropriate consumer price index for
20 the month and year after the month and year the child support
21 order was last issued, modified, adjusted, or altered.

22 (2) Increase or decrease the amount of the child support
23 order calculated in subparagraph (1) for each subsequent year
24 by applying the appropriate consumer price index for each
25 subsequent year to the result of the calculation for the
26 previous year. The final year in the calculation shall be the
27 year immediately preceding the year the unit received the
28 completed request for the cost-of-living alteration.

29 d. The amount of the cost-of-living alteration in the
30 notice in section 252H.24, subsection 1, shall be the result
31 of the calculation in paragraph "c".

32 Sec. 96. NEW SECTION. 252H.22 SUPPORT ORDERS SUBJECT TO
33 COST-OF-LIVING ALTERATION.

34 A support order meeting all of the following conditions is
35 eligible for a cost-of-living alteration under this

1 subchapter.

2 1. The support order is subject to the jurisdiction of
3 this state for the purposes of a cost-of-living alteration.

4 2. The support order provides for the ongoing support of
5 at least one child under the age of eighteen or a child
6 between the ages of eighteen and nineteen who has not yet
7 graduated from high school but who is reasonably expected to
8 graduate from high school before attaining the age of
9 nineteen.

10 3. The unit is providing enforcement services for the
11 ongoing support obligation pursuant to chapter 252B.

12 4. A parent requests a cost-of-living alteration as
13 provided in section 252H.23.

14 5. The support order addresses medical support for the
15 child.

16 Sec. 97. NEW SECTION. 252H.23 RIGHT TO REQUEST COST-OF-
17 LIVING ALTERATION.

18 A parent may request a cost-of-living alteration by
19 submitting all of the following to the unit:

20 1. A written request for a cost-of-living alteration to
21 the support order signed by the parent making the request.

22 2. A statement signed by the nonrequesting parent agreeing
23 to the cost-of-living alteration to the support order.

24 3. A statement signed by each parent waiving that parent's
25 right to personal service and accepting service by regular
26 mail.

27 4. Other documentation specified by rule of the
28 department.

29 Sec. 98. NEW SECTION. 252H.24 ROLE OF THE CHILD SUPPORT
30 RECOVERY UNIT -- FILING AND DOCKETING OF COST-OF-LIVING
31 ALTERATION ORDER -- ORDER EFFECTIVE AS DISTRICT COURT ORDER.

32 1. Upon receipt of a request and required documentation
33 for a cost-of-living alteration, the unit shall issue a notice
34 of the amount of cost-of-living alteration by regular mail to
35 the last known address of each parent, or, if applicable, each

1 parent's attorney. The notice shall include all of the
2 following:

3 a. A statement that either parent may contest the cost-of-
4 living alteration within thirty days of the date of the notice
5 by making a request for a review of a support order as
6 provided in section 252H.13, and if either parent does not
7 make a request for a review within thirty days, the unit shall
8 prepare an administrative order as provided in subsection 4.

9 b. A statement that the parent may waive the thirty-day
10 notice waiting period provided for in this section.

11 2. Upon timely receipt of a request and required
12 documentation for a review of a support order as provided in
13 subsection 1 from either parent, the unit shall terminate the
14 cost-of-living alteration process and apply the provisions of
15 subchapters I and II of this chapter relating to review and
16 adjustment.

17 3. Upon receipt of signed requests from both parents
18 subject to the support order, waiving the notice waiting
19 period, the unit may prepare an administrative order pursuant
20 to subsection 4 altering the support obligation.

21 4. If timely request for a review pursuant to section
22 252H.13 is not made, and if the thirty-day notice waiting
23 period has expired, or if both parents have waived the notice
24 waiting period, the unit shall prepare and present an
25 administrative order for a cost-of-living alteration, ex
26 parte, to the district court where the order to be altered is
27 filed.

28 5. Unless defects appear on the face of the administrative
29 order or on the attachments, the district court shall approve
30 the order. Upon filing, the approved order shall have the
31 same force, effect, and attributes of an order of the district
32 court.

33 6. Upon filing, the clerk of the district court shall
34 enter the order in the judgment docket and judgment lien
35 index.

1 7. If the parents jointly waive the thirty-day notice
2 waiting period, the signed statements of both parents waiving
3 the notice period shall be filed in the court record with the
4 administrative order altering the support obligation.

5 8. The unit shall send a copy of the order by regular mail
6 to each parent's last known address, or, if applicable, to the
7 last known address of the parent's attorney.

8 9. An administrative order approved by the district court
9 is final, and action by the unit to enforce and collect upon
10 the order may be taken from the date of the entry of the order
11 by the district court.

12 DIVISION IX

13 Sec. 99. Section 252I.1, subsections 1, 3, 5, and 8, Code
14 1997, are amended to read as follows:

15 1. "Account" means "account" as defined in section
16 524.103, "share account or shares" as defined in section
17 534.102, the savings or deposits of a member received or being
18 held by a credit union, or certificates of deposit. "Account"
19 also includes deposits held by an agent, a broker-dealer, or
20 an issuer as defined in section 502.102 and money-market
21 mutual fund accounts. However, "account" does not include
22 amounts held by a financial institution as collateral for
23 loans extended by the financial institution.

24 3. "Court order" means "support order" as defined in
25 section ~~252E.1~~ 252J.1.

26 5. "Financial institution" includes a bank, credit union,
27 ~~or~~ savings and loan association, insurance company, safe
28 deposit company, and money-market mutual fund. "Financial
29 institution" also includes an institution which holds deposits
30 for an agent, broker-dealer, or an issuer as defined in
31 section 502.102.

32 8. "Support" or "support payments" means "support" or
33 "support payments" as defined in section ~~252D.1~~ 252D.16A.

34 Sec. 100. Section 252I.4, Code 1997, is amended to read as
35 follows:

1 252I.4 VERIFICATION OF ACCOUNTS AND IMMUNITY FROM
2 LIABILITY.

3 1. The unit may contact a financial institution to obtain
4 verification of the account number, the names and social
5 security numbers listed for the account, and the account
6 balance of any account held by an obligor. Contact with a
7 financial institution may be by telephone or by written
8 communication. The financial institution may require positive
9 voice recognition and may require the telephone number of the
10 authorized person from the unit before releasing an obligor's
11 account information by telephone.

12 2. The unit and financial institutions doing business in
13 Iowa shall enter into agreements to develop and operate a data
14 match system, using automated data exchanges to the maximum
15 extent feasible. The data match system shall allow a means by
16 which each financial institution shall provide to the unit for
17 each calendar quarter the name, record address, social
18 security number or other taxpayer identification number, and
19 other identifying information for each obligor who maintains
20 an account at the institution and who owes past-due support,
21 as identified by the unit by name and social security number
22 or other taxpayer identification number.

23 3. The unit may pay a reasonable fee to a financial
24 institution for conducting the data match required in
25 subsection 2, not to exceed the actual costs incurred by the
26 financial institution.

27 ~~2-~~ 4. The financial institution is immune from any
28 liability, civil or criminal, which might otherwise be
29 incurred or imposed for any of the following:

30 a. Any information released by the financial institution
31 to the unit pursuant to this chapter section.

32 b. Any encumbrance or surrender of any assets held by the
33 financial institution in response to a notice of lien or levy
34 issued by the unit.

35 c. Any other action taken in good faith to comply with

1 section 252I.4 or 252I.7.

2 ~~3- 5.~~ The financial institution or the unit is not liable
3 for the cost of any early withdrawal penalty of an obligor's
4 certificate of deposit.

5 DIVISION X

6 Sec. 101. Section 252J.1, subsections 1, 2, 3, 4, 6, and
7 9, Code 1997, are amended to read as follows:

8 1. "Certificate of noncompliance" means a document
9 provided by the child support recovery unit certifying that
10 the named ~~obligor~~ individual is not in compliance with a any
11 of the following:

12 a. A support order. ~~or-with-a~~

13 b. A written agreement for payment of support entered into
14 by the unit and the obligor.

15 c. A subpoena or warrant relating to a paternity or
16 support proceeding.

17 2. "License" means a license, certification, registration,
18 permit, approval, renewal, or other similar authorization
19 issued to an ~~obligor~~ individual by a licensing authority which
20 evidences the admission to, or granting of authority to engage
21 in, a profession, occupation, business, ~~or~~ industry, or
22 recreation or to operate or register a motor vehicle.

23 "License" ~~does-not-mean-or-include~~ includes licenses for
24 hunting, fishing, boating, or other recreational activity.

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

28 4. "Licensing authority" means a county treasurer, county
29 recorder or designated depository, the supreme court, or an
30 instrumentality, agency, board, commission, department,
31 officer, organization, or any other entity of the state, which
32 has authority within this state to suspend or revoke a license
33 or to deny the renewal or issuance of a license authorizing an
34 ~~obligor~~ individual to register or operate a motor vehicle or
35 to engage in a business, occupation, profession, recreation,

1 or industry.

2 6. "Support" means support or support payments as defined
3 in section ~~252D.1~~ 252D.16A, whether established through court
4 or administrative order.

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

10 Sec. 102. Section 252J.1, Code 1997, is amended by adding
11 the following new subsections:

12 NEW SUBSECTION. 1A. "Individual" means a parent, an
13 obligor, or a putative father in a paternity or support
14 proceeding.

15 NEW SUBSECTION. 5A. "Subpoena or warrant" means a
16 subpoena or warrant relating to a paternity or support
17 proceeding initiated or obtained by the unit or a child
18 support agency as defined in section 252H.2.

19 Sec. 103. Section 252J.2, subsections 1, 2, and 4, Code
20 1997, are amended to read as follows:

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

26 2. For cases in which services are provided by the unit
27 all of the following apply:

28 a. An obligor is subject to the provisions of this chapter
29 if the obligor's support obligation is being enforced by the
30 unit, if the support payments required by a support order to
31 be paid to the clerk of the district court or the collection
32 services center pursuant to section 598.22 are not paid and
33 become delinquent in an amount equal to the support payment
34 for ninety-days three months, and if the obligor's situation
35 meets other criteria specified under rules adopted by the

S.F. _____ H.F. _____

1 department pursuant to chapter 17A. The criteria specified by
2 rule shall include consideration of the length of time since
3 the obligor's last support payment and the total amount of
4 support owed by the obligor.

5 b. An individual is subject to the provisions of this
6 chapter if the individual has failed, after receiving
7 appropriate notice, to comply with a subpoena or warrant.

8 4. ~~Notwithstanding the confidentiality provisions of~~
9 ~~chapter 252B or 422, or any other statutory provision~~
10 ~~pertaining to the confidentiality of records, a licensing~~
11 ~~authority shall exchange information with the unit through~~
12 ~~manual or automated means.~~ 22 all of the following apply:

13 a. Information exchanged obtained by the unit under this
14 chapter shall be used solely for the purposes of this chapter
15 or chapter 598 shall be used solely for the purpose of
16 identifying licensees subject to enforcement pursuant to this
17 chapter or chapter 598 252B.

18 b. Information obtained by a licensing authority shall be
19 used solely for the purposes of this chapter.

20 Sec. 104. Section 252J.3, Code 1997, is amended to read as
21 follows:

22 252J.3 NOTICE TO OBLIGOR INDIVIDUAL OF POTENTIAL SANCTION
23 OF LICENSE.

24 The unit shall proceed in accordance with this chapter only
25 if notice is served on the obligor individual in accordance
26 with R.C.P. 56.1 or notice is sent by certified mail addressed
27 to the ~~obligor's~~ individual's last known address and served
28 upon any person who may accept service under R.C.P. 56.1.
29 Return acknowledgment is required to prove service by
30 certified mail. The notice shall include all of the
31 following:

32 1. The address and telephone number of the unit and the
33 unit case number.

34 2. A statement that the obligor is not in compliance with
35 a support order or the individual has not complied with a

1 subpoena or warrant.

2 3. A statement that the ~~obligor~~ individual may request a
3 conference with the unit to contest the action.

4 4. A statement that if, within twenty days of service of
5 notice on the ~~obligor~~ individual, the ~~obligor~~ individual fails
6 to contact the unit to schedule a conference, the unit shall
7 issue a certificate of noncompliance, bearing the ~~obligor's~~
8 individual's name, social security number, and unit case
9 number, ~~and-the-docket-number-of-a-support-order-requiring-the~~
10 ~~obligor-to-pay-support,~~ to any appropriate licensing
11 authority, certifying that the obligor is not in compliance
12 with a support order or an individual has not complied with a
13 subpoena or warrant.

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

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

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

26 Sec. 105. Section 252J.4, Code 1997, is amended to read as
27 follows:

28 252J.4 CONFERENCE.

29 1. The ~~obligor~~ individual may schedule a conference with
30 the unit following service of notice pursuant to section
31 252J.3, or at any time after service of notice of suspension,
32 revocation, denial of issuance, or nonrenewal of a license
33 from a licensing authority, to challenge the unit's actions
34 under this chapter.

35 2. The request for a conference shall be made to the unit,

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

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

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

13 a. The unit finds a mistake in the identity of the ~~obligor~~
14 individual.

15 b. The unit finds a mistake in determining that the amount
16 of delinquent support is equal to or greater than ninety-days
17 three months.

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

22 d. Issuance of a certificate of noncompliance is not
23 appropriate under other criteria established in accordance
24 with rules adopted by the department pursuant to chapter 17A.

25 e. The unit finds a mistake in determining the compliance
26 of the individual with a subpoena or warrant. --

27 f. The individual complies with a subpoena or warrant.

28 5. The unit shall grant the ~~obligor~~ individual a stay of
29 the issuance of a certificate of noncompliance upon receiving
30 a timely written request for a conference, and if a
31 certificate of noncompliance has previously been issued, shall
32 issue a withdrawal of a certificate of noncompliance if the
33 obligor enters into a written agreement with the unit to
34 comply with a support order or if the individual complies with
35 a subpoena or warrant.

1 6. If the ~~obligor~~ individual does not timely request a
2 conference or does not comply with a subpoena or warrant or if
3 the obligor does not pay the total amount of delinquent
4 support owed within twenty days of service of the notice
5 pursuant to section 252J.3, the unit shall issue a certificate
6 of noncompliance.

7 Sec. 106. Section 252J.5, subsection 1, unnumbered
8 paragraph 1, Code 1997, is amended to read as follows:

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

16 Sec. 107. Section 252J.6, Code 1997, is amended to read as
17 follows:

18 252J.6 DECISION OF THE UNIT.

19 1. If an obligor is not in compliance with a support order
20 or the individual is not in compliance with a subpoena or
21 warrant pursuant to section 252J.2, the unit notifies the
22 ~~obligor~~ individual pursuant to section 252J.3, and the ~~obligor~~
23 individual requests a conference pursuant to section 252J.4,
24 the unit shall issue a written decision if any of the
25 following conditions exists:

26 a. The ~~obligor~~ individual fails to appear at a scheduled
27 conference under section 252J.4.

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

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

31 2. The unit shall send a copy of the written decision to
32 the ~~obligor~~ individual by regular mail at the ~~obligor's~~
33 individual's most recent address of record. If the decision
34 is made to issue a certificate of noncompliance or to withdraw
35 the certificate of noncompliance, a copy of the certificate of

1 noncompliance or of the withdrawal of the certificate of
2 noncompliance shall be attached to the written decision. The
3 written decision shall state all of the following:

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

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

13 c. That in order to obtain a withdrawal of a certificate
14 of noncompliance from the unit, the obligor shall enter into a
15 written agreement with the unit, comply with an existing
16 written agreement with the unit, or pay the total amount of
17 delinquent support owed or the individual shall comply with a
18 subpoena or warrant.

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

22 (1) The ~~obligor~~ individual may request a hearing as
23 provided in section 252J.9, before the district court as
24 follows:

25 (a) If the action is a result of section 252J.2,
26 subsection 2, paragraph "a", in the county in which the
27 underlying support order is filed, by filing a written
28 application to the court challenging the issuance of the
29 certificate of noncompliance by the unit and sending a copy of
30 the application to the unit within the time period specified
31 in section 252J.9.

32 (b) If the action is a result of section 252J.2,
33 subsection 2, paragraph "b" and the individual is not an
34 obligor, in the county in which the dependent child or
35 children reside if the child or children reside in Iowa; in

1 the county in which the dependent child or children last
2 received public assistance if the child or children received
3 public assistance in Iowa; or in the county in which the
4 individual resides if the action is the result of a request
5 from a child support agency in a foreign jurisdiction.

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

9 (3) The scope of review of the district court shall be
10 limited to demonstration of a mistake of fact related to the
11 delinquency of the obligor or the compliance of the individual
12 with a subpoena or warrant.

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 individual.

18 b. The unit finds a mistake in determining compliance with
19 a subpoena or warrant.

20 ~~b.~~ c. The unit or the court finds a mistake in determining
21 that the amount of delinquent support due is equal to or
22 greater than ~~ninety-days~~ three months.

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

27 e. The individual complies with the subpoena or warrant.

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

32 Sec. 108. Section 252J.7, Code 1997, is amended to read as
33 follows:

34 252J.7 CERTIFICATE OF NONCOMPLIANCE -- CERTIFICATION TO
35 LICENSING AUTHORITY.

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

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

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

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

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

26 Sec. 109. Section 252J.8, subsections 3, 4, and 5, Code
27 1997, are amended to read as follows:

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

34 4. A licensing authority that is issued a certificate of
35 noncompliance shall initiate procedures for the suspension,

1 revocation, or denial of issuance or renewal of licensure to
2 an obligor individual. The licensing authority shall utilize
3 existing rules and procedures for suspension, revocation, or
4 denial of the issuance or renewal of a license.

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

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

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

19 c. Unless the unit furnishes a withdrawal of a certificate
20 of noncompliance to the licensing authority within thirty days
21 of the issuance of the notice under this section, the
22 obligor's individual's license will be revoked, suspended, or
23 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 individual does not have a right
28 to a hearing before the licensing authority to contest the
29 authority's actions under this chapter but may request a court
30 hearing pursuant to section 252J.9 within thirty days of the
31 provision 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 individual is otherwise in compliance

1 with licensing requirements established by the licensing
2 authority.

3 Sec. 110. Section 252J.9, subsections 1, 2, and 3, Code
4 1997, are amended to read as follows:

5 1. Following the issuance of a written decision by the
6 unit under section 252J.6 which includes the issuance of a
7 certificate of noncompliance, or following provision of notice
8 to the ~~obligor~~ individual by a licensing authority pursuant to
9 section 252J.8, an ~~obligor~~ individual may seek review of the
10 decision and request a hearing before the district court as
11 follows:

12 a. If the action is a result of section 252J.2, subsection
13 2, paragraph "a", in the county in which the underlying
14 support order is filed, by filing an application with the
15 district court, and sending a copy of the application to the
16 unit by regular mail.

17 b. If the action is a result of section 252J.2, subsection
18 2, paragraph "b" and the individual is not an obligor, in a
19 county in which the dependent child or children reside if the
20 child or children reside in Iowa; in the county in which the
21 dependent child or children last received public assistance if
22 the child or children received public assistance in Iowa; or
23 in the county in which the individual resides if the action is
24 the result of a request from a child support agency in a
25 foreign jurisdiction.

26 PARAGRAPH DIVIDED. An application shall be filed to seek
27 review of the decision by the unit or following issuance of
28 notice by the licensing authority no later than within thirty
29 days after the issuance of the notice pursuant to section
30 252J.8. The clerk of the district court shall schedule a
31 hearing and mail a copy of the order scheduling the hearing to
32 the ~~obligor~~ individual and the unit and shall also mail a copy
33 of the order to the licensing authority, if applicable. The
34 unit shall certify a copy of its written decision and
35 certificate of noncompliance, indicating the date of issuance,

1 and the licensing authority shall certify a copy of a notice
2 issued pursuant to section 252J.8, to the court prior to the
3 hearing.

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

12 3. The scope of review by the district court shall be
13 limited to demonstration of a mistake of fact relating to the
14 delinquency of the obligor or the noncompliance of the
15 individual with a subpoena or warrant. Issues related to
16 visitation, custody, or other provisions not related to the
17 support provisions of a support order are not grounds for a
18 hearing under this chapter.

19 DIVISION XI

20 UNIFORM INTERSTATE FAMILY SUPPORT ACT

21 (1996)

22 ARTICLE 1

23 GENERAL PROVISIONS

24 Sec. 111. NEW SECTION. 252K.101 DEFINITIONS.

25 In this chapter:

26 1. "Child" means an individual, whether over or under the
27 age of majority, who is or is alleged to be owed a duty of
28 support by the individual's parent or who is or is alleged to
29 be the beneficiary of a support order directed to the parent.

30 2. "Child-support order" means a support order for a
31 child, including a child who has attained the age of majority
32 under the law of the issuing state.

33 3. "Duty of support" means an obligation imposed or
34 imposable by law to provide support for a child, spouse, or
35 former spouse, including an unsatisfied obligation to provide

1 support.

2 4. "Home state" means the state in which a child lived
3 with a parent or a person acting as parent for at least six
4 consecutive months immediately preceding the time of filing of
5 a petition or comparable pleading for support and, if a child
6 is less than six months old, the state in which the child
7 lived from birth with any of them. A period of temporary
8 absence of any of them is counted as part of the six-month or
9 other period.

10 5. "Income" includes earnings or other periodic
11 entitlements to money from any source and any other property
12 subject to withholding for support under the law of this
13 state.

14 6. "Income-withholding order" means an order or other
15 legal process directed to an obligor's employer or other payor
16 of income, as defined by the income-withholding law of this
17 state, to withhold support from the income of the obligor.

18 7. "Initiating state" means a state from which a
19 proceeding is forwarded or in which a proceeding is filed for
20 forwarding to a responding state under this chapter or a law
21 or procedure substantially similar to this chapter, the
22 Uniform Reciprocal Enforcement of Support Act, or the Revised
23 Uniform Reciprocal Enforcement of Support Act.

24 8. "Initiating tribunal" means the authorized tribunal in
25 an initiating state.

26 9. "Issuing state" means the state in which a tribunal
27 issues a support order or renders a judgment determining
28 parentage.

29 10. "Issuing tribunal" means the tribunal that issues a
30 support order or renders a judgment determining parentage.

31 11. "Law" includes decisional and statutory law and rules
32 and regulations having the force of law.

33 12. "Obligee" means any of the following:

34 a. An individual to whom a duty of support is or is
35 alleged to be owed or in whose favor a support order has been

1 issued or a judgment determining parentage has been rendered.

2 b. A state or political subdivision to which the rights
3 under a duty of support or support order have been assigned or
4 which has independent claims based on financial assistance
5 provided to an individual obligee.

6 c. An individual seeking a judgment determining parentage
7 of the individual's child.

8 13. "Obligor" means an individual, or the estate of a
9 decedent, to which any of the following applies:

10 a. Who owes or is alleged to owe a duty of support.

11 b. Who is alleged but has not been adjudicated to be a
12 parent of a child.

13 c. Who is liable under a support order.

14 14. "Register" means to file a support order or judgment
15 determining parentage in the appropriate location for the
16 filing of foreign judgments.

17 15. "Registering tribunal" means a tribunal in which a
18 support order is registered.

19 16. "Responding state" means a state in which a proceeding
20 is filed or to which a proceeding is forwarded for filing from
21 an initiating state under this chapter or a law or procedure
22 substantially similar to this chapter, the Uniform Reciprocal
23 Enforcement of Support Act, or the Revised Uniform Reciprocal
24 Enforcement of Support Act.

25 17. "Responding tribunal" means the authorized tribunal in
26 a responding state.

27 18. "Spousal-support order" means a support order for a
28 spouse or former spouse of the obligor.

29 19. "State" means a state of the United States, the
30 District of Columbia, Puerto Rico, the United States Virgin
31 Islands, or any territory or insular possession subject to the
32 jurisdiction of the United states. The term includes:

33 a. An Indian tribe.

34 b. A foreign jurisdiction that has enacted a law or
35 established procedures for issuance and enforcement of support

1 orders which are substantially similar to the procedures under
2 this chapter, the Uniform Reciprocal Enforcement of Support
3 Act, or the Revised Uniform Reciprocal Enforcement of Support
4 Act.

5 20. "Support enforcement agency" means a public official
6 or agency authorized to seek any of the following:

7 a. Enforcement of support orders or laws relating to the
8 duty of support.

9 b. Establishment or modification of child support.

10 c. Determination of parentage.

11 d. Location of obligors or their assets.

12 21. "Support order" means a judgment, decree, or order,
13 whether temporary, final, or subject to modification, for the
14 benefit of a child, a spouse, or a former spouse, which
15 provides for monetary support, health care, arrearages, or
16 reimbursement, and may include related costs and fees,
17 interest, income withholding, attorney's fees, and other
18 relief.

19 22. "Tribunal" means a court, administrative agency, or
20 quasi-judicial entity authorized to establish, enforce, or
21 modify support orders or to determine parentage.

22 Sec. 112. NEW SECTION. 252K.102 TRIBUNALS OF THIS STATE.

23 The child support recovery unit when the unit establishes
24 or modifies an order, upon ratification by the court, and the
25 court, are the tribunals of this state.

26 Sec. 113. NEW SECTION. 252K.103 REMEDIES-CUMULATIVE.

27 Remedies provided by this chapter are cumulative and do not
28 affect the availability of remedies under other law.

29 ARTICLE 2

30 JURISDICTION

31 PART 1

32 EXTENDED PERSONAL JURISDICTION

33 Sec. 114. NEW SECTION. 252K.201 BASES FOR JURISDICTION
34 OVER NONRESIDENT.

35 In a proceeding to establish, enforce, or modify a support

1 order or to determine parentage, a tribunal of this state may
2 exercise personal jurisdiction over a nonresident individual
3 or the individual's guardian or conservator if any of the
4 following applies:

5 1. The individual is personally served with notice within
6 this state.

7 2. The individual submits to the jurisdiction of this
8 state by consent, by entering a general appearance, or by
9 filing a responsive document having the effect of waiving any
10 contest to personal jurisdiction.

11 3. The individual resided with the child in this state.

12 4. The individual resided in this state and provided
13 prenatal expenses or support for the child.

14 5. The child resides in this state as a result of the acts
15 or directives of the individual.

16 6. The individual engaged in sexual intercourse in this
17 state and the child may have been conceived by that act of
18 intercourse.

19 7. The individual asserted parentage in the declaration of
20 paternity registry maintained in this state by the Iowa
21 department of public health pursuant to section 144.12A or
22 established paternity by affidavit under section 252A.3A.

23 8. There is any other basis consistent with the
24 constitutions of this state and the United States for the
25 exercise of personal jurisdiction.

26 Sec. 115. NEW SECTION. 252K.202 PROCEDURE WHEN
27 EXERCISING JURISDICTION OVER NONRESIDENT.

28 A tribunal of this state exercising personal jurisdiction
29 over a nonresident under section 252K.201 may apply section
30 252K.316 to receive evidence from another state, and section
31 252K.318 to obtain discovery through a tribunal of another
32 state. In all other respects, Articles 3 through 7 do not
33 apply and the tribunal shall apply the procedural and
34 substantive law of this state, including the rules on choice
35 of law other than those established by this chapter.

PART 2

PROCEEDINGS INVOLVING TWO OR MORE STATES

3 Sec. 116. NEW SECTION. 252K.203 INITIATING AND
4 RESPONDING TRIBUNAL OF THIS STATE.

5 Under this chapter, a tribunal of this state may serve as
6 an initiating tribunal to forward proceedings to another state
7 and as a responding tribunal for proceedings initiated in
8 another state.

9 Sec. 117. NEW SECTION. 252K.204 SIMULTANEOUS PROCEEDINGS
10 IN ANOTHER STATE.

11 1. A tribunal of this state may exercise jurisdiction to
12 establish a support order if the petition or comparable
13 pleading is filed after a pleading is filed in another state
14 only if all of the following apply:

15 a. The petition or comparable pleading in this state is
16 filed before the expiration of the time allowed in the other
17 state for filing a responsive pleading challenging the
18 exercise of jurisdiction by the other state.

19 b. The contesting party timely challenges the exercise of
20 jurisdiction in the other state.

21 c. If relevant, this state is the home state of the child.

22 2. A tribunal of this state may not exercise jurisdiction
23 to establish a support order if the petition or comparable
24 pleading is filed before a petition or comparable pleading is
25 filed in another state if all of the following apply:

26 a. The petition or comparable pleading in the other state
27 is filed before the expiration of the time allowed in this
28 state for filing a responsive pleading challenging the
29 exercise of jurisdiction by this state.

30 b. The contesting party timely challenges the exercise of
31 jurisdiction in this state.

32 c. If relevant, the other state is the home state of the
33 child.

34 Sec. 118. NEW SECTION. 252K.205 CONTINUING, EXCLUSIVE
35 JURISDICTION.

1 1. A tribunal of this state issuing a support order
2 consistent with the law of this state has continuing,
3 exclusive jurisdiction over a child-support order if any of
4 the following applies:

5 a. As long as this state remains the residence of the
6 obligor, the individual obligee, or the child for whose
7 benefit the support order is issued.

8 b. Until all of the parties who are individuals have filed
9 written consents with the tribunal of this state for a
10 tribunal of another state to modify the order and assume
11 continuing, exclusive jurisdiction.

12 2. A tribunal of this state issuing a child-support order
13 consistent with the law of this state may not exercise its
14 continuing, exclusive jurisdiction to modify the order if the
15 order has been modified by a tribunal of another state
16 pursuant to this chapter or a law substantially similar to
17 this chapter.

18 3. If a child support order of this state is modified by a
19 tribunal of another state pursuant to this chapter or a law
20 substantially similar to this chapter, a tribunal of this
21 state loses its continuing, exclusive jurisdiction with regard
22 to prospective enforcement of the order issued in this state,
23 and may only:

24 a. Enforce the order that was modified as to amounts
25 accruing before the modification.

26 b. Enforce nonmodifiable aspects of that order.

27 c. Provide other appropriate relief for violations of that
28 order which occurred before the effective date of the
29 modification.

30 4. A tribunal of this state shall recognize the
31 continuing, exclusive jurisdiction of a tribunal of another
32 state which has issued a child support order pursuant to this
33 chapter or a law substantially similar to this chapter.

34 5. A temporary support order issued ex parte or pending
35 resolution of a jurisdictional conflict does not create

1 continuing, exclusive jurisdiction in the issuing tribunal.

2 6. A tribunal of this state issuing a support order
3 consistent with the law of this state has continuing,
4 exclusive jurisdiction over a spousal support order throughout
5 the existence of the support obligation. A tribunal of this
6 state may not modify a spousal support order issued by a
7 tribunal of another state having continuing, exclusive
8 jurisdiction over that order under the law of that state.

9 Sec. 119. NEW SECTION. 252K.206 ENFORCEMENT AND
10 MODIFICATION OF SUPPORT ORDER BY TRIBUNAL HAVING CONTINUING
11 JURISDICTION.

12 1. A tribunal of this state may serve as an initiating
13 tribunal to request a tribunal of another state to enforce or
14 modify a support order issued in that state.

15 2. A tribunal of this state having continuing, exclusive
16 jurisdiction over a support order may act as a responding
17 tribunal to enforce or modify the order. If a party subject
18 to the continuing, exclusive jurisdiction of the tribunal no
19 longer resides in the issuing state, in subsequent proceedings
20 the tribunal may apply section 252K.316 to receive evidence
21 from another state and section 252K.318 to obtain discovery
22 through a tribunal of another state.

23 3. A tribunal of this state which lacks continuing,
24 exclusive jurisdiction over a spousal-support order may not
25 serve as a responding tribunal to modify a spousal-support
26 order of another state.

27 PART 3

28 RECONCILIATION OF MULTIPLE ORDERS

29 Sec. 120. NEW SECTION. 252K.207 RECOGNITION OF
30 CONTROLLING CHILD-SUPPORT ORDER.

31 1. If a proceeding is brought under this chapter and only
32 one tribunal has issued a child support order, the order of
33 that tribunal controls and must be so recognized.

34 2. If a proceeding is brought under this chapter, and two
35 or more child-support orders have been issued by tribunals of

1 this state or another state with regard to the same obligor
2 and child, a tribunal of this state shall apply the following
3 rules in determining which order to recognize for purposes of
4 continuing, exclusive jurisdiction:

5 a. If only one of the tribunals would have continuing,
6 exclusive jurisdiction under this chapter, the order of that
7 tribunal controls and must be so recognized.

8 b. If more than one of the tribunals would have
9 continuing, exclusive jurisdiction under this chapter, an
10 order issued by a tribunal in the current home state of the
11 child controls and must be so recognized, but if an order has
12 not been issued in the current home state of the child, the
13 order most recently issued controls and must be so recognized.

14 c. If none of the tribunals would have continuing,
15 exclusive jurisdiction under this chapter, the tribunal of
16 this state having jurisdiction over the parties shall issue a
17 child-support order, which controls and must be so recognized.

18 3. If two or more child support orders have been issued
19 for the same obligor and child and if the obligor or the
20 individual obligee resides in this state, a party may request
21 a tribunal of this state to determine which order controls and
22 must be so recognized under subsection 2. The request must be
23 accompanied by a certified copy of every support order in
24 effect. The requesting party shall give notice of the request
25 to each party whose rights may be affected by the
26 determination.

27 4. The tribunal that issued the controlling order under
28 subsection 1, 2, or 3 is the tribunal that has continuing,
29 exclusive jurisdiction under section 252K.205.

30 5. A tribunal of this state which determines by order the
31 identity of the controlling order under subsection 2,
32 paragraph "a" or "b", or which issues a new controlling order
33 under subsection 2, paragraph "c", shall state in that order
34 the basis upon which the tribunal made its determination.

35 6. Within thirty days after issuance of an order

1 determining the identity of the controlling order, the party
2 obtaining the order shall file a certified copy of it with
3 each tribunal that issued or registered an earlier order of
4 child support. A party who obtains the order and fails to
5 file a certified copy is subject to appropriate sanctions by a
6 tribunal in which the issue of failure to file arises. The
7 failure to file does not affect the validity or enforceability
8 of the controlling order.

9 Sec. 121. NEW SECTION. 252K.208 MULTIPLE CHILD SUPPORT
10 ORDERS FOR TWO OR MORE OBLIGEEES.

11 In responding to multiple registrations or requests for
12 enforcement of two or more child support orders in effect at
13 the same time with regard to the same obligor and different
14 individual obligees, at least one of which was issued by a
15 tribunal of another state, a tribunal of this state shall
16 enforce those orders in the same manner as if the multiple
17 orders had been issued by a tribunal of this state.

18 Sec. 122. NEW SECTION. 252K.209 CREDIT FOR PAYMENTS.

19 Amounts collected and credited for a particular period
20 pursuant to a support order issued by a tribunal of another
21 state must be credited against the amounts accruing or accrued
22 for the same period under a support order issued by the
23 tribunal of this state.

24 ARTICLE 3

25 CIVIL PROVISIONS OF GENERAL APPLICATION

26 Sec. 123. NEW SECTION. 252K.301 PROCEEDINGS UNDER THIS
27 CHAPTER.

28 1. Except as otherwise provided in this chapter, this
29 article applies to all proceedings under this chapter.

30 2. This chapter provides for the following proceedings:

31 a. Establishment of an order for spousal support or child
32 support pursuant to Article 4.

33 b. Enforcement of a support order and income withholding
34 order of another state without registration pursuant to
35 Article 5.

1 c. Registration of an order for spousal support or child
2 support of another state for enforcement pursuant to Article
3 6.

4 d. Modification of an order for child support or spousal
5 support issued by a tribunal of this state pursuant to Article
6 2, part 2.

7 e. Registration of an order for child support of another
8 state for modification pursuant to Article 6.

9 f. Determination of parentage pursuant to Article 7.

10 g. Assertion of jurisdiction over nonresidents pursuant to
11 Article 2, part 1.

12 3. An individual movant or a support enforcement agency
13 may commence a proceeding authorized under this chapter by
14 filing a petition or a comparable pleading in an initiating
15 tribunal for forwarding to a responding tribunal or by filing
16 a petition or a comparable pleading directly in a tribunal of
17 another state which has or can obtain personal jurisdiction
18 over the respondent or nonmoving party.

19 Sec. 124. NEW SECTION. 252K.302 ACTION BY MINOR PARENT.

20 A minor parent, or a guardian or other legal representative
21 of a minor parent, may maintain a proceeding on behalf of or
22 for the benefit of the minor's child.

23 Sec. 125. NEW SECTION. 252K.303 APPLICATION OF LAW OF
24 THIS STATE.

25 Except as otherwise provided by this chapter, a responding
26 tribunal of this state shall do all of the following:

27 1. Apply the procedural and substantive law, including the
28 rules on choice of law, generally applicable to similar
29 proceedings originating in this state, and may exercise all
30 powers and provide all remedies available in those
31 proceedings.

32 2. Determine the duty of support and the amount payable in
33 accordance with the law and support guidelines of this state.

34 Sec. 126. NEW SECTION. 252K.304 DUTIES OF INITIATING
35 TRIBUNAL.

1 1. Upon the filing of a petition or comparable pleading
2 authorized by this chapter, an initiating tribunal of this
3 state shall forward three copies of the petition or comparable
4 pleading and its accompanying documents:

5 a. To the responding tribunal or appropriate support
6 enforcement agency in the responding state.

7 b. If the identity of the responding tribunal is unknown,
8 to the state information agency of the responding state with a
9 request that they be forwarded to the appropriate tribunal and
10 that receipt be acknowledged.

11 2. If a responding state has not enacted this law or a law
12 or procedure substantially similar to this chapter, a tribunal
13 of this state may issue a certificate or other document and
14 make findings required by the law of the responding state. If
15 the responding state is a foreign jurisdiction, the tribunal
16 may specify the amount of support sought and provide other
17 documents necessary to satisfy the requirements of the
18 responding state.

19 Sec. 127. NEW SECTION. 252K.305 DUTIES AND POWERS OF
20 RESPONDING TRIBUNAL.

21 1. When a responding tribunal of this state receives a
22 petition or comparable pleading from an initiating tribunal or
23 directly pursuant to section 252K.301, subsection 3, it shall
24 cause the petition or pleading to be filed and notify the
25 movant where and when it was filed.

26 2. A responding tribunal of this state, to the extent
27 otherwise authorized by law, may do one or more of the
28 following:

29 a. Issue or enforce a support order, modify a child-
30 support order, or render a judgment to determine parentage.

31 b. Order an obligor to comply with a support order,
32 specifying the amount and the manner of compliance.

33 c. Order income withholding.

34 d. Determine the amount of any arrearages, and specify a
35 method of payment.

1 e. Enforce orders by civil or criminal contempt, or both.

2 f. Set aside property for satisfaction of the support
3 order.

4 g. Place liens and order execution on the obligor's
5 property.

6 h. Order an obligor to keep the tribunal informed of the
7 obligor's current residential address, telephone number,
8 employer, address of employment, and telephone number at the
9 place of employment.

10 i. Issue a bench warrant for an obligor who has failed
11 after proper notice to appear at a hearing ordered by the
12 tribunal and enter the bench warrant in any local and state
13 computer systems for criminal warrants.

14 j. Order the obligor to seek appropriate employment by
15 specified methods.

16 k. Award reasonable attorney's fees and other fees and
17 costs.

18 1. Grant any other available remedy.

19 3. A responding tribunal of this state shall include in a
20 support order issued under this chapter, or in the documents
21 accompanying the order, the calculations on which the support
22 order is based.

23 4. A responding tribunal of this state may not condition
24 the payment of a support order issued under this chapter upon
25 compliance by a party with provisions for visitation.

26 5. If a responding tribunal of this state issues an order
27 under this chapter, the tribunal shall send a copy of the
28 order to the movant and the respondent and to the initiating
29 tribunal, if any.

30 Sec. 128. NEW SECTION. 252K.306 INAPPROPRIATE TRIBUNAL.

31 If a petition or comparable pleading is received by an
32 inappropriate tribunal of this state, it shall forward the
33 pleading and accompanying documents to an appropriate tribunal
34 in this state or another state and notify the movant where and
35 when the pleading was sent.

1 Sec. 129. NEW SECTION. 252K.307 DUTIES OF SUPPORT
2 ENFORCEMENT AGENCY.

3 1. A support enforcement agency of this state, upon
4 request, shall provide services to a movant in a proceeding
5 under this chapter.

6 2. A support enforcement agency that is providing services
7 to the movant as appropriate shall:

8 a. Take all steps necessary to enable an appropriate
9 tribunal in this state or another state to obtain jurisdiction
10 over the respondent.

11 b. Request an appropriate tribunal to set a date, time,
12 and place for a hearing.

13 c. Make a reasonable effort to obtain all relevant
14 information, including information as to income and property
15 of the parties.

16 d. Within five days, exclusive of Saturdays, Sundays, and
17 legal holidays, after receipt of a written notice from an
18 initiating, responding, or registering tribunal, send a copy
19 of the notice to the movant.

20 e. Within five days, exclusive of Saturdays, Sundays, and
21 legal holidays, after receipt of a written communication from
22 the respondent or the respondent's attorney, send a copy of
23 the communication to the movant.

24 f. Notify the movant if jurisdiction over the respondent
25 cannot be obtained.

26 3. This chapter does not create or negate a relationship
27 of attorney and client or other fiduciary relationship between
28 a support enforcement agency or the attorney for the agency
29 and the individual being assisted by the agency.

30 Sec. 130. NEW SECTION. 252K.308 DUTY OF ATTORNEY
31 GENERAL.

32 If the attorney general determines that the support
33 enforcement agency is neglecting or refusing to provide
34 services to an individual, the attorney general may order the
35 agency to perform its duties under this chapter or may provide

1 those services directly to the individual.

2 Sec. 131. NEW SECTION. 252K.309 PRIVATE COUNSEL.

3 An individual may employ private counsel to represent the
4 individual in proceedings authorized by this chapter.

5 Sec. 132. NEW SECTION. 252K.310 DUTIES OF STATE
6 INFORMATION AGENCY.

7 1. The child support recovery unit is the state
8 information agency under this chapter.

9 2. The state information agency shall:

10 a. Compile and maintain a current list, including
11 addresses, of the tribunals in this state which have
12 jurisdiction under this chapter and any support enforcement
13 agencies in this state and transmit a copy to the state
14 information agency of every other state.

15 b. Maintain a register of tribunals and support
16 enforcement agencies received from other states.

17 c. Forward to the appropriate tribunal in the place in
18 this state in which the individual obligee or the obligor
19 resides, or in which the obligor's property is believed to be
20 located, all documents concerning a proceeding under this
21 chapter received from an initiating tribunal or the state
22 information agency of the initiating state.

23 d. Obtain information concerning the location of the
24 obligor and the obligor's property within this state not
25 exempt from execution, by such means as postal verification
26 and federal or state locator services, examination of
27 telephone directories, requests for the obligor's address from
28 employers, and examination of governmental records, including,
29 to the extent not prohibited by other law, those relating to
30 real property, vital statistics, law enforcement, taxation,
31 motor vehicles, driver's licenses, and social security.

32 Sec. 133. NEW SECTION. 252K.311 PLEADINGS AND
33 ACCOMPANYING DOCUMENTS.

34 1. A movant seeking to establish or modify a support order
35 or to determine parentage in a proceeding under this chapter

1 must verify the petition. Unless otherwise ordered under
2 section 252K.312, the petition or accompanying documents must
3 provide, so far as known, the name, residential address, and
4 social security numbers of the obligor and the obligee, and
5 the name, sex, residential address, social security number,
6 and date of birth of each child for whom support is sought.
7 The petition must be accompanied by a certified copy of any
8 support order in effect. The petition may include any other
9 information that may assist in locating or identifying the
10 respondent.

11 2. The petition must specify the relief sought. The
12 petition and accompanying documents shall conform
13 substantially with the requirements imposed by the forms
14 mandated by federal law for use in cases filed by a support
15 enforcement agency.

16 Sec. 134. NEW SECTION. 252K.312 NONDISCLOSURE OF
17 INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.

18 Upon a finding, which may be made ex parte, that the
19 health, safety, or liberty of a party or child would be
20 unreasonably put at risk by the disclosure of identifying
21 information, or if an existing order so provides, a tribunal
22 shall order that the address of the child or party or other
23 identifying information not be disclosed in a pleading or
24 other document filed in a proceeding under this chapter.

25 Sec. 135. NEW SECTION. 252K.313 COSTS AND FEES.

26 1. The movant shall not be required to pay a filing fee or
27 other costs.

28 2. If an obligee prevails, a responding tribunal may
29 assess against an obligor filing fees, reasonable attorney's
30 fees, other costs, and necessary travel and other reasonable
31 expenses incurred by the obligee and the obligee's witnesses.
32 The tribunal may not assess fees, costs, or expenses against
33 the obligee or the support enforcement agency of either the
34 initiating or the responding state, except as provided by
35 other law. Attorney's fees may be taxed as costs, and may be

1 ordered paid directly to the attorney, who may enforce the
2 order in the attorney's own name. Payment of support owed to
3 the obligee has priority over fees, costs, and expenses.

4 3. The tribunal shall order the payment of costs and
5 reasonable attorney's fees if the tribunal determines that a
6 hearing was requested primarily for delay. In a proceeding
7 under Article 6, a hearing is presumed to have been requested
8 primarily for delay if a registered support order is confirmed
9 or enforced without change.

10 Sec. 136. NEW SECTION. 252K.314 LIMITED IMMUNITY OF
11 MOVANT.

12 1. Participation by a movant in a proceeding before a
13 responding tribunal, whether in person, by private attorney,
14 or through services provided by the support enforcement
15 agency, does not confer personal jurisdiction over the movant
16 in another proceeding.

17 2. A movant is not amenable to service of civil process
18 while physically present in this state to participate in a
19 proceeding under this chapter.

20 3. The immunity granted by this section does not extend to
21 civil litigation based on acts unrelated to a proceeding under
22 this chapter committed by a party while present in this state
23 to participate in the proceeding.

24 Sec. 137. NEW SECTION. 252K.315 NONPARENTAGE AS DEFENSE.

25 A party whose parentage of a child has been previously
26 determined by or pursuant to law may not plead nonparentage as
27 a defense to a proceeding under this chapter.

28 Sec. 138. NEW SECTION. 252K.316 SPECIAL RULES OF
29 EVIDENCE AND PROCEDURE.

30 1. The physical presence of the movant in a responding
31 tribunal of this state is not required for the establishment,
32 enforcement, or modification of a support order or the
33 rendition of a judgment determining parentage.

34 2. A verified petition, affidavit, document substantially
35 complying with federally mandated forms, and a document

1 incorporated by reference in any of them, not excluded under
2 the hearsay rule if given in person, is admissible in evidence
3 if given under oath by a party or witness residing in another
4 state.

5 3. A copy of the record of child-support payments
6 certified as a true copy of the original by the custodian of
7 the record may be forwarded to a responding tribunal. The
8 copy is evidence of facts asserted in it, and is admissible to
9 show whether payments were made.

10 4. Copies of bills for testing for parentage, and for
11 prenatal and postnatal health care of the mother and child,
12 furnished to the adverse party at least ten days before trial,
13 are admissible in evidence to prove the amount of the charges
14 billed and that the charges were reasonable, necessary, and
15 customary.

16 5. Documentary evidence transmitted from another state to
17 a tribunal of this state by telephone, telecopier, or other
18 means that do not provide an original writing may not be
19 excluded from evidence on an objection based on the means of
20 transmission.

21 6. In a proceeding under this chapter, a tribunal of this
22 state may permit a party or witness residing in another state
23 to be deposed or to testify by telephone, audiovisual means,
24 or other electronic means at a designated tribunal or other
25 location in that state. A tribunal of this state shall
26 cooperate with tribunals of other states in designating an
27 appropriate location for the deposition or testimony.

28 7. If a party called to testify at a civil hearing refuses
29 to answer on the ground that the testimony may be self-
30 incriminating, the trier of fact may draw an adverse inference
31 from the refusal.

32 8. A privilege against disclosure of communications
33 between spouses does not apply in a proceeding under this
34 chapter.

35 9. The defense of immunity based on the relationship of

1 husband and wife or parent and child does not apply in a
2 proceeding under this chapter.

3 Sec. 139. NEW SECTION. 252K.317 COMMUNICATIONS BETWEEN
4 TRIBUNALS.

5 A tribunal of this state may communicate with a tribunal of
6 another state in writing, or by telephone or other means, to
7 obtain information concerning the laws of that state, the
8 legal effect of a judgment, decree, or order of that tribunal,
9 and the status of a proceeding in the other state. A tribunal
10 of this state may furnish similar information by similar means
11 to a tribunal of another state.

12 Sec. 140. NEW SECTION. 252K.318 ASSISTANCE WITH
13 DISCOVERY.

14 A tribunal of this state may:

15 1. Request a tribunal of another state to assist in
16 obtaining discovery.

17 2. Upon request, compel a person over whom it has
18 jurisdiction to respond to a discovery order issued by a
19 tribunal of another state.

20 Sec. 141. NEW SECTION. 252K.319 RECEIPT AND DISBURSEMENT
21 OF PAYMENTS.

22 A support enforcement agency or tribunal of this state
23 shall disburse promptly any amounts received pursuant to a
24 support order, as directed by the order. The agency or
25 tribunal shall furnish to a requesting party or a tribunal of
26 another state a certified statement by the custodian of the
27 record of the amounts and dates of all payments received.

28 ARTICLE 4

29 ESTABLISHMENT OF SUPPORT ORDER

30 Sec. 142. NEW SECTION. 252K.401 PETITION TO ESTABLISH
31 SUPPORT ORDER.

32 1. If a support order entitled to recognition under this
33 chapter has not been issued, a responding tribunal of this
34 state may issue a support order if any of the following
35 applies:

1 a. The individual seeking the order resides in another
2 state.

3 b. The support enforcement agency seeking the order is
4 located in another state.

5 2. The tribunal may issue a temporary child-support order
6 if any of the following applies:

7 a. The respondent has signed a verified statement
8 acknowledging parentage.

9 b. The respondent has been determined by or pursuant to
10 law to be the parent.

11 c. There is other clear and convincing evidence that the
12 respondent is the child's parent.

13 3. Upon finding, after notice and opportunity to be heard,
14 that an obligor owes a duty of support, the tribunal shall
15 issue a support order directed to the obligor and may issue
16 other orders pursuant to section 252K.305.

17 ARTICLE 5

18 ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

19 Sec. 143. NEW SECTION. 252K.501 EMPLOYER'S RECEIPT OF
20 INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

21 An income-withholding order issued in another state may be
22 sent to the person or entity defined as the obligor's employer
23 under the income-withholding law of this state without first
24 filing a petition or comparable pleading or registering the
25 order with a tribunal of this state.

26 Sec. 144. NEW SECTION. 252K.502 EMPLOYER'S COMPLIANCE
27 WITH INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

28 1. Upon receipt of an income-withholding order, the
29 obligor's employer shall immediately provide a copy of the
30 order to the obligor.

31 2. The employer shall treat an income-withholding order
32 issued in another state which appears regular on its face as
33 if it had been issued by a tribunal of this state.

34 3. Except as otherwise provided in subsection 4 and
35 section 252K.503 the employer shall withhold and distribute

1 the funds as directed in the withholding order by complying
2 with terms of the order which specify:

3 a. The duration and amount of periodic payments of current
4 child support, stated as a sum certain.

5 b. The person or agency designated to receive payments and
6 the address to which the payments are to be forwarded.

7 c. Medical support, whether in the form of periodic cash
8 payment, stated as a sum certain, or ordering the obligor to
9 provide health insurance coverage for the child under a policy
10 available through the obligor's employment.

11 d. The amount of periodic payments of fees and costs for a
12 support enforcement agency, the issuing tribunal, and the
13 obligee's attorney, stated as sums certain.

14 e. The amount of periodic payments of arrearages and
15 interest on arrearages, stated as sums certain.

16 4. An employer shall comply with the law of the state of
17 the obligor's principal place of employment for withholding
18 from income with respect to:

19 a. The employer's fee for processing an income-withholding
20 order.

21 b. The maximum amount permitted to be withheld from the
22 obligor's income.

23 c. The times within which the employer must implement the
24 withholding order and forward the child support payment.

25 Sec. 145. NEW SECTION. 252K.503 COMPLIANCE WITH MULTIPLE
26 INCOME-WITHHOLDING ORDERS. --

27 If an obligor's employer receives multiple income-
28 withholding orders with respect to the earnings of the same
29 obligor, the employer satisfies the terms of the multiple
30 orders if the employer complies with the law of the state of
31 the obligor's principal place of employment to establish the
32 priorities for withholding and allocating income withheld for
33 multiple child support obligees.

34 Sec. 146. NEW SECTION. 252K.504 IMMUNITY FROM CIVIL
35 LIABILITY.

1 An employer who complies with an income-withholding order
2 issued in another state in accordance with this article is not
3 subject to civil liability to an individual or agency with
4 regard to the employer's withholding of child support from the
5 obligor's income.

6 Sec. 147. NEW SECTION. 252K.505 PENALTIES FOR
7 NONCOMPLIANCE.

8 An employer who willfully fails to comply with an income-
9 withholding order issued by another state and received for
10 enforcement is subject to the same penalties that may be
11 imposed for noncompliance with an order issued by a tribunal
12 of this state.

13 Sec. 148. NEW SECTION. 252K.506 CONTEST BY OBLIGOR.

14 1. An obligor may contest the validity or enforcement of
15 an income-withholding order issued in another state and
16 received directly by an employer in this state in the same
17 manner as if the order had been issued by a tribunal of this
18 state. Section 252K.604 applies to the contest.

19 2. The obligor shall give notice of the contest to:

20 a. A support enforcement agency providing services to the
21 obligee.

22 b. Each employer that has directly received an income-
23 withholding order.

24 c. The person or agency designated to receive payments in
25 the income-withholding order, or if no person or agency is
26 designated, to the obligee. --

27 Sec. 149. NEW SECTION. 252K.507 ADMINISTRATIVE
28 ENFORCEMENT OF ORDERS.

29 1. A party seeking to enforce a support order or an
30 income-withholding order, or both, issued by a tribunal of
31 another state may send the documents required for registering
32 the order to a support enforcement agency of this state.

33 2. Upon receipt of the documents, the support enforcement
34 agency, without initially seeking to register the order, shall
35 consider and, if appropriate, use any administrative procedure

1 authorized by the law of this state to enforce a support order
2 or an income-withholding order, or both. If the obligor does
3 not contest administrative enforcement, the order need not be
4 registered. If the obligor contests the validity or
5 administrative enforcement of the order, the support
6 enforcement agency shall register the order pursuant to this
7 chapter.

8 ARTICLE 6

9 ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER
10 AFTER REGISTRATION

11 PART 1

12 REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

13 Sec. 150. NEW SECTION. 252K.601 REGISTRATION OF ORDER
14 FOR ENFORCEMENT.

15 A support order or an income-withholding order issued by a
16 tribunal of another state may be registered in this state for
17 enforcement.

18 Sec. 151. NEW SECTION. 252K.602 PROCEDURE TO REGISTER
19 ORDER FOR ENFORCEMENT.

20 1. A support order or income-withholding order of another
21 state may be registered in this state by sending the following
22 documents and information to the appropriate tribunal in this
23 state:

24 a. A letter of transmittal to the tribunal requesting
25 registration and enforcement.

26 b. Two copies, including one certified copy, of all orders
27 to be registered, including any modification of an order.

28 c. A sworn statement by the party seeking registration or
29 a certified statement by the custodian of the records showing
30 the amount of any arrearage.

31 d. The name of the obligor and, if known:

32 (1) The obligor's address and social security number.

33 (2) The name and address of the obligor's employer and any
34 other source of income of the obligor.

35 (3) A description and the location of property of the

1 obligor in this state not exempt from execution.

2 e. The name and address of the obligee and, if applicable,
3 the agency or person to whom support payments are to be
4 remitted.

5 2. On receipt of a request for registration, the
6 registering tribunal shall cause the order to be filed as a
7 foreign judgment, together with one copy of the documents and
8 information, regardless of their form.

9 3. A petition or comparable pleading seeking a remedy that
10 must be affirmatively sought under other law of this state may
11 be filed at the same time as the request for registration or
12 later. The pleading must specify the grounds for the remedy
13 sought.

14 Sec. 152. NEW SECTION. 252K.603 EFFECT OF REGISTRATION
15 FOR ENFORCEMENT.

16 1. A support order or income-withholding order issued in
17 another state is registered when the order is filed in the
18 registering tribunal of this state.

19 2. A registered order issued in another state is
20 enforceable in the same manner and is subject to the same
21 procedures as an order issued by a tribunal of this state.

22 3. Except as otherwise provided in this Article, a
23 tribunal of this state shall recognize and enforce, but may
24 not modify, a registered order if the issuing tribunal had
25 jurisdiction.

26 Sec. 153. NEW SECTION. 252K.604 CHOICE OF LAW.

27 1. The law of the issuing state governs the nature,
28 extent, amount, and duration of current payments and other
29 obligations of support and the payment of arrearages under the
30 order.

31 2. In a proceeding for arrearages, the statute of
32 limitation under the laws of this state or of the issuing
33 state, whichever is longer, applies.

34

PART 2

35

CONTEST OF VALIDITY OR ENFORCEMENT

1 Sec. 154. NEW SECTION. 252K.605 NOTICE OF REGISTRATION
2 OF ORDER.

3 1. When a support order or income-withholding order issued
4 in another state is registered, the registering tribunal shall
5 notify the nonregistering party. The notice must be
6 accompanied by a copy of the registered order and the
7 documents and relevant information accompanying the order.

8 2. The notice must inform the nonregistering party:

9 a. That a registered order is enforceable as of the date
10 of registration in the same manner as an order issued by a
11 tribunal of this state.

12 b. That a hearing to contest the validity or enforcement
13 of the registered order must be requested within twenty days
14 after the date of mailing or personal service of the notice.

15 c. That failure to contest the validity or enforcement of
16 the registered order in a timely manner will result in
17 confirmation of the order and enforcement of the order and the
18 alleged arrearages and precludes further contest of that order
19 with respect to any matter that could have been asserted.

20 d. Of the amount of any alleged arrearages.

21 3. Upon registration of an income-withholding order for
22 enforcement, the registering tribunal shall notify the
23 obligor's employer pursuant to the income-withholding law of
24 this state.

25 Sec. 155. NEW SECTION. 252K.606 PROCEDURE TO CONTEST
26 VALIDITY OR ENFORCEMENT OF REGISTERED ORDER. --

27 1. A nonregistering party seeking to contest the validity
28 or enforcement of a registered order in this state shall
29 request a hearing within twenty days after the date of mailing
30 or personal service of notice of the registration. The
31 nonregistering party may seek to vacate the registration, to
32 assert any defense to an allegation of noncompliance with the
33 registered order, or to contest the remedies being sought or
34 the amount of any alleged arrearages pursuant to section
35 252K.607.

1 2. If the nonregistering party fails to contest the
2 validity or enforcement of the registered order in a timely
3 manner, the order is confirmed by operation of law.

4 3. If a nonregistering party requests a hearing to contest
5 the validity or enforcement of the registered order, the
6 registering tribunal shall schedule the matter for hearing and
7 give notice to the parties of the date, time, and place of the
8 hearing.

9 Sec. 156. NEW SECTION. 252K.607 CONTEST OF REGISTRATION
10 OR ENFORCEMENT.

11 1. A party contesting the validity or enforcement of a
12 registered order or seeking to vacate the registration has the
13 burden of proving one or more of the following defenses:

14 a. The issuing tribunal lacked personal jurisdiction over
15 the contesting party.

16 b. The order was obtained by fraud.

17 c. The order has been vacated, suspended, or modified by a
18 later order.

19 d. The issuing tribunal has stayed the order pending
20 appeal.

21 e. There is a defense under the law of this state to the
22 remedy sought.

23 f. Full or partial payment has been made.

24 g. The statute of limitation under section 252K.604
25 precludes enforcement of some or all of the arrearages.

26 2. If a party presents evidence establishing a full or
27 partial defense under subsection 1, a tribunal may stay
28 enforcement of the registered order, continue the proceeding
29 to permit production of additional relevant evidence, and
30 issue other appropriate orders. An uncontested portion of the
31 registered order may be enforced by all remedies available
32 under the law of this state.

33 3. If the contesting party does not establish a defense
34 under subsection 1 to the validity or enforcement of the
35 order, the registering tribunal shall issue an order

1 confirming the order.

2 Sec. 157. NEW SECTION. 252K.608 CONFIRMED ORDER.

3 Confirmation of a registered order, whether by operation of
4 law or after notice and hearing, precludes further contest of
5 the order with respect to any matter that could have been
6 asserted at the time of registration.

7 PART 3

8 REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER

9 Sec. 158. NEW SECTION. 252K.609 PROCEDURE TO REGISTER
10 CHILD-SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION.

11 A party or support enforcement agency seeking to modify, or
12 to modify and enforce, a child-support order issued in another
13 state shall register that order in this state in the same
14 manner provided in Part 1 if the order has not been
15 registered. A petition for modification may be filed at the
16 same time as a request for registration, or later. The
17 pleading must specify the grounds for modification.

18 Sec. 159. NEW SECTION. 252K.610 EFFECT OF REGISTRATION
19 FOR MODIFICATION.

20 A tribunal of this state may enforce a child-support order
21 of another state registered for purposes of modification, in
22 the same manner as if the order had been issued by a tribunal
23 of this state, but the registered order may be modified only
24 if the requirements of section 252K.611 have been met.

25 Sec. 160. NEW SECTION. 252K.611 MODIFICATION OF CHILD-
26 SUPPORT ORDER OF ANOTHER STATE.

27 1. After a child-support order issued in another state has
28 been registered in this state, the responding tribunal of this
29 state may modify that order only if section 252K.613 does not
30 apply and after notice and hearing it finds that paragraph "a"
31 or "b" applies:

32 a. The following requirements are met:

33 (1) The child, the individual obligee, and the obligor do
34 not reside in the issuing state.

35 (2) A movant who is a nonresident of this state seeks

1 modification.

2 (3) The respondent is subject to the personal jurisdiction
3 of the tribunal of this state.

4 b. The child, or a party who is an individual, is subject
5 to the personal jurisdiction of the tribunal of this state and
6 all of the parties who are individuals have filed written
7 consents in the issuing tribunal for a tribunal of this state
8 to modify the support order and assume continuing, exclusive
9 jurisdiction over the order. However, if the issuing state is
10 a foreign jurisdiction that has not enacted a law or
11 established procedures substantially similar to the procedures
12 under this chapter, the consent otherwise required of an
13 individual residing in this state is not required for the
14 tribunal to assume jurisdiction to modify the child-support
15 order.

16 2. Modification of a registered child-support order is
17 subject to the same requirements, procedures, and defenses
18 that apply to the modification of an order issued by a
19 tribunal of this state and the order may be enforced and
20 satisfied in the same manner.

21 3. A tribunal of this state may not modify any aspect of a
22 child-support order that may not be modified under the law of
23 the issuing state. If two or more tribunals have issued
24 child-support orders for the same obligor and child, the order
25 that controls and must be so recognized under section 252K.207
26 establishes the aspects of the support order which are
27 nonmodifiable.

28 4. On issuance of an order modifying a child-support order
29 issued in another state, a tribunal of this state becomes the
30 tribunal having continuing, exclusive jurisdiction.

31 Sec. 161. NEW SECTION. 252K.612 RECOGNITION OF ORDER
32 MODIFIED IN ANOTHER STATE.

33 A tribunal of this state shall recognize a modification of
34 its earlier child-support order by a tribunal of another state
35 which assumed jurisdiction pursuant to this chapter or a law

1 substantially similar to this chapter and, upon request,
2 except as otherwise provided in this chapter, shall:

3 1. Enforce the order that was modified only as to amounts
4 accruing before the modification.

5 2. Enforce only nonmodifiable aspects of that order.

6 3. Provide other appropriate relief only for violations of
7 the order which occurred before the effective date of the
8 modification.

9 4. Recognize the modifying order of the other state, upon
10 registration, for the purpose of enforcement.

11 Sec. 162. NEW SECTION. 252K.613 JURISDICTION TO MODIFY
12 CHILD-SUPPORT ORDER OF ANOTHER STATE WHEN INDIVIDUAL PARTIES
13 RESIDE IN THIS STATE.

14 1. If all of the parties who are individuals reside in
15 this state and the child does not reside in the issuing state,
16 a tribunal of this state has jurisdiction to enforce and to
17 modify the issuing state's child-support order in a proceeding
18 to register that order.

19 2. A tribunal of this state exercising jurisdiction under
20 this section shall apply the provisions of Articles 1 and 2,
21 this Article, and the procedural and substantive law of this
22 state to the proceeding for enforcement or modification.
23 Articles 3, 4, 5, 7, and 8 do not apply.

24 Sec. 163. NEW SECTION. 252K.614 NOTICE TO ISSUING
25 TRIBUNAL OF MODIFICATION.

26 Within thirty days after issuance of a modified child-
27 support order, the party obtaining the modification shall file
28 a certified copy of the order with the issuing tribunal that
29 had continuing, exclusive jurisdiction over the earlier order,
30 and in each tribunal in which the party knows the earlier
31 order has been registered. A party who obtains the order and
32 fails to file a certified copy is subject to appropriate
33 sanctions by a tribunal in which the issue of failure to file
34 arises. The failure to file does not affect the validity or
35 enforceability of the modified order of the new tribunal

1 having continuing, exclusive jurisdiction.

2

ARTICLE 7

3

DETERMINATION OF PARENTAGE

4 Sec. 164. NEW SECTION. 252K.701 PROCEEDING TO DETERMINE
5 PARENTAGE.

6 1. A tribunal of this state may serve as an initiating or
7 responding tribunal in a proceeding brought under this chapter
8 or a law or procedure substantially similar to this chapter,
9 the Uniform Reciprocal Enforcement of Support Act, or the
10 Revised Uniform Reciprocal Enforcement of Support Act to
11 determine that the petitioner is a parent of a particular
12 child or to determine that a respondent is a parent of that
13 child.

14 2. In a proceeding to determine parentage, a responding
15 tribunal of this state shall apply the procedural and
16 substantive laws pursuant to chapters 252A and 252F, and the
17 rules of this state on choice of law.

18

ARTICLE 8

19

INTERSTATE RENDITION

20 Sec. 165. NEW SECTION. 252K.801 GROUNDS FOR RENDITION.

21 1. For purposes of this Article, "governor" includes an
22 individual performing the functions of governor or the
23 executive authority of a state covered by this chapter.

24 2. The governor of this state may:

25 a. Demand that the governor of another state surrender an
26 individual found in the other state who is charged criminally
27 in this state with having failed to provide for the support of
28 an obligee.

29 b. On the demand by the governor of another state,
30 surrender an individual found in this state who is charged
31 criminally in the other state with having failed to provide
32 for the support of an obligee.

33 3. A provision for extradition of individuals not
34 inconsistent with this chapter applies to the demand even if
35 the individual whose surrender is demanded was not in the

1 demanding state when the crime was allegedly committed and has
2 not fled therefrom.

3 Sec. 166. NEW SECTION. 252K.802 CONDITIONS OF RENDITION.

4 1. Before making demand that the governor of another state
5 surrender an individual charged criminally in this state with
6 having failed to provide for the support of an obligee, the
7 governor of this state may require a prosecutor of this state
8 to demonstrate that at least sixty days previously the obligee
9 had initiated proceedings for support pursuant to this chapter
10 or that the proceeding would be of no avail.

11 2. If, under this chapter, or a law substantially similar
12 to this chapter, the Uniform Reciprocal Enforcement of Support
13 Act, or the Revised Uniform Reciprocal Enforcement of Support
14 Act, the governor of another state makes a demand that the
15 governor of this state surrender an individual charged
16 criminally in that state with having failed to provide for the
17 support of a child or other individual to whom a duty of
18 support is owed, the governor may require a prosecutor to
19 investigate the demand and report whether a proceeding for
20 support has been initiated or would be effective. If it
21 appears that a proceeding would be effective but has not been
22 initiated, the governor may delay honoring the demand for a
23 reasonable time to permit the initiation of a proceeding.

24 3. If a proceeding for support has been initiated and the
25 individual whose rendition is demanded prevails, the governor
26 may decline to honor the demand. If the movant prevails and
27 the individual whose rendition is demanded is subject to a
28 support order, the governor may decline to honor the demand if
29 the individual is complying with the support order.

30

ARTICLE 9

31

MISCELLANEOUS PROVISIONS

32 Sec. 167. NEW SECTION. 252K.901 UNIFORMITY OF
33 APPLICATION AND CONSTRUCTION.

34 This chapter shall be applied and construed to effectuate
35 its general purpose to make uniform the law with respect to

1 the subject of this chapter among states enacting it.

2 Sec. 168. NEW SECTION. 252K.902 SHORT TITLE.

3 This chapter may be cited as the Uniform Interstate Family
4 Support Act.

5 Sec. 169. NEW SECTION. 252K.903 SEVERABILITY CLAUSE.

6 If any provision of this chapter or its application to any
7 person or circumstance is held invalid, the invalidity does
8 not affect other provisions or application of this chapter
9 which can be given effect without the invalid provision or
10 application, and to this end the provisions of this chapter
11 are severable.

12 Sec. 170. NEW SECTION. 252K.904 EFFECTIVE DATE --
13 PENDING MATTERS.

14 1. This chapter takes effect January 1, 1998.

15 2. A tribunal of this state shall apply this chapter
16 beginning January 1, 1998, with the following conditions:

17 a. Matters pending on January 1, 1998, shall be governed
18 by this chapter.

19 b. Pleadings and accompanying documents on pending matters
20 are sufficient if the documents substantially comply with the
21 requirements of chapter 252A in effect on December 31, 1997.

22 DIVISION XII

23 Sec. 171. Section 598.1, subsection 6, Code 1997, is
24 amended to read as follows:

25 6. "Support" or "support payments" means an amount which
26 the court may require either of the parties to pay under a
27 temporary order or a final judgment or decree, and may include
28 alimony, child support, maintenance, and any other term used
29 to describe these obligations. For orders entered on or after
30 July 1, 1990, unless the court specifically orders otherwise,
31 medical support is not included in the monetary amount of
32 child support. The obligations may include support for a
33 child who-is-between-the-ages-of-eighteen-and-twenty-two-years
34 who-is-regularly-attending-an-accredited-school-in-pursuance
35 of-a-course-of-study-leading-to-a-high-school-diploma-or-its

1 equivalent, or regularly attending a course of vocational-
2 technical training either as a part of a regular school
3 program or under special arrangements adapted to the
4 individual person's needs, or is, in good faith, a full-time
5 student in a college, university, or community college, or has
6 been accepted for admission to a college, university, or
7 community college and the next regular term has not yet begun,
8 or a child of any age who is dependent on the parties to the
9 dissolution proceedings because of physical or mental
10 disability.

11 Sec. 172. Section 598.5, subsection 5, Code 1997, is
12 amended to read as follows:

13 5. State whether or not a separate action for dissolution
14 of marriage or child support has been commenced by the
15 respondent and whether such action is pending in any court in
16 this state or elsewhere. State whether the entry of an order
17 would violate 28 U.S.C. § 1738B. If there is an existing
18 child support order, the party shall disclose identifying
19 information regarding the order.

20 Sec. 173. Section 598.21, subsection 4, paragraph a, Code
21 1997, is amended to read as follows:

22 a. Upon Unless prohibited pursuant to 28 U.S.C. § 1738B,
23 upon every judgment of annulment, dissolution, or separate
24 maintenance, the court may order either parent or both parents
25 to pay an amount reasonable and necessary for supporting a
26 child. In establishing the amount of support, consideration
27 shall be given to the responsibility of both parents to
28 support and provide for the welfare of the minor child and of
29 a child's need, whenever practicable, for a close relationship
30 with both parents. There shall be a rebuttable presumption
31 that the amount of child support which would result from the
32 application of the guidelines prescribed by the supreme court
33 is the correct amount of child support to be awarded. A
34 variation from the guidelines shall not be considered by a
35 court without a record or written finding, based on stated

1 reasons, that the guidelines would be unjust or inappropriate
2 as determined under the criteria prescribed by the supreme
3 court.

4 The court shall order as child medical support a health
5 benefit plan as defined in chapter 252E if available to either
6 parent at a reasonable cost. A health benefit plan is
7 considered reasonable in cost if it is employment-related or
8 other group health insurance, regardless of the service
9 delivery mechanism. The premium cost of the health benefit
10 plan may be considered by the court as a reason for varying
11 from the child support guidelines. If a health benefit plan
12 is not available at a reasonable cost, the court may order any
13 other provisions for medical support as defined in chapter
14 252E.

15 Sec. 174. Section 598.21, subsection 8, unnumbered
16 paragraphs 2 and 3, Code 1997, are amended to read as follows:

17 A Unless otherwise provided pursuant to 28 U.S.C. § 1738B,
18 a modification of a support order entered under chapter 234,
19 252A, 252C, 600B, this chapter, or any other support chapter
20 or proceeding between parties to the order is void unless the
21 modification is approved by the court, after proper notice and
22 opportunity to be heard is given to all parties to the order,
23 and entered as an order of the court. If support payments
24 have been assigned to the department of human services
25 pursuant to section 234.39, 239.3, or 252E.11, or if services
26 are being provided pursuant to chapter 252B, the department
27 shall-be-considered is a party to the support order.

28 Modifications of orders pertaining to child custody shall be
29 made pursuant to chapter 598A. If the petition for a
30 modification of an order pertaining to child custody asks
31 either for joint custody or that joint custody be modified to
32 an award of sole custody, the modification, if any, shall be
33 made pursuant to section 598.41.

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

1 or any other chapter of the Code which are subject to a
2 modification proceeding may be retroactively modified only
3 from the date the notice of the pending petition for
4 modification is served on the opposing party. The prohibition
5 of retroactive modification does not bar the child support
6 recovery unit from obtaining orders for accrued support for
7 previous time periods. Any retroactive modification which
8 increases the amount of child support or any order for accrued
9 support under this paragraph shall include a periodic payment
10 plan. A retroactive modification shall not be regarded as a
11 delinquency unless there are subsequent failures to make
12 payments.

13 Sec. 175. Section 598.21, subsection 9, unnumbered
14 paragraph 2, Code 1997, is amended to read as follows:

15 This basis for modification is applicable to petitions
16 filed on or after July 1, 1992, notwithstanding whether the
17 guidelines prescribed by subsection 4 were used in
18 establishing the current amount of support. Upon application
19 for a modification of an order for child support for which
20 services are being received pursuant to chapter 252B, the
21 court shall set the amount of child support based upon the
22 most current child support guidelines established pursuant to
23 subsection 4, including provisions for medical support
24 pursuant to chapter 252E. The child support recovery unit
25 shall, in submitting an application for modification, or
26 adjustment, or alteration of an order for support, employ
27 additional criteria and procedures as provided in chapter 252H
28 and as established by rule.

29 Sec. 176. Section 598.21, subsection 10, Code 1997, is
30 amended to read as follows:

31 10. Notwithstanding any other provision of law to the
32 contrary, when an application for modification or adjustment
33 of support is submitted by the child support recovery unit,
34 the sole issues which may be considered by the court in that
35 action are the application of the guidelines in establishing

1 the amount of support pursuant to subsection 4, and provision
2 for medical support under chapter 252E. When an application
3 for a cost-of-living alteration of support is submitted by the
4 child support recovery unit pursuant to section 252H.24, the
5 sole issue which may be considered by the court in the action
6 is the application of the cost-of-living alteration in
7 establishing the amount of child support. Issues related to
8 custody, visitation, or other provisions unrelated to support
9 shall be considered only under a separate application for
10 modification.

11 Sec. 177. Section 598.22, Code 1997, is amended to read as
12 follows:

13 598.22 SUPPORT PAYMENTS -- CLERK OF COURT -- COLLECTION
14 SERVICES CENTER -- DEFAULTS -- SECURITY.

15 Except as otherwise provided in section 598.22A, this
16 section applies to all initial or modified orders for support
17 entered under this chapter, chapter 234, 252A, 252C, 252F,
18 600B, or any other chapter of the Code. All orders or
19 judgments entered under chapter 234, 252A, 252C, 252F, or
20 600B, or under this chapter or any other chapter which provide
21 for temporary or permanent support payments shall direct the
22 payment of those sums to the clerk of the district court or
23 the collection services center in accordance with section
24 252B.14 for the use of the person for whom the payments have
25 been awarded. Payments to persons other than the clerk of the
26 district court and the collection services center do not
27 satisfy the support obligations created by the orders or
28 judgments, except as provided for trusts governed by the
29 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
30 tax refunds or rebates in section 602.8102, subsection 47, or
31 for dependent benefits paid to the child support obligee as
32 the result of disability benefits awarded to the child support
33 obligor under the federal Social Security Act. For trusts
34 governed by the federal Retirement Equity Act of 1984, Pub. L.
35 No. 98-397, the assignment-of order for income withholding or

1 notice of the order for income withholding shall require the
2 payment of such sums to the alternate payee in accordance with
3 the federal Act.

4 ~~Upon a finding of previous failure to pay child support,~~
5 ~~the court may order the person obligated for permanent child~~
6 ~~support to make an assignment of periodic earnings or trust~~
7 ~~income to the clerk of court or the collection services center~~
8 ~~established pursuant to section 252B.13A for the use of the~~
9 ~~person for whom the assignment is ordered. The assignment of~~
10 ~~earnings ordered by the court shall not exceed the amounts set~~
11 ~~forth in 15 U.S.C. § 1673(b) (1982). The assignment is binding~~
12 ~~on the employer, trustee, or other payor of the funds two~~
13 ~~weeks after service upon that person of notice that the~~
14 ~~assignment has been made. The payor shall withhold from the~~
15 ~~earnings or trust income payable to the person obligated the~~
16 ~~amount specified in the assignment and shall transmit the~~
17 ~~payments to the clerk or the collection services center, as~~
18 ~~appropriate. An income withholding order or notice of the~~
19 order for income withholding shall be entered under the terms
20 and conditions of chapter 252D. However, for trusts governed
21 by the federal Retirement Equity Act of 1984, Pub. L. No. 98-
22 397, the payor shall transmit the payments to the alternate
23 payee in accordance with the federal Act. ~~The payor may~~
24 ~~deduct from each payment a sum not exceeding two dollars as a~~
25 ~~reimbursement for costs. An employer who dismisses an~~
26 ~~employee due to the entry of an assignment order commits a~~
27 ~~simple misdemeanor.~~

28 ~~An assignment of periodic income may also be entered under~~
29 ~~the terms and conditions of chapter 252D.~~

30 An order or judgment entered by the court for temporary or
31 permanent support or for an assignment income withholding
32 shall be filed with the clerk. The orders have the same force
33 and effect as judgments when entered in the judgment docket
34 and lien index and are records open to the public. The clerk
35 or the collection services center, as appropriate, shall

1 disburse the payments received pursuant to the orders or
2 judgments within two working days of the receipt of the
3 payments. All moneys received or disbursed under this section
4 shall be entered in records kept by the clerk, or the
5 collection services center, as appropriate, which shall be
6 available to the public. The clerk or the collection services
7 center shall not enter any moneys paid in the record book if
8 not paid directly to the clerk or the center, as appropriate,
9 except as provided for trusts and federal social security
10 disability payments in this section, and for tax refunds or
11 rebates in section 602.8102, subsection 47.

12 If the sums ordered to be paid in a support payment order
13 are not paid to the clerk or the collection services center,
14 as appropriate, at the time provided in the order or judgment,
15 the clerk or the collection services center, as appropriate,
16 shall certify a default to the court which may, on its own
17 motion, proceed as provided in section 598.23.

18 Prompt payment of sums required to be paid under sections
19 598.11 and 598.21 is the essence of such orders or judgments
20 and the court may act pursuant to section 598.23 regardless of
21 whether the amounts in default are paid prior to the contempt
22 hearing.

23 Upon entry of an order for support or upon the failure of a
24 person to make payments pursuant to an order for support, the
25 court may require the person to provide security, a bond, or
26 other guarantee which the court determines is satisfactory to
27 secure the payment of the support. Upon the person's failure
28 to pay the support under the order, the court may declare the
29 security, bond, or other guarantee forfeited.

30 For the purpose of enforcement, medical support is
31 additional support which, upon being reduced to a dollar
32 amount, may be collected through the same remedies available
33 for the collection and enforcement of child support.

34 Sec. 178. NEW SECTION. 598.22B INFORMATION REQUIRED IN
35 ORDER OR JUDGMENT.

1 This section applies to all initial or modified orders for
2 paternity or support entered under this chapter, chapter 234,
3 252A, 252C, 252F, 252H, 252K, 600B, or under any other
4 chapter, and any subsequent order to enforce such support
5 orders.

6 1. All such orders or judgments shall direct each party to
7 file with the clerk of court or the child support recovery
8 unit, as appropriate, upon entry of the order, and to update
9 as appropriate, information on location and identity of the
10 party, including social security number, residential and
11 mailing addresses, telephone number, driver's license number,
12 and name, address, and telephone number of the party's
13 employer. The order shall also include a provision that the
14 information filed will be disclosed and used pursuant to this
15 section. The party shall file the information with the clerk
16 of court, or, if support payments are to be directed to the
17 collection services center as provided in sections 252B.14 and
18 252B.16, with the child support recovery unit .

19 2. All such orders or judgments shall include a statement
20 that in any subsequent child support action initiated by the
21 child support recovery unit or between the parties, upon
22 sufficient showing that diligent effort has been made to
23 ascertain the location of such a party, the unit or the court
24 may deem due process requirements for notice and service of
25 process to be met with respect to the party, upon delivery of
26 written notice to the most recent residential or employer
27 address filed with the clerk of court or unit pursuant to
28 subsection 1.

29 3. a. Information filed pursuant to subsection 1 shall
30 not be a public record.

31 b. Information filed with the clerk of court pursuant to
32 subsection 1 shall be available to the child support recovery
33 unit, upon request.

34 c. Information filed with the clerk of court shall be
35 available, upon request, to a party unless the party filing

1 the information also files an affidavit alleging the party has
2 reason to believe that release of the information may result
3 in physical or emotional harm to the affiant or child.

4 d. If the child support recovery unit is providing
5 services pursuant to chapter 252B, information filed with the
6 unit shall only be disclosed as provided in section 252B.9.

7 Sec. 179. Section 598.23, subsection 2, paragraph a, Code
8 1997, is amended by striking the paragraph and inserting in
9 lieu thereof the following:

10 a. Withholds income under the terms and conditions of
11 chapter 252D.

12 Sec. 180. Section 598.34, Code 1997, is amended to read as
13 follows:

14 598.34 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF
15 SUPPORT PAYMENTS.

16 ~~A person entitled to periodic support payments pursuant to~~
17 ~~an order or judgment entered in an action for dissolution of~~
18 ~~marriage, who is also a recipient of public assistance, is~~
19 ~~deemed to have assigned the person's rights to the support~~
20 ~~payments, to the extent of public assistance received by the~~
21 ~~person, to the department of human services. If public~~
22 assistance is provided by the department of human services to
23 or on behalf of a dependent child or a dependent child's
24 caretaker, there is an assignment by operation of law to the
25 department of any and all rights in, title to, and interest in
26 any support obligation, payment, and arrearages owed to or for
27 the child or caretaker not to exceed the amount of public
28 assistance paid for or on behalf of the child or caretaker.

29 The department shall immediately notify the clerk of court by
30 mail when ~~a person entitled to support payments~~ such a child
31 or caretaker has been determined to be eligible for public
32 assistance. Upon notification by the department ~~that a person~~
33 ~~entitled to periodic support payments pursuant to this chapter~~
34 ~~is receiving public assistance~~, the clerk of court shall make
35 a notation of the automatic assignment in the judgment docket

1 and lien index. The notation constitutes constructive notice
2 of the assignment. For public assistance approved and
3 provided on or after July 1, 1997, if the applicant for public
4 assistance is a person other than a parent of the child, the
5 department shall send a notice by regular mail to the last
6 known addresses of the obligee and obligor. The clerk of
7 court shall forward support payments received pursuant to
8 section 598.22, to which the department is entitled, to the
9 department, which may secure support payments in default
10 through other proceedings provided-for-in-chapter-252A-or
11 section-598-24.

12 The clerk shall furnish the department with copies of all
13 orders or decrees awarding and temporary or domestic abuse
14 orders addressing support te-parties-having-custody-of-minor
15 children when the parties are receiving public assistance or
16 services are otherwise provided by the child support recovery
17 unit pursuant to chapter 252B. Unless otherwise specified in
18 the order, an equal and proportionate share of any child
19 support awarded shall be presumed to be payable on behalf of
20 each child subject to the order or judgment for purposes of an
21 assignment under this section.

22 Sec. 181. CHILD SUPPORT GUIDELINES -- AMENDMENT.

23 1. At the time of the next review of the uniform child
24 support guidelines following July 1, 1997, the supreme court
25 shall amend the guidelines to establish guidelines based upon
26 those developed and used in Delaware which include a
27 determination of primary child support, taking into
28 consideration each parent's available net income for child
29 support, calculating the primary support need, and determining
30 the primary support obligation of each parent; provide for a
31 standard-of-living adjustment; and, at the supreme court's
32 discretion, provide for supplemental quarterly child support.

33 2. Following adoption of the guidelines, subsequent
34 modifications of child support orders shall meet the
35 guidelines in accordance with the modification provisions of

1 this section or chapter 252H.

2 3. Following adoption of the guidelines, the judicial
3 department shall submit recommendations to the general
4 assembly for statutory changes necessary to implement the
5 guidelines.

6 DIVISION XIII

7 Sec. 182. NEW SECTION. 252B.22 STATEWIDE SUPPORT LIEN
8 INDEX.

9 1. The child support recovery unit created in chapter 252B
10 shall establish a task force to assist in the development of a
11 plan for a statewide support lien index. The unit, in
12 consultation with the task force, may recommend additional
13 statutory changes to the general assembly by January 1, 1999,
14 to facilitate implementation of a statewide index.

15 2. The plan shall provide for an index pertaining to any
16 person against whom a support judgment is entered, registered,
17 or otherwise filed with a court in this state, against whom
18 the unit is enforcing a support judgment, or against whom an
19 interstate lien form promulgated by the United States
20 secretary of health and human services is filed. The plan
21 shall also provide for implementation and administration of an
22 automated statewide support lien index, access to at least one
23 location in every county, and the development of procedures to
24 periodically update the lien information.

25 3. Members of the task force may include, but shall not be
26 limited to, representatives, appointed by the respective
27 entity, of the abstractors' association, realtors'
28 association, Iowa state bar association, county recorders'
29 association, clerks of court association, county treasurers'
30 association, automobile dealers' association, department of
31 revenue and finance, state department of transportation, the
32 office of the secretary of state, the office of the state
33 court administrator, and other constituency groups and
34 agencies which have an interest in a statewide support lien
35 index to record liens. Appointments shall be made in

1 accordance with sections 69.16 and 69.16A. Vacancies shall be
2 filled by the original appointment authority and in the manner
3 of the original appointments.

4 Sec. 183. Section 624.23, Code 1997, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 4. In addition to other provisions
7 relating to the attachment of liens, full faith and credit
8 shall be afforded to liens arising for overdue support due on
9 support judgments entered by a court or administrative agency
10 of another state on real estate in this state owned by the
11 obligor, for the period of ten years from the date of the
12 judgment. Notwithstanding any other provisions of law,
13 including but not limited to, the formatting of forms, payment
14 of filing fees, or requirement of signatures, the lien
15 attaches on the date, whichever is earlier, that a notice of
16 interstate lien promulgated by the United States secretary of
17 health and human services is either:

18 a. Filed with the clerk of district court in the county
19 where the real estate is located.

20 b. Recorded in a statewide support lien index as provided
21 in section 252B.22.

22 The lien shall apply only prospectively as of the date of
23 attachment to all real estate the obligor may subsequently
24 acquire and does not retroactively apply to the chain of title
25 for any real estate that the obligor had disposed of prior to
26 the date of attachment.

27 Sec. 184. Section 624.24, Code 1997, is amended to read as
28 follows:

29 624.24 WHEN JUDGMENT LIEN ATTACHES.

30 1. When the real estate lies in the county wherein the
31 judgment of the district court of this state or of the circuit
32 or district courts of the United States was entered in the
33 judgment docket and lien index kept by the clerk of the court
34 having jurisdiction, the lien shall attach from the date of
35 such entry of judgment, but if in another it will not attach

1 until an attested copy of the judgment is filed in the office
2 of the clerk of the district court of the county in which the
3 real estate lies.

4 2. In addition to other provisions relating to the
5 attachment of liens, upon the establishment of a statewide
6 support lien index, as provided in section 252B.22, support
7 judgments entered, registered, or otherwise filed with a court
8 in this state, support judgments being enforced by the child
9 support recovery unit created in chapter 252B, or support
10 judgments for which an interstate lien form promulgated by the
11 United States secretary of health and human services is filed,
12 are liens upon any real estate owned by the obligor in any
13 county in this state upon the date the lien is recorded on a
14 statewide support lien index. The lien shall attach to all
15 real estate the obligor may subsequently acquire after that
16 date, shall apply only prospectively as of the date of filing
17 and does not retroactively apply to the chain of title for any
18 real estate that the obligor had disposed of prior to the date
19 of the entry of the lien on a statewide support lien index or
20 other recording of the lien.

21 Sec. 185. NEW SECTION. 624.24A LIENS OF SUPPORT
22 JUDGMENTS.

23 1. In addition to other provisions relating to the
24 attachment of liens, support judgments in the appellate or
25 district courts of this state, are liens upon the personal
26 property titled in this state and owned by the obligor at the
27 time of such rendition or subsequently acquired by the
28 obligor.

29 2. The lien shall attach from the date of the notation on
30 the title.

31 3. In addition to other provisions relating to the
32 attachment of liens, full faith and credit shall be afforded
33 to a lien arising for overdue support due on support judgments
34 entered by a court or administrative agency of another state
35 on personal property titled in this state and owned by the

1 obligor. In this state, a lien attaches on the date,
2 whichever is earlier that a notice of interstate lien
3 promulgated by the United States secretary of health and human
4 services is either:

5 a. Filed with the clerk of district court in the county
6 where the personal property is titled and the lien is noted on
7 the title.

8 b. Recorded in the statewide support lien index as
9 provided in section 252B.22.

10 The lien shall apply only prospectively as of the date of
11 attachment, shall attach to any titled personal property the
12 obligor may subsequently acquire, and does not retroactively
13 apply to the chain of title for any personal property that the
14 obligor had disposed of prior to the date of attachment.

15 4. In addition to other provisions relating to the
16 attachment of liens, upon the establishment of a statewide
17 support lien index as provided in section 252B.22, support
18 judgments entered, registered, or otherwise filed with a court
19 in this state, support judgments being enforced by the child
20 support recovery unit created in chapter 252B, or support
21 judgments for which an interstate lien form promulgated by the
22 United States secretary of health and human services is filed,
23 are liens upon any personal property owned by the obligor and
24 titled in any county in the state when recorded on a statewide
25 support lien index. The lien shall apply only prospectively
26 to the date of filing and shall attach to all titled personal
27 property the obligor may subsequently acquire, and does not
28 retroactively apply to the chain of title for any titled
29 personal property that the obligor has disposed of prior to
30 the date of the entry of the lien on a statewide support lien
31 index or other recording of the lien.

32 DIVISION XIV

33 PART A

34 Sec. 186. Section 600B.9, Code 1997, is amended to read as
35 follows:

1 600B.9 TIME OF INSTITUTING PROCEEDINGS.

2 The proceedings may be instituted during the pregnancy of
3 the mother or after the birth of the child, but, except with
4 the consent of all parties, the trial shall not be held until
5 after the birth of the child and shall be held no earlier than
6 twenty days from the date the alleged father is served with
7 notice of the action or, if blood or genetic tests are
8 conducted, no earlier than fifty thirty days from the date the
9 test results are filed with the clerk of the district court as
10 provided under section 600B.41.

11 Sec. 187. Section 600B.18, Code 1997, is amended to read
12 as follows:

13 600B.18 METHOD OF TRIAL.

14 The trial shall be by ~~jury, if either party demands a jury,~~
15 ~~otherwise by~~ the court, and shall be conducted as in other
16 civil cases.

17 Sec. 188. Section 600B.23, Code 1997, is amended to read
18 as follows:

19 600B.23 COSTS PAYABLE BY COUNTY.

20 If the ~~verdict of the jury at the trial or the~~ finding of
21 the court be in favor of the defendant the costs of the action
22 shall be paid by the county.

23 Sec. 189. Section 600B.24, subsection 2, Code 1997, is
24 amended to read as follows:

25 2. Upon a finding ~~or verdict~~ of paternity against the
26 defendant, the court shall enter a judgment against the
27 defendant declaring paternity and ordering support of the
28 child.

29 Sec. 190. Section 600B.25, Code 1997, is amended to read
30 as follows:

31 600B.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT ORDER --
32 EVIDENCE -- COSTS.

33 1. Upon a finding ~~or verdict~~ of paternity pursuant to
34 section 600B.24, the court shall establish the father's
35 monthly support payment and the amount of the support debt

1 accrued or accruing pursuant to section 598.21, subsection 4,
2 until the child reaches majority or until the child finishes
3 high school, if after majority. The court may order the
4 father to pay amounts the court deems appropriate for the past
5 support and maintenance of the child and for the reasonable
6 and necessary expenses incurred by or for the mother in
7 connection with prenatal care, the birth of the child, and
8 postnatal care of the child and the mother, and other medical
9 support as defined in section 252E.1. The court may award the
10 prevailing party the reasonable costs of suit, including but
11 not limited to reasonable attorney fees.

12 2. A copy of a bill for the costs of prenatal care or the
13 birth of the child shall be admitted as evidence, without
14 requiring third-party foundation testimony, and shall
15 constitute prima facie evidence of amounts incurred.

16 Sec. 191. Section 600B.38, Code 1997, is amended to read
17 as follows:

18 600B.38 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF
19 SUPPORT PAYMENTS.

20 ~~A person entitled to periodic support payments pursuant to~~
21 ~~an order or judgment entered in a paternity action under this~~
22 ~~chapter, who is also a recipient of public assistance, is~~
23 ~~deemed to have assigned the person's rights to the support~~
24 ~~payments, to the extent of public assistance received by the~~
25 ~~person, to the department of human services. If public~~
26 assistance is provided by the department of human services to
27 or on behalf of a dependent child or a dependent child's
28 caretaker, there is an assignment by operation of law to the
29 department of any and all rights in, title to, and interest in
30 any support obligation, payment, and arrearages owed to or on
31 behalf of the child or caretaker, not to exceed the amount of
32 public assistance paid for or on behalf of the child or
33 caretaker. The department shall immediately notify the clerk
34 of court by mail when a person entitled to support payments
35 such a child or caretaker has been determined to be eligible

1 for public assistance. Upon notification by the department
2 ~~that a person entitled to periodic support payments pursuant~~
3 ~~to this chapter is receiving public assistance~~, the clerk of
4 court shall make a notation of the automatic assignment in the
5 judgment docket and lien index. The notation constitutes
6 constructive notice of the assignment. For public assistance
7 approved and provided on or after July 1, 1997, if the
8 applicant for public assistance is a person other than a
9 parent of the child, the department shall send notice by
10 regular mail to the last known addresses of the obligee and
11 obligor. The clerk of court shall forward support payments
12 received pursuant to section 600B.25, to which the department
13 is entitled, to the department, which may secure support
14 payments in default through other proceedings prescribed in
15 chapter 252A or section 600B-37. The clerk shall furnish the
16 department with copies of all orders or decrees awarding and
17 temporary or domestic abuse orders addressing support to
18 parties having custody of minor children when the parties are
19 receiving public assistance or services are otherwise provided
20 by the child support recovery unit. Unless otherwise
21 specified in the order, an equal and proportionate share of
22 any child support awarded shall be presumed to be payable on
23 behalf of each child subject to the order or judgment for
24 purposes of an assignment under this section.

25 Sec. 192. Section 600B.41, subsections 2 and 4, Code 1997,
26 are amended to read as follows: --

27 2. If a blood or genetic test is required, the court shall
28 direct that inherited characteristics be determined by
29 appropriate testing procedures, and shall appoint an expert
30 qualified as an examiner of genetic markers to analyze and
31 interpret the results and to report to the court. Appropriate
32 testing procedures shall include any genetic test generally
33 acknowledged as reliable by accreditation bodies designated by
34 the secretary of the United States department of health and
35 human services and which are performed by a laboratory

1 approved by such an accreditation body.

2 4. A verified expert's report shall be admitted at trial.
3 A copy of a bill for blood or genetic testing shall be
4 admitted as evidence, without requiring third-party foundation
5 testimony, and shall constitute prima facie evidence of
6 amounts incurred for blood or genetic testing.

7 Sec. 193. Section 600B.41, subsection 5, paragraph a,
8 unnumbered paragraph 1, Code 1997, is amended to read as
9 follows:

10 Test results which show a statistical probability of
11 paternity are admissible. To challenge the test results, a
12 party shall file a notice of the challenge, with the court,
13 within no later than twenty days of after the filing of the
14 expert's report with the clerk of the district court~~7-or7-if-a~~
15 ~~court-hearing-is-scheduled-to-resolve-the-issue-of-paternity7~~
16 ~~no-later-than-thirty-days-before-the-original-court-hearing~~
17 date.

18 Sec. 194. Section 600B.41A, subsection 3, paragraph f,
19 Code 1997, is amended to read as follows:

20 f. The court finds that all of the following:

21 (1) That the conclusion of the expert as disclosed by the
22 evidence based upon blood or genetic testing demonstrates that
23 the established father is not the biological father of the
24 child.

25 (2) If paternity was established pursuant to section
26 252A.3A, the signed affidavit was based on fraud, duress, or
27 material mistake of fact, as shown by the petitioner.

28 Sec. 195. Section 600B.41A, subsection 3, paragraph g,
29 Code 1997, is amended by striking the paragraph.

30 Sec. 196. Section 600B.41A, subsection 6, Code 1997, is
31 amended to read as follows:

32 6. If the court determines that test results conducted in
33 accordance with section 600B.41 or chapter 252F exclude the
34 established father as the biological father, but the court
35 dismisses the action to overcome paternity, the court may

1 shall enter an order relieving the established father of any
2 or all future support obligations owed on behalf of the child,
3 while preserving the paternity determination. The court's
4 determination and the effective date of the determination
5 shall be in accordance with subsection 4, paragraphs "a" and
6 "b", and shall be made based upon the unique circumstances of
7 each case and the interests of all parties.

8 Sec. 197. Section 600B.30, Code 1997, is repealed.

9 Part B

10 Sec. 198. Section 600B.41A, subsection 2, paragraph a,
11 Code 1997, is amended to read as follows:

12 a. A paternity determination made in or by a foreign
13 jurisdiction ~~and, notwithstanding section 252A.20,~~ or a
14 paternity determination which has been made in or by a foreign
15 jurisdiction and registered in this state in accordance with
16 section 252A.18 or chapter 252K.

17 Sec. 199. Section 600B.34, Code 1997, is repealed.

18 Sec. 200. EFFECTIVE DATE. Part B, sections 198 and 199 of
19 this Act, are effective January 1, 1998.

20 DIVISION XV

21 Sec. 201. Section 96.3, subsection 9, paragraph c, Code
22 1997, is amended to read as follows:

23 c. However, if the department is notified of ~~an assignment~~
24 ~~of income by the child support recovery unit~~ withholding under
25 chapter 252D or section 598.22 or 598.23 or if income is
26 garnisheed by the child support recovery unit under chapter
27 642 and an individual's benefits are condemned to the
28 satisfaction of the child support obligation being enforced by
29 the child support recovery unit, the department shall deduct
30 and withhold from the individual's benefits that amount
31 required through legal process.

32 Notwithstanding section 642.2, subsections 2, 3, 6, and 7,
33 which restrict garnishments under chapter 642 to wages of
34 public employees, the department may be garnisheed under
35 chapter 642 by the child support recovery unit established in

1 section 252B.2, pursuant to a judgment for child support
2 against an individual eligible for benefits under this
3 chapter.

4 Notwithstanding section 96.15, benefits under this chapter
5 are not exempt from income assignment withholding,
6 garnishment, attachment, or execution if assigned-to withheld
7 for or garnisheed by the child support recovery unit,
8 established in section 252B.2, or if an assignment income
9 withholding order or notice of the income withholding order
10 under section 598.22 or 598.23 is being enforced by the child
11 support recovery unit to satisfy the child support obligation
12 of an individual who is eligible for benefits under this
13 chapter.

14 Sec. 202. Section 144.13, subsection 2, Code 1997, is
15 amended to read as follows:

16 2. If the mother was married either at the time of
17 conception, or birth, or at any time during the period between
18 conception and birth, the name of the husband shall be entered
19 on the certificate as the father of the child unless paternity
20 has been determined otherwise by a court of competent
21 jurisdiction, in which case the name of the father as
22 determined by the court shall be entered by the department.

23 Sec. 203. Section 144.13, subsection 3, Code 1997, is
24 amended to read as follows:

25 3. If the mother was not married either at the time of
26 conception, or birth, and at any time during the period
27 between conception and birth, the name of the father shall not
28 be entered on the certificate of birth ~~without-the-written~~
29 ~~consent-of-the-mother-and-the-person-to-be-named-as-the~~
30 ~~father~~, unless a determination of paternity has been made
31 pursuant to section 252A.3, in which case the name of the
32 father as established shall be entered by the department. If
33 the father is not named on the certificate of birth, no other
34 information about the father shall be entered on the
35 certificate.

1 Sec. 204. Section 144.13, subsection 4, paragraph c, Code
2 1997, is amended to read as follows:

3 c. A copy of the affidavit of paternity if filed pursuant
4 to section 252A.3A and any subsequent rescision form which
5 rescinds the affidavit.

6 Sec. 205. Section 144.26, Code 1997, is amended to read as
7 follows:

8 144.26 DEATH CERTIFICATE.

9 1. A death certificate for each death which occurs in this
10 state shall be filed with the county registrar of the county
11 in which the death occurs, within three days after the death
12 and prior to final disposition, and shall be registered by the
13 registrar if it has been completed and filed in accordance
14 with this chapter. A death certificate shall include the
15 social security number, if provided, of the deceased person.

16 All information including the certifying physician's name
17 shall be typewritten.

18 2. All information included on a death certificate may be
19 provided as mutually agreed upon by the division and the child
20 support recovery unit, including by automated exchange.

21 3. If the place of death is unknown, a death certificate
22 shall be filed in the county in which a dead body is found
23 within three days after the body is found. If death occurs in
24 a moving conveyance, a death certificate shall be filed in the
25 county in which the dead body is first removed from the
26 conveyance.

27 4. If a person dies outside of the county of the person's
28 residence, the state registrar shall send a copy of the death
29 certificate to the county registrar of the county of the
30 decedent's residence. The county registrar shall record the
31 death certificate in the same records in which death
32 certificates of persons who died within the county are
33 recorded.

34 Sec. 206. Section 234.39, subsections 1, 2, and 3, Code
35 1997, are amended to read as follows:

1 1. For an individual to whom section 234.35, subsection 1,
2 is applicable, a dispositional order of the juvenile court
3 requiring the provision of foster care, or an administrative
4 order entered pursuant to chapter 252C, or any order
5 establishing paternity and support for a child in foster care,
6 shall establish, after notice and a reasonable opportunity to
7 be heard is provided to a parent or guardian, the amount of
8 the parent's or guardian's support obligation for the cost of
9 foster care provided by the department. The amount of the
10 parent's or guardian's support obligation and the amount of
11 support debt accrued and accruing shall be established in
12 accordance with the child support guidelines prescribed under
13 section 598.21, subsection 4. However, the court, or the
14 department of human services in establishing support by
15 administrative order, may deviate from the prescribed
16 obligation after considering a recommendation by the
17 department for expenses related to goals and objectives of a
18 case permanency plan as defined under section 237.15, and upon
19 written findings of fact which specify the reason for
20 deviation and the prescribed guidelines amount. Any order for
21 support shall direct the payment of the support obligation to
22 the collection services center for the use of the department's
23 foster care recovery unit. The order shall be filed with the
24 clerk of the district court in which the responsible parent or
25 guardian resides and has the same force and effect as a
26 judgment when entered in the judgment docket and lien index.
27 The collection services center shall disburse the payments
28 pursuant to the order and record the disbursements. If
29 payments are not made as ordered, the child support recovery
30 unit may certify a default to the court and the court may, on
31 its own motion, proceed under section 598.22 or 598.23 or the
32 child support recovery unit may enforce the judgment as
33 allowed by law. An order entered under this subsection may be
34 modified only in accordance with the guidelines prescribed
35 under section 598.21, subsection 8, or under chapter 252H.

1 2. For an individual who is served by the department of
2 human services under section 234.35, and is not subject to a
3 dispositional order of the juvenile court requiring the
4 provision of foster care, the department shall determine the
5 obligation of the individual's parent or guardian pursuant to
6 chapter 252C and in accordance with the child support
7 guidelines prescribed under section 598.21, subsection 4.
8 However, the department may adjust the prescribed obligation
9 for expenses related to goals and objectives of a case
10 permanency plan as defined under section 237.15. An
11 obligation determined under this subsection may be modified
12 only in accordance with conditions under section 598.21,
13 subsection 8, or under chapter 252H.

14 3. A person entitled to periodic support payments pursuant
15 to an order or judgment entered in any action for support, who
16 also is or has a child receiving foster care services, is
17 deemed to have assigned to the department current and accruing
18 support payments attributable to the child effective as of the
19 date the child enters foster care placement, to the extent of
20 expenditure of foster care funds. The department shall notify
21 the clerk of the district court when a child entitled to
22 support payments is receiving foster care services pursuant to
23 chapter 234. Upon notification by the department that a child
24 entitled to periodic support payments is receiving foster care
25 services, the clerk of the district court shall make a
26 notation of the automatic assignment in the judgment docket
27 and lien index. The notation constitutes constructive notice
28 of assignment. The clerk of court shall furnish the
29 department with copies of all orders and decrees awarding
30 support when the child is receiving foster care services. At
31 the time the child ceases to receive foster care services, the
32 assignment of support shall be automatically terminated.
33 Unpaid support accrued under the assignment of support rights
34 during the time that the child was in foster care remains due
35 to the department up to the amount of unreimbursed foster care

1 funds expended. The department shall notify the clerk of
2 court of the automatic termination of the assignment. Unless
3 otherwise specified in the support order, an equal and
4 proportionate share of any child support awarded shall be
5 presumed to be payable on behalf of each child subject to the
6 order or judgment for purposes of an assignment under this
7 section.

8 Sec. 207. Section 236.5, subsection 2, paragraph e, Code
9 1997, is amended to read as follows:

10 e. That Unless prohibited pursuant to 28 U.S.C. § 1738B,
11 that the defendant pay the clerk a sum of money for the
12 separate support and maintenance of the plaintiff and children
13 under eighteen.

14 Sec. 208. Section 236.10, Code 1997, is amended to read as
15 follows:

16 236.10 CONFIDENTIALITY OF RECORDS.

17 The file in a domestic abuse case shall be sealed by the
18 clerk of court when it is complete and after the time for
19 appeal has expired. However, the clerk shall open the file
20 upon application to and order of the court for good cause
21 shown or upon request of the child support recovery unit.

22 Sec. 209. Section 239.3, Code 1997, is amended to read as
23 follows:

24 239.3 APPLICATION FOR ASSISTANCE -- ASSIGNMENT OF SUPPORT
25 RIGHTS.

26 1. An application for assistance shall be made to the
27 department. The application shall be in writing or reduced to
28 writing in the manner and upon the form prescribed by the
29 administrator. The application shall be made by the specified
30 relative with whom the dependent child resides or will reside,
31 and shall contain the information required on the application
32 form. One application may be made for several children of the
33 same family if they reside or will reside with the same
34 specified relative.

35 2. An assignment of support rights is created by any of

1 the following:

2 a. An applicant for assistance under this chapter and
3 other persons covered by an application are deemed to have
4 assigned to the department of human services at the time of
5 application all rights to periodic support payments to the
6 extent of public assistance received by the applicant and
7 other persons covered by the application.

8 b. A determination that a child or another person covered
9 by an application is eligible for assistance under this
10 chapter creates an assignment by operation of law to the
11 department of all rights to periodic support payments not to
12 exceed the amount of public assistance received by the child
13 and other persons covered by the application.

14 3. An assignment takes effect upon determination that an
15 applicant or another person covered by an application is
16 eligible for assistance under this chapter, applies to both
17 current and accrued support obligations, and terminates when
18 an applicant or another person covered by an application
19 ceases to receive assistance under this chapter, except with
20 respect to the amount of unpaid support obligations accrued
21 under the assignment. If an applicant or another person
22 covered by an application ceases to receive assistance under
23 this chapter and the applicant or other person covered by the
24 application receives a periodic support payment, the
25 department of human services is entitled only to that amount
26 of the periodic support payment above the current periodic
27 support obligation and as provided by federal law.

28 Sec. 210. Section 421.17, subsection 21, unnumbered
29 paragraph 1, Code 1997, is amended to read as follows:

30 To establish and maintain a procedure to set off against a
31 debtor's income tax refund or rebate any debt, which is
32 assigned to the department of human services, or which the
33 child support recovery unit is otherwise attempting to collect
34 ~~on-behalf-of-an-individual-not-eligible-as-a-public-assistance~~
35 ~~recipient~~, or which the foster care recovery unit of the

1 department of human services is attempting to collect on
2 behalf of a child receiving foster care provided by the
3 department of human services.

4 Sec. 211. Section 535.3, subsection 3, Code 1997, is
5 amended to read as follows:

6 3. Interest on periodic payments for child, spousal, or
7 medical support shall not accrue until thirty days after the
8 payment becomes due and owing. Additionally, interest on
9 these payments shall not accrue on amounts being paid through
10 income withholding pursuant to chapter 252D for the time these
11 payments are unpaid solely because the date on which the payor
12 of income withholds income based upon the payor's regular pay
13 cycle varies from the provisions of the support order.

14 Sec. 212. Section 595.4, unnumbered paragraph 1, Code
15 1997, is amended to read as follows:

16 Previous to the issuance of any license to marry, the
17 parties desiring the license shall sign and file a verified
18 application with the county registrar which application either
19 may be mailed to the parties at their request or may be signed
20 by them at the office of the county registrar in the county in
21 which the license is to be issued. The application shall
22 include the social security number of each applicant and shall
23 set forth at least one affidavit of some competent and
24 disinterested person stating the facts as to age and
25 qualification of the parties. Upon the filing of the
26 application for a license to marry, the county-registrar shall
27 file the application in a record kept for that purpose and
28 shall take all necessary steps to ensure the confidentiality
29 of the social security number of each applicant. All
30 information included on an application may be provided as
31 mutually agreed upon by the division of records and statistics
32 and the child support recovery unit, including by automated
33 exchange.

34 Sec. 213. Section 626A.2, subsection 2, Code 1997, is
35 amended to read as follows:

1 2. In a A proceeding to enforce a child support order, the
2 ~~law of this state shall apply except as follows:~~ is governed
3 by 28 U.S.C. § 1738B.

4 a. ~~In interpreting a child support order, a court shall~~
5 ~~apply the law of the state of the court that issued the order.~~

6 b. ~~In an action to enforce a child support order, a court~~
7 ~~shall apply the statute of limitations of this state or the~~
8 ~~state of the court that issued the order, whichever statute~~
9 ~~provides the longer period of limitations.~~

10 Sec. 214. Section 627.11, Code 1997, is amended to read as
11 follows:

12 627.11 EXCEPTION UNDER DECREE FOR SPOUSAL SUPPORT.

13 If the party in whose favor the order, judgment, or decree
14 for the support of a spouse was rendered has not remarried,
15 the personal earnings of the debtor are not exempt from an
16 order, judgment, or decree for temporary or permanent support,
17 as defined in section ~~252B:~~ 252D.16A, of a spouse, nor from
18 an installment of an order, judgment, or decree for the
19 support of a spouse.

20 Sec. 215. Section 627.12, Code 1997, is amended to read as
21 follows:

22 627.12 EXCEPTION UNDER DECREE FOR CHILD SUPPORT.

23 The personal earnings of the debtor are not exempt from an
24 order, judgment, or decree for the support, as defined in
25 section ~~252B:~~ 252D.16A, of a child, nor from an installment
26 of an order, judgment, or decree for the support of a child.

27 Sec. 216. Section 642.2, subsections 1 and 5, Code 1997,
28 are amended to read as follows:

29 1. The state of Iowa, and all of its governmental
30 subdivisions and agencies, ~~may be garnisheed~~ garnished, only
31 as provided in this section and the consent of the state and
32 of its governmental subdivisions and agencies to those
33 garnishment proceedings is hereby given. However,
34 notwithstanding the requirements of this chapter, income
35 withholding notices shall be served on the state, and all of

1 its governmental subdivisions and agencies, pursuant to the
2 requirements of sections 252D.16 and 252D.17.

3 5. Service Except as provided in subsection 1, service
4 upon the garnishee shall be made by serving an original notice
5 with a copy of the judgment against the defendant, and with a
6 copy of the questions specified in section 642.5, by certified
7 mail or by personal service upon the attorney general, county
8 attorney, city attorney, secretary of the school district, or
9 legal counsel of the appropriate governmental unit. The
10 garnishee shall be required to answer within thirty days
11 following receipt of the notice.

12 DIVISION XVI

13 Sec. 217. Section 252B.4, Code 1997, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 6. The director may require a fee to
16 recover the costs incurred by the department in providing
17 services, as follows:

18 a. The fee shall not exceed the standardized
19 administrative cost of maintaining a case. The amount of the
20 fee shall be determined by subtracting from the unit's total
21 costs the standardized costs of providing specific services.
22 The difference in the amounts shall be prorated over the
23 unit's total caseload to determine the standardized
24 administrative cost of maintaining a case. The unit shall not
25 recalculate the standardized administrative cost of
26 maintaining a case more often than every three years.

27 b. The fee shall be charged to any person receiving
28 nonassistance services and to former public assistance
29 recipients receiving continued services from the unit if the
30 person's family unit income is greater than two hundred
31 percent of the poverty level as published annually in the
32 federal register for use by the federal office of community
33 services, office of energy assistance. For the purposes of
34 determining family unit income, the income of only the
35 recipient of services shall be considered. In determining the

1 size of the family unit, the department shall include the
2 recipient of services and any minor children related to the
3 recipient of services by adoption or birth.

4 c. The unit shall provide notice of the fee to applicants
5 for and recipients of services on the application form, the
6 notice of continued services, or a notice of cost recovery, as
7 applicable, and shall provide notice of any changes in the
8 amount of the fee. The applicant or recipient shall provide
9 verification of income as requested by the unit. Unless
10 verification of income of two hundred percent of the poverty
11 level or less is provided, the unit shall assess the fee. The
12 unit is not required to redetermine the family unit income
13 more frequently than on an annual basis. The applicant or
14 recipient of services may appeal the unit's finding of family
15 unit income in excess of two hundred percent of the poverty
16 level in accordance with chapter 17A for contested case
17 proceedings.

18 d. The fee shall be assessed for each full calendar month
19 of services provided for each nonassistance or continued
20 services case.

21 e. The fee shall be deducted from support collected on
22 behalf of the recipient. Fees shall accumulate for months in
23 which no support is collected and shall be deducted from
24 support after support is actually collected. However, no more
25 than two monthly fees shall be deducted from support collected
26 in a single month.

27 f. If the applicant or recipient of services is the
28 obligor or putative father, the obligor or putative father
29 shall pay the fee to the collection services center. Failure
30 of the obligor or putative father to pay the fee, including
31 submission of a payment which is not honored by the person's
32 financial institution, shall be considered noncooperation and
33 shall result in termination of services.

34
35

DIVISION XVII
SURCHARGE

1 Sec. 218. Section 252B.9, subsection 2, paragraph b, is
2 amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) Records relating to the
4 administration, collection, and enforcement of surcharges
5 pursuant to section 252B.22 which are recorded by the unit or
6 a collection entity shall be confidential records except that
7 information, as necessary for support collection and
8 enforcement, may be provided to other governmental agencies,
9 the obligor or the resident parent, or a collection entity
10 under contract with the unit unless otherwise prohibited by
11 the federal law. A collection entity under contract with the
12 unit shall use information obtained for the sole purpose of
13 fulfilling the duties required under the contract, and shall
14 disclose any records obtained by the collection entity to the
15 unit for use in support establishment and enforcement.

16 Sec. 219. Section 252B.13A, Code 1997, is amended to read
17 as follows:

18 252B.13A COLLECTION SERVICES CENTER.

19 The department shall establish within the unit a collection
20 services center for the receipt and disbursement of support
21 payments as defined in section 598.1 as required for orders by
22 section 252B.14. For purposes of this section, support
23 payments do not include attorney fees, court costs, or
24 property settlements. The center may also receive and
25 disburse surcharges as provided in section 252B.22.

26 Sec. 220. NEW SECTION. 252B.22 SURCHARGE.-

27 1. A surcharge shall be due and payable by the obligor on
28 a support arrearage identified as difficult to collect and
29 referred by the unit on or after January 1, 1998, to a
30 collection entity under contract with the unit or other state
31 entity. The amount of the surcharge shall be a percent of the
32 amount of the support arrearage referred to the collection
33 entity and shall be specified in the contract with the
34 collection entity. For the purpose of this chapter, a
35 "collection entity" includes but is not limited to a state

1 agency, including the central collection unit of the
2 department of revenue and finance, or a private collection
3 agency. Use of a collection entity is in addition to any
4 other legal means by which support payments may be collected.
5 The unit shall continue to use other enforcement actions, as
6 appropriate.

7 2. a. Notice that a surcharge may be assessed on a
8 support arrearage referred to a collection entity pursuant to
9 this section shall be provided to an obligor in accordance
10 with one of the following as applicable:

11 (1) In the order establishing or modifying the support
12 obligation. The unit or district court shall include notice
13 in any new or modified support order issued on or after July
14 1, 1997.

15 (2) Through notice sent by the unit by regular mail to the
16 last known address of the support obligor.

17 b. The notice shall also advise that any appropriate
18 information may be provided to a collection entity for
19 purposes of administering and enforcing the surcharge.

20 3. Arrearages submitted for referral and surcharge
21 pursuant to this section shall meet all of the following
22 criteria:

23 a. The arrearages owed shall be based on a court or
24 administrative order which establishes the support obligation.

25 b. The arrearage is due for a case in which the unit is
26 providing services pursuant to this chapter and one for which
27 the arrearage has been identified as difficult to collect by
28 the unit.

29 c. The obligor was provided notice pursuant to subsection
30 2 at least fifteen days prior to sending the notice of
31 referral pursuant to subsection 4.

32 4. The unit shall send notice of referral to the obligor
33 by regular mail to the obligor's last known address, with
34 proof of service completed according to R.C.P. § 82, at least
35 thirty days prior to the date the arrearage is referred to the

1 collection entity. The notice shall inform the obligor of all
2 of the following:

3 a. The arrearage will be referred to a collection entity.

4 b. Upon referral, a surcharge is due and payable by the
5 obligor.

6 c. The amount of the surcharge.

7 d. That the obligor may avoid referral by paying the
8 amount of the arrearage to the collection services center
9 within twenty days of the date of notice of referral.

10 e. That the obligor may contest the referral by submitting
11 a written request for review of the unit. The request shall
12 be received by the unit within twenty days of the date of the
13 notice of referral.

14 f. The right to contest the referral is limited to a
15 mistake of fact, which includes a mistake in the identity of
16 the obligor, a mistake as to fulfillment of the requirements
17 for referral under this subsection, or a mistake in the amount
18 of the arrearages.

19 g. The unit shall issue a written decision following a
20 requested review.

21 h. Following the issuance of a written decision by the
22 unit denying that a mistake of fact exists, the obligor may
23 request a hearing to challenge the surcharge by sending a
24 written request for a hearing to the office of the unit which
25 issued the decision. The request shall be received by the
26 office of the unit which issued the decision within ten days
27 of the unit's written decision. The only grounds for a
28 hearing shall be mistake of fact. Following receipt of the
29 written request, the unit which receives the request shall
30 certify the matter for hearing in the district court in the
31 county in which the underlying support order is filed.

32 i. The address of the collection services center for
33 payment of the arrearages.

34 5. If the obligor pays the amount of arrearage within
35 twenty days of the date of the notice of referral, referral of

1 the arrearage to a collection entity shall not be made.

2 6. If the obligor requests a review or court hearing
3 pursuant to this section, referral of the arrearages shall be
4 stayed pending the decision of the unit or the court.

5 7. Actions of the unit under this section shall not be
6 subject to contested case proceedings or further review
7 pursuant to chapter 17A and any resulting court hearing shall
8 be an original hearing before the district court.

9 8. If an obligor does not pay the amount of the arrearage,
10 does not contest the referral, or if following the unit's
11 review and any court hearing the unit or court does not find a
12 mistake of fact, the arrearages shall be referred to a
13 collection entity. Following the review or hearing, if the
14 unit or court finds a mistake in the amount of the arrearage,
15 the arrearages shall be referred to the collection entity in
16 the appropriate arrearage amount. For arrearages referred to
17 a collection entity, the obligor shall pay a surcharge equal
18 to a percent of the amount of the support arrearage due as of
19 the date of the referral. The surcharge is in addition to the
20 arrearages and any other fees or charges owed, and shall be
21 enforced by the collection entity as provided under section
22 252B.5. Upon referral to the collection entity, the surcharge
23 is an automatic judgment against the obligor.

24 9. The director or the director's designee may file a
25 notice of the surcharge with the clerk of the district court
26 in the county in which the underlying support order is filed.
27 Upon filing, the clerk shall enter the amount of the surcharge
28 on the lien index and judgment docket.

29 10. Following referral of a support arrearage to a
30 collection entity, the surcharge shall be due and owing and
31 enforceable by a collection entity or the unit notwithstanding
32 satisfaction of the support obligation or whether the
33 collection entity is enforcing a support arrearage. However,
34 the unit may waive payment of all or a portion of the
35 surcharge if waiver will facilitate the collection of the

1 support arrearage.

2 11. All surcharge payments shall be received and disbursed
3 by the collection services center.

4 12. a. A payment received by the collection services
5 center which meets all the following conditions shall be
6 allocated as specified in paragraph "b":

7 (1) The payment is for a case in which arrearages have
8 been referred to a collection entity.

9 (2) A surcharge is assessed on the arrearages.

10 (3) The payment is collected under the provisions of the
11 contract with the collection entity.

12 b. A payment meeting all of the conditions in paragraph
13 "a" shall be allocated between support and costs and fees, and
14 the surcharge according to the following formula:

15 (1) The payment shall be divided by the sum of one hundred
16 percent plus the percent specified in the contract.

17 (2) The quotient shall be the amount allocated to the
18 support arrearage and other fees and costs.

19 (3) The difference between the dividend and the quotient
20 shall be the amount allocated to the surcharge.

21 13. Any computer or software programs developed and any
22 records used in relation to a contract with a collection
23 entity remain the property of the department.

24 EXPLANATION

25 This bill provides changes relating to child support
26 provisions of the Code. The bill includes changes
27 precipitated by the federal Personal Responsibility and Work
28 Opportunity Act of 1996, other federal law changes, technical,
29 and conforming changes and additional provisions.

30 Division I of the bill amends Code chapter 252A, the
31 Uniform Support of Dependents Law, including changes
32 necessitated by the adoption of the Uniform Interstate Family
33 Support Act (UIFSA) to be effective by January 1, 1998. The
34 division also provides changes in the establishment of
35 paternity by affidavit by including a provision for rescission

1 of the affidavit, requiring the provision of certain
2 information to potential signatories, requiring that the form
3 be filed and registered by the state registrar before it is
4 effective, requiring the division of records and statistics of
5 the Iowa department of public health to provide paternity
6 acknowledgment forms and services, authorizing the child
7 support recovery unit to enter contracts with other entities
8 to provide voluntary paternity affidavit services, and making
9 changes to conform with practices of the division of records
10 and statistics. This division also provides that a putative
11 father may file a paternity action, provides for admission of
12 evidence of costs associated with blood or genetic testing,
13 prenatal care, or birth, provides that appropriate genetic
14 testing is to take place in an approved lab, and provides for
15 the establishment of temporary child support orders based upon
16 genetic test results which demonstrate a probability of the
17 putative father's paternity of 99 percent or higher. The
18 division also provides that if a child is receiving public
19 assistance, child support is assigned to the department by
20 operation of law and provides that if support is assigned each
21 child under an order is presumed to be entitled to an equal
22 and proportionate share of any child support awarded.

23 Division II amends Code chapter 252B relating to child
24 support recovery services provided through the child support
25 recovery unit (CSRU). The bill establishes that the CSRU is
26 not required to intervene in actions to provide services;
27 establishes that the CSRU is to take appropriate action if a
28 child is eligible for public assistance in this state or if
29 federal law requires action regarding a request received from
30 another state for a child receiving public assistance; directs
31 the department of human services to adopt rules regarding
32 cases for which it is a condition of eligibility for public
33 assistance that the applicant for or recipient of public
34 assistance cooperate in good faith in establishing paternity,
35 in establishing, modifying, or enforcing a support order, or

1 in locating a parent; provides for the satisfaction of a child
2 support debt during the time which parents have reconciled and
3 are living together and are receiving public assistance;
4 provides that the CSRU is not to deduct a fee for interception
5 of a federal tax refund if the recipient is a resident of a
6 foreign country; codifies language that authorizes the CSRU to
7 enter contracts with private collection agencies for difficult
8 to collect cases; provides for the notification of parents
9 under a support order regarding their rights to review and
10 adjustment, modification, or alteration of a support order at
11 a minimum once every three years; clarifies that the CSRU is
12 not to establish orders for spousal support and when the CSRU
13 may enforce orders for spousal support; provides a procedure
14 to certify to the secretary of the United States department of
15 health and human services, a list of names of obligors who owe
16 delinquent child support in excess of \$5,000 for the purposes
17 of passport sanctions; clarifies that a CSRU attorney acts for
18 the state and does not represent an individual party, witness,
19 or person other than the state; specifies the conditions under
20 which information may be obtained from various sources by the
21 CSRU, including by administrative subpoena, for the purposes
22 of CSRU activities and the conditions under which the
23 information may be released or disclosed; provides the basis
24 for provision of CSRU services when a request is received from
25 another state or country for an individual not otherwise
26 eligible for public assistance; and makes technical and
27 conforming changes to reflect UIFSA and to correct references
28 to federal law.

29 Division III amends Code chapter 252C which relates to
30 child support debts and administrative procedures. The bill
31 provides that if public assistance is being provided to or on
32 behalf of a dependent child or the child's caretaker, child
33 support is assigned to the department by operation of law and
34 that there is a presumption that an equal and proportionate
35 share of any child support awarded is payable for each child

1 under the order.

2 Division IV amends Code chapter 252D relating to income
3 withholding. The bill combines and relocates existing
4 sections and provisions of the chapter to include them in the
5 subchapter containing general provisions; changes references
6 to assignment of income to withholding of income; requires the
7 CSRU to provide the obligor with a notice of income
8 withholding at the time that the notice is sent to the payor
9 of income and eliminates the requirement that the payor of
10 income provide this notice; provides definitions of "business
11 day", "income", "payor of income or payor", and "support or
12 support payments"; provides that the CSRU may provide notice
13 to the payor of income by regular mail or by electronic means;
14 provides that the order for or notice of income withholding
15 has priority over a garnishment or assignment for any other
16 purpose; provides that a payor of income is not required to
17 vary the pay cycle to comply with the frequency of payment in
18 a support order; requires the payor of income to send the
19 amounts withheld within seven business days of the date the
20 obligor is paid; provides that a payor of income who does not
21 comply with withholding provisions commits a simple
22 misdemeanor; specifies which state's law applies to payors of
23 income in interstate withholding cases; and makes conforming
24 changes based upon UIFSA.

25 Division V amends Code chapter 252E relating to medical
26 support. The bill provides that orders for income withholding
27 may provide for enrollment of a child in health insurance
28 coverage; provides that a notice to enroll a child may be
29 contested and provides a procedure for a motion to quash an
30 order or notice requiring enforcement of medical support;
31 provides for modification of a support order to provide for
32 medical support rather than entry of a new order; and corrects
33 a reference to federal law.

34 Division VI amends Code chapter 252F relating to
35 administrative establishment of paternity. The bill changes

1 the time frames relating to contesting paternity test results
2 and holding hearings to be consistent; requires that tests are
3 to be completed by approved laboratories; provides for advance
4 payment for additional tests; provides for the type of
5 evidence admissible to establish the amount paid for testing;
6 and specifies the information to be included in the order
7 establishing paternity which includes location and other
8 information about the parties.

9 Division VII amends Code chapter 252G relating to the
10 central employee registry. The bill provides definitions of
11 "business day", "employer", and "labor organization"; allows
12 multistate employers who report electronically to select one
13 state for reporting; requires the CSRU to enter new hire
14 information into the registry within five business days of
15 receipt from the employer and to transmit the information to
16 the national directory of new hires within three business days
17 after this entry; and provides that the employer or payor of
18 income is to be sent notice of withholding of income within
19 two business days of the entry of the new hire information
20 into the centralized employee registry.

21 Division VIII amends Code chapter 252H which relates to
22 adjustment and modification of support. The bill provides a
23 process for a cost-of-living alteration of the support order
24 if the parties agree; makes periodic review of support orders
25 discretionary based upon a request or as required by federal
26 law rather than mandating review; provides for review and
27 modification of a support order outside of the usual time
28 frames based on a substantial change in circumstances; and
29 requires that a copy of a modified order be sent by regular
30 mail to each parent or parent's attorney within 14 days after
31 filing.

32 Division IX amends Code chapter 252I relating to levies
33 against accounts. The bill redefines "financial institutions"
34 to include insurance companies, safe deposit companies, and
35 money market mutual funds, to require that financial

1 institutions enter into agreements with CSRU to provide
2 quarterly data matches with CSRU to facilitate locating of
3 accounts of obligors with a delinquency, and to provide
4 immunity from liability for certain actions by a financial
5 institution.

6 Division X amends Code chapter 252J, relating to licensing
7 sanctions. The bill expands application of the chapter to
8 include license sanctions for noncompliance with a subpoena or
9 warrant relating to paternity or support proceedings; to
10 include recreational licenses; and to make a correction
11 regarding a reference to the time period upon which the
12 delinquency is based.

13 Division XI establishes Code chapter 252K, the Uniform
14 Interstate Family Support Act (UIFSA) which provides for
15 interstate establishment, modification, and enforcement of
16 child support obligations. Enactment is required by federal
17 law by January 1, 1998. This chapter replaces Code chapter
18 252A as it relates to interstate cases.

19 Division XII amends Code chapter 598 relating to
20 dissolution of marriages. The bill requires that all orders
21 or judgments for paternity or support are to require the
22 parties to submit identifying information; makes conforming
23 changes to reflect the federal Full Faith and Credit for Child
24 Support Orders Act; provides for cost-of-living alterations in
25 child support orders; provides conforming language to reflect
26 changes in income withholding provisions; provides that if a
27 child is a recipient of public assistance, support is assigned
28 to the state regardless of the relationship to the child of
29 the applicant for assistance and provides that if support is
30 assigned, each child under a child support order is presumed
31 to receive an equal and proportionate share. The bill also
32 directs the supreme court to adopt new uniform child support
33 guidelines at the time of the next review of the guidelines
34 after July 1, 1997.

35 Division XIII provides for development of a plan for a

1 statewide support lien index, provides that liens arise by
2 operation of law on titled personal property as well as real
3 property, and provides that full faith and credit is to be
4 afforded liens arising in other states.

5 Division XIV amends Code chapter 600B relating to paternity
6 establishment. The bill removes entitlement to a jury trial
7 in paternity proceedings; changes the time frames for
8 objecting to paternity test results; provides for overcoming
9 paternity established by an affidavit of paternity based upon
10 fraud, duress, or material mistake of fact; requires paternity
11 tests to be performed by approved laboratories; provides for
12 admissibility of bills to the court as evidence for payment of
13 prenatal, birth, and paternity testing; provides for
14 assignment by operation of law of support for a child who is a
15 recipient of public assistance regardless of the relationship
16 of the applicant for assistance to the child; provides that if
17 support is assigned, each child under an order is presumed to
18 receive an equal and proportionate share; and makes conforming
19 changes relating to interstate paternity and support orders.

20 Division XV amends various Code chapters to make conforming
21 changes relative to child support and relating to requiring
22 social security numbers on marriage license applications and
23 death certificates, rescission of an affidavit of paternity as
24 it relates to birth certificates, cost-of-living alterations,
25 interstate child support law, and support relating to foster
26 care.

27 Division XVI provides for application of a fee for CSRU
28 services in nonpublic assistance cases based upon income above
29 200 percent of poverty.

30 Division XVII establishes a surcharge to be collected from
31 an obligor for support arrearages which are identified as hard
32 to collect and which are referred to a collection entity.

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HOUSE FILE 612

AN ACT
RELATING TO CHILD SUPPORT RECOVERY, PROVIDING PENALTIES,
AND PROVIDING EFFECTIVE DATES.

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

DIVISION I
PART A

Section 1. Section 252A.3, subsection 8, paragraphs b and c, Code 1997, are amended to read as follows:

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

c. By Subject to the right of any signatory to rescind as provided in section 252A.3A, subsection 12, by the filing and registration by the state registrar of an affidavit of paternity executed on or after July 1, 1993, as provided in section 252A.3A, provided that the mother of the child was unmarried at the time of conception, birth and at any time during the period between conception and birth of the child or if the mother was married at the time of conception, birth or at any time during the period between conception and birth of the child, a court of competent jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

Sec. 2. Section 252A.3A, Code 1997, is amended to read as follows:

252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.

1. The paternity of a child born out of wedlock may be legally established by the completion, and filing and registration by the state registrar of an affidavit of paternity only as provided by this section.

2. When paternity has not been legally established, paternity may be established by affidavit under this section for the following children:

a. The child of a woman who was unmarried at the time of conception, and birth and at any time during the period between conception and birth of the child.

b. The child of a woman who is married at the time of conception, or birth or at any time during the period between conception and birth of the child if a court of competent jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

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

b. The information provided shall include a description of parental rights and responsibilities, including the duty to provide financial support for the child, and the benefits of establishing paternity, and the alternatives to and legal consequences of signing an affidavit of paternity, including the rights available if a parent is a minor.

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

4. a. The affidavit of paternity form developed and used by the Iowa department of public health is the only affidavit of paternity form recognized for the purpose of establishing paternity under this section. It shall include the minimum

requirements specified by the secretary of the United States department of health and human services pursuant to 42 U.S.C. § 652(a)(7). A properly completed affidavit of paternity form developed by the Iowa department of public health and existing on or after July 1, 1993, but which is superseded by a later affidavit of paternity form developed by the Iowa department of public health, shall have the same legal effect as a paternity affidavit form used by the Iowa department of public health on or after July 1, 1997, regardless of the date of the filing and registration of the affidavit of paternity, unless otherwise required under federal law.

b. The form shall be available from the state registrar, each county registrar, the child support recovery unit, and any institution in the state.

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

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

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

(1) That the mother was unmarried at the time of conception, and birth and at anytime during the period between conception and birth of the child.

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

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

c. A statement from the putative father that the putative father is the father of the child.

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

e. The signatures of the mother and putative father.

f. The social security numbers of the mother and putative father.

g. The addresses of the mother and putative father, as available.

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

1. Instructions for filing the affidavit.

6. A completed affidavit of paternity shall be filed with the state registrar. However, if the affidavit of paternity is obtained directly from the county registrar, the completed affidavit may be filed with the county registrar who shall forward the original affidavit to the state registrar. For the purposes of legal establishment of paternity under this section, paternity is legally established only upon filing of the affidavit with and registration of the affidavit by the state registrar subject to the right of any signatory to rescission pursuant to subsection 12.

7. The state registrar shall make copies of affidavits of paternity and identifying information from the affidavits filed and registered pursuant to this section available to the child support recovery unit created under section 252B.2 in accordance with section 144.13, subsection 4, and any subsequent rescission form which rescinds the affidavit.

8. An affidavit of paternity completed and filed with and registered by the state registrar pursuant to this section has all of the following effects:

a. Is admissible as evidence of paternity.

b. Has the same legal force and effect as a judicial determination of paternity subject to the right of any signatory to rescission pursuant to subsection 12.

c. Serves as a basis for seeking child or medical support without further determination of paternity subject to the right of any signatory to rescission pursuant to subsection 12.

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

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

- (1) Written and oral information about establishment of paternity pursuant to subsection 3.
- (2) An affidavit of paternity form.
- (3) An opportunity for consultation with the staff of the institution regarding the written information provided under subparagraph (1).
- (4) An opportunity to complete an affidavit of paternity at the institution, as provided in this section.

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

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

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

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

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

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

11. The state registrar, upon request of the mother or the putative father, shall provide the following services with respect to a child born out of wedlock:

- a. Written and oral information about the establishment of paternity pursuant to subsection 3.
- b. An affidavit of paternity form.

c. An opportunity for consultation with staff regarding the information provided under paragraph "a".

12. a. A completed affidavit of paternity may be rescinded by registration by the state registrar of a completed and notarized recision form signed by either the mother or putative father who signed the affidavit of paternity that the putative father is not the father of the child. The completed and notarized recision form shall be filed with the state registrar for the purpose of registration prior to the earlier of the following:

(1) Sixty days after the latest notarized signature of the mother or putative father on the affidavit of paternity.

(2) Twenty days after the service of the notice or petition initiating a proceeding in this state to which the signatory is a party relating to the child, including a proceeding to establish a support order under chapter 252A, 252C, 252F, 598, or 600B or other law of this state.

b. Unless the state registrar has received and registered an order as provided in section 252A.3, subsection 8, paragraph "a", which legally establishes paternity, upon registration of a timely recision form the state registrar shall remove the father's information from the certificate of birth, and shall send a written notice of the recision to the last known address of the signatory of the affidavit of paternity who did not sign the recision form.

c. The Iowa department of public health shall develop a recision form and an administrative process for rescission. The form shall be the only recision form recognized for the purpose of rescinding a completed affidavit of paternity. A completed recision form shall include the signature of a notary public attesting to the identity of the party signing the recision form. The Iowa department of public health shall adopt rules which establish a fee, based upon the average administrative cost, to be collected for the registration of a rescission.

d. If an affidavit of paternity has been rescinded under this subsection, the state registrar shall not register any

subsequent affidavit of paternity signed by the same mother and putative father relating to the same child.

13. The child support recovery unit may enter into a written agreement with an entity designated by the secretary of the United States department of health and human services to offer voluntary paternity establishment services.

a. The agreement shall comply with federal requirements pursuant to 42 U.S.C. § 666(a)(5)(C) including those regarding notice, materials, training, and evaluations.

b. The agreement may provide for reimbursement of the entity by the state if reimbursement is permitted by federal law.

Sec. 3. Section 252A.6A, subsection 1, paragraph a, Code 1997, is amended to read as follows:

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

Sec. 4. Section 252A.6A, subsection 1, Code 1997, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. Appropriate genetic testing procedures shall be used which include any genetic test generally acknowledged as reliable by accreditation bodies designated by the secretary of the United States department of health and human services and which are performed by a laboratory approved by such an accreditation body.

NEW PARAGRAPH. d. A copy of a bill for blood or genetic testing, or for the cost of prenatal care or the birth of the child, shall be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of amounts incurred for testing.

Sec. 5. Section 252A.6A, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the expert analyzing the blood or genetic test concludes that the test results demonstrate that the putative father is not excluded and that the probability of the putative father's paternity is ninety-nine percent or higher and if the test results have not been challenged, the court, upon motion by a party, shall enter a temporary order for child support to be paid pursuant to section 598.21, subsection 4. The court shall require temporary support to be paid to the clerk of court or to the collection services center. If the court subsequently determines the putative father is not the father, the court shall terminate the temporary support order. All support obligations which came due prior to the order terminating temporary support are unaffected by this action and remain a judgment subject to enforcement.

Sec. 6. Section 252A.10, Code 1997, is amended to read as follows:

252A.10 COSTS ADVANCED.

Actual costs incurred in this state incidental to any action brought under the provisions of this chapter shall be advanced by the initiating party or agency, as appropriate, unless otherwise ordered by the court. Where the action is brought by an agency of the state or county there shall be no filing fee or court costs of any type either advanced by or charged to the state or county.

Sec. 7. Section 252A.13, Code 1997, is amended to read as follows:

252A.13 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF SUPPORT PAYMENTS.

~~A person entitled to periodic support payments pursuant to an order or judgment entered in a uniform support action under this chapter, who is also a recipient of public assistance, is deemed to have assigned the person's rights to the support payments, to the extent of public assistance received by the person, to the department of human services. If public assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's~~

caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker. The department shall immediately notify the clerk of court by mail when ~~a person entitled to support payments such child or caretaker~~ has been determined to be eligible for public assistance. Upon notification by the department ~~that a person entitled to periodic support payments pursuant to this chapter is receiving public assistance,~~ the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. If the applicant for public assistance, for whom public assistance is approved and provided on or after July 1, 1997, is a person other than a parent of the child, the department shall send notice of the assignment by regular mail to the last known addresses of the obligee and obligor. The clerk of court shall forward support payments received pursuant to section 252A.6, to which the department is entitled, to the department, unless the court has ordered the payments made directly to the department under ~~subsection 12 of that section.~~ The department may secure support payments in default through other proceedings prescribed in this chapter. The clerk shall furnish the department with copies of all orders or decrees awarding and temporary domestic abuse orders addressing support to parties having custody of minor children when the parties are receiving public assistance or services are otherwise provided by the child support recovery unit. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child, subject to the order or judgment, for purposes of an assignment under this section.

PART B

Sec. 8. Section 252A.1, Code 1997, is amended to read as follows:

252A.1 TITLE AND PURPOSE.

This chapter may be cited and referred to as the "Uniform Support of Dependents Law".

The purpose of this uniform chapter is to secure support in civil proceedings for dependent spouses, children and poor relatives from persons legally responsible for their support.

Sec. 9. Section 252A.2, Code 1997, is amended to read as follows:

252A.2 DEFINITIONS.

As used in this chapter, unless the context shall require otherwise, the following terms shall have the meanings ascribed to them by this section:

1. "Birth center" means birth center as defined in section 135G.2.

2. "Birthing hospital" means a private or public hospital licensed pursuant to chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services, or a licensed birthing center associated with a hospital.

3. "Child" includes but shall not be limited to a stepchild, foster child or legally adopted child and means a child actually or apparently under eighteen years of age, and a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge.

4. "Court" shall mean and include any court by ~~whatever name known, in any state having reciprocal laws or laws substantially similar to this chapter~~ upon which jurisdiction has been conferred to determine the liability of persons for the support of dependents ~~within and without such state.~~

5. "Dependent" shall mean and include a spouse, child, mother, father, grandparent or grandchild who is in need of and entitled to support from a person who is declared to be legally liable for such support ~~by the laws of the state or states wherein the petitioner and the respondent reside.~~

6. ~~"Initiating state" shall mean the state of domicile or residence of the petitioner.~~

7. "Institution" means a birthing hospital or birth center.

7. "Petitioner" shall mean and include includes each dependent person for whom support is sought in a proceeding instituted pursuant to this chapter or a mother or putative father of a dependent. However, in an action brought by the child support recovery unit, the state is the petitioner.

8. "Party" means a petitioner, a respondent, or a person who intervenes in a proceeding instituted under this chapter.

9. "Petitioner's representative" shall mean and include a corporation includes counsel, of a dependent person for whom support is sought and counsel for a mother or putative father of a dependent. In an action brought by the child support recovery unit, "petitioner's representative" includes a county attorney, state's attorney-commonwealth-attorney and any other public officer, by whatever title the officer's public office may be known, charged by law with the duty of instituting, maintaining, or prosecuting a proceeding under this chapter or under the laws of the state or-states-wherein the-petitioner-and-the-respondent-reside.

10. "Putative father" means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the birth of the child.

11. "Register" means to file a foreign support order in the registry of foreign support orders maintained as a filing in equity by the clerk of court.

12. "Rendering state" means a state in which the court has issued a support order for which registration is sought or granted in the court of another state.

12. "Respondent" shall mean and include includes each person against whom a proceeding is instituted pursuant to this chapter. "Respondent" may include the mother or the putative father of a dependent.

14. "Responding state" shall mean the state wherein the respondent resides or is domiciled or found.

15. "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a similar reciprocal law is in effect.

16. "State registrar" means state registrar as defined in section 144.1.

17. "Summons" shall mean and include a subpoena, warrant, citation, order or other notice, by whatever name known, provided for by the laws of the state or states wherein the petitioner and the respondent reside as the means for requiring the appearance and attendance in court of the respondent in a proceeding instituted pursuant to this chapter.

Sec. 10. Section 252A.3, subsections 1, 2, 3, 5, and 6, Code 1997, are amended to read as follows:

1. A spouse in one state is hereby declared to be liable for the support of the other spouse and any child or children under eighteen years of age and any other dependent residing or found in the same state or in another state having substantially similar or reciprocal laws. The court having jurisdiction of the respondent in a proceeding instituted under this chapter shall establish the respondent's monthly support payment and the amount of the support debt accrued and accruing pursuant to section 598.21, subsection 4.

2. A parent in one state is hereby declared to be liable for the support of the parent's child or children under eighteen years of age residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever the other parent of such child or children is dead, or cannot be found, or is incapable of supporting the child or children, and, if the liable parent is possessed of sufficient means or able to earn the means. The court having jurisdiction of the respondent in a proceeding instituted under this chapter shall establish the respondent's monthly support payment and the amount of the support debt accrued and accruing pursuant to section 598.21, subsection 4.

3. The parents in one state are hereby declared to be severally liable for the support of a dependent child eighteen years of age or older residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever such child is unable to maintain the child's self and is likely to become a public charge.

5. A child or children born of parents who held or hold themselves out as husband and wife by virtue of a common law marriage ~~recognized as valid by the laws of the initiating state and of the responding state shall be~~ are deemed the legitimate child or children of both parents.

6. A man or woman who was or is held out as the person's spouse by a person by virtue of a common law marriage ~~recognized as valid by the laws of the initiating state and of the responding state shall be~~ is deemed the legitimate spouse of such person.

Sec. 11. Section 252A.3, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The court may order a party to pay sums sufficient to provide necessary food, shelter, clothing, care, medical or hospital expenses, including medical support as defined in chapter 252E, expenses of confinement, expenses of education of a child, funeral expenses, and such other reasonable and proper expenses of the dependent as justice requires, giving due regard to the circumstances of the respective parties.

Sec. 12. Section 252A.5, Code 1997, is amended to read as follows:

252A.5 WHEN PROCEEDING MAY BE MAINTAINED.

Unless prohibited pursuant to ~~section 252A.20~~ 28 U.S.C. § 1738B, a proceeding to compel support of a dependent may be maintained under this chapter in any of the following cases:

1. Where the petitioner and the respondent are residents of or domiciled or found ~~in the same state~~ in this state.

~~2. Where the petitioner resides in one state and the respondent is a resident of or is domiciled or found in another state having substantially similar or reciprocal laws.~~

~~3. Where the respondent is not and never was a resident of or domiciled in the initiating state and the petitioner resides or is domiciled in such state and the respondent is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.~~

~~4. Where the respondent was or is a resident of or domiciled in the initiating state and has departed or departs from such state leaving therein a dependent in need of and entitled to support under this chapter and is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.~~

5 2. Whenever the state or a political subdivision thereof furnishes support to a dependent, it has the same right through proceedings instituted by the petitioner's representative to invoke the provisions hereof as the dependent to whom the support was furnished, for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support; the petition in such case may be verified by any official having knowledge of such expenditures without further verification of any person and consent of the dependent shall not be required in order to institute proceedings under this chapter. The child support recovery unit may bring the action based upon a statement of a witness, regardless of age, with knowledge of the circumstances, including, but not limited to, statements by the mother of the dependent or a relative of the mother or the putative father.

3. If the child support recovery unit is providing services, the unit has the same right to invoke the provisions of this section as the dependent for which support is owed for the purpose of securing support. The petition in such case may be verified by any official having knowledge of the request for services by the unit, without further verification by any other person, and consent of the dependent shall not be required in order to institute proceedings under this chapter. The child support recovery unit may bring the action based upon the statement of a witness, regardless of age, with knowledge of the circumstances, including, but not limited to, statements by the mother of the dependent or a relative of the mother or the putative father.

Sec. 13. Section 252A.6, Code 1997, is amended to read as follows:

252A.6 HOW COMMENCED -- TRIAL.

1. A proceeding under this chapter shall be commenced by a petitioner, or a petitioner's representative, by filing a verified petition in the court in equity in the county of the state wherein where the petitioner dependent resides or is domiciled, showing the name, age, residence, and circumstances of the petitioner dependent, alleging that the petitioner dependent is in need of and is entitled to support from the respondent, giving the respondent's name, age, residence, and circumstances, and praying that the respondent be compelled to furnish such support. The petitioner may include in or attach to the petition any information which may help in locating or identifying the respondent including, but without limitation by enumeration, a photograph of the respondent, a description of any distinguishing marks of the respondent's person, other names and aliases by which the respondent has been or is known, the name of the respondent's employer, the respondent's fingerprints, or social security number.

2. If the respondent be a resident of or domiciled in such state and the court has or can acquire jurisdiction of the person of the respondent under existing laws in effect in such state, such laws shall govern and control the procedure to be followed in such proceeding.

3. If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or the respondent's property, it shall so certify and shall cause three copies of (a) the petition (b) its certificate and (c) this chapter to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

4. When the court of this state acting as a responding state receives from the court of an initiating state the aforesaid copies, it shall docket the cause, notify the county attorney or other official acting as petitioner's representative, set a time and place for a hearing, and take such action as is necessary in accordance with the laws of this state to serve notice and thus obtain jurisdiction over the respondent. If a court of the state acting as a responding state is unable to obtain jurisdiction of the respondent or the respondent's property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or the respondent's property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state.

However, if the court of the responding state is unable to obtain jurisdiction because the respondent resides in or is domiciled or found in another county of the responding state, the papers received from the court of the initiating state may be forwarded by the court of the responding state which received the papers to the court of the county in the responding state in which the respondent resides or is domiciled or found, and the court of the initiating state shall be notified of the transfer. The court of the county where the respondent resides or is domiciled or found shall acknowledge receipt of the papers to both the court of the initiating state and the court of the responding state which forwarded them, and shall take full jurisdiction of the proceedings with the same powers as if it had received the papers directly from the court of the initiating state.

5. It shall not be necessary for the petitioner dependent or the petitioner's dependent's witnesses to appear personally at such a hearing on the petition, but it shall be the duty of the petitioner's representative of the responding state to appear on behalf of and represent the petitioner at all stages of the proceeding.

6 3. If at such a hearing on the petition the respondent controverts the petition and enters a verified denial of any of the material allegations thereof, the judge presiding at such the hearing shall stay the proceedings and transmit to the judge of the court in the initiating state a transcript of the clerk's minutes showing the denials entered by the respondent. The petitioner shall be given the opportunity to present further evidence to address issues which the respondent has controverted.

7. Upon receipt by the judge of the court in the initiating state of such transcript, such court shall take such proof, including the testimony of the petitioner and the petitioner's witnesses and such other evidence as the court may deem proper, and, after due deliberation, the court shall make its recommendation, based on all of such proof and evidence, and shall transmit to the court in the responding state an exemplified transcript of such proof and evidence and of its proceedings and recommendation in connection therewith.

8. Upon the receipt of such transcript, the court in the responding state shall resume its hearing in the proceeding and shall give the respondent a reasonable opportunity to appear and reply.

9. Upon the resumption of such hearing, the respondent shall have the right to examine or cross-examine the petitioner and the petitioner's witnesses by means of depositions or written interrogatories, and the petitioner shall have the right to examine or cross-examine the respondent and the respondent's witnesses by means of depositions or written interrogatories.

10. If a respondent, duly summoned by a court in the responding state, willfully fails without good cause to appear as directed in the summons, the respondent shall be punished in the same manner and to the same extent as is provided by law for the punishment of a defendant or witness who willfully disobeys a summons or subpoena duly issued out of such court in any other action or proceeding cognizable by said court.

11 4. If, on the return day of the summons, the respondent appears at the time and place specified in the summons hearing and fails to answer the petition or admits the allegations of the petition, or, if, after a hearing has been duly held by the court in the responding state in accordance with this section, the court has found and determined that the prayer of the petitioner, or any part of the prayer, is supported by the evidence adduced in the proceeding, and that the petitioner dependent is in need of and entitled to support from the respondent a party, the court shall make and enter an order directing the respondent a party to furnish support to the petitioner for the dependent and to pay a sum as the court determines pursuant to section 598.21, subsection 4. A certified copy of the order shall be transmitted by the court to the court in the initiating state and the copy shall be filed with and made a part of the records of the court in the proceeding. Upon entry of an order for support or upon failure of a person to make payments pursuant to an order for support, the court may require the respondent a party to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support. Upon the respondent's party's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

12 5. The court making such order may require the respondent party to make payment at specified intervals to the clerk of the district court, or to the dependent, or to any state or county agency collection services center, and to report personally to the sheriff or any other official, at such times as may be deemed necessary.

13 6. A respondent party who shall willfully fail fails to comply with or violate who violates the terms or conditions of the support order or of the respondent's party's probation shall be punished by the court in the same manner and to the same extent as is provided by law for a contempt of such court or a violation of probation ordered by such court in any other suit or proceeding cognizable by such court.

~~14. The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:--Upon receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.~~

15 7. Except as provided in section 252A.20 28 U.S.C. § 1738B, any order of support issued by a court of the state acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. This subsection also applies to orders entered following an administrative process including, but not limited to, the administrative processes provided pursuant to chapters 252C and 252F.

~~16. The court of the initiating state shall receive and accept all payments made by the respondent to the probation department or bureau of the court of the responding state and transmitted by the latter on behalf of the respondent:--Upon receipt of any such payment, and under such rules as the court of the initiating state may prescribe, the court, or its probation department or bureau, as the court may direct, shall deliver such payment to the dependent person entitled thereto, take a proper receipt and acquittance therefor, and keep a permanent record thereof.~~

~~17. A court or administrative agency of a state that has issued a child support order consistent with 28 U.S.C. § 1738B has continuing, exclusive jurisdiction over the order if the state is the state in which the child is residing or the state is the residence of the petitioner or respondent unless the court or administrative agency of another state, acting in accordance with 28 U.S.C. § 1738B, has modified the order.~~

Sec. 14. Section 252A.6A, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 15. Section 252A.6A, subsection 2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 16. Section 252A.6A, subsection 2, paragraph a, subparagraph (2), Code 1997, is amended to read as follows:

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

Sec. 17. Section 252A.6A, subsection 2, paragraph b, Code 1997, is amended to read as follows:

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

Sec. 18. Section 252A.17, Code 1997, is amended to read as follows:

252A.17 REGISTRY OF FOREIGN SUPPORT ORDERS.

The petitioner may register the a foreign support order in a court of this state in the manner and with the effect provided in sections 252A.18 and 252A.19 chapter 252K. The

clerk of the court shall maintain a registry of foreign support orders in which foreign support orders shall be filed. The filing is in equity.

Sec. 19. Section 252A.18, Code 1997, is amended to read as follows:

252A.18 REGISTRATION PROCEDURE FOR FOREIGN SUPPORT ORDERS
-- NOTICE.

~~1. A petitioner seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court three certified copies of the order reflecting all modifications, one copy of the reciprocal enforcement of support act of the state in which the order was made, and a statement verified and signed by the petitioner, showing the post office address of the petitioner, the last known place of residence and post office address of the respondent, the amount of support remaining unpaid, a description and the location of any property of the respondent available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents the clerk of the court, with payment of a filing fee of six dollars, shall file them in the registry of foreign support orders. The filing constitutes registration under this chapter.~~

~~2. Promptly Registration of a foreign support order shall be in accordance with chapter 252K except that, with regard to service, promptly upon registration, the clerk of the court shall send a notice by restricted certified mail to the respondent ~~at the address given a notice~~ of the registration with a copy of the registered support order and the post office address of the petitioner, or the petitioner may request that or the respondent may be personally served with the notice and the copy of the order in the same manner as original notices are personally served. The clerk shall also docket the case and notify the prosecuting attorney of the action.~~

~~3. a. The respondent shall have twenty days after receiving notice of the registration in which to petition the court to vacate the registration or for other relief. If the~~

~~respondent does not so petition, the respondent is in default and the registered support order is confirmed.~~

~~b. If a registration action is initiated by the child support recovery unit, issues subject to challenge are limited to issues of fact relating to the support obligation and not other issues including, but not limited to, custody and visitation, or the terms of the support order.~~

Sec. 20. Section 252A.20, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

252A.20 LIMITATION ON ACTIONS.

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

Sec. 21. Sections 252A.4, 252A.4A, 252A.7, 252A.9, 252A.11, 252A.12, 252A.16, 252A.19, 252A.24, and 252A.25, Code 1997, are repealed.

Sec. 22. Part B, sections 8 through 21 of this Act, are effective January 1, 1998.

DIVISION II

PART A

Sec. 23. Section 252B.1, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Child support agency" means child support agency as defined in section 252H.2.

Sec. 24. Section 252B.1, subsection 5, Code 1997, is amended to read as follows:

5. "Obligor" means the person legally responsible for the support of a child as defined in section 252D.16A or 598.1 under a support order issued in this state or a foreign jurisdiction.

Sec. 25. Section 252B.2, Code 1997, is amended to read as follows:

252B.2 UNIT ESTABLISHED -- INTERVENTION -- REVIEW.

There is created within the department of human services a child support recovery unit for the purpose of providing the

services required in sections 252B.3 to 252B.6. The unit is not required to intervene in actions to provide such services.

Sec. 26. Section 252B.3, Code 1997, is amended to read as follows:

252B.3 DUTY OF DEPARTMENT TO ENFORCE CHILD SUPPORT --
COOPERATION -- RULES.

1. Upon receipt by the department of an application for public assistance on behalf of a child and determination by the department that the child ~~has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person responsible for the care, support or maintenance of the child has failed or neglected to give proper care or support to the~~ child is eligible for public assistance and that provision of child support services is appropriate, the department shall take appropriate action under the provisions of this chapter or under other appropriate statutes of this state including but not limited to chapters 239, 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, 598, and 600B, to ensure that the parent or other person responsible for the support of the child fulfills the support obligation. The department shall also take appropriate action as required by federal law upon receiving a request from a child support agency for a child receiving public assistance in another state.

2. The department of human services may negotiate a partial payment of a support obligation with a parent or other person responsible for the support of the child, provided that the negotiation and partial payment are consistent with applicable federal law and regulation.

3. The department shall adopt rules pursuant to chapter 17A regarding cases in which, under federal law, it is a condition of eligibility for an individual who is an applicant for or recipient of public assistance to cooperate in good faith with the department in establishing the paternity of, or in establishing, modifying, or enforcing a support order by identifying and locating the parent of the child or enforcing rights to support payments. The rules shall include all of the following provisions:

a. As required by the unit, the individual shall provide the name of the noncustodial parent and additional necessary information, and shall appear at interviews, hearings, and legal proceedings.

b. If paternity is an issue, the individual and child shall submit to blood or genetic tests pursuant to a judicial or administrative order.

c. The individual may be requested to sign a voluntary affidavit of paternity, after notice of the rights and consequences of such an acknowledgment, but shall not be required to sign an affidavit or otherwise relinquish the right to blood or genetic tests.

d. The unit shall promptly notify the individual and the appropriate division of the department administering the public assistance program of each determination by the unit of noncooperation of the individual and the reason for such determination.

e. A procedure under which the individual may claim that, and the department shall determine whether, the individual has sufficient good cause or other exception for not cooperating, taking into consideration the best interest of the child.

4. Without need for a court order and notwithstanding the requirements of section 598.22A, the support payment ordered pursuant to any chapter shall be satisfied as to the department, the child, and either parent for the period during which the parents are reconciled and are cohabiting, the child for whom support is ordered is living in the same residence as the parents, and the obligor receives public assistance on the obligor's own behalf for the benefit of the child. The department shall implement this subsection as follows:

a. The unit shall file a notice of satisfaction with the clerk of court.

b. This subsection shall not apply unless all the children for whom support is ordered reside with both parents, except that a child may be absent from the home due to a foster care placement pursuant to chapter 234 or a comparable law of a foreign jurisdiction.

c. The unit shall send notice by regular mail to the obligor when the provisions of this subsection no longer apply. A copy of the notice shall be filed with the clerk of court.

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

Sec. 27. Section 252B.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239, 252A, 252C, 252D, 252E, 252F, 598, and 600B shall be made available by the unit to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services or upon referral as described in subsection 6. The application shall be filed with the department.

Sec. 28. Section 252B.4, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 29. Section 252B.4, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The unit shall also provide child support and paternity determination services and shall respond as provided in federal law for an individual not otherwise eligible as a public assistance recipient if the unit receives a request from any of the following:

a. A child support agency.

b. A foreign reciprocating country or foreign country with which the state has an arrangement as provided in 42 U.S.C. § 659A.

Sec. 30. Section 252B.5, subsection 3, Code 1997, is amended to read as follows:

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

The director may enter into a contract with a private collection agency to collect support payments for cases which have been identified by the department as difficult collection cases if the department determines that this form of collection is more cost-effective than departmental collection methods. The department shall utilize, to the maximum extent possible, every available automated process to collect support payments prior to referral of a case to a private collection agency. A private collection agency with whom the department enters a contract under this subsection shall comply with state and federal confidentiality requirements and debt collection laws. The director may use a portion of the state share of funds collected through this means to pay the costs of any contract authorized under this subsection.

Sec. 31. Section 252B.5, subsection 7, unnumbered paragraph 1, Code 1997, is amended to read as follows:

At the request of either parent who is subject to the order of support or upon its own initiation, review the amount of the support award in accordance with the guidelines established pursuant to section 598.21, subsection 4, and the federal-Family-Support-Act-of-1988 Title IV-D of the federal Social Security Act, as amended, and take action to initiate modification proceedings if the criteria established pursuant to this section are met. However, a review of a support award is not required ~~in those cases for which an assignment ordered pursuant to chapter 234 or 239 is in effect~~ if the child support recovery unit determines that such a review would not be in the best interest of the child and neither parent has requested such review.

Sec. 32. Section 252B.5, subsection 9, Code 1997, is amended to read as follows:

9. The review and adjustment, or modification, or alteration of a support order pursuant to chapter 252H upon adoption of rules pursuant to chapter 17A governing policies and procedures for review and adjustment or modification and periodic notification, at a minimum of once every three years, to parents subject to a support order of their rights to these services.

Sec. 33. Section 252B.5, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 10. The unit shall not establish orders for spousal support. The unit shall enforce orders for spousal support only if the spouse is the custodial parent of a child for whom the unit is also enforcing a child support or medical support order.

NEW SUBSECTION. 11. a. Effective October 1, 1997, periodically certify to the secretary of the United States department of health and human services, a list of the names of obligors determined by the unit to owe delinquent child support, under a support order as defined in section 252J.1, in excess of five thousand dollars. The determination of the delinquent amount owed may be based upon one or more support orders being enforced by the unit if the delinquent support owed exceeds five thousand dollars. The determination shall include any amounts which are delinquent pursuant to the periodic payment plan when a modified order has been retroactively applied. The certification shall be in a format and shall include any supporting documentation required by the secretary.

b. All of the following shall apply to an action initiated by the unit under this subsection:

(1) At least thirty days prior to provision of certification to the secretary, the unit shall send notice by regular mail to the last known address of the obligor. The notice shall include all of the following:

(a) A statement that the unit has determined that the obligor owes delinquent child support in excess of five thousand dollars.

(b) A statement that upon certification by the unit to the secretary, the secretary will transmit the certification to the United States secretary of state for denial, revocation, restriction, or limitation of a passport as provided in 42 U.S.C. § 652(k).

(c) Information regarding the procedures for challenging the determination by the unit, based upon mistake of fact.

For the purposes of this subsection, "mistake of fact" means a mistake in the identity of the obligor or a mistake in the amount of the delinquent child support owed if the amount did not exceed five thousand dollars on the date of the unit's decision on the challenge.

(2) (a) If the obligor chooses to challenge the determination, the obligor shall submit the challenge in writing to the unit, to be received by the unit within twenty days of the date of the notice to the obligor. The obligor shall include any relevant information in the written challenge.

(b) Upon timely receipt of the written challenge, the unit shall review the determination for a mistake of fact.

(c) Following review of the determination, the unit shall send a written decision to the obligor within ten days of timely receipt of the written challenge.

(i) If the unit determines that a mistake of fact exists, the unit shall not certify the name of the obligor to the secretary.

(ii) If the unit determines that a mistake of fact does not exist, the unit shall certify the name of the obligor to the secretary no earlier than ten days following the issuance of the decision, unless, within ten days of the issuance of the decision, the obligor requests a contested case proceeding pursuant to chapter 17A or makes a payment for child support so that the amount of delinquent child support no longer exceeds five thousand dollars.

(3) Following issuance of a final decision under chapter 17A that no mistake of fact exists, the obligor may request a hearing before the district court in the county where one or more of the support orders upon which the determination is based is filed. To request a hearing, the obligor shall file a written application with the court contesting the decision and shall send a copy of the application to the unit by regular mail. Notwithstanding the time specifications of section 17A.19, an application for a hearing shall be filed with the court no later than ten days after issuance of the

final decision. The clerk of the district court shall schedule a hearing and shall mail a copy of the order scheduling the hearing to the obligor and to the unit. The unit shall certify a copy of its written decision indicating the date of issuance to the court prior to the hearing. The hearing shall be held within thirty days of the filing of the application. The filing of an application for a hearing shall stay the certification by the unit to the secretary. However, if the obligor fails to appear at the scheduled hearing, the stay shall be automatically lifted and the unit shall certify the name of the obligor to the secretary. The scope of the review by the district court shall be limited to demonstration of a mistake of fact. 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 subsection.

c. Following certification to the secretary, if the unit determines that an obligor no longer owes delinquent child support in excess of five thousand dollars, the unit shall notify the secretary of the change or shall provide information to the secretary as the secretary requires.

Sec. 34. Section 252B.6, subsection 3, Code 1997, is amended to read as follows:

3. Appear on behalf of the state for the purpose of facilitating the modification of support awards consistent with guidelines established pursuant to section 598.21, subsection 4, and the ~~federal Family Support Act of 1988~~ Title IV-D of the federal Social Security Act. The unit shall not otherwise participate in the proceeding.

Sec. 35. NEW SECTION. 252B.6A EXTERNAL SERVICES.

1. Provided that the action is consistent with applicable federal law and regulation, an attorney licensed in this state shall receive compensation as provided in this section for support collected as the direct result of a judicial proceeding maintained by the attorney, if all of the following apply to the case:

a. The unit is providing services under this chapter.

b. The current support obligation is terminated and only arrearages are due under an administrative or court order and there has been no payment under the order for at least the twelve-month period prior to the provision of notice to the unit by the attorney under this section.

c. Support is assigned to the state based upon cash assistance paid under chapter 239, or its successor.

d. The attorney has provided written notice to the central office of the unit and to the obligee at the last known address of the obligee of the intent to initiate a specified judicial proceeding, at least thirty days prior to initiating the proceeding.

e. The attorney has provided documentation to the unit that the attorney is insured against loss caused by the attorney's legal malpractice or acts or omissions of the attorney which result in loss to the state or other person.

f. The collection is received by the collection services center within ninety days of provision of the notice to the unit. An attorney may provide subsequent notices to the unit to extend the time for receipt of the collection by subsequent ninety-day periods.

2. a. If, prior to February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall not apply to the proceeding unless the unit consents to the proceeding.

b. (1) If, on or after February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall apply to the proceeding only if the case is exempt from application of rules adopted by the department pursuant to subparagraph (2) which limit application of this section.

(2) The department shall adopt rules which include, but are not limited to, exemption from application of this section to proceedings based upon, but not limited to, any of the following:

(a) A finding of good cause pursuant to section 252B.3.

(b) The existence of a support obligation due another state based upon public assistance provided by that state.

(c) The maintaining of another proceeding by an attorney under this section for which the unit has not received notice that the proceeding has concluded or the ninety-day period during which a collection may be received pertaining to the same case has not yet expired.

(d) The initiation of a seek employment action under section 252B.21, and the notice from the attorney indicates that the attorney intends to pursue a contempt action.

(e) Any other basis for exemption of a specified proceeding designated by rule which relates to collection and enforcement actions provided by the unit.

3. The unit shall issue a response to the attorney providing notice within ten days of receipt of the notice. The response shall advise the attorney whether the case to which the specified judicial proceeding applies meets the requirements of this section.

4. For the purposes of this section, a "judicial proceeding" means an action to enforce support filed with a court of competent jurisdiction in which the court issues an order which identifies the amount of the support collection which is a direct result of the court proceeding. "Judicial proceedings" include but are not limited to those pursuant to chapters 598, 626, 633, 642, 654, or 684 and also include contempt proceedings if the collection payment is identified in the court order as the result of such a proceeding. "Judicial proceedings" do not include enforcement actions which the unit is required to implement under federal law including, but not limited to, income withholding.

5. All of the following are applicable to a collection which is the result of a judicial proceeding which meets the requirements of this section:

a. All payments made as the result of a judicial proceeding under this section shall be made to the clerk of the district court or to the collection services center and shall not be made to the attorney. Payments received by the

clerk of the district court shall be forwarded to the collection services center as provided in section 252B.15.

b. The attorney shall be entitled to receive an amount which is equal to twenty-five percent of the support collected as the result of the specified judicial proceeding not to exceed the amount of the nonfederal share of assigned support collected as the result of that proceeding. The amount paid under this paragraph is the full amount of compensation due the attorney for a proceeding under this section and is in lieu of any attorney fees. The court shall not order the obligor to pay additional attorney fees. The amount of compensation calculated by the unit is subject, upon application of the attorney, to judicial review.

c. Any support collected shall be disbursed in accordance with federal requirements and any support due the obligee shall be disbursed to the obligee prior to disbursement to the attorney as compensation.

d. The collection services center shall disburse compensation due the attorney only from the nonfederal share of assigned collections. The collection services center shall not disburse any compensation for court costs.

e. The unit may delay disbursement to the attorney pending the resolution of any timely appeal by the obligor or obligee.

f. Negotiation of a partial payment or settlement for support shall not be made without the approval of the unit and the obligee, as applicable.

6. The attorney initiating a judicial proceeding under this section shall notify the unit when the judicial proceeding is completed.

7. a. An attorney who initiates a judicial proceeding under this section represents the state for the sole and limited purpose of collecting support to the extent provided in this section.

b. The attorney is not an employee of the state and has no right to any benefit or compensation other than as specified in this section.

c. The state is not liable or subject to suit for any acts or omissions resulting in any damages as a consequence of the attorney's acts or omissions under this section.

d. The attorney shall hold the state harmless from any act or omissions of the attorney which may result in any penalties or sanctions, including those imposed under federal bankruptcy laws, and the state may recover any penalty or sanction imposed by offsetting any compensation due the attorney under this section for collections received as a result of any judicial proceeding initiated under this section.

e. The attorney initiating a proceeding under this section does not represent the obligor.

8. The unit shall comply with all state and federal laws regarding confidentiality. The unit may release to an attorney who has provided notice under this section, information regarding child support balances due, to the extent provided under such laws.

9. This section shall not be interpreted to prohibit the unit from providing services or taking other actions to enforce support as provided under this chapter.

Sec. 36. Section 252B.7, subsection 4, Code 1997, is amended to read as follows:

4. An attorney employed by or under contract with the child support recovery unit represents and acts exclusively on behalf of the state when providing child support enforcement services. An attorney-client relationship does not exist between the attorney and an individual party, witness, or person other than the state, regardless of the name in which the action is brought.

Sec. 37. Section 252B.7A, subsection 1, paragraph a and paragraph d, Code 1997, are amended to read as follows:

a. Income as identified in a signed statement of the parent pursuant to section 252B.9, subsection 1, paragraph "b". If evidence suggests that the statement is incomplete or inaccurate, the unit may present the evidence to the court in a judicial proceeding or to the administrator in a proceeding under chapter 252C or a comparable chapter, and the court or

administrator shall weigh the evidence in setting the support obligation. Evidence includes but is not limited to income as established under paragraph "c".

d. The Until such time as the department adopts rules establishing a different standard for determining the income of a parent who does not provide income information or for whom income information is not available, the estimated state median income for a one-person family as published annually in the Federal Register for use by the federal office of community services, office of energy assistance, for the subsequent federal fiscal year.

Sec. 38. NEW SECTION. 252B.7B INFORMATIONAL MATERIALS PROVIDED BY THE UNIT.

1. The unit shall prepare and make available to the public, informational materials which explain the unit's procedures including, but not limited to, procedures with regard to all of the following:

- a. Accepting applications for services.
- b. Locating individuals.
- c. Establishing paternity.
- d. Establishing support.
- e. Enforcing support.
- f. Modifying, suspending, or reinstating support.
- g. Terminating services.

2. The informational materials shall include general information about and descriptions of the processes involved relating to the services provided by the unit including application for services, fees for services, the responsibilities of the recipient of services, resolution of disagreements with the unit, rights to challenge the actions of the unit, and obtaining additional information.

Sec. 39. Section 252B.9, Code 1997, is amended to read as follows:

252B.9 INFORMATION AND ASSISTANCE FROM OTHERS -- AVAILABILITY OF RECORDS.

1. a. The director may request from state, county and local agencies, information and assistance deemed necessary to

carry out the provisions of this chapter. State, county and local agencies, officers and employees shall co-operate with the unit ~~in locating absent parents of children on whose behalf public assistance is being provided~~ and shall on request supply the department with available information relative to ~~the location, income and property holdings of the absent parent, and the custodial parent, and any other necessary party,~~ notwithstanding any provisions of law making this information confidential. The cooperation and information required by this subsection shall also be provided ~~to the department when it is requested by the unit on behalf of persons who have applied for support enforcement services a child support agency.~~ Information required by this subsection includes, but is not limited to, information relative to location, income, property holdings, records of licenses as defined in section 252J.1, and records concerning the ownership and control of corporations, partnerships, and other business entities. If the information is maintained in an automated database, the unit shall be provided automated access.

b. Parents of a child on whose behalf support enforcement services are provided shall provide information regarding income, resources, financial circumstances, and property holdings to the department for the purpose of establishment, modification, or enforcement of a support obligation. The department may provide the information to parents of a child as needed to implement the requirements of section 598.21, subsection 4, notwithstanding any provisions of law making this information confidential.

c. Notwithstanding any provisions of law making this information confidential, all persons, including for-profit, nonprofit, and governmental employers, shall, on request, promptly supply the unit or a child support agency information on the employment, compensation, and benefits of any individual employed by such person as an employee or contractor with relation to whom the unit or a child support agency is providing services.

d. Notwithstanding any provisions of law making this information confidential, the unit may subpoena or a child support agency may use the administrative subpoena form promulgated by the secretary of the United States department of health and human services under 42 U.S.C. § 652(a)(11)(C), to obtain any of the following:

(1) Books, papers, records, or information regarding any financial or other information relating to a paternity or support proceeding.

(2) Certain records held by public utilities and cable television companies with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records. If the records are maintained in automated databases, the unit shall be provided with automated access.

e. The unit or a child support agency may subpoena information for one or more individuals.

f. If the unit or a child support agency issues a request under paragraph "c", or a subpoena under paragraph "d", all of the following shall apply:

(1) The unit or child support agency may issue a request or subpoena to a person by sending it by regular mail. Proof of service may be completed according to R.C.P. 82.

(2) A person who is not a parent or putative father in a paternity or support proceeding, who is issued a request or subpoena, shall be provided an opportunity to refuse to comply for good cause by filing a request for a conference with the unit or child support agency in the manner and within the time specified in rules adopted pursuant to subparagraph (7).

(3) Good cause shall be limited to mistake in the identity of the person, or prohibition under federal law to release such information.

(4) After the conference the unit shall issue a notice finding that the person has good cause for refusing to comply, or a notice finding that the person does not have good cause

for failing to comply. If the person refuses to comply after issuance of notice finding lack of good cause, or refuses to comply and does not request a conference, the person is subject to a penalty of one hundred dollars per refusal.

(5) If the person fails to comply with the request or subpoena, fails to request a conference, and fails to pay a fine imposed under subparagraph (4), the unit may petition the district court to compel the person to comply with this paragraph. If the person objects to imposition of the fine, the person may seek judicial review by the district court.

(6) If a parent or putative father fails to comply with a subpoena or request for information, the provisions of chapter 252J shall apply.

(7) The unit may adopt rules pursuant to chapter 17A to implement this section.

g. Notwithstanding any provisions of law making this information confidential, the unit or a child support agency shall have access to records and information held by financial institutions with respect to individuals who owe or are owed support, or with respect to whom a support obligation is sought including information on assets and liabilities. If the records are maintained in automated databases, the unit shall be provided with automated access. For the purposes of this section, "financial institution" means financial institution as defined in section 252I.1.

h. Notwithstanding any law to the contrary, the unit and a child support agency shall have access to any data maintained by the state of Iowa which contains information that would aid the agency in locating individuals. Such information shall include, but is not limited to, driver's license, motor vehicle, and criminal justice information. However, the information does not include criminal investigative reports or intelligence files maintained by law enforcement. The unit and child support agency shall use or disclose the information obtained pursuant to this paragraph only in accordance with subsection 3. Criminal history records maintained by the department of public safety shall be disclosed in accordance with chapter 692.

i. Liability shall not arise under this subsection with respect to any disclosure by a person as required by this subsection, and no advance notice from the unit or a child support agency is required prior to requesting information or assistance or issuing a subpoena under this subsection.

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

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

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

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

(2) For support orders entered in Iowa which are being enforced by the unit, the unit may compile and make available for publication a listing of cases in which no payment has been credited to an accrued or accruing support obligation during a previous three-month period. Each case on the list shall be identified only by the name of the support obligor, the address, if known, of the support obligor, unless the information pertaining to the address of the support obligor is protected through confidentiality requirements established by law and has not otherwise been verified with the unit, the support obligor's court order docket or case number, the

county in which the obligor's support order is filed, the collection services center case numbers, and the range within which the balance of the support obligor's delinquency is established. The department shall determine dates for the release of information, the specific format of the information released, and the three-month period used as a basis for identifying cases. The department may not release the information more than twice annually. In compiling the listing of cases, no prior public notice to the obligor is required, but the unit may send notice annually by mail to the current known address of any individual owing a support obligation which is being enforced by the unit. The notice shall inform the individual of the provisions of this subparagraph. Actions taken pursuant to this subparagraph are not subject to review under chapter 17A, and the lack of receipt of a notice does not prevent the unit from proceeding in implementing this subparagraph.

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

3. Notwithstanding other statutory provisions to the contrary, including but not limited to, chapters 22 and 217, as the chapters relate to the confidentiality of records maintained by the department, information recorded by the department pursuant to this section or obtained by the unit is confidential and, except when prohibited by federal law or regulation, may be used or disclosed as provided in subsection 1, paragraph "b" and "h", and subsection 2, and as follows:

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

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

c. The unit may release or disclose information as necessary to provide services under section 252B.5, as provided by Title IV-D of the federal Social Security Act, as amended, or as required by federal law.

d. After contact with the nonrequesting party, information on the location of a party may be released to a party unless the unit has or obtains knowledge of a protective order against the requesting party with respect to a nonrequesting party, or unless the unit has or obtains reasonable evidence of domestic violence or child abuse or reason to believe that the release of the information may result in physical or emotional harm to a nonrequesting party or a child, and if one of the following conditions is met:

(1) Release of the information is required by federal law or regulation.

(2) Release of the information is required by chapter 252K.

(3) The requesting party demonstrates a need for that information to notify a nonrequesting party of a proceeding relating to a child who is subject to a paternity or support order being enforced by the unit for a child of the parties.

e. Information may be released if directly connected with any of the following:

(1) The administration of the plan or program approved under Title I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI, XIX, or XX, or the supplemental security income program established under Title XVI of the federal Social Security Act, as amended.

(2) Any investigations, prosecutions, or criminal or civil proceeding conducted in connection with the administration of any such plan or program.

(3) The administration of any other federal or federally assisted program which provides assistance in cash or in kind or provides services, directly to individuals on the basis of need.

(4) Reporting to an appropriate agency or official, information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement action under circumstances which indicate that the child's health or welfare is threatened.

~~37 f. Except as otherwise provided in subsection 17, paragraph "b" and in subsection 27, information recorded by the department pursuant to this section shall be available only to the unit, attorneys prosecuting a case in which the unit may participate according to sections 252B.5 and 252B.67. Information may be released to courts having jurisdiction in support or abandonment proceedings, and agencies in other states charged with support collection and paternity determination responsibilities as determined by the rules of the department and the provisions of Title IV of the federal Social Security Act. However, information relating to the location of an absent parent shall be made available, pursuant to federal regulations, to a resident parent, legal guardian, attorney, or agent of a child who is not receiving assistance under Title IV-A of the federal Social Security Act. Unless otherwise prohibited by federal statute or regulation, the~~

g. The child support recovery unit shall release information relating to an absent parent to another unit of the department pursuant to a written request for the information approved by the director or the director's designee.

h. For purposes of this subsection, "party" means an absent parent, obligor, resident parent, or other necessary party.

Sec. 40. Section 252B.10, subsection 2, Code 1997, is amended to read as follows:

2. Any reasonable grounds for belief that a public employee has violated any provision of this chapter shall be grounds for immediate removal from all access to paternity determination and support collection data available through or recorded under section 252B.9.

Sec. 41. Section 252B.13A, Code 1997, is amended to read as follows:

252B.13A COLLECTION SERVICES CENTER.

The department shall establish within the unit a collection services center for the receipt and disbursement of support payments as defined in section 252D.16A or 598.1 as required for orders by section 252B.14. For purposes of this section, support payments do not include attorney fees, court costs, or property settlements.

Sec. 42. Section 252B.14, subsection 1, Code 1997, is amended to read as follows:

1. For the purposes of this section, "support order" includes any order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support chapter or proceeding which establishes support payments as defined in section 252D.16A or 598.1.

Sec. 43. Section 252B.14, subsection 3, Code 1997, is amended to read as follows:

3. For a support order as to which subsection 2 does not apply, support payments made pursuant to the order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed. The clerk of the district court may require the obligor to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

Sec. 44. NEW SECTION. 252B.17A IMAGING OR PHOTOGRAPHIC COPIES -- ORIGINALS DESTROYED.

1. If the unit, in the regular course of business or activity, has recorded or received any memorandum, writing, entry, print, document, representation, or combination thereof, of any act, transaction, occurrence, event, or communication from any source, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic imaging, electronic data processing, or other process which

accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original, the original may be destroyed. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original recording, copy, or reproduction is in existence and available for inspection. The introduction of a reproduced record, enlargement, or facsimile, does not preclude admission of the original.

2. The electronically imaged, copied, or otherwise reproduced record or document maintained or received by the unit, when certified over the signature of a designated employee of the unit, shall be considered to be satisfactorily identified. Certified documents are deemed to have been imaged or copied or otherwise reproduced accurately and unaltered in the regular course of business, and such documents are admissible in any judicial or administrative proceeding as evidence. Additional proof of the official character of the person certifying the record or authenticity of the person's signature shall not be required. Whenever the unit or an employee of the unit is served with a summons, subpoena, subpoena duces tecum, or order directing production of such records, the unit or employee may comply by transmitting a copy of the record certified as described above to the district court.

Sec. 45. COOPERATION OF APPLICANT OR RECIPIENT -- RULES.

Until the department adopts rules pursuant to section 252B.3, subsection 3, relating to cooperation by applicants or recipients of public assistance, the department shall apply existing rules regarding cooperation, except that the child support recovery unit, rather than the income maintenance unit, shall determine noncooperation of an applicant or recipient of public assistance under that subsection.

PART B

Sec. 46. Section 252B.6, subsections 1, 2, and 4, Code 1997, are amended to read as follows:

1. Represent the child state in obtaining a support order necessary to meet the child's needs or in enforcing a similar order previously entered.

2. Appear-as-a-friend-of-the-court Represent the state's interest in obtaining support for a child in dissolution of marriage and separate maintenance proceedings, or proceedings supplemental thereto to these proceedings or any other support proceedings, when either or both of the parties to the proceedings are receiving public assistance, for the purpose of advising the court of the financial interest of the state in the proceeding.

4. If-public-assistance-has-been-applied-for-or-granted-on behalf-of-a-child-of-parents-who-are-legally-separated-or whose-marriage-has-been-legally-dissolved,-the-unit-may-apply Apply to the district court for-a-court-order-directing-either or-both-parents-to-show-cause-for-the-following; or initiate an administrative action, as necessary, to obtain, enforce, or modify support.

a.--Why-an-order-of-support-for-the-child-should-not-be entered,-or

b.--Why-the-parent-should-not-be-held-in-contempt-for failure-to-comply-with-a-support-order-previously-entered-

Sec. 47. Section 252B.7, subsection 1, paragraph b, Code 1997, is amended to read as follows:

b. Cases under chapter 252A, the Uniform Support of Dependents Law.

Sec. 48. Section 252B.12, Code 1997, is amended to read as follows:

252B.12 JURISDICTION OVER NONRESIDENT PARENTS.

In an action to establish paternity or to establish or enforce a child support obligation, or to modify a support order, a nonresident person is subject to the jurisdiction of the courts of this state upon-service-of-process-of-original notice-in-accordance-with-the-rules-of-civil-procedure,-Iowa court-rules,-third-edition,-if-any-of-the-following circumstances-exists: as specified in section 252K.201.

~~1. Any circumstance in which the nonresident has the necessary minimum contact with this state for the exercise of jurisdiction, consistent with the constitutions of this state and the United States;~~

~~2. The affected child was conceived in this state while at least one of the parents was a resident of this state and the nonresident is the parent or alleged parent of the child;~~

~~3. The affected child resides in this state as a result of the acts or directives or with the approval of the nonresident;~~

~~4. The nonresident has resided with the affected child in this state;~~

Sec. 49. Part B, sections 46 through 48 of this Act, are effective January 1, 1998.

DIVISION III

Sec. 50. Section 252C.2, subsections 1 and 2, Code 1997, are amended to read as follows:

1. By accepting if public assistance for is provided by the department to or on behalf of a dependent child or a dependent child's caretaker, the recipient is deemed to have made there is an assignment by operation of law to the department of any and all right in, title to, and interest in any support obligation and, payment, and arrearages owed to or for the child or caretaker up to the amount of public assistance paid for or on behalf of the child or caretaker. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

2. The payment of public assistance to or for the benefit of a dependent child or a dependent child's caretaker creates a support debt due and owing to the department by the responsible person in an amount equal to the public assistance payment, except that the support debt is limited to the amount of a support obligation established by court order or by the administrator. The administrator may establish a support debt as to amounts accrued and accruing pursuant to section 598.21,

subsection 4. However, when establishing a support debt is not created in favor of the department obligation against a responsible person, no debt shall be created for the period during which the responsible person is a recipient on the person's own behalf of public assistance for the benefit of the dependent child or the dependent child's caretaker, if any of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support would otherwise be sought is living in the same residence as the parents.

b. The child is living with the parent from whom support would otherwise be sought.

Sec. 51. Section 252C.3, subsection 1, paragraph c, subparagraphs (2) and (4), Code 1997, are amended to read as follows:

(2) A statement that if a negotiation conference is requested, then the responsible person shall have ten days from the date set for the negotiation conference or twenty thirty days from the date of service of the original notice, whichever is later, to send a request for a hearing to the office of the child support recovery unit which issued the notice.

(4) A statement that if the administrator issues a new notice and finding of financial responsibility for child support or medical support, or both, then the responsible person shall have ten thirty days from the date of issuance of the new notice or twenty days from the date of service of the original notice, whichever is later, to send a request for a hearing to the office of the child support recovery unit which issued the notice. If the administrator does not issue a new notice and finding of financial responsibility for child support or medical support, or both, the responsible party shall have ten days from the date of issuance of the conference report to send a request for a hearing to the office of the child support recovery unit which issued the conference report.

Sec. 52. Section 252C.3, subsection 1, paragraph d, Code 1997, is amended to read as follows:

d. A statement that if the responsible person objects to all or any part of the notice or finding of financial responsibility for child support or medical support, or both, and a negotiation conference is not requested, the responsible person shall, within twenty thirty days of the date of service send to the office of the child support recovery unit which issued the notice a written response setting forth any objections and requesting a hearing.

Sec. 53. Section 252C.3, subsection 5, Code 1997, is amended to read as follows:

5. The responsible person shall be sent a copy of the order by regular mail addressed to the responsible person's last known address, or if applicable, to the last known address of the responsible person's attorney. The order is final, and action by the administrator to enforce and collect upon the order, including arrearages and medical support, or both, may be taken from the date of issuance approval of the order by the court pursuant to section 252C.5.

Sec. 54. Section 252C.5, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. If the responsible party appeals the order approved by the court under this section, and the court on appeal establishes an amount of support which is less than the amount of support established under the approved order, the court, in the order issued on appeal, shall reconcile the amounts due and shall provide that any amount which represents the unpaid difference between the amount under the approved order and the amount under the order of the court on appeal is satisfied.

Sec. 55. Section 252C.7, Code 1997, is repealed.

DIVISION IV

PART A

Sec. 56. Section 252D.1, Code 1997, is amended to read as follows:

252D.1 SUPPORT-DEFINITION--- DELINQUENT SUPPORT PAYMENTS ---ASSIGNMENT-OF-INCOME.

~~1. As used in this chapter, unless the context otherwise requires, "support" or "support payments" means any amount which the court may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree, and may include child support, maintenance, medical support as defined in chapter 252B, and, if contained in a child support order, spousal support, and any other term used to describe these obligations. These obligations may include support for a child who is between the ages of eighteen and twenty-two years and who is regularly attending an accredited school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs, or is, in good faith, a full-time student in a college, university, or community college, or has been accepted for admission to a college, university, or community college and the next regular term has not yet begun, and may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.~~

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

procedure to file a motion to quash the order of assignment for income withholding, and shall order an assignment of income requiring ordering the withholding of specified sums to be deducted from the delinquent person's periodic earnings, trust income, compensation, benefits, or other income as defined in section 252D.16A sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center. Notification of income withholding shall be provided to the obligor and to the payor of earnings, trust income, or other income pursuant to section 252D.17.

~~3.---A person entitled by court order to receive support payments or a person responsible for enforcing such a court order may petition the clerk of the district court for an assignment of income. If the petition is verified and establishes that support payments are delinquent in an amount equal to the payment for one month and if the clerk of the district court determines, after providing an opportunity for a hearing, that notice of the mandatory assignment of income as provided in section 252D.3 has been given, the clerk of the district court shall order an assignment of income under subsection 2.~~

Sec. 57. Section 252D.3, Code 1997, is amended to read as follows:

252D.3 NOTICE OF ASSIGNMENT INCOME WITHHOLDING.

All orders for support entered on or after July 1, 1984 shall notify the person ordered to pay support of the mandatory assignment withholding of income required under section 252D.1. However, for orders for support entered before July 1, 1984, the clerk of the district court, the child support recovery unit, or the person entitled by the order to receive the support payments, shall notify each person ordered to pay support under such orders of the mandatory assignment withholding of income required under section 252D.1. The notice shall be sent by certified mail to the person's last known address or the person shall be

personally served with the notice in the manner provided for service of an original notice at least fifteen days prior to the filing of a petition under section 252D.17 subsection 3 or the ordering of an assignment of income withholding under section 252D.17 subsection 2 or 3. A person ordered to pay support may waive the right to receive the notice at any time.

Sec. 58. Section 252D.9, Code 1997, is amended to read as follows:

252D.9 SUMS SUBJECT TO IMMEDIATE WITHHOLDING.

Specified sums shall be deducted from the obligor's earnings, trust income, or other income sufficient to pay the support obligation and any judgment established or delinquency accrued under the support order. The amount withheld pursuant to an assignment of income withholding order or notice of order for income withholding shall not exceed the amount specified in 15 U.S.C. § 1673(b).

Sec. 59. Section 252D.10, Code 1997, is amended to read as follows:

252D.10 NOTICE OF ASSIGNMENT IMMEDIATE INCOME WITHHOLDING.

The notice requirements of section 252D.3 do not apply to this subchapter. An order for support entered after November 1, 1990, shall contain the notice of immediate income withholding. However, this subchapter is sufficient notice for implementation of immediate income withholding without any further notice.

Sec. 60. NEW SECTION. 252D.16A DEFINITIONS.

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

1. "Income" means all of the following:

a. Any periodic form of payment due an individual, regardless of source, including but not limited to wages, salaries, commissions, bonuses, worker's compensation, disability payments, payments pursuant to a pension or retirement program, and interest.

b. A sole payment or lump sum as provided in section 252D.18C.

c. Irregular income as defined in section 252D.18B.

2. "Payor of income" or "payor" means and includes, but is not limited to, an obligor's employer, trustee, the state of Iowa and all governmental subdivisions and agencies and any other person from whom an obligor receives income.

3. "Support" or "support payments" means any amount which the court or administrative agency may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree entered under chapter 232, 234, 252A, 252C, 252F, 252H, 598, 600B, or any other comparable chapter, and may include child support, maintenance, medical support as defined in chapter 252E, spousal support, and any other term used to describe these obligations. These obligations may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability. The obligations may include support for a child eighteen or more years of age with respect to whom a child support order has been issued pursuant to the laws of a foreign jurisdiction. These obligations shall not include amounts for a postsecondary education subsidy as defined in section 598.1.

Sec. 61. Section 252D.17, Code 1997, is amended to read as follows:

252D.17 NOTICE TO EMPLOYER-OR-INCOME PAYOR OF INCOME -- DUTIES AND LIABILITY -- CRIMINAL PENALTY.

The district court shall provide notice by sending a copy of the order for income withholding or a notice of the order for income withholding to the obligor and the obligor's employer, trustee, or other payor of income by regular mail, with proof of service completed according to rule of civil procedure 82. The child support recovery unit shall provide notice of the income withholding order by sending a notice of the order to the obligor's employer, trustee, or other payor of income by regular mail or by electronic means. Proof of service may be completed according to rule of civil procedure 82. The order or the child support recovery unit's notice of the order may be sent to the employer, trustee, or other payor of income on the same date that the order is sent to the clerk

of court for filing. In all other instances, the income withholding order shall be filed with the clerk of court prior to sending the notice of the order to the payor of income. In addition to the amount to be withheld for payment of support, the order or the ~~child-support-recovery-unit's~~ notice of the order shall be in a standard format as prescribed by the unit and shall include all of the following information regarding the duties of the payor in implementing the withholding order:

1. The withholding order or notice of the order for income withholding for child support or child support and spousal support has priority over a garnishment or an assignment for a any other purpose other than the support of the dependents in the court order being enforced.

2. As reimbursement for the payor's processing costs, the payor may deduct a fee of no more than two dollars for each payment in addition to the amount withheld for support. The payor of income is not required to vary the payroll cycle to comply with the frequency of payment of a support order.

3. The amount withheld for support, including the processing fee, shall not exceed the amounts specified in 15 U.S.C. § 1673(b).

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

5. The payor shall send the amounts withheld to the collection services center or the clerk of the district court within ten working seven business days of the date the obligor is paid. "Business day" means a day on which state offices are open for regular business.

6. The payor may combine amounts withheld from the ~~obligor's wages~~ obligors' income in a single payment to the clerk of the district court or to the collection services center, as appropriate. Whether combined or separate, payments shall be identified by the name of the obligor, account number, amount, and the date withheld. If payments

for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

~~7. The payor shall deliver or send a copy of the order or the child support recovery unit's notice of the order to the obligor within one business day after receipt of the order or the child support recovery unit's notice of the order.~~

8. 7. The withholding is binding on the payor until further notice by the court or the child support recovery unit.

9. 8. If the payor knowingly fails to withhold income or to pay the amounts withheld to the collection services center or the clerk of court in accordance with the provisions of the order or the child support recovery unit's notice of the order, the payor commits a simple misdemeanor and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor.

~~10.~~ 9. The payor shall promptly notify the court or the child support recovery unit when the obligor's employment or other income terminates, and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

~~11.~~ 10. Any payor who discharges an obligor, refuses to employ an obligor, or takes disciplinary action against an obligor based upon income withholding is guilty of a simple misdemeanor. A withholding order or the child support recovery unit's notice of the order for income withholding has the same force and effect as any other district court order, including, but not limited to, contempt of court proceedings for noncompliance.

11. a. Beginning July 1, 1997, if a payor of income does business in another state through a registered agent and receives a notice of income withholding issued by another state the payor shall, and beginning January 1, 1998, any payor of income shall withhold funds as directed in a notice issued by another state, except that a payor of income shall follow the laws of the obligor's principal place of employment when determining all of the following:

(1) The payor's fee for processing an income withholding payment.

(2) The maximum amount permitted to be withheld from the obligor's income.

(3) The time periods for implementing the income withholding order and forwarding the support payments.

(4) The priorities for withholding and allocating income withheld for multiple child support obligees.

(5) Any withholding terms or conditions not specified in the order.

b. A payor of income who complies with an income withholding notice that is regular on its face shall not be subject to any civil liability to any individual or agency for conduct in compliance with the notice.

Sec. 62. NEW SECTION. 252D.17A NOTICE TO OBLIGOR OF IMPLEMENTATION OF INCOME WITHHOLDING ORDER.

The child support recovery unit or the district court shall send a notice of the income withholding order to the obligor at the time the notice is sent to the payor of income.

Sec. 63. Section 252D.18A, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 64. Section 252D.18A, subsection 3, paragraph a, Code 1997, is amended to read as follows:

a. To arrive at the amount to be withheld for each obligee, the payor shall total the amounts due for current support under the income withholding orders and the child support-recovery-unit's notices of orders and determine the proportionate share for each obligee. The proportionate share shall be determined by dividing the amount due for current support for each order or child support-recovery-unit's notice of order by the total due for current support for all orders

and child-support-recovery-unit's notices of orders. The results are the percentages of the obligor's net income which shall be withheld for each obligee.

Sec. 65. NEW SECTION. 252D.19A DISPARITY BETWEEN ORDER AND PAY DATES -- NOT DELINQUENT.

1. An obligor whose support payments are automatically withheld from the obligor's paycheck shall not be delinquent or in arrears if all of the following conditions are met:

a. Any delinquency or arrearage is caused solely by a disparity between the schedules of the obligor's regular pay dates and the scheduled date the support is due.

b. The amount calculated to be withheld is such that the total amount of current support to be withheld from the paychecks of the obligor and the amount ordered to be paid in the support order are the same on an annual basis.

c. The automatic deductions for support are continuous and occurring.

2. If the unit takes an enforcement action during a calendar year against an obligor and the obligor is not delinquent or in arrears solely due to the applicability of this section to the obligor, upon discovering the circumstances, the unit shall promptly discontinue the enforcement action.

Sec. 66. Section 252D.21, Code 1997, is amended to read as follows:

252D.21 PENALTY FOR MISREPRESENTATION.

A person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact in order to secure an assignment-of income withholding order or notice of income withholding against another person and to receive support payments or additional support payments pursuant to this chapter, is guilty, upon conviction, of a serious misdemeanor.

Sec. 67. Section 252D.23, Code 1997, is amended to read as follows:

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

An income withholding order entered by the child support recovery unit pursuant to this chapter shall be filed with the clerk of the district court. For the purposes of demonstrating compliance by the ~~employer-trustee-or-other~~ payor of income, the copy of the withholding order or the ~~child-support-recovery-unit's~~ notice of the order received, whether or not the copy of the order is file-stamped, shall have all the force, effect, and attributes of a docketed order of the district court including, but not limited to, availability of contempt of court proceedings against an ~~employer-trustee-or-other~~ a payor of income for noncompliance. However, any information contained in the income withholding order or the ~~child-support-recovery-unit's~~ notice of the order related to the amount of the accruing or accrued support obligation which does not reflect the correct amount of support due does not modify the underlying support judgment.

Sec. 68. NEW SECTION. 252D.31 MOTION TO QUASH.

An obligor under this chapter may move to quash an income withholding order or a notice of income withholding by filing a motion to quash with the clerk of court.

1. Grounds for contesting a withholding order under this chapter include all of the following:

a. A mistake of fact, which for purposes of this chapter means an error in the amount withheld or the amount of the withholding or the identity of the obligor.

b. For immediate withholding only, the conditions for exception to immediate income withholding as defined under section 252D.8 existed at the time of implementation of the withholding.

2. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing.

3. The payor shall withhold and transmit the amount specified in the order or notice of the order of income withholding to the clerk of the district court or the collection services center, as appropriate, until the notice that a motion to quash has been granted is received.

Sec. 69. Sections 252D.2 and 252D.11, Code 1997, are repealed.

PART B

Sec. 70. Section 252D.17, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 12. The payor of income shall comply with chapter 252K when receiving a notice of income withholding from another state.

Sec. 71. Section 252D.24, subsection 3, Code 1997, is amended to read as follows:

3. Income withholding for a support order issued by a foreign jurisdiction is ~~subject to the law and procedures for income withholding of the jurisdiction where the income withholding order is implemented~~ With respect to when the obligor becomes subject to withholding, however, the law and procedures of the jurisdiction where the support order was entered apply governed by chapter 252K, articles 5 or 6, and this chapter, as appropriate.

Sec. 72. Part B, sections 70 and 71 of this Act, are effective January 1, 1998.

DIVISION V

Sec. 73. Section 252E.2, subsection 2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

An insurer who is subject to the federal ~~Omnibus-Budget Reconciliation Act of 1993, section 4301~~ Employee Retirement Income Security Act, as codified in ~~42-U.S.C. § 1936g-1~~ 29 U.S.C. § 1169, shall provide benefits in accordance with that section which meet the requirements of a qualified medical child support order. For the purposes of this subsection "qualified medical child support order" means a child support order which creates or recognizes the existence of a child's right to, or assigns to a child the right to, receive benefits

for which a participant or child is eligible under a group health plan and which specifies the following:

Sec. 74. Section 252E.4, subsection 1, Code 1997, is amended to read as follows:

1. When a support order requires an obligor to provide coverage under a health benefit plan, the district court or the department may enter an ex parte order directing an employer to take all actions necessary to enroll an obligor's dependent for coverage under a health benefit plan or may include the provisions in an ex parte income withholding order or notice of income withholding pursuant to chapter 252D. The department may amend the information in the ex parte order regarding health insurance provisions if necessary to comply with health insurance requirements including but not limited to the provisions of section 252E.2, subsection 2.

Sec. 75. NEW SECTION. 252E.6A MOTION TO QUASH.

1. An obligor may move to quash the order to the employer under section 252E.4 by following the same procedures and alleging a mistake of a fact as provided in section 252D.31. If the unit is enforcing an income withholding order and a medical support order simultaneously, any challenge to the income withholding order and medical support enforcement shall be filed and heard simultaneously.

2. The employer shall comply with the requirements of this chapter until the employer receives notice that a motion to quash has been granted.

Sec. 76. Section 252E.13, subsection 2, Code 1997, is amended to read as follows:

2. In addition, if an administrative a support order entered pursuant to chapter 252E does not provide medical support as defined in this chapter or equivalent medical support, the department or a party to the order may obtain a medical support order pursuant to chapter 252E seek a modification of the order. A medical support order obtained pursuant to chapter 252E may be an additional or separate support judgment and shall be known as an administrative order for medical support.

DIVISION VI

Sec. 77. Section 252F.3, subsection 1, paragraph f, subparagraph (2), subparagraph subpart (c), Code 1997, is amended to read as follows:

(c) If paternity was contested and paternity testing was conducted, and the putative father does not deny paternity after the testing or challenge the paternity test results, ten ~~twenty~~ days from the date paternity test results are issued or mailed by the unit to the putative father.

Sec. 78. Section 252F.3, subsection 1, paragraph f, subparagraph (4), subparagraph subpart (c), Code 1997, is amended to read as follows:

(c) If paternity was contested and paternity testing conducted, and the putative father does not deny paternity after the testing or challenge the paternity test results, ten ~~twenty~~ days from the date the paternity test results are issued or mailed to the putative father by the unit.

Sec. 79. Section 252F.3, subsection 1, paragraph g, Code 1997, is amended to read as follows:

g. A statement that if a conference is not requested, and the putative father does not deny paternity or challenge the results of any paternity testing conducted but objects to the finding of financial responsibility or the amount of child support or medical support, or both, the putative father shall send a written request for a court hearing on the issue of support to the unit within twenty days of the date of service of the original notice, or, if paternity was contested and paternity testing conducted, and the putative father does not deny paternity after the testing or challenge the paternity test results, within ten ~~twenty~~ days from the date the paternity test results are issued or mailed to the putative father by the unit, whichever is later.

Sec. 80. Section 252F.3, subsection 4, paragraphs b and c, Code 1997, are amended to read as follows:

b. If paternity establishment was contested and paternity tests conducted, a court hearing on the issue of paternity shall be scheduled held no earlier than fifty ~~thirty~~ days from the date paternity test results are issued to all parties by

the unit, unless the parties mutually agree to waive the time frame pursuant to section 252F.8.

c. ~~if-a-court-hearing-is-scheduled-regarding-the-issue-of-paternity-establishment,~~ any objection to the results of paternity tests shall be filed no later than thirty ~~twenty~~ days before after the date ~~the-court-hearing-is-originally-scheduled~~ paternity test results are issued or mailed to the putative father by the unit. Any objection to paternity test results filed by a party ~~less~~ more than thirty ~~twenty~~ days before after the date ~~the-court-hearing-is-originally-scheduled~~ paternity tests are issued or mailed to the putative father by the unit shall not be accepted or considered by the court.

Sec. 81. Section 252F.3, subsection 6, paragraph d, Code 1997, is amended to read as follows:

d. If a paternity test is ordered under this section, the administrator shall direct that inherited characteristics be analyzed and interpreted, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results. The test shall be of a type generally acknowledged as reliable by accreditation entities designated by the secretary of the United States department of health and human services and shall be performed by a laboratory approved by an accreditation entity.

Sec. 82. Section 252F.3, subsection 6, paragraph 1, subparagraph (1), Code 1997, is amended to read as follows:

(1) In order to challenge the presumption of paternity, a party shall file a written notice of the challenge with the district court within twenty days from the date the paternity test results are issued or mailed to all parties by the unit, ~~or-if-a-court-hearing-is-scheduled-to-resolve-the-issue-of-paternity,~~ no-later-than-thirty-days-before-the-scheduled-date-of-the-court-hearing, ~~whichever-occurs-later.~~ Any-subsequent-rescheduling-or-continuances-of-the-originally-scheduled-hearing-shall-not-extend-the-initial-time-frame. Any challenge to a presumption of paternity resulting from paternity tests, or to paternity test results filed after the

~~initial~~ lapse of the twenty-day time frame shall not be accepted or admissible by the unit or the court.

Sec. 83. Section 252F.3, subsection 6, paragraph k, Code 1997, is amended to read as follows:

k. If the results of the test or the verified expert's analysis are timely challenged as provided in this subsection, the administrator, upon the request of a party and advance payment by the contestant or upon the unit's own initiative, shall order that an additional test be performed by the same laboratory or an independent laboratory or. If the party requesting additional testing does not advance payment, the administrator shall certify the case to the district court in accordance with paragraph "i" and section 252F.5.

Sec. 84. Section 252F.3, subsection 6, paragraph n, Code 1997, is amended to read as follows:

n. Except as provided in paragraph "k", the unit shall advance the costs of genetic testing. If paternity is established and paternity testing was conducted, the unit shall enter an order or, if the action proceeded to a court hearing, request that the court enter a judgment for the costs of the paternity tests consistent with applicable federal law. In a proceeding under this chapter, a copy of a bill for genetic testing shall be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of the amount incurred for genetic testing.

Sec. 85. Section 252F.4, subsection 6, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Statements as required pursuant to section 598.22B.

Sec. 86. Section 252F.5, subsection 3, paragraph d, Code 1997, is amended by striking the paragraph.

DIVISION VII

Sec. 87. Section 252G.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. "Business day" means a day on which state offices are open for regular business.

NEW SUBSECTION. 8A. "Labor organization" means any organization of any kind, or any agency, or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Sec. 88. Section 252G.1, subsection 8, Code 1997, is amended to read as follows:

8. "Employer" means a person doing business in this state who engages an employee for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation. "Employer" includes any governmental entity and any labor organization.

Sec. 89. Section 252G.3, subsection 1, paragraph d, Code 1997, is amended to read as follows:

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

Sec. 90. Section 252G.3, subsection 3, Code 1997, is amended to read as follows:

3. ~~Until such time as the Iowa employee's withholding allowance certificate is amended to provide for inclusion of all of the information required under subsection 1, submission of the certificate constitutes compliance with this section. An employer with employees in two or more states that transmits reports magnetically or electronically may comply with subsection 1 by transmitting the report described in subsection 1 to each state, or by designating as the recipient state one state, in which the employer has employees, and transmitting the report to that state. An employer that transmits reports pursuant to this subsection shall notify the United States secretary of health and human services, in writing, of the state designated by the employer for the purpose of transmitting reports.~~

Sec. 91. **NEW SECTION.** 252G.7 DATA ENTRY AND TRANSMITTING CENTRALIZED EMPLOYEE REGISTRY RECORDS TO THE NATIONAL NEW HIRE REGISTRY.

The unit shall enter new hire data into the centralized employee directory database within five business days of receipt from employers and shall transmit the records of the centralized employee registry to the national directory of new hires within three business days after the date information regarding a newly hired employee is entered into the centralized employee registry.

Sec. 92. NEW SECTION. 252G.8 INCOME WITHHOLDING REQUIREMENTS.

Within two business days after the date information regarding a newly hired employee is entered into the centralized employee registry and matched with obligors in cases being enforced by the unit, the unit shall transmit a notice to the employer or payor of income of the employee directing the employer or payor of income to withhold from the income of the employee in accordance with chapter 252D.

DIVISION VIII

Sec. 93. Section 252H.1, Code 1997, is amended to read as follows:

252H.1 PURPOSE AND INTENT.

This chapter is intended to provide a means for state compliance with the Title IV-D of the federal Family-Support Social Security Act of 1988, as amended, requiring states to provide procedures for the review and adjustment of support orders being enforced under Title IV-D of the federal Social Security Act, and also to provide an expedited modification process when review and adjustment procedures are not required, appropriate, or applicable. Actions under this chapter shall be initiated only by the child support recovery unit.

Sec. 94. Section 252H.2, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Cost-of-living alteration" means a change in an existing child support order which equals an amount which is the amount of the support obligation following application of the percentage change of the consumer price index for all urban consumers, United States city average, as

published in the federal register by the federal department of labor, bureau of labor statistics.

Sec. 95. Section 252H.2, subsection 6, paragraph a, Code 1997, is amended to read as follows:

a. ~~An alteration,~~ A change, correction, or termination of an existing support order.

Sec. 96. Section 252H.2, subsection 8, Code 1997, is amended to read as follows:

8. "Public assistance" means benefits received in this state or any other state, under Title IV-A (aid-to-dependent children temporary assistance to needy families), IV-E (foster care), or XIX (medicaid) of the Act.

Sec. 97. Section 252H.3, subsection 1, Code 1997, is amended to read as follows:

1. Any action initiated under this chapter, including any court hearing resulting from an action, shall be limited in scope to the adjustment or modification of the child or medical support or cost-of-living alteration of the child support provisions of a support order.

Sec. 98. Section 252H.4, subsections 1 and 4, Code 1997, are amended to read as follows:

1. The unit may administratively adjust or modify or may provide for an administrative cost-of-living alteration of a support order entered under chapter 234, 252A, 252C, 598, or 600B, or any other support chapter if the unit is providing enforcement services pursuant to chapter 252B. The unit is not required to intervene to administratively adjust or modify or provide for an administrative cost-of-living alteration of a support order under this chapter.

4. The unit shall adopt rules pursuant to chapter 17A to establish the process for the review of requests for adjustment, the criteria and procedures for conducting a review and determining when an adjustment is appropriate, the procedure and criteria for a cost-of-living alteration, the criteria and procedure for a request for review pursuant to section 252H.18A, and other rules necessary to implement this chapter.

Sec. 99. Section 252H.6, Code 1997, is amended to read as follows:

252H.6 COLLECTION OF INFORMATION.

The unit shall may request, obtain, and validate information concerning the financial circumstances of the parents of a child as necessary to determine the appropriate amount of support pursuant to the guidelines established in section 598.21, subsection 4, including but not limited to those sources and procedures described in sections 252B.7A and 252B.9. The collection of information does not constitute a review conducted pursuant to section 252H.16.

Sec. 100. Section 252H.8, subsection 4, paragraph f, Code 1997, is amended to read as follows:

f. Copies of any financial statements and supporting documentation provided by the parents including proof of a substantial change in circumstances for a request filed pursuant to section 252H.18A.

Sec. 101. Section 252H.9, subsections 2 and 7, Code 1997, are amended to read as follows:

2. The For orders to which subchapter II or III is applicable, the unit shall determine the appropriate amount of the child support obligation using the current child support guidelines established pursuant to section 598.21, subsection 4, and the criteria established pursuant to section 252B.7A and shall determine the provisions for medical support pursuant to chapter 252E.

7. A copy of the order shall be sent by regular mail within fourteen days after filing to each parent's last known address, or if applicable, to the last known address of the parent's attorney.

Sec. 102. Section 252H.11, subsection 2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If the modification action filed by the parent is subsequently dismissed before being heard by the court, the unit shall continue the action previously initiated under this chapter subchapter II or III, or initiate a new action as follows:

Sec. 103. Section 252H.13, Code 1997, is amended to read as follows:

252H.13 RIGHT TO REQUEST REVIEW.

A parent shall have the right to request the review of a support order for which the unit is currently providing enforcement services of an ongoing child support obligation pursuant to chapter 252B including by objecting to a cost-of-living alteration pursuant to section 252H.24, subsections 1 and 2.

Sec. 104. Section 252H.14, Code 1997, is amended to read as follows:

252H.14 REVIEWS INITIATED BY THE CHILD SUPPORT RECOVERY UNIT.

1. The unit shall may periodically initiate a review of support orders meeting the conditions in section 252H.12 in accordance with the following:

a. The right to any ongoing child support obligation is currently assigned to the state due to the receipt of public assistance.

b. The right to any ongoing medical support obligation is currently assigned to the state due to the receipt of public assistance unless:

(1) The support order already includes provisions requiring the parent ordered to pay child support to also provide medical support.

(2) The parent entitled to receive support has satisfactory health insurance coverage for the children, excluding coverage resulting from the receipt of public assistance benefits.

c. The review is otherwise necessary to comply with this Act.

2. The unit shall may periodically initiate a request to a child support agency of another state to conduct a review of a support order entered in that state when the right to any ongoing child or medical support obligation due under the order is currently assigned to the state of Iowa.

3. The unit shall adopt rules establishing criteria to determine the appropriateness of initiating a review.

4. The unit shall initiate reviews under this section in accordance with the federal-Family-Support Act of-1988.

Sec. 105. NEW SECTION. 252H.18A REQUEST FOR REVIEW OUTSIDE APPLICABLE TIME FRAMES.

1. If a support order is not eligible for review and adjustment because the support order is outside of the minimum time frames specified by rule of the department, a parent may request a review and administrative modification by submitting all of the following to the unit:

a. A request for review of the support order which is outside of the applicable time frames.

b. Verified documentation of a substantial change in circumstances as specified by rule of the department.

2. Upon receipt of the request and all documentation required in subsection 1, the unit shall review the request and documentation and if appropriate shall issue a notice of intent to modify as provided in section 252H.19.

3. Notwithstanding section 598.21, subsections 8 and 9, for purposes of this section, a substantial change in circumstances means there has been a change of fifty percent or more in the income of a parent, and the change is due to financial circumstances which have existed for a minimum period of three months and can reasonably be expected to exist for an additional three months.

SUBCHAPTER IV

COST-OF-LIVING ALTERATION

Sec. 106. NEW SECTION. 252H.21 PURPOSE -- INTENT -- EFFECT ON REQUIREMENTS FOR GUIDELINES.

1. This subchapter is intended to provide a procedure to accommodate a request of both parents to expeditiously change a support order due to changes in the cost of living.

2. All of the following shall apply to a cost of living alteration under this subchapter:

a. To the extent permitted under 42 U.S.C. § 666(a)(10)(A)(i)(II), the cost-of-living alteration shall be

an exception to any requirement under law for the application of the child support guidelines established pursuant to section 598.21, subsection 4, including but not limited to, any requirement in this chapter or chapter 234, 252A, 252B, 252C, 252F, 598, or 600B.

b. The cost-of-living alteration shall not prevent any subsequent modification or adjustment to the support order as otherwise provided in law based on application of the child support guidelines.

c. The calculation of a cost-of-living alteration to a child support order shall be compounded as follows:

(1) Increase or decrease the child support order by the percentage change of the appropriate consumer price index for the month and year after the month and year the child support order was last issued, modified, adjusted, or altered.

(2) Increase or decrease the amount of the child support order calculated in subparagraph (1) for each subsequent year by applying the appropriate consumer price index for each subsequent year to the result of the calculation for the previous year. The final year in the calculation shall be the year immediately preceding the year the unit received the completed request for the cost-of-living alteration.

d. The amount of the cost-of-living alteration in the notice in section 252H.24, subsection 1, shall be the result of the calculation in paragraph "c".

Sec. 107. NEW SECTION. 252H.22 SUPPORT ORDERS SUBJECT TO COST-OF-LIVING ALTERATION.

A support order meeting all of the following conditions is eligible for a cost-of-living alteration under this subchapter.

1. The support order is subject to the jurisdiction of this state for the purposes of a cost-of-living alteration.

2. The support order provides for the ongoing support of at least one child under the age of eighteen or a child between the ages of eighteen and nineteen who has not yet graduated from high school but who is reasonably expected to graduate from high school before attaining the age of nineteen.

3. The unit is providing enforcement services for the ongoing support obligation pursuant to chapter 252B.

4. A parent requests a cost-of-living alteration as provided in section 252H.23.

5. The support order addresses medical support for the child.

Sec. 108. NEW SECTION. 252H.23 RIGHT TO REQUEST COST-OF-LIVING ALTERATION.

A parent may request a cost-of-living alteration by submitting all of the following to the unit:

1. A written request for a cost-of-living alteration to the support order signed by the parent making the request.

2. A statement signed by the nonrequesting parent agreeing to the cost-of-living alteration to the support order.

3. A statement signed by each parent waiving that parent's right to personal service and accepting service by regular mail.

4. Other documentation specified by rule of the department.

Sec. 109. NEW SECTION. 252H.24 ROLE OF THE CHILD SUPPORT RECOVERY UNIT -- FILING AND DOCKETING OF COST-OF-LIVING ALTERATION ORDER -- ORDER EFFECTIVE AS DISTRICT COURT ORDER.

1. Upon receipt of a request and required documentation for a cost-of-living alteration, the unit shall issue a notice of the amount of cost-of-living alteration by regular mail to the last known address of each parent, or, if applicable, each parent's attorney. The notice shall include all of the following:

a. A statement that either parent may contest the cost-of-living alteration within thirty days of the date of the notice by making a request for a review of a support order as provided in section 252H.13, and if either parent does not make a request for a review within thirty days, the unit shall prepare an administrative order as provided in subsection 4.

b. A statement that the parent may waive the thirty-day notice waiting period provided for in this section.

2. Upon timely receipt of a request and required documentation for a review of a support order as provided in subsection 1 from either parent, the unit shall terminate the cost-of-living alteration process and apply the provisions of subchapters I and II of this chapter relating to review and adjustment.

3. Upon receipt of signed requests from both parents subject to the support order, waiving the notice waiting period, the unit may prepare an administrative order pursuant to subsection 4 altering the support obligation.

4. If timely request for a review pursuant to section 252H.13 is not made, and if the thirty-day notice waiting period has expired, or if both parents have waived the notice waiting period, the unit shall prepare and present an administrative order for a cost-of-living alteration, ex parte, to the district court where the order to be altered is filed.

5. Unless defects appear on the face of the administrative order or on the attachments, the district court shall approve the order. Upon filing, the approved order shall have the same force, effect, and attributes of an order of the district court.

6. Upon filing, the clerk of the district court shall enter the order in the judgment docket and judgment lien index.

7. If the parents jointly waive the thirty-day notice waiting period, the signed statements of both parents waiving the notice period shall be filed in the court record with the administrative order altering the support obligation.

8. The unit shall send a copy of the order by regular mail to each parent's last known address, or, if applicable, to the last known address of the parent's attorney.

9. An administrative order approved by the district court is final, and action by the unit to enforce and collect upon the order may be taken from the date of the entry of the order by the district court.

Sec. 110. Section 252I.1, subsections 1, 3, 5, and 8, Code 1997, are amended to read as follows:

1. "Account" means "account" as defined in section 524.103, "share account or shares" as defined in section 534.102, the savings or deposits of a member received or being held by a credit union, or certificates of deposit. "Account" also includes deposits held by an agent, a broker-dealer, or an issuer as defined in section 502.102 and money-market mutual fund accounts. However, "account" does not include amounts held by a financial institution as collateral for loans extended by the financial institution.

3. "Court order" means "support order" as defined in section 252E:1 252J.1.

5. "Financial institution" ~~includes a bank, credit union, or savings and loan association~~ means "financial institution" as defined in 42 U.S.C. § 669A(d)(1). "Financial institution" also includes an institution which holds deposits for an agent, broker-dealer, or an issuer as defined in section 502.102.

8. "Support" or "support payments" means "support" or "support payments" as defined in section 252D:1 252D.16A.

Sec. 111. Section 252I.4, Code 1997, is amended to read as follows:

252I.4 VERIFICATION OF ACCOUNTS AND IMMUNITY FROM LIABILITY.

1. The unit may contact a financial institution to obtain verification of the account number, the names and social security numbers listed for the account, and the account balance of any account held by an obligor. Contact with a financial institution may be by telephone or by written communication. The financial institution may require positive voice recognition and may require the telephone number of the authorized person from the unit before releasing an obligor's account information by telephone.

2. The unit and financial institutions doing business in Iowa shall enter into agreements to develop and operate a data match system, using automated data exchanges to the maximum

extent feasible. The data match system shall allow a means by which each financial institution shall provide to the unit for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each obligor who maintains an account at the institution and who owes past-due support, as identified by the unit by name and social security number or other taxpayer identification number. The unit shall work with representatives of financial institutions to develop a system to assist nonautomated financial institutions in complying with the provisions of this section.

3. The unit may pay a reasonable fee to a financial institution for conducting the data match required in subsection 2, not to exceed the actual costs incurred by the financial institution.

4. The financial institution is immune from any liability, civil or criminal, which might otherwise be incurred or imposed for any of the following:

- a. Any information released by the financial institution to the unit pursuant to this chapter section.
- b. Any encumbrance or surrender of any assets held by the financial institution in response to a notice of lien or levy issued by the unit.

c. Any other action taken in good faith to comply with section 252I.4 or 252I.7.

5. The financial institution or the unit is not liable for the cost of any early withdrawal penalty of an obligor's certificate of deposit.

DIVISION X

Sec. 112. Section 252J.1, subsections 1, 2, 3, 4, 6, and 9, Code 1997, are amended to read as follows:

1. "Certificate of noncompliance" means a document provided by the child support recovery unit certifying that the named obligor individual is not in compliance with a any of the following:

- a. A support order, or with a

b. A written agreement for payment of support entered into by the unit and the obligor.

c. A subpoena or warrant relating to a paternity or support proceeding.

2. "License" means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to an obligor individual by a licensing authority which evidences the admission to, or granting of authority to engage in, a profession, occupation, business, or industry, or recreation or to operate or register a motor vehicle.

"License" ~~does not mean or include~~ includes licenses for hunting, fishing, boating, or other recreational activity.

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

4. "Licensing authority" means a county treasurer, county recorder or designated depository, 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 individual to register or operate a motor vehicle or to engage in a business, occupation, profession, recreation, or industry.

6. "Support" means support or support payments as defined in section ~~252B-1~~ 252D.16A, whether established through court or administrative order.

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 individual's license.

Sec. 113. Section 252J.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Individual" means a parent, an obligor, or a putative father in a paternity or support proceeding.

NEW SUBSECTION. 5A. "Subpoena or warrant" means a subpoena or warrant relating to a paternity or support proceeding initiated or obtained by the unit or a child support agency as defined in section 252H.2.

Sec. 114. Section 252J.2, subsections 1, 2, and 4, Code 1997, are amended to read as follows:

1. Notwithstanding other statutory provisions to the contrary, and if an obligor individual 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. For cases in which services are provided by the unit all of the following apply:

a. 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 three months, 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.

b. An individual is subject to the provisions of this chapter if the individual has failed, after receiving appropriate notice, to comply with a subpoena or warrant.

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.~~ 22 all of the following apply:

a. Information exchanged obtained by the unit under this chapter shall be used solely 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 252B.

b. Information obtained by a licensing authority shall be used solely for the purposes of this chapter.

Sec. 115. Section 252J.3, Code 1997, is amended to read as follows:

252J.3 NOTICE TO OBLIGOR INDIVIDUAL OF POTENTIAL SANCTION OF LICENSE.

The unit shall proceed in accordance with this chapter only if notice is served on the obligor individual in accordance with R.C.P. 56.1 or notice is sent by certified mail addressed to the obligor's individual'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 or the individual has not complied with a subpoena or warrant.
3. A statement that the obligor individual 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 individual, the obligor individual fails to contact the unit to schedule a conference, the unit shall issue a certificate of noncompliance, bearing the obligor's individual's name, social security number, and 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 or an individual has not complied with a subpoena or warrant.
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 individual.
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 individual's license, unless the unit provides the licensing authority with a withdrawal of a certificate of noncompliance.

Sec. 116. Section 252J.4, Code 1997, is amended to read as follows:

252J.4 CONFERENCE.

1. The obligor individual 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 under 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 individual 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 individual 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 individual.
 - b. The unit finds a mistake in determining that the amount of delinquent support is equal to or greater than ninety-days three months.
 - 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.

e. The unit finds a mistake in determining the compliance of the individual with a subpoena or warrant.

f. The individual complies with a subpoena or warrant.

5. The unit shall grant the obligor individual 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 or if the individual complies with a subpoena or warrant.

6. If the obligor individual does not timely request a conference or does not comply with a subpoena or warrant or if the obligor does not 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. 117. Section 252J.5, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If an obligor is subject to this chapter as established in section 252J.2, subsection 2, paragraph "a", 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:

Sec. 118. Section 252J.6, Code 1997, is amended to read as follows:

252J.6 DECISION OF THE UNIT.

1. If an obligor is not in compliance with a support order or the individual is not in compliance with a subpoena or warrant pursuant to section 252J.2, the unit notifies the obligor individual pursuant to section 252J.3, and the obligor individual 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 individual 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 individual by regular mail at the obligor's individual'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 or the individual shall comply with a subpoena or warrant.

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

(1) The obligor individual may request a hearing as provided in section 252J.9, before the district court as follows:

(a) If the action is a result of section 252J.2, subsection 2, paragraph "a", 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.

(b) If the action is a result of section 252J.2, subsection 2, paragraph "b" and the individual is not an obligor, in the county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in a foreign jurisdiction.

(2) The obligor individual may retain an attorney at the obligor's individual's own expense to represent the obligor individual 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 or the compliance of the individual with a subpoena or warrant.

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 individual.

b. The unit finds a mistake in determining compliance with a subpoena or warrant.

b7 c. The unit or the court finds a mistake in determining that the amount of delinquent support due is equal to or greater than ninety-days three months.

c7 d. 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.

e. The individual complies with the subpoena or warrant.

d7 f. 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. 119. Section 252J.7, Code 1997, is amended to read as follows:

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

1. If the obligor individual 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 individual 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 or the individual is not in compliance with a subpoena or warrant and shall include a copy of the certificate of noncompliance.

2. The certificate of noncompliance shall contain the obligor's individual's name, and 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 individual'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 individual, 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 individual.

Sec. 120. Section 252J.8, subsections 3, 4, and 5, Code 1997, are amended to read as follows:

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 or a subpoena or warrant.

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 individual. 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 individual 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 individual. 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 individual's license due to the receipt of a certificate of noncompliance from the unit.

b. The obligor individual 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 individual'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 individual 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 individual is otherwise in compliance with licensing requirements established by the licensing authority.

Sec. 121. Section 252J.9, subsections 1, 2, and 3, Code 1997, are amended to read as follows:

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 individual by a licensing authority pursuant to section 252J.8, an obligor individual may seek review of the decision and request a hearing before the district court as follows:

a. If the action is a result of section 252J.2, subsection 2, paragraph "a", 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.

b. If the action is a result of section 252J.2, subsection 2, paragraph "b" and the individual is not an obligor, in a county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in a foreign jurisdiction.

PARAGRAPH DIVIDED. 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 individual 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 individual 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 or the noncompliance of the individual with a subpoena or warrant. 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.

DIVISION XI
UNIFORM INTERSTATE FAMILY SUPPORT ACT
(1996)

ARTICLE 1

GENERAL PROVISIONS

Sec. 122. NEW SECTION. 252K.101 DEFINITIONS.

In this chapter:

1. "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

2. "Child-support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

3. "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

4. "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

5. "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

6. "Income-withholding order" means an order or other legal process directed to an obligor's employer or other payor of income, as defined by the income-withholding law of this state, to withhold support from the income of the obligor.

7. "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

8. "Initiating tribunal" means the authorized tribunal in an initiating state.

9. "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

10. "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

11. "Law" includes decisional and statutory law and rules and regulations having the force of law.

12. "Obligee" means any of the following:

a. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered.

b. A state or political subdivision to which the rights under a duty of support or support order have been assigned or

which has independent claims based on financial assistance provided to an individual obligee.

c. An individual seeking a judgment determining parentage of the individual's child.

13. "Obligor" means an individual, or the estate of a decedent, to which any of the following applies:

a. Who owes or is alleged to owe a duty of support.

b. Who is alleged but has not been adjudicated to be a parent of a child.

c. Who is liable under a support order.

14. "Register" means to file a support order or judgment determining parentage in the appropriate location for the filing of foreign judgments.

15. "Registering tribunal" means a tribunal in which a support order is registered.

16. "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

17. "Responding tribunal" means the authorized tribunal in a responding state.

18. "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

19. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

a. An Indian tribe.

b. A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

20. "Support enforcement agency" means a public official or agency authorized to seek any of the following:

a. Enforcement of support orders or laws relating to the duty of support.

b. Establishment or modification of child support.

c. Determination of parentage.

d. Location of obligors or their assets.

21. "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

22. "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

Sec. 123. NEW SECTION. 252K.102 TRIBUNALS OF THIS STATE.

The child support recovery unit when the unit establishes or modifies an order, upon ratification by the court, and the court, are the tribunals of this state.

Sec. 124. NEW SECTION. 252K.103 REMEDIES CUMULATIVE.

Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

ARTICLE 2

JURISDICTION

PART 1

EXTENDED PERSONAL JURISDICTION

Sec. 125. NEW SECTION. 252K.201 BASES FOR JURISDICTION OVER NONRESIDENT.

In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if any of the following applies:

1. The individual is personally served with notice within this state.

2. The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

3. The individual resided with the child in this state.

4. The individual resided in this state and provided prenatal expenses or support for the child.

5. The child resides in this state as a result of the acts or directives of the individual.

6. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.

7. The individual asserted parentage in the declaration of paternity registry maintained in this state by the Iowa department of public health pursuant to section 144.12A or established paternity by affidavit under section 252A.3A.

8. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

Sec. 126. NEW SECTION. 252K.202 PROCEDURE WHEN EXERCISING JURISDICTION OVER NONRESIDENT.

A tribunal of this state exercising personal jurisdiction over a nonresident under section 252K.201 may apply section 252K.316 to receive evidence from another state, and section 252K.318 to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.

PART 2

PROCEEDINGS INVOLVING TWO OR MORE STATES

Sec. 127. NEW SECTION. 252K.203 INITIATING AND RESPONDING TRIBUNAL OF THIS STATE.

Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

Sec. 128. NEW SECTION. 252K.204 SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE.

1. A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state only if all of the following apply:

a. The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state.

b. The contesting party timely challenges the exercise of jurisdiction in the other state.

c. If relevant, this state is the home state of the child.

2. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if all of the following apply:

a. The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

b. The contesting party timely challenges the exercise of jurisdiction in this state.

c. If relevant, the other state is the home state of the child.

Sec. 129. NEW SECTION. 252K.205 CONTINUING, EXCLUSIVE JURISDICTION.

1. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child-support order if any of the following applies:

a. As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

b. Until all of the parties who are individuals have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

2. A tribunal of this state issuing a child-support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter.

3. If a child support order of this state is modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:

- a. Enforce the order that was modified as to amounts accruing before the modification.
- b. Enforce nonmodifiable aspects of that order.
- c. Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

4. A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this chapter or a law substantially similar to this chapter.

5. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

6. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

Sec. 130. NEW SECTION. 252K.206 ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER BY TRIBUNAL HAVING CONTINUING JURISDICTION.

1. A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

2. A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 252K.316 to receive evidence from another state and section 252K.318 to obtain discovery through a tribunal of another state.

3. A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal-support order may not serve as a responding tribunal to modify a spousal-support order of another state.

PART 3

RECONCILIATION OF MULTIPLE ORDERS

Sec. 131. NEW SECTION. 252K.207 RECOGNITION OF CONTROLLING CHILD-SUPPORT ORDER.

1. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

2. If a proceeding is brought under this chapter, and two or more child-support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

- a. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized.
- b. If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.
- c. If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child-support order, which controls and must be so recognized.

3. If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and must be so recognized under subsection 2. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

4. The tribunal that issued the controlling order under subsection 1, 2, or 3 is the tribunal that has continuing, exclusive jurisdiction under section 252K.205.

5. A tribunal of this state which determines by order the identity of the controlling order under subsection 2, paragraph "a" or "b", or which issues a new controlling order under subsection 2, paragraph "c", shall state in that order the basis upon which the tribunal made its determination.

6. Within thirty days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

Sec. 132. NEW SECTION. 252K.208 MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEES.

In responding to multiple registrations or requests for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

Sec. 133. NEW SECTION. 252K.209 CREDIT FOR PAYMENTS.

Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state.

ARTICLE 3

CIVIL PROVISIONS OF GENERAL APPLICATION

Sec. 134. NEW SECTION. 252K.301 PROCEEDINGS UNDER THIS CHAPTER.

1. Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

2. This chapter provides for the following proceedings:

a. Establishment of an order for spousal support or child support pursuant to Article 4.

b. Enforcement of a support order and income withholding order of another state without registration pursuant to Article 5.

c. Registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6.

d. Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to Article 2, part 2.

e. Registration of an order for child support of another state for modification pursuant to Article 6.

f. Determination of parentage pursuant to Article 7.

g. Assertion of jurisdiction over nonresidents pursuant to Article 2, part 1.

3. An individual movant or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent or nonmoving party.

Sec. 135. NEW SECTION. 252K.302 ACTION BY MINOR PARENT.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Sec. 136. NEW SECTION. 252K.303 APPLICATION OF LAW OF THIS STATE.

Except as otherwise provided by this chapter, a responding tribunal of this state shall do all of the following:

1. Apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state, and may exercise all powers and provide all remedies available in those proceedings.

2. Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 137. NEW SECTION. 252K.304 DUTIES OF INITIATING TRIBUNAL.

1. Upon the filing of a petition or comparable pleading authorized by this chapter, an initiating tribunal of this state shall forward three copies of the petition or comparable pleading and its accompanying documents:

a. To the responding tribunal or appropriate support enforcement agency in the responding state.

b. If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

2. If a responding state has not enacted this law or a law or procedure substantially similar to this chapter, a tribunal of this state may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

Sec. 138. NEW SECTION. 252K.305 DUTIES AND POWERS OF RESPONDING TRIBUNAL.

1. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 252K.301, subsection 3, it shall cause the petition or pleading to be filed and notify the movant where and when it was filed.

2. A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

a. Issue or enforce a support order, modify a child-support order, or render a judgment to determine parentage.

b. Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

c. Order income withholding.

d. Determine the amount of any arrearages, and specify a method of payment.

e. Enforce orders by civil or criminal contempt, or both.

f. Set aside property for satisfaction of the support order.

g. Place liens and order execution on the obligor's property.

h. Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment.

i. Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants.

j. Order the obligor to seek appropriate employment by specified methods.

k. Award reasonable attorney's fees and other fees and costs.

l. Grant any other available remedy.

3. A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

4. A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

5. If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the movant and the respondent and to the initiating tribunal, if any.

Sec. 139. NEW SECTION. 252K.306 INAPPROPRIATE TRIBUNAL.

If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the movant where and when the pleading was sent.

Sec. 140. NEW SECTION. 252K.307 DUTIES OF SUPPORT ENFORCEMENT AGENCY.

1. A support enforcement agency of this state, upon request, shall provide services to a movant in a proceeding under this chapter.

2. A support enforcement agency that is providing services to the movant as appropriate shall:

a. Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent.

b. Request an appropriate tribunal to set a date, time, and place for a hearing.

c. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties.

d. Within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the movant.

e. Within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the movant.

f. Notify the movant if jurisdiction over the respondent cannot be obtained.

3. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 141. NEW SECTION. 252K.308 DUTY OF ATTORNEY GENERAL.

If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

Sec. 142. NEW SECTION. 252K.309 PRIVATE COUNSEL.

An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

Sec. 143. NEW SECTION. 252K.310 DUTIES OF STATE INFORMATION AGENCY.

1. The child support recovery unit is the state information agency under this chapter.

2. The state information agency shall:

a. Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state.

b. Maintain a register of tribunals and support enforcement agencies received from other states.

c. Forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state.

d. Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification

and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Sec. 144. NEW SECTION. 252K.311 PLEADINGS AND ACCOMPANYING DOCUMENTS.

1. A movant seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter must verify the petition. Unless otherwise ordered under section 252K.312, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

2. The petition must specify the relief sought. The petition and accompanying documents shall conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Sec. 145. NEW SECTION. 252K.312 NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

Sec. 146. NEW SECTION. 252K.313 COSTS AND FEES.

1. The movant shall not be required to pay a filing fee or other costs.

2. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

3. The tribunal shall order the payment of costs and reasonable attorney's fees if the tribunal determines that a hearing was requested primarily for delay. In a proceeding under Article 6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 147. NEW SECTION. 252K.314 LIMITED IMMUNITY OF MOVANT.

1. Participation by a movant in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the movant in another proceeding.

2. A movant is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

3. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in this state to participate in the proceeding.

Sec. 148. NEW SECTION. 252K.315 NONPARENTAGE AS DEFENSE.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

Sec. 149. NEW SECTION. 252K.316 SPECIAL RULES OF EVIDENCE AND PROCEDURE.

1. The physical presence of the movant in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

2. A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

5. Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

7. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

Sec. 150. NEW SECTION. 252K.317 COMMUNICATIONS BETWEEN TRIBUNALS.

A tribunal of this state may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this state may furnish similar information by similar means to a tribunal of another state.

Sec. 151. NEW SECTION. 252K.318 ASSISTANCE WITH DISCOVERY.

A tribunal of this state may:

1. Request a tribunal of another state to assist in obtaining discovery.

2. Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

Sec. 152. NEW SECTION. 252K.319 RECEIPT AND DISBURSEMENT OF PAYMENTS.

A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or a tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

ARTICLE 4

ESTABLISHMENT OF SUPPORT ORDER

Sec. 153. NEW SECTION. 252K.401 PETITION TO ESTABLISH SUPPORT ORDER.

1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this

state may issue a support order if any of the following applies:

- a. The individual seeking the order resides in another state.
- b. The support enforcement agency seeking the order is located in another state.
2. The tribunal may issue a temporary child-support order if any of the following applies:
 - a. The respondent has signed a verified statement acknowledging parentage.
 - b. The respondent has been determined by or pursuant to law to be the parent.
 - c. There is other clear and convincing evidence that the respondent is the child's parent.
3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 252K.305.

ARTICLE 5

ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

Sec. 154. NEW SECTION. 252K.501 EMPLOYER'S RECEIPT OF INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under the income-withholding law of this state without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

Sec. 155. NEW SECTION. 252K.502 EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

1. Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.
2. The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.
3. Except as otherwise provided in subsection 4 and section 252K.503 the employer shall withhold and distribute

the funds as directed in the withholding order by complying with terms of the order which specify:

- a. The duration and amount of periodic payments of current child support, stated as a sum certain.
- b. The person or agency designated to receive payments and the address to which the payments are to be forwarded.
- c. Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment.
- d. The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain.
- e. The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.
4. An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

- a. The employer's fee for processing an income-withholding order.
- b. The maximum amount permitted to be withheld from the obligor's income.
- c. The times within which the employer must implement the withholding order and forward the child support payment.

Sec. 156. NEW SECTION. 252K.503 COMPLIANCE WITH MULTIPLE INCOME-WITHHOLDING ORDERS.

If an obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

Sec. 157. NEW SECTION. 252K.504 IMMUNITY FROM CIVIL LIABILITY.

An employer who complies with an income-withholding order issued in another state in accordance with this article is not

subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

Sec. 158. NEW SECTION. 252K.505 PENALTIES FOR NONCOMPLIANCE.

An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Sec. 159. NEW SECTION. 252K.506 CONTEST BY OBLIGOR.

1. An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued by a tribunal of this state. Section 252K.604 applies to the contest.

2. The obligor shall give notice of the contest to:

a. A support enforcement agency providing services to the obligee.

b. Each employer that has directly received an income-withholding order.

c. The person or agency designated to receive payments in the income-withholding order, or if no person or agency is designated, to the obligee.

Sec. 160. NEW SECTION. 252K.507 ADMINISTRATIVE ENFORCEMENT OF ORDERS.

1. A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this state.

2. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or

administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

ARTICLE 6

ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER
AFTER REGISTRATION

PART 1

REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

Sec. 161. NEW SECTION. 252K.601 REGISTRATION OF ORDER FOR ENFORCEMENT.

A support order or an income-withholding order issued by a tribunal of another state may be registered in this state for enforcement.

Sec. 162. NEW SECTION. 252K.602 PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT.

1. A support order or income-withholding order of another state may be registered in this state by sending the following documents and information to the appropriate tribunal in this state:

a. A letter of transmittal to the tribunal requesting registration and enforcement.

b. Two copies, including one certified copy, of all orders to be registered, including any modification of an order.

c. A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage.

d. The name of the obligor and, if known:

(1) The obligor's address and social security number.

(2) The name and address of the obligor's employer and any other source of income of the obligor.

(3) A description and the location of property of the obligor in this state not exempt from execution.

e. The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

2. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a

foreign judgment, together with one copy of the documents and information, regardless of their form.

3. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

Sec. 163. NEW SECTION. 252K.603 EFFECT OF REGISTRATION FOR ENFORCEMENT.

1. A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this state.

2. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

3. Except as otherwise provided in this article, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

Sec. 164. NEW SECTION. 252K.604 CHOICE OF LAW.

1. The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

2. In a proceeding for arrearages, the statute of limitation under the laws of this state or of the issuing state, whichever is longer, applies.

PART 2

CONTEST OF VALIDITY OR ENFORCEMENT

Sec. 165. NEW SECTION. 252K.605 NOTICE OF REGISTRATION OF ORDER.

1. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

2. The notice must inform the nonregistering party:

a. That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.

b. That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice.

c. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted.

d. Of the amount of any alleged arrearages.

3. Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the income-withholding law of this state.

Sec. 166. NEW SECTION. 252K.606 PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED ORDER.

1. A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within twenty days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 252K.607.

2. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

3. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

Sec. 167. NEW SECTION. 252K.607 CONTEST OF REGISTRATION OR ENFORCEMENT.

1. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- a. The issuing tribunal lacked personal jurisdiction over the contesting party.
- b. The order was obtained by fraud.
- c. The order has been vacated, suspended, or modified by a later order.
- d. The issuing tribunal has stayed the order pending appeal.
- e. There is a defense under the law of this state to the remedy sought.
- f. Full or partial payment has been made.
- g. The statute of limitation under section 252K.604 precludes enforcement of some or all of the arrearages.

2. If a party presents evidence establishing a full or partial defense under subsection 1, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

3. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

Sec. 168. NEW SECTION. 252K.608 CONFIRMED ORDER.

Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

PART 3

REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER

Sec. 169. NEW SECTION. 252K.609 PROCEDURE TO REGISTER CHILD-SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued in another

state shall register that order in this state in the same manner provided in Part 1 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Sec. 170. NEW SECTION. 252K.610 EFFECT OF REGISTRATION FOR MODIFICATION.

A tribunal of this state may enforce a child-support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of section 252K.611 have been met.

Sec. 171. NEW SECTION. 252K.611 MODIFICATION OF CHILD-SUPPORT ORDER OF ANOTHER STATE.

1. After a child-support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if section 252K.613 does not apply and after notice and hearing it finds that paragraph "a" or "b" applies:

a. The following requirements are met:

- (1) The child, the individual obligee, and the obligor do not reside in the issuing state.
- (2) A movant who is a nonresident of this state seeks modification.
- (3) The respondent is subject to the personal jurisdiction of the tribunal of this state.

b. The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are individuals have filed written consents in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child-support order.

2. Modification of a registered child-support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

3. A tribunal of this state may not modify any aspect of a child-support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child-support orders for the same obligor and child, the order that controls and must be so recognized under section 252K.207 establishes the aspects of the support order which are nonmodifiable.

4. On issuance of an order modifying a child-support order issued in another state, a tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

Sec. 172. NEW SECTION. 252K.612 RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE.

A tribunal of this state shall recognize a modification of its earlier child-support order by a tribunal of another state which assumed jurisdiction pursuant to this chapter or a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall:

1. Enforce the order that was modified only as to amounts accruing before the modification.
2. Enforce only nonmodifiable aspects of that order.
3. Provide other appropriate relief only for violations of the order which occurred before the effective date of the modification.
4. Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Sec. 173. NEW SECTION. 252K.613 JURISDICTION TO MODIFY CHILD-SUPPORT ORDER OF ANOTHER STATE WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE.

1. If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child-support order in a proceeding to register that order.

2. A tribunal of this state exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2, this article, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 do not apply.

Sec. 174. NEW SECTION. 252K.614 NOTICE TO ISSUING TRIBUNAL OF MODIFICATION.

Within thirty days after issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

ARTICLE 7

DETERMINATION OF PARENTAGE

Sec. 175. NEW SECTION. 252K.701 PROCEEDING TO DETERMINE PARENTAGE.

1. A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

2. In a proceeding to determine parentage, a responding tribunal of this state shall apply the procedural and substantive laws pursuant to chapters 252A and 252F, and the rules of this state on choice of law.

ARTICLE 8

INTERSTATE RENDITION

Sec. 176. NEW SECTION. 252K.801 GROUNDS FOR RENDITION.

1. For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

2. The governor of this state may:

a. Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee.

b. On the demand by the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

3. A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Sec. 177. NEW SECTION. 252K.802 CONDITIONS OF RENDITION.

1. Before making demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

2. If, under this chapter, or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

3. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the movant prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9

MISCELLANEOUS PROVISIONS

Sec. 178. NEW SECTION. 252K.901 UNIFORMITY OF APPLICATION AND CONSTRUCTION.

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Sec. 179. NEW SECTION. 252K.902 SHORT TITLE.

This chapter may be cited as the Uniform Interstate Family Support Act.

Sec. 180. NEW SECTION. 252K.903 SEVERABILITY CLAUSE.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 181. NEW SECTION. 252K.904 EFFECTIVE DATE -- PENDING MATTERS.

1. This chapter takes effect January 1, 1998.

2. A tribunal of this state shall apply this chapter beginning January 1, 1998, with the following conditions:

a. Matters pending on January 1, 1998, shall be governed by this chapter.

b. Pleadings and accompanying documents on pending matters are sufficient if the documents substantially comply with the requirements of chapter 252A in effect on December 31, 1997.

DIVISION XII

Sec. 182. Section 598.1, subsections 3 and 5, Code 1997, are amended to read as follows:

Sec. 186. Section 598.5, subsection 5, Code 1997, is amended to read as follows:

5. State whether or not a separate action for dissolution of marriage or child support has been commenced by the respondent and whether such action is pending in any court in this state or elsewhere. State whether the entry of an order would violate 28 U.S.C. § 1738B. If there is an existing child support order, the party shall disclose identifying information regarding the order.

Sec. 187. NEW SECTION. 598.14A RETROACTIVE MODIFICATION OF TEMPORARY SUPPORT ORDER.

An order for temporary support may be retroactively modified only from three months after notice of hearing for temporary support pursuant to section 598.11 or from three months after notice of hearing for modification of a temporary order for support pursuant to section 598.14. The three-month limitation applies to modification actions pending on or after July 1, 1997.

Sec. 188. Section 598.21, subsection 4, paragraph a, Code 1997, is amended to read as follows:

a. Upon Unless prohibited pursuant to 28 U.S.C. § 1738B, upon every judgment of annulment, dissolution, or separate maintenance, the court may order either parent or both parents to pay an amount reasonable and necessary for supporting a child. In establishing the amount of support, consideration shall be given to the responsibility of both parents to support and provide for the welfare of the minor child and of a child's need, whenever practicable, for a close relationship with both parents. There shall be a rebuttable presumption that the amount of child support which would result from the application of the guidelines prescribed by the supreme court is the correct amount of child support to be awarded. A variation from the guidelines shall not be considered by a court without a record or written finding, based on stated reasons, that the guidelines would be unjust or inappropriate as determined under the criteria prescribed by the supreme court.

The court shall order as child medical support a health benefit plan as defined in chapter 252E if available to either parent at a reasonable cost. A health benefit plan is considered reasonable in cost if it is employment-related or other group health insurance, regardless of the service delivery mechanism. The premium cost of the health benefit plan may be considered by the court as a reason for varying from the child support guidelines. If a health benefit plan is not available at a reasonable cost, the court may order any other provisions for medical support as defined in chapter 252E.

Sec. 189. Section 598.21, subsection 4A, paragraph c, Code 1997, is amended to read as follows:

c. Notwithstanding paragraph "a", in a pending dissolution action under this chapter, a prior determination of paternity by operation of law through the marriage of the established father and mother of the child may be overcome under this chapter if the following conditions are met:

~~(1) The established father and mother of the child file a written statement with the court that both parties agree that the established father is not the biological father of the child.~~

~~(2) The court finds that it is in the best interest of the child to overcome the established paternity. In determining the best interest of the child, the court shall consider the criteria provided in section 600B.41A, subsection 3, paragraph "g".~~

Sec. 190. Section 598.21, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. The court may order a postsecondary education subsidy if good cause is shown.

a. In determining whether good cause exists for ordering a postsecondary education subsidy, the court shall consider the age of the child, the ability of the child relative to postsecondary education, the child's financial resources, whether the child is self-sustaining, and the financial condition of each parent. If the court determines that good

3. "Joint custody" or "joint legal custody" means an award of legal custody of a minor child to both parents jointly under which both parents have legal custodial rights and responsibilities toward the child and under which neither parent has legal custodial rights superior to those of the other parent. ~~The court may award physical care to one parent only.~~ Rights and responsibilities of joint legal custody include, but are not limited to, equal participation in decisions affecting the child's legal status, medical care, education, extracurricular activities, and religious instruction.

5. "Physical care" means the right and responsibility to ~~maintain the principal a home of for~~ the minor child and provide for the routine care of the child.

Sec. 183. Section 598.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. "Joint physical care" means an award of physical care of a minor child to both joint legal custodial parents under which both parents have rights and responsibilities toward the child including, but not limited to, shared parenting time with the child, maintaining homes for the child, providing routine care for the child and under which neither parent has physical care rights superior to those of the other parent.

NEW SUBSECTION. 3B. "Legal custody" or "custody" means an award of the rights of legal custody of a minor child to a parent under which a parent has legal custodial rights and responsibilities toward the child. Rights and responsibilities of legal custody include, but are not limited to, decision making affecting the child's legal status, medical care, education, extracurricular activities, and religious instruction.

Sec. 184. Section 598.1, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Postsecondary education subsidy" means an amount which either of the parties may be required to pay under a temporary order or final judgment or decree for

educational expenses of a child who is between the ages of eighteen and twenty-two years if the child is regularly attending a course of vocational-technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or community college; or has been accepted for admission to a college, university, or community college and the next regular term has not yet begun.

Sec. 185. Section 598.1, subsection 6, Code 1997, is amended to read as follows:

6. "Support" or "support payments" means an amount which the court may require either of the parties to pay under a temporary order or a final judgment or decree, and may include alimony, child support, maintenance, and any other term used to describe these obligations. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support is not included in the monetary amount of child support. The obligations may shall include support for a child who is between the ages of eighteen and twenty-two nineteen years who is regularly-attending-an-accredited-school in-pursuance-of-a-course-of-study-leading-to-a-high-school diploma-or-its-equivalent,-or-regularly-attending-a-course-of vocational-technical-training-either-as-a-part-of-a-regular school-program-or-under-special-arrangements-adapted-to-the individual-person's-needs,-or-is,-in-good-faith,-a-full-time student-in-a-college,-university,-or-community-college,-or-has been-accepted-for-admission-to-a-college,-university,-or community-college-and-the-next-regular-term-has-not-yet-begun, or engaged full-time in completing high school graduation or equivalency requirements in a manner which is reasonably expected to result in completion of the requirements prior to the person reaching nineteen years of age; and may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.

cause is shown for ordering a postsecondary education subsidy, the court shall determine the amount of subsidy as follows:

(1) The court shall determine the cost of postsecondary education based upon the cost of attending an in-state public institution for a course of instruction leading to an undergraduate degree and shall include the reasonable costs for only necessary postsecondary education expenses.

(2) The court shall then determine the amount, if any, which the child may reasonably be expected to contribute, considering the child's financial resources, including but not limited to the availability of financial aid whether in the form of scholarships, grants, or student loans, and the ability of the child to earn income while attending school.

(3) The child's expected contribution shall be deducted from the cost of postsecondary education and the court shall apportion responsibility for the remaining cost of postsecondary education to each parent. The amount paid by each parent shall not exceed thirty-three and one-third percent of the total cost of postsecondary education.

b. A postsecondary education subsidy shall be payable to the child, to the educational institution, or to both, but shall not be payable to the custodial parent.

c. A postsecondary education subsidy shall not be awarded if the child has repudiated the parent by publicly disowning the parent, refusing to acknowledge the parent, or by acting in a similar manner.

d. The child shall forward, to each parent, reports of grades awarded at the completion of each academic session, within ten days of receipt of the reports. Unless otherwise specified by the parties, a postsecondary education subsidy awarded by the court shall be terminated upon the child's completion of the first calendar year of course instruction if the child fails to maintain a cumulative grade point average in the median range or above during that first calendar year.

NEW SUBSECTION. 8A. If a parent awarded joint legal custody and physical care or sole legal custody is relocating the residence of the minor child to a location which is one

hundred fifty miles or more from the residence of the minor child at the time that custody was awarded, the court may consider the relocation a substantial change in circumstances. If the court determines that the relocation is a substantial change in circumstances, the court shall modify the custody order to, at a minimum, preserve, as nearly as possible, the existing relationship between the minor child and the nonrelocating parent. If modified, the order may include a provision for extended visitation during summer vacations and school breaks and scheduled telephone contact between the nonrelocating parent and the minor child. The modification may include a provision assigning the responsibility for transportation of the minor child for visitation purposes to either or both parents. If the court makes a finding of past interference by the parent awarded joint legal custody and physical care or sole legal custody with the minor child's access to the other parent, the court may order the posting of a cash bond to assure future compliance with the visitation provisions of the decree. The supreme court shall prescribe guidelines for the forfeiting of the bond and restoration of the bond following forfeiting of the bond.

Sec. 191. Section 598.21, subsection 8, unnumbered paragraphs 2 and 3, Code 1997, are amended to read as follows:

A Unless otherwise provided pursuant to 28 U.S.C. § 1738B, a modification of a support order entered under chapter 234, 252A, 252C, 600B, this chapter, or any other support chapter or proceeding between parties to the order is void unless the modification is approved by the court, after proper notice and opportunity to be heard is given to all parties to the order, and entered as an order of the court. If support payments have been assigned to the department of human services pursuant to section 234.39, 239.3, or 252E.11, or if services are being provided pursuant to chapter 252B, the department ~~shall be considered~~ is a party to the support order. Modifications of orders pertaining to child custody shall be made pursuant to chapter 598A. If the petition for a modification of an order pertaining to child custody asks

either for joint custody or that joint custody be modified to an award of sole custody, the modification, if any, shall be made pursuant to section 598.41.

Judgments for child support or child support awards entered pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code which are subject to a modification proceeding may be retroactively modified only from three months after the date the notice of the pending petition for modification is served on the opposing party. The three-month limitation applies to a modification action pending on or after July 1, 1997. The prohibition of retroactive modification does not bar the child support recovery unit from obtaining orders for accrued support for previous time periods. Any retroactive modification which increases the amount of child support or any order for accrued support under this paragraph shall include a periodic payment plan. A retroactive modification shall not be regarded as a delinquency unless there are subsequent failures to make payments in accordance with the periodic payment plan.

Sec. 192. Section 598.21, subsection 9, unnumbered paragraph 2, Code 1997, is amended to read as follows:

This basis for modification is applicable to petitions filed on or after July 1, 1992, notwithstanding whether the guidelines prescribed by subsection 4 were used in establishing the current amount of support. Upon application for a modification of an order for child support for which services are being received pursuant to chapter 252B, the court shall set the amount of child support based upon the most current child support guidelines established pursuant to subsection 4, including provisions for medical support pursuant to chapter 252E. The child support recovery unit shall, in submitting an application for modification, or adjustment, or alteration of an order for support, employ additional criteria and procedures as provided in chapter 252H and as established by rule.

Sec. 193. Section 598.21, subsection 10, Code 1997, is amended to read as follows:

10. Notwithstanding any other provision of law to the contrary, when an application for modification or adjustment of support is submitted by the child support recovery unit, the sole issues which may be considered by the court in that action are the application of the guidelines in establishing the amount of support pursuant to subsection 4, and provision for medical support under chapter 252E. When an application for a cost-of-living alteration of support is submitted by the child support recovery unit pursuant to section 252H.24, the sole issue which may be considered by the court in the action is the application of the cost-of-living alteration in establishing the amount of child support. Issues related to custody, visitation, or other provisions unrelated to support shall be considered only under a separate application for modification.

Sec. 194. Section 598.22, Code 1997, is amended to read as follows:

598.22 SUPPORT PAYMENTS -- CLERK OF COURT -- COLLECTION SERVICES CENTER -- DEFAULTS -- SECURITY.

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

obligor under the federal Social Security Act. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the assignment of order for income withholding or notice of the order for income withholding shall require the payment of such sums to the alternate payee in accordance with the federal Act.

~~Upon a finding of previous failure to pay child support, the court may order the person obligated for permanent child support to make an assignment of periodic earnings or trust income to the clerk of court or the collection services center established pursuant to section 252B:13A for the use of the person for whom the assignment is ordered. The assignment of earnings ordered by the court shall not exceed the amounts set forth in 15 U.S.C. § 1673(b)(1982). The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon that person of notice that the assignment has been made. The payor shall withhold from the earnings or trust income payable to the person obligated the amount specified in the assignment and shall transmit the payments to the clerk or the collection services center, as appropriate. An income withholding order or notice of the order for income withholding shall be entered under the terms and conditions of chapter 252D. However, for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the payor shall transmit the payments to the alternate payee in accordance with the federal Act. The payor may deduct from each payment a sum not exceeding two dollars as a reimbursement for costs. An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.~~

~~An assignment of periodic income may also be entered under the terms and conditions of chapter 252D.~~

An order or judgment entered by the court for temporary or permanent support or for an assignment income withholding shall be filed with the clerk. The orders have the same force and effect as judgments when entered in the judgment docket and lien index and are records open to the public. The clerk

or the collection services center, as appropriate, shall disburse the payments received pursuant to the orders or judgments within two working days of the receipt of the payments. All moneys received or disbursed under this section shall be entered in records kept by the clerk, or the collection services center, as appropriate, which shall be available to the public. The clerk or the collection services center shall not enter any moneys paid in the record book if not paid directly to the clerk or the center, as appropriate, except as provided for trusts and federal social security disability payments in this section, and for tax refunds or rebates in section 602.8102, subsection 47.

If the sums ordered to be paid in a support payment order are not paid to the clerk or the collection services center, as appropriate, at the time provided in the order or judgment, the clerk or the collection services center, as appropriate, shall certify a default to the court which may, on its own motion, proceed as provided in section 598.23.

Prompt payment of sums required to be paid under sections 598.11 and 598.21 is the essence of such orders or judgments and the court may act pursuant to section 598.23 regardless of whether the amounts in default are paid prior to the contempt hearing.

Upon entry of an order for support or upon the failure of a person to make payments pursuant to an order for support, the court may require the person to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support. Upon the person's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

For the purpose of enforcement, medical support is additional support which, upon being reduced to a dollar amount, may be collected through the same remedies available for the collection and enforcement of child support.

The clerk of the district court in the county in which the order for support is filed and to whom support payments are made pursuant to the order may require the person obligated to

pay support to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

Sec. 195. NEW SECTION. 598.22B INFORMATION REQUIRED IN ORDER OR JUDGMENT.

This section applies to all initial or modified orders for paternity or support entered under this chapter, chapter 234, 252A, 252C, 252F, 252H, 252K, 600B, or under any other chapter, and any subsequent order to enforce such support orders.

1. All such orders or judgments shall direct each party to file with the clerk of court or the child support recovery unit, as appropriate, upon entry of the order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of the party's employer. The order shall also include a provision that the information filed will be disclosed and used pursuant to this section. The party shall file the information with the clerk of court, or, if support payments are to be directed to the collection services center as provided in sections 252B.14 and 252B.16, with the child support recovery unit.

2. All such orders or judgments shall include a statement that in any subsequent child support action initiated by the child support recovery unit or between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the unit or the court may deem due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the clerk of court or unit pursuant to subsection 1.

3. a. Information filed pursuant to subsection 1 shall not be a public record.

b. Information filed with the clerk of court pursuant to subsection 1 shall be available to the child support recovery unit, upon request.

c. Information filed with the clerk of court shall be available, upon request, to a party unless the party filing the information also files an affidavit alleging the party has reason to believe that release of the information may result in physical or emotional harm to the affiant or child.

d. If the child support recovery unit is providing services pursuant to chapter 252B, information filed with the unit shall only be disclosed as provided in section 252B.9.

Sec. 196. Section 598.23, subsection 2, paragraph a, Code 1997, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Withholds income under the terms and conditions of chapter 252D.

Sec. 197. Section 598.23, subsection 2, Code 1997, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. Directs the parties to provide contact with the child through a neutral party or neutral site or center.

NEW PARAGRAPH. d. Imposes sanctions or specific requirements or orders the parties to participate in mediation to enforce the joint custody provisions of the decree.

Sec. 198. Section 598.34, Code 1997, is amended to read as follows:

598.34 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF SUPPORT PAYMENTS.

A person entitled to periodic support payments pursuant to an order or judgment entered in an action for dissolution of marriage, who is also a recipient of public assistance, is deemed to have assigned the person's rights to the support payments, to the extent of public assistance received by the person, to the department of human services. If public assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or for the child or caretaker not to exceed the amount of public

assistance paid for or on behalf of the child or caretaker. The department shall immediately notify the clerk of court by mail when a person entitled to support payments such a child or caretaker has been determined to be eligible for public assistance. Upon notification by the department that a person entitled to periodic support payments pursuant to this chapter is receiving public assistance, the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. For public assistance approved and provided on or after July 1, 1997, if the applicant for public assistance is a person other than a parent of the child, the department shall send a notice by regular mail to the last known addresses of the obligee and obligor. The clerk of court shall forward support payments received pursuant to section 598.22, to which the department is entitled, to the department, which may secure support payments in default through other proceedings provided for in chapter 252A or section 598.24.

The clerk shall furnish the department with copies of all orders or decrees awarding and temporary or domestic abuse orders addressing support to parties having custody of minor children when the parties are receiving public assistance or services are otherwise provided by the child support recovery unit pursuant to chapter 252B. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 199. Section 598.41, subsections 5 and 6, Code 1997, are amended to read as follows:

5. Joint physical care may be in the best interest of the child, but joint legal custody does not require joint physical care. When the court determines such action would be in the best interest of the child and would preserve the relationship between each parent and the child, joint physical care may be given awarded to both joint custodial parents or physical care

may be awarded to one joint custodial parent and not to the other. If one joint custodial parent is awarded physical care, the court shall hold that parent responsible for providing for the best interest of physical care shall support the other parent's relationship with the child. However, physical Physical care given awarded to one parent does not affect the other parent's rights and responsibilities as a joint legal custodian of the child. Rights and responsibilities as joint legal custodian of the child include, but are not limited to, equal participation in decisions affecting the child's legal status, medical care, education, extracurricular activities, and religious instruction.

6. When the a parent awarded legal custody or physical care of the a child cannot act as custodian or caretaker because the parent has died or has been judicially adjudged incompetent, the court shall award legal custody including physical care of the child to the surviving parent unless the court finds that such an award is not in the child's best interest.

Sec. 200. EFFECTIVE DATE. Sections 182, 183, 189, and 199 of this Division XII, being deemed of immediate importance, are effective upon enactment.

DIVISION XIII

Sec. 201. NEW SECTION. 252B.22 STATEWIDE SUPPORT LIEN INDEX.

1. The child support recovery unit created in chapter 252B shall establish a task force to assist in the development of a plan for a statewide support lien index. The unit, in consultation with the task force, may recommend additional statutory changes to the general assembly by January 1, 1999, to facilitate implementation of a statewide index.

2. The plan shall provide for an index pertaining to any person against whom a support judgment is entered, registered, or otherwise filed with a court in this state, against whom the unit is enforcing a support judgment, or against whom an interstate lien form promulgated by the United States

secretary of health and human services is filed. The plan shall also provide for implementation and administration of an automated statewide support lien index, access to at least one location in every county, and the development of procedures to periodically update the lien information.

3. Members of the task force may include, but shall not be limited to, representatives, appointed by the respective entity, of the Iowa land title association, the Iowa realtors' association, the Iowa state bar association, the Iowa county recorders' association, the Iowa clerks of court association, the Iowa county treasurers' association, the Iowa automobile dealers' association, department of revenue and finance, state department of transportation, the office of the secretary of state, the office of the state court administrator, and other constituency groups and agencies which have an interest in a statewide support lien index to the record liens. Appointments are not subject to sections 69.16 and 69.16A. Vacancies shall be filled by the original appointment authority and in the manner of the original appointments.

Sec. 202. Section 624.23, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In addition to other provisions relating to the attachment of liens, full faith and credit shall be afforded to liens arising for overdue support due on support judgments entered by a court or administrative agency of another state on real estate in this state owned by the obligor, for the period of ten years from the date of the judgment. Notwithstanding any other provisions of law, including but not limited to, the formatting of forms or requirement of signatures, the lien attaches on the date that a notice of interstate lien promulgated by the United States secretary of health and human services is filed with the clerk of district court in the county where the real estate is located.

The lien shall apply only prospectively as of the date of attachment to all real estate the obligor may subsequently acquire and does not retroactively apply to the chain of title

for any real estate that the obligor had disposed of prior to the date of attachment.

Sec. 203. NEW SECTION. 624.24A LIENS OF SUPPORT JUDGMENTS.

1. In addition to other provisions relating to the attachment of liens, support judgments in the appellate or district courts of this state, are liens upon the personal property titled in this state and owned by the obligor at the time of such rendition or subsequently acquired by the obligor.

2. The lien shall attach from the date of the notation on the title.

3. In addition to other provisions relating to the attachment of liens, full faith and credit shall be afforded to a lien arising for overdue support due on support judgments entered by a court or administrative agency of another state on personal property titled in this state and owned by the obligor. In this state a lien attaches on the date that a notice of interstate lien promulgated by the United States secretary of health and human services is filed with the clerk of district court in the county where the personal property is titled and the lien is noted on the title.

The lien shall apply only prospectively as of the date of attachment, shall attach to any titled personal property the obligor may subsequently acquire, and does not retroactively apply to the chain of title for any personal property that the obligor had disposed of prior to the date of attachment.

DIVISION XIV

PART A

Sec. 204. Section 600B.9, Code 1997, is amended to read as follows:

600B.9 TIME OF INSTITUTING PROCEEDINGS.

The proceedings may be instituted during the pregnancy of the mother or after the birth of the child, but, except with the consent of all parties, the trial shall not be held until after the birth of the child and shall be held no earlier than twenty days from the date the alleged father is served with

notice of the action or, if blood or genetic tests are conducted, no earlier than fifty thirty days from the date the test results are filed with the clerk of the district court as provided under section 600B.41.

Sec. 205. Section 600B.18, Code 1997, is amended to read as follows:

600B.18 METHOD OF TRIAL.

The trial shall be by ~~jury~~ if either party demands a jury otherwise by the court, and shall be conducted as in other civil cases.

Sec. 206. Section 600B.23, Code 1997, is amended to read as follows:

600B.23 COSTS PAYABLE BY COUNTY.

If the ~~verdict of the jury at the trial or the~~ finding of the court be in favor of the defendant the costs of the action shall be paid by the county.

Sec. 207. Section 600B.24, subsection 2, Code 1997, is amended to read as follows:

2. Upon a finding ~~or verdict~~ of paternity against the defendant, the court shall enter a judgment against the defendant declaring paternity and ordering support of the child.

Sec. 208. Section 600B.25, Code 1997, is amended to read as follows:

600B.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT ORDER -- EVIDENCE -- COSTS.

1. Upon a finding ~~or verdict~~ of paternity pursuant to section 600B.24, the court shall establish the father's monthly support payment and the amount of the support debt accrued or accruing pursuant to section 598.21, subsection 4, until the child reaches majority or until the child finishes high school, if after majority. The court may order the father to pay amounts the court deems appropriate for the past support and maintenance of the child and for the reasonable and necessary expenses incurred by or for the mother in connection with prenatal care, the birth of the child, and postnatal care of the child and the mother, and other medical

support as defined in section 252E.1. The court may award the prevailing party the reasonable costs of suit, including but not limited to reasonable attorney fees.

2. A copy of a bill for the costs of prenatal care or the birth of the child shall be admitted as evidence, without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred.

Sec. 209. Section 600B.38, Code 1997, is amended to read as follows:

600B.38 RECIPIENTS OF PUBLIC ASSISTANCE -- ASSIGNMENT OF SUPPORT PAYMENTS.

A person entitled to periodic support payments pursuant to an order or judgment entered in a paternity action under this chapter, who is also a recipient of public assistance, is deemed to have assigned the person's rights to the support payments, to the extent of public assistance received by the person, to the department of human services. If public assistance is provided by the department of human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker, not to exceed the amount of public assistance paid for or on behalf of the child or caretaker. The department shall immediately notify the clerk of court by mail when ~~a person entitled to support payments such a child or caretaker~~ has been determined to be eligible for public assistance. Upon notification by the department ~~that a person entitled to periodic support payments pursuant to this chapter is receiving public assistance,~~ the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. For public assistance approved and provided on or after July 1, 1997, if the applicant for public assistance is a person other than a parent of the child, the department shall send notice by regular mail to the last known addresses of the obligee and

obligor. The clerk of court shall forward support payments received pursuant to section 600B.25, to which the department is entitled, to the department, which may secure support payments in default through other proceedings prescribed in chapter 252A or section 600B.37. The clerk shall furnish the department with copies of all orders or decrees awarding and temporary or domestic abuse orders addressing support to parties having custody of minor children when the parties are receiving public assistance or services are otherwise provided by the child support recovery unit. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 210. Section 600B.41, subsections 2 and 4, Code 1997, are amended to read as follows:

2. If a blood or genetic test is required, the court shall direct that inherited characteristics be determined by appropriate testing procedures, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results and to report to the court. Appropriate testing procedures shall include any genetic test generally acknowledged as reliable by accreditation bodies designated by the secretary of the United States department of health and human services and which are performed by a laboratory approved by such an accreditation body.

4. A verified expert's report shall be admitted at trial. A copy of a bill for blood or genetic testing shall be admitted as evidence, without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for blood or genetic testing.

Sec. 211. Section 600B.41, subsection 5, paragraph a, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Test results which show a statistical probability of paternity are admissible. To challenge the test results, a party shall file a notice of the challenge, with the court,

within no later than twenty days of after the filing of the expert's report with the clerk of the district court, or if a court hearing is scheduled to resolve the issue of paternity, no later than thirty days before the original court hearing date.

Sec. 212. Section 600B.41A, subsection 3, paragraph e, subparagraph (1), Code 1997, is amended to read as follows:

(1) Unless otherwise specified pursuant to subsection 2 or 8, blood or genetic testing shall be conducted in all cases prior to the determination by the court of the best interest of the child in an action to overcome the establishment of paternity.

Sec. 213. Section 600B.41A, subsection 3, paragraph f, Code 1997, is amended to read as follows:

f. The court finds that all of the following:

(1) That the conclusion of the expert as disclosed by the evidence based upon blood or genetic testing demonstrates that the established father is not the biological father of the child.

(2) If paternity was established pursuant to section 252A.3A, the signed affidavit was based on fraud, duress, or material mistake of fact, as shown by the petitioner.

Sec. 214. Section 600B.41A, subsection 3, paragraph g, Code 1997, is amended by striking the paragraph.

Sec. 215. Section 600B.41A, subsections 4 and 6, Code 1997, are amended by striking the subsections and inserting in lieu thereof the following:

4. If the court finds that the establishment of paternity is overcome, in accordance with all of the conditions prescribed, the court shall enter an order which provides all of the following:

a. That the established father is relieved of any and all future support obligations owed on behalf of the child from the date that the order determining that the established father is not the biological father is filed.

b. That any unpaid support due prior to the date the order determining that the established father is not the biological father is filed, is satisfied.

6. a. If the court determines that test results conducted in accordance with section 600B.41 or chapter 252F exclude the established father as the biological father, the court may dismiss the action to overcome paternity and preserve the paternity determination only if all of the following apply:

(1) The established father requests that paternity be preserved and that the parent-child relationship, as defined in section 600A.2, be continued.

(2) The court finds that it is in the best interest of the child to preserve paternity. In determining the best interest of the child, the court shall consider all of the following:

(a) The age of the child.

(b) The length of time since the establishment of paternity.

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

(d) The possibility that the child could benefit by establishing the child's actual paternity.

(e) Additional factors which the court determines are relevant to the individual situation.

(3) The biological father is a party to the action and does not object to termination of the biological father's parental rights, or the established father petitions the court for termination of the biological father's parental rights and the court grants the petition pursuant to chapter 600A.

b. If the court dismisses the action to overcome paternity and preserves the paternity determination under this subsection, the court shall enter an order establishing that the parent-child relationship exists between the established father and the child, and including establishment of a support obligation pursuant to section 598.21 and provision of custody and visitation pursuant to section 598.41.

Sec. 216. Section 600B.41A, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. a. For any order entered under this section on or before the effective date of this subsection in which the court's determination excludes the established father as the biological father but dismisses the action to overcome paternity and preserves paternity, the established father may petition the court to issue an order which provides all of the following:

(1) That the parental rights of the established father are terminated.

(2) That the established father is relieved of any and all future support obligations owed on behalf of the child from the date the order under this subsection is filed.

b. The established father may proceed pro se under this subsection. The supreme court shall prescribe standard forms for use under this subsection and shall distribute the forms to the clerks of the district court.

c. If a petition is filed pursuant to this section and notice is served on any parent of the child not filing the petition and any assignee of the support obligation, the court shall grant the petition.

Sec. 217. Section 600B.30, Code 1997, is repealed.

Sec. 218. Sections 214, 215, and 216 of this Act, being deemed of immediate importance, take effect upon enactment.

PART B

Sec. 219. Section 600B.41A, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. A paternity determination made in or by a foreign jurisdiction ~~and notwithstanding section 252A-207~~ or a paternity determination which has been made in or by a foreign jurisdiction and registered in this state in accordance with section 252A.18 or chapter 252K.

Sec. 220. Section 600B.34, Code 1997, is repealed.

Sec. 221. EFFECTIVE DATE. Part B, sections 219 and 220 of this Act, are effective January 1, 1998.

DIVISION XV

Sec. 222. Section 96.3, subsection 9, paragraph c, Code 1997, is amended to read as follows:

c. However, if the department is notified of an assignment of income withholding by the child support recovery unit under chapter 252D or section 598.22 or 598.23 or if income is garnisheed by the child support recovery unit under chapter 642 and an individual's benefits are condemned to the satisfaction of the child support obligation being enforced by the child support recovery unit, the department shall deduct and withhold from the individual's benefits that amount required through legal process.

Notwithstanding section 642.2, subsections 2, 3, 6, and 7, which restrict garnishments under chapter 642 to wages of public employees, the department may be garnisheed under chapter 642 by the child support recovery unit established in section 252B.2, pursuant to a judgment for child support against an individual eligible for benefits under this chapter.

Notwithstanding section 96.15, benefits under this chapter are not exempt from income assignment withholding, garnishment, attachment, or execution if assigned-to withheld for or garnisheed by the child support recovery unit, established in section 252B.2, or if an assignment income withholding order or notice of the income withholding order under section 598.22 or 598.23 is being enforced by the child support recovery unit to satisfy the child support obligation of an individual who is eligible for benefits under this chapter.

Sec. 223. Section 144.13, subsection 2, Code 1997, is amended to read as follows:

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

Sec. 224. Section 144.13, subsection 3, Code 1997, is amended to read as follows:

3. If the mother was not married either at the time of conception, or birth, and at any time during the period between conception and birth, the name of the father shall not be entered on the certificate of birth without-the-written consent-of-the-mother-and-the-person-to-be-named-as-the father, unless a determination of paternity has been made pursuant to section 252A.3, in which case the name of the father as established shall be entered by the department. If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

Sec. 225. Section 144.13, subsection 4, paragraph c, Code 1997, is amended to read as follows:

c. A copy of the affidavit of paternity if filed pursuant to section 252A.3A and any subsequent rescision form which rescinds the affidavit.

Sec. 226. Section 144.26, Code 1997, is amended to read as follows:

144.26 DEATH CERTIFICATE.

1. A death certificate for each death which occurs in this state shall be filed with-the-county as directed by the state registrar of-the-county-in-which-the-death-occurs, within three days after the death and prior to final disposition, and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter. A death certificate shall include the social security number, if provided, of the deceased person. All information including the certifying physician's name shall be typewritten.

2. All information included on a death certificate may be provided as mutually agreed upon by the division and the child support recovery unit, including by automated exchange.

~~If-the-place-of-death-is-unknown,-a-death-certificate-shall be-filed-in-the-county-in-which-a-dead-body-is-found-within three-days-after-the-body-is-found.~~

3. The county in which a dead body is found is the county of death. If death occurs in a moving conveyance, ~~a-death certificate-shall-be-filed-in~~ the county in which the dead

body is first removed from the conveyance is the county of death.

~~If a person dies outside of the county of the person's residence, the state registrar shall send a copy of the death certificate to the county registrar of the county of the decedent's residence. The county registrar shall record the death certificate in the same records in which death certificates of persons who died within the county are recorded.~~

Sec. 227. Section 234.39, subsections 1, 2, and 3, Code 1997, are amended to read as follows:

1. For an individual to whom section 234.35, subsection 1, is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to chapter 252C, or any order establishing paternity and support for a child in foster care, shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's support obligation for the cost of foster care provided by the department. The amount of the parent's or guardian's support obligation and the amount of support debt accrued and accruing shall be established in accordance with the child support guidelines prescribed under section 598.21, subsection 4. However, the court, or the department of human services in establishing support by administrative order, may deviate from the prescribed obligation after considering a recommendation by the department for expenses related to goals and objectives of a case permanency plan as defined under section 237.15, and upon written findings of fact which specify the reason for deviation and the prescribed guidelines amount. Any order for support shall direct the payment of the support obligation to the collection services center for the use of the department's foster care recovery unit. The order shall be filed with the clerk of the district court in which the responsible parent or guardian resides and has the same force and effect as a judgment when entered in the judgment docket and lien index.

The collection services center shall disburse the payments pursuant to the order and record the disbursements. If payments are not made as ordered, the child support recovery unit may certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23 or the child support recovery unit may enforce the judgment as allowed by law. An order entered under this subsection may be modified only in accordance with the guidelines prescribed under section 598.21, subsection 8, or under chapter 252H.

2. For an individual who is served by the department of human services under section 234.35, and is not subject to a dispositional order of the juvenile court requiring the provision of foster care, the department shall determine the obligation of the individual's parent or guardian pursuant to chapter 252C and in accordance with the child support guidelines prescribed under section 598.21, subsection 4. However, the department may adjust the prescribed obligation for expenses related to goals and objectives of a case permanency plan as defined under section 237.15. An obligation determined under this subsection may be modified only in accordance with conditions under section 598.21, subsection 8, or under chapter 252H.

3. A person entitled to periodic support payments pursuant to an order or judgment entered in any action for support, who also is or has a child receiving foster care services, is deemed to have assigned to the department current and accruing support payments attributable to the child effective as of the date the child enters foster care placement, to the extent of expenditure of foster care funds. The department shall notify the clerk of the district court when a child entitled to support payments is receiving foster care services pursuant to chapter 234. Upon notification by the department that a child entitled to periodic support payments is receiving foster care services, the clerk of the district court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of assignment. The clerk of court shall furnish the

department with copies of all orders and decrees awarding support when the child is receiving foster care services. At the time the child ceases to receive foster care services, the assignment of support shall be automatically terminated. Unpaid support accrued under the assignment of support rights during the time that the child was in foster care remains due to the department up to the amount of unreimbursed foster care funds expended. The department shall notify the clerk of court of the automatic termination of the assignment. Unless otherwise specified in the support order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 228. Section 236.5, subsection 2, paragraph e, Code 1997, is amended to read as follows:

e. That Unless prohibited pursuant to 28 U.S.C. § 1738B, that the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.

Sec. 229. Section 236.10, Code 1997, is amended to read as follows:

236.10 CONFIDENTIALITY OF RECORDS.

The file in a domestic abuse case shall be sealed by the clerk of court when it is complete and after the time for appeal has expired. However, the clerk shall open the file upon application to and order of the court for good cause shown or upon request of the child support recovery unit.

Sec. 230. Section 239.3, Code 1997, is amended to read as follows:

239.3 APPLICATION FOR ASSISTANCE -- ASSIGNMENT OF SUPPORT RIGHTS.

1. An application for assistance shall be made to the department. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the administrator. The application shall be made by the specified relative with whom the dependent child resides or will reside,

and shall contain the information required on the application form. One application may be made for several children of the same family if they reside or will reside with the same specified relative.

2. An assignment of support rights is created by any of the following:

a. An applicant for assistance under this chapter and other persons covered by an application are deemed to have assigned to the department of human services at the time of application all rights to periodic support payments to the extent of public assistance received by the applicant and other persons covered by the application.

b. A determination that a child or another person covered by an application is eligible for assistance under this chapter creates an assignment by operation of law to the department of all rights to periodic support payments not to exceed the amount of public assistance received by the child and other persons covered by the application.

3. An assignment takes effect upon determination that an applicant or another person covered by an application is eligible for assistance under this chapter, applies to both current and accrued support obligations, and terminates when an applicant or another person covered by an application ceases to receive assistance under this chapter, except with respect to the amount of unpaid support obligations accrued under the assignment. If an applicant or another person covered by an application ceases to receive assistance under this chapter and the applicant or other person covered by the application receives a periodic support payment subject to limitations of federal law, the department of human services is entitled only to that amount of the periodic support payment above the current periodic support obligation.

Sec. 231. Section 421.17, subsection 21, unnumbered paragraph 1, Code 1997, is amended to read as follows:

To establish and maintain a procedure to set off against a debtor's income tax refund or rebate any debt, which is assigned to the department of human services, or which the

child support recovery unit is otherwise attempting to collect ~~on-behalf-of-an-individual-not-eligible-as-a-public-assistance recipient~~, or which the foster care recovery unit of the department of human services is attempting to collect on behalf of a child receiving foster care provided by the department of human services.

Sec. 232. Section 535.3, subsection 3, Code 1997, is amended to read as follows:

3. Interest on periodic payments for child, spousal, or medical support shall not accrue until thirty days after the payment becomes due and owing. Additionally, interest on these payments shall not accrue on amounts being paid through income withholding pursuant to chapter 252D for the time these payments are unpaid solely because the date on which the payor of income withholds income based upon the payor's regular pay cycle varies from the provisions of the support order.

Sec. 233. NEW SECTION. 595.3A APPLICATION FORM AND LICENSE, INCLUSION OF ABUSE PREVENTION LANGUAGE.

In addition to any other information contained in an application form for a marriage license and a marriage license, the application form and license shall contain the following statement in bold print:

"The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage under the full protection of the laws of this state with regard to violence and abuse. Neither of you is the property of the other. Assault, sexual abuse, and willful injury of a spouse or other family member are violations of the laws of this state and are punishable by the state."

Sec. 234. Section 595.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Previous to the issuance of any license to marry, the parties desiring the license shall sign and file a verified application with the county registrar which application either may be mailed to the parties at their request or may be signed by them at the office of the county registrar in the county in which the license is to be issued. The application shall

include the social security number of each applicant and shall set forth at least one affidavit of some competent and disinterested person stating the facts as to age and qualification of the parties. Upon the filing of the application for a license to marry, the county registrar shall file the application in a record kept for that purpose and shall take all necessary steps to ensure the confidentiality of the social security number of each applicant. All information included on an application may be provided as mutually agreed upon by the division of records and statistics and the child support recovery unit, including by automated exchange.

Sec. 235. Section 614.1, subsection 6, Code 1997, is amended to read as follows:

6. JUDGMENTS OF COURTS OF RECORD. Those founded on a judgment of a court of record, whether of this or of any other of the United States, or of the federal courts of the United States, within twenty years, except that a time period limitation shall not apply to an action to recover a judgment for child support, spousal support, or a judgment of distribution of marital assets.

Sec. 236. Section 626A.2, subsection 2, Code 1997, is amended to read as follows:

2. ~~In a A proceeding to enforce a child support order, the law of this state shall apply except as follows: is governed by 28 U.S.C. § 1738B.~~

~~a--In interpreting a child support order, a court shall apply the law of the state of the court that issued the order.~~
~~b--In an action to enforce a child support order, a court shall apply the statute of limitations of this state or the state of the court that issued the order, whichever statute provides the longer period of limitations.~~

Sec. 237. NEW SECTION. 627.6A EXEMPTIONS FOR SUPPORT -- PENSIONS AND SIMILAR PAYMENTS.

1. Notwithstanding the provisions of section 627.6, a debtor shall not be permitted to claim exemptions with regard to payment or a portion of payment under a pension, annuity,

individual retirement account, profit-sharing plan, universal life insurance policy, or similar plan or contract due to illness, disability, death, age, or length of service for child, spousal, or medical support.

2. In addition to subsection 1, if another provision of law otherwise provides that payments, income, or property are subject to attachment for child, spousal, or medical support, those provisions shall supersede section 627.6.

Sec. 238. Section 627.11, Code 1997, is amended to read as follows:

627.11 EXCEPTION UNDER DECREE FOR SPOUSAL SUPPORT.

If the party in whose favor the order, judgment, or decree for the support of a spouse was rendered has not remarried, the personal earnings of the debtor are not exempt from an order, judgment, or decree for temporary or permanent support, as defined in section ~~252B.1~~ 252D.16A, of a spouse, nor from an installment of an order, judgment, or decree for the support of a spouse.

Sec. 239. Section 627.12, Code 1997, is amended to read as follows:

627.12 EXCEPTION UNDER DECREE FOR CHILD SUPPORT.

The personal earnings of the debtor are not exempt from an order, judgment, or decree for the support, as defined in section ~~252B.1~~ 252D.16A, of a child, nor from an installment of an order, judgment, or decree for the support of a child.

Sec. 240. Section 642.2, subsections 1 and 5, Code 1997, are amended to read as follows:

1. The state of Iowa, and all of its governmental subdivisions and agencies, may be garnisheed garnished, only as provided in this section and the consent of the state and of its governmental subdivisions and agencies to those garnishment proceedings is hereby given. However, notwithstanding the requirements of this chapter, income withholding notices shall be served on the state, and all of its governmental subdivisions and agencies, pursuant to the requirements of chapter 252D.

5. Service Except as provided in subsection 1, service upon the garnishee shall be made by serving an original notice with a copy of the judgment against the defendant, and with a copy of the questions specified in section 642.5, by certified mail or by personal service upon the attorney general, county attorney, city attorney, secretary of the school district, or legal counsel of the appropriate governmental unit. The garnishee shall be required to answer within thirty days following receipt of the notice.

Sec. 241. PUBLIC ASSISTANCE -- ACCRUED SUPPORT AND ARREARAGES -- REVIEW AND RECOMMENDATIONS. The child support recovery unit shall review and make recommendations to the general assembly on or before February 1, 1998, regarding the establishment of an accrued support debt which is based upon receipt of public assistance and the determination of the amount to be withheld as payment of arrearages under an income withholding order.

DIVISION XVI
SURCHARGE

Sec. 242. Section 252B.9, subsection 2, paragraph b, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Records relating to the administration, collection, and enforcement of surcharges pursuant to section 252B.22 which are recorded by the unit or a collection entity shall be confidential records except that information, as necessary for support collection and enforcement, may be provided to other governmental agencies, the obligor or the resident parent, or a collection entity under contract with the unit unless otherwise prohibited by the federal law. A collection entity under contract with the unit shall use information obtained for the sole purpose of fulfilling the duties required under the contract, and shall disclose any records obtained by the collection entity to the unit for use in support establishment and enforcement.

Sec. 243. Section 252B.13A, Code 1997, is amended to read as follows:

252B.13A COLLECTION SERVICES CENTER.

The department shall establish within the unit a collection services center for the receipt and disbursement of support payments as defined in section 598.1 as required for orders by section 252B.14. For purposes of this section, support payments do not include attorney fees, court costs, or property settlements. The center may also receive and disburse surcharges as provided in section 252B.22.

Sec. 244. NEW SECTION. 252B.22 SURCHARGE.

1. A surcharge shall be due and payable by the obligor on a support arrearage identified as difficult to collect and referred by the unit on or after January 1, 1998, to a collection entity under contract with the unit or other state entity. The amount of the surcharge shall be a percent of the amount of the support arrearage referred to the collection entity and shall be specified in the contract with the collection entity. For the purpose of this chapter, a "collection entity" includes but is not limited to a state agency, including the central collection unit of the department of revenue and finance, or a private collection agency. Use of a collection entity is in addition to any other legal means by which support payments may be collected. The unit shall continue to use other enforcement actions, as appropriate.

2. a. Notice that a surcharge may be assessed on a support arrearage referred to a collection entity pursuant to this section shall be provided to an obligor in accordance with one of the following as applicable:

(1) In the order establishing or modifying the support obligation. The unit or district court shall include notice in any new or modified support order issued on or after July 1, 1997.

(2) Through notice sent by the unit by regular mail to the last known address of the support obligor.

b. The notice shall also advise that any appropriate information may be provided to a collection entity for purposes of administering and enforcing the surcharge.

3. Arrearages submitted for referral and surcharge pursuant to this section shall meet all of the following criteria:

a. The arrearages owed shall be based on a court or administrative order which establishes the support obligation.

b. The arrearage is due for a case in which the unit is providing services pursuant to this chapter and one for which the arrearage has been identified as difficult to collect by the unit.

c. The obligor was provided notice pursuant to subsection 2 at least fifteen days prior to sending the notice of referral pursuant to subsection 4.

4. The unit shall send notice of referral to the obligor by regular mail to the obligor's last known address, with proof of service completed according to R.C.P. § 82, at least thirty days prior to the date the arrearage is referred to the collection entity. The notice shall inform the obligor of all of the following:

a. The arrearage will be referred to a collection entity.

b. Upon referral, a surcharge is due and payable by the obligor.

c. The amount of the surcharge.

d. That the obligor may avoid referral by paying the amount of the arrearage to the collection services center within twenty days of the date of notice of referral.

e. That the obligor may contest the referral by submitting a written request for review of the unit. The request shall be received by the unit within twenty days of the date of the notice of referral.

f. The right to contest the referral is limited to a mistake of fact, which includes a mistake in the identity of the obligor, a mistake as to fulfillment of the requirements for referral under this subsection, or a mistake in the amount of the arrearages.

g. The unit shall issue a written decision following a requested review.

h. Following the issuance of a written decision by the unit denying that a mistake of fact exists, the obligor may request a hearing to challenge the surcharge by sending a written request for a hearing to the office of the unit which issued the decision. The request shall be received by the office of the unit which issued the decision within ten days of the unit's written decision. The only grounds for a hearing shall be mistake of fact. Following receipt of the written request, the unit which receives the request shall certify the matter for hearing in the district court in the county in which the underlying support order is filed.

1. The address of the collection services center for payment of the arrearages.

5. If the obligor pays the amount of arrearage within twenty days of the date of the notice of referral, referral of the arrearage to a collection entity shall not be made.

6. If the obligor requests a review or court hearing pursuant to this section, referral of the arrearages shall be stayed pending the decision of the unit or the court.

7. Actions of the unit under this section 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. However, the department shall establish, by rule pursuant to chapter 17A, an internal process to provide an additional review by the administrator of the child support recovery unit or the administrator's designee.

8. If an obligor does not pay the amount of the arrearage, does not contest the referral, or if following the unit's review and any court hearing the unit or court does not find a mistake of fact, the arrearages shall be referred to a collection entity. Following the review or hearing, if the unit or court finds a mistake in the amount of the arrearage, the arrearages shall be referred to the collection entity in the appropriate arrearage amount. For arrearages referred to a collection entity, the obligor shall pay a surcharge equal to a percent of the amount of the support arrearage due as of

the date of the referral. The surcharge is in addition to the arrearages and any other fees or charges owed, and shall be enforced by the collection entity as provided under section 252B.5. Upon referral to the collection entity, the surcharge is an automatic judgment against the obligor.

9. The director or the director's designee may file a notice of the surcharge with the clerk of the district court in the county in which the underlying support order is filed. Upon filing, the clerk shall enter the amount of the surcharge on the lien index and judgment docket.

10. Following referral of a support arrearage to a collection entity, the surcharge shall be due and owing and enforceable by a collection entity or the unit notwithstanding satisfaction of the support obligation or whether the collection entity is enforcing a support arrearage. However, the unit may waive payment of all or a portion of the surcharge if waiver will facilitate the collection of the support arrearage.

11. All surcharge payments shall be received and disbursed by the collection services center.

12. a. A payment received by the collection services center which meets all the following conditions shall be allocated as specified in paragraph "b":

- (1) The payment is for a case in which arrearages have been referred to a collection entity.
- (2) A surcharge is assessed on the arrearages.
- (3) The payment is collected under the provisions of the contract with the collection entity.

b. A payment meeting all of the conditions in paragraph "a" shall be allocated between support and costs and fees, and the surcharge according to the following formula:

- (1) The payment shall be divided by the sum of one hundred percent plus the percent specified in the contract.
- (2) The quotient shall be the amount allocated to the support arrearage and other fees and costs.
- (3) The difference between the dividend and the quotient shall be the amount allocated to the surcharge.

13. Any computer or software programs developed and any records used in relation to a contract with a collection entity remain the property of the department.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 612, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 21, 1997

TERRY E. BRANSTAD
Governor

HF 612