

# House Study Bill 183

## Bill Text

PAG LIN

1 1 DIVISION I  
1 2 PART A  
1 3 Section 1. Section [252A.3](#), subsection 8, paragraphs b and  
1 4 c, Code 1997, are amended to read as follows:  
1 5 b. By the statement of the person admitting paternity in  
1 6 court and upon concurrence of the mother. If the mother was  
1 7 married, at the time of conception, birth or at any time  
1 8 during the period between conception and birth of the child,  
1 9 to an individual other than the person admitting paternity,  
1 10 the individual to whom the mother was married at the time of  
1 11 conception, birth or at any time during the period between  
1 12 conception and birth must deny paternity in order to establish  
1 13 the paternity of the person admitting paternity upon the sole  
1 14 basis of the admission.  
1 15 c.

~~By~~

- Subject to the right of any signatory to rescind as  
1 16 provided in section 252A.3A, subsection 12, by the filing and  
1 17 registration by the state registrar of an affidavit of  
1 18 paternity executed on or after July 1, 1993, as provided in  
1 19 section 252A.3A, provided that the mother of the child was  
1 20 unmarried at the time of conception, birth and at any time  
1 21 during the period between conception and birth of the child or  
1 22 if the mother was married at the time of conception, birth or  
1 23 at any time during the period between conception and birth of  
1 24 the child, a court of competent jurisdiction has determined  
1 25 that the individual to whom the mother was married at that  
1 26 time is not the father of the child.  
1 27 Sec. 2. Section [252A.3A](#), Code 1997, is amended to read as  
1 28 follows:  
1 29 252A.3A ESTABLISHING PATERNITY BY AFFIDAVIT.  
1 30 1. The paternity of a child born out of wedlock may be  
1 31 legally established by the completion,

~~and~~

- filing and  
1 32 registration by the state registrar of an affidavit of  
1 33 paternity only as provided by this section.  
1 34 2. When paternity has not been legally established,  
1 35 paternity may be established by affidavit under this section  
2 1 for the following children:  
2 2 a. The child of a woman who was unmarried at the time of  
2 3 conception,

~~and~~

- birth and at any time during the period  
2 4 between conception and birth of the child.  
2 5 b. The child of a woman who is married at the time of  
2 6 conception,

~~or~~

- birth or at any time during the period between  
2 7 conception and birth of the child if a court of competent  
2 8 jurisdiction has determined that the individual to whom the  
2 9 mother was married at that time is not the father of the

2 10 child.

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

2 16 b. The information provided shall include a description of  
2 17 parental rights and responsibilities, including the duty to  
2 18 provide financial support for the child,

~~and~~

- the benefits of

2 19 establishing paternity, and the alternatives to and legal  
2 20 consequences of signing an affidavit of paternity, including  
2 21 the rights available if a parent is a minor.

2 22 c. Copies of the written information shall be made  
2 23 available by the child support recovery unit or the Iowa  
2 24 department of public health to those entities where an  
2 25 affidavit of paternity may be obtained as provided under  
2 26 subsection 4.

2 27 4. a. The affidavit of paternity form developed and used  
2 28 by the Iowa department of public health is the only affidavit  
2 29 of paternity form recognized for the purpose of establishing  
2 30 paternity under this section. It shall include the minimum  
2 31 requirements specified by the secretary of the United States  
2 32 department of health and human services pursuant to 42 U.S.C.  
2 33 § 652(a)(7). A properly completed affidavit of paternity form  
2 34 developed by the Iowa department of public health and existing  
2 35 on or after July 1, 1993, but which is superseded by a later  
3 1 affidavit of paternity form developed by the Iowa department  
3 2 of public health, shall have the same legal effect as a  
3 3 paternity affidavit form used by the Iowa department of public  
3 4 health on or after July 1, 1997, regardless of the date of the  
3 5 filing and registration of the affidavit of paternity, unless  
3 6 otherwise required under federal law.

3 7 b. The form shall be available from the state registrar,  
3 8 each county registrar, the child support recovery unit, and  
3 9 any institution in the state.

3 10 c. The Iowa department of public health shall make copies  
3 11 of the form available to the entities identified in paragraph  
3 12 "b" for distribution.

3 13 5. A completed affidavit of paternity shall contain or  
3 14 have attached all of the following:

3 15 a. A statement by the mother consenting to the assertion  
3 16 of paternity and the identity of the father and acknowledging  
3 17 either of the following:

3 18 (1) That the mother was unmarried at the time of  
3 19 conception.

~~and~~

- birth and at anytime during the period between

3 20 conception and birth of the child.

3 21 (2) That the mother was married at the time of conception.  
3 22

~~or~~

- birth or at any time during the period between conception

3 23 and birth of the child, and that a court order has been  
3 24 entered ruling that the individual to whom the mother was  
3 25 married at that time is not the father of the child.

3 26 b. If paragraph "a", subparagraph (2), is applicable, a  
3 27 certified copy of the filed order ruling that the husband is  
3 28 not the father of the child.

3 29 c. A statement from the putative father that the putative  
3 30 father is the father of the child.

3 31 d. The name of the child at birth and the child's birth  
3 32 date.

3 33 e. The signatures of the mother and putative father.  
3 34 f. The social security numbers of the mother and putative  
3 35 father.  
4 1 g. The addresses of the mother and putative father, as  
4 2 available.  
4 3 h. The signature of a notary public attesting to the  
4 4 identities of the parties signing the affidavit of paternity.  
4 5 i. Instructions for filing the affidavit.  
4 6 6. A completed affidavit of paternity shall be filed with  
4 7 the state registrar. However, if the affidavit of paternity  
4 8 is obtained directly from the county registrar, the completed  
4 9 affidavit may be filed with the county registrar who shall  
4 10 forward the original affidavit to the state registrar. For  
4 11 the purposes of legal establishment of paternity under this  
4 12 section, paternity is legally established only upon filing of  
4 13 the affidavit with and registration of the affidavit by the  
4 14 state registrar subject to the right of any signatory to  
4 15 recision pursuant to subsection 12.  
4 16 7. The state registrar shall make copies of affidavits of  
4 17 paternity and identifying information from the affidavits  
4 18 filed and registered pursuant to this section available to the  
4 19 child support recovery unit created under section 252B.2 in  
4 20 accordance with section 144.13, subsection 4, and any  
4 21 subsequent recision form which rescinds the affidavit.  
4 22 8. An affidavit of paternity completed and filed with and  
4 23 registered by the state registrar pursuant to this section has  
4 24 all of the following effects:  
4 25 a. Is admissible as evidence of paternity.  
4 26 b. Has the same legal force and effect as a judicial  
4 27 determination of paternity subject to the right of any  
4 28 signatory to recision pursuant to subsection 12.  
4 29 c. Serves as a basis for seeking child or medical support  
4 30 without further determination of paternity subject to the  
4 31 right of any signatory to recision pursuant to subsection 12.  
4 32 9. All institutions in the state shall provide the  
4 33 following services with respect to any newborn child born out  
4 34 of wedlock:  
4 35 a. Prior to discharge of the newborn from the institution,  
5 1 the institution where the birth occurs shall provide the  
5 2 mother and, if present, the putative father, with all of the  
5 3 following:  
5 4 (1) Written and oral information about establishment of  
5 5 paternity pursuant to subsection 3.  
5 6 (2) An affidavit of paternity form.  
5 7 (3) An opportunity for consultation with the staff of the  
5 8 institution regarding the written information provided under  
5 9 subparagraph (1).  
5 10 (4) An opportunity to complete an affidavit of paternity  
5 11 at the institution, as provided in this section.  
5 12 b. The institution shall file any affidavit of paternity  
5 13 completed at the institution with the state registrar,  
5 14 pursuant to subsection 6, accompanied by a copy of the child's  
5 15 birth certificate, within ten days of the birth of the child.  
5 16 10. a. An institution may be reimbursed by the child  
5 17 support recovery unit created in section 252B.2 for providing  
5 18 the services described under subsection 9, or may provide the  
5 19 services at no cost.  
5 20 b. An institution electing reimbursement shall enter into  
5 21 a written agreement with the child support recovery unit for  
5 22 this purpose.  
5 23 c. An institution entering into an agreement for  
5 24 reimbursement shall assist the parents of a child born out of  
5 25 wedlock in completing and filing an affidavit of paternity.  
5 26 d. Reimbursement shall be based only on the number of  
5 27 affidavits completed in compliance with this section and  
5 28 submitted to the state registrar during the duration of the  
5 29 written agreement with the child support recovery unit.

5 30 e. The reimbursement rate is twenty dollars for each  
5 31 completed affidavit filed with the state registrar.

5 32 11. The state registrar, upon request of the mother or the  
5 33 putative father, shall provide the following services with  
5 34 respect to a child born out of wedlock:

5 35 a. Written and oral information about the establishment of  
6 1 paternity pursuant to subsection 3.

6 2 b. An affidavit of paternity form.

6 3 c. An opportunity for consultation with staff regarding  
6 4 the information provided under paragraph "a".

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

6 7 (1) Registration by the state registrar of a completed and  
6 8 notarized recision form signed by either the mother or  
6 9 putative father who signed the affidavit of paternity that the  
6 10 putative father is not the father of the child. The completed  
6 11 and notarized recision form shall be filed with the state  
6 12 registrar for the purpose of registration prior to the earlier  
6 13 of the following:

6 14 (a) Sixty days after the latest notarized signature of the  
6 15 mother or putative father on the affidavit of paternity.

6 16 (b) Twenty days after the service of the notice or  
6 17 petition initiating a proceeding in this state to which the  
6 18 signatory is a party relating to the child, including a  
6 19 proceeding to establish a support order under chapter 252A,  
6 20 252C, 252F, 598, or 600B or other law of this state.

6 21 (2) If a proceeding in this state to which the signatory  
6 22 is a party relating to the child is initiated by the child  
6 23 support recovery unit, filing a completed and notarized  
6 24 recision form signed by either the mother or putative father  
6 25 who signed the affidavit of paternity attesting that the  
6 26 putative father is not the father of the child. The completed  
6 27 and notarized recision form shall be filed with the state  
6 28 registrar or the child support recovery unit prior to the  
6 29 earlier of the following:

6 30 (a) Sixty days after the latest notarized signature of the  
6 31 mother or putative father on the affidavit of paternity.

6 32 (b) Twenty days after the service of the notice or  
6 33 petition initiating the proceeding.

6 34 b. If the child support recovery unit receives a completed  
6 35 and notarized recision form, the unit shall file the form with  
7 1 the state registrar for registration, as appropriate.

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

7 10 d. The Iowa department of public health shall develop a  
7 11 recision form and the form shall be the only recision form  
7 12 recognized for the purpose of rescinding a completed affidavit  
7 13 of paternity. A completed recision form shall include the  
7 14 signature of a notary public attesting to the identity of the  
7 15 party signing the recision form.

7 16 13. The child support recovery unit may enter into a  
7 17 written agreement with an entity designated by the secretary  
7 18 of the United States department of health and human services  
7 19 to offer voluntary paternity establishment services.

7 20 a. The agreement shall comply with federal requirements  
7 21 pursuant to 42 U.S.C. } 666(a)(5)(C) including those regarding  
7 22 notice, materials, training, and evaluations.

7 23 b. The agreement may provide for reimbursement of the  
7 24 entity by the state if reimbursement is permitted by federal  
7 25 law.

7 26 Sec. 3. Section [252A.6A](#), subsection 1, paragraph a, Code

7 27 1997, is amended to read as follows:

7 28 a. Except with the consent of all parties, the trial shall  
7 29 not be held until after the birth of the child and shall be  
7 30 held no earlier than twenty days from the date the respondent  
7 31 is served with notice of the action or, if blood or genetic  
7 32 tests are conducted, no earlier than

~~fifty~~

- ~~thirty~~ days from

7 33 the date the test results are filed with the clerk of the  
7 34 district court as provided under section 600B.41.

7 35 Sec. 4. Section [252A.6A](#), subsection 1, Code 1997, is

8 1 amended by adding the following new paragraphs:

8 2 NEW PARAGRAPH. c. Appropriate genetic testing procedures  
8 3 shall be used which include any genetic test generally  
8 4 acknowledged as reliable by accreditation bodies designated by  
8 5 the secretary of the United States department of health and  
8 6 human services and which are performed by a laboratory  
8 7 approved by such an accreditation body.

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

8 13 Sec. 5. Section [252A.6A](#), Code 1997, is amended by adding  
8 14 the following new subsection:

8 15 NEW SUBSECTION. 3. If the expert analyzing the blood or  
8 16 genetic test concludes that the test results demonstrate that  
8 17 the putative father is not excluded and that the probability  
8 18 of the putative father's paternity is ninety-nine percent or  
8 19 higher and if the test results have not been challenged, the  
8 20 court, upon motion by a party, shall enter a temporary order  
8 21 for child support to be paid pursuant to section 598.21,  
8 22 subsection 4. The court shall require temporary support to be  
8 23 paid to the clerk of court or to the collection services  
8 24 center. If the court subsequently determines the putative  
8 25 father is not the father, the court shall terminate the  
8 26 temporary support order. All support obligations which came  
8 27 due prior to the order terminating temporary support are  
8 28 unaffected by this action and remain a judgment subject to  
8 29 enforcement.

8 30 Sec. 6. Section [252A.10](#), Code 1997, is amended to read as  
8 31 follows:

8 32 [252A.10](#) COSTS ADVANCED.

8 33 Actual costs incurred in this state incidental to any  
8 34 action brought under the provisions of this chapter shall be  
8 35 advanced by the initiating party or agency, as appropriate,  
9 1 unless otherwise ordered by the court. Where the action is  
9 2 brought by an agency of the state or county there shall be no  
9 3 filing fee or court costs of any type either advanced by or  
9 4 charged to the state or county.

9 5 Sec. 7. Section [252A.13](#), Code 1997, is amended to read as  
9 6 follows:

9 7 [252A.13](#) RECIPIENTS OF PUBLIC ASSISTANCE - ASSIGNMENT OF  
9 8 SUPPORT PAYMENTS.

9 9 A person entitled to periodic support payments pursuant to  
9 10 an order or judgment entered in a uniform support action under  
9 11 this chapter, who is also a recipient of public assistance, is  
9 12 deemed to have assigned the person's rights to the support  
9 13 payments, to the extent of public assistance received by the  
9 14 person, to the department of human services. If public  
9 15 assistance is provided by the department of human services to  
9 16 or on behalf of a dependent child or a dependent child's  
9 17 caretaker, there is an assignment by operation of law to the  
9 18 department of any and all rights in, title to, and interest in  
9 19 any support obligation, payment, and arrearages owed to or on  
9 20 behalf of the child or caretaker not to exceed the amount of

9 21 public assistance paid for or on behalf of the child or  
9 22 caretaker. The department shall immediately notify the clerk  
9 23 of court by mail when

~~a person entitled to support payments~~

9 24 such child or caretaker has been determined to be eligible for  
9 25 public assistance. Upon notification by the department

~~that a~~

9 26

~~person entitled to periodic support payments pursuant to this~~

9 27

~~chapter is receiving public assistance~~

-, the clerk of court

9 28 shall make a notation of the automatic assignment in the  
9 29 judgment docket and lien index. The notation constitutes  
9 30 constructive notice of the assignment. If the applicant for  
9 31 public assistance, for whom public assistance is approved and  
9 32 provided on or after July 1, 1997, is a person other than a  
9 33 parent of the child, the department shall send notice of the  
9 34 assignment by regular mail to the last known addresses of the  
9 35 obligee and obligor. The clerk of court shall forward support  
10 1 payments received pursuant to section 252A.6, to which the  
10 2 department is entitled, to the department, unless the court  
10 3 has ordered the payments made directly to the department under  
10 4

~~subsection 12 of~~

- that section. The department may secure

10 5 support payments in default through other proceedings  
10 6

~~prescribed in this chapter~~

-. The clerk shall furnish the

10 7 department with copies of all orders or decrees awarding and  
10 8 temporary domestic abuse orders addressing support

~~to parties~~

10 9

~~having custody of minor children~~

- when the parties are

10 10 receiving public assistance or services are otherwise provided  
10 11 by the child support recovery unit. Unless otherwise  
10 12 specified in the order, an equal and proportionate share of  
10 13 any child support awarded is presumed to be payable on behalf  
10 14 of each child, subject to the order or judgment, for purposes  
10 15 of an assignment under this section.

10 16

PART B

10 17 Sec. 8. Section [252A.1](#), Code 1997, is amended to read as  
10 18 follows:

10 19 252A.1 TITLE AND PURPOSE.

10 20 This chapter may be cited and referred to as the "

~~Uniform~~

10 21 Support of Dependents Law".

10 22 The purpose of this

~~uniform~~

- chapter is to secure support in

10 23 civil proceedings for dependent spouses, children and poor  
10 24 relatives from persons legally responsible for their support.

10 25 Sec. 9. Section [252A.2](#), Code 1997, is amended to read as  
10 26 follows:

10 27 252A.2 DEFINITIONS.

10 28 As used in this chapter, unless the context shall require  
10 29 otherwise, the following terms shall have the meanings  
10 30 ascribed to them by this section:

10 31 1. "Birth center" means birth center as defined in section  
10 32 135G.2.

10 33 2. "Birthing hospital" means a private or public hospital  
10 34 licensed pursuant to chapter 135B that has a licensed  
10 35 obstetric unit or is licensed to provide obstetric services,  
11 1 or a licensed birthing center associated with a hospital.

11 2 3. "Child" includes but shall not be limited to a  
11 3 stepchild, foster child or legally adopted child and means a  
11 4 child actually or apparently under eighteen years of age, and  
11 5 a dependent person eighteen years of age or over who is unable  
11 6 to maintain the person's self and is likely to become a public  
11 7 charge.

11 8 4. "Court" shall mean and include any court

~~by whatever~~

11 9

~~name known, in any state having reciprocal laws or laws~~

11 10

~~substantially similar to this chapter~~

~~upon which jurisdiction~~

11 11 has been conferred to determine the liability of persons for  
11 12 the support of dependents

~~within and without such state~~

11 13 5. "Dependent" shall mean and include a spouse, child,  
11 14 mother, father, grandparent or grandchild who is in need of  
11 15 and entitled to support from a person who is declared to be  
11 16 legally liable for such support

~~by the laws of the state or~~

11 17

~~states wherein the petitioner and the respondent reside~~

11 18

~~6. "Initiating state" shall mean the state of domicile or~~

11 19

~~residence of the petitioner.~~

11 20

~~7~~

~~6.~~ "Institution" means a birthing hospital or birth  
11 21 center.

11 22

~~8~~

~~7.~~ "Petitioner"

~~shall mean and include~~

~~- includes each~~

11 23 dependent person for whom support is sought in a proceeding  
11 24 instituted pursuant to this chapter or a mother or putative  
11 25 father of a dependent. However, in an action brought by the  
11 26 child support recovery unit, the state is the petitioner.  
11 27 8. "Party" means a petitioner or a respondent.  
11 28 9. "Petitioner's representative"

~~- shall mean and include a~~

11 29

~~- corporation~~

~~- includes counsel~~

~~- of a dependent person for whom~~

11 30 support is sought and counsel for a mother or putative father  
11 31 of a dependent. In an action brought by the child support  
11 32 recovery unit, "petitioner's representative" includes a county  
11 33 attorney, state's attorney

~~, commonwealth attorney~~

~~- and any~~

11 34 other public officer, by whatever title the officer's public  
11 35 office may be known, charged by law with the duty of  
12 1 instituting, maintaining, or prosecuting a proceeding under  
12 2 this chapter or under the laws of the state

~~- or states wherein~~

12 3

~~- the petitioner and the respondent reside~~

12 4 10. "Putative father" means a man who is alleged to be or  
12 5 who claims to be the biological father of a child born to a  
12 6 woman to whom the man is not married at the time of the birth  
12 7 of the child.

12 8 11. "Register" means to file a foreign support order in  
12 9 the registry of foreign support orders maintained as a filing  
12 10 in equity by the clerk of court.  
12 11

~~- 12. "Rendering state" means a state in which the court has~~

12 12

~~- issued a support order for which registration is sought or~~

12 13

~~- granted in the court of another state.~~

12 14

~~- 13~~

~~- 12. "Respondent"~~

~~- shall mean and include~~

~~- includes each~~

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

~~- 14. "Responding state" shall mean the state wherein the~~

~~-~~  
12 19

~~respondent resides or is domiciled or found.~~

~~-~~  
12 20

~~15. "State" means any state, territory, or possession of~~

~~-~~  
12 21

~~the United States, the District of Columbia, the Commonwealth~~

~~-~~  
12 22

~~of Puerto Rico, and any foreign jurisdiction in which this or~~

~~-~~  
12 23

~~a similar reciprocal law is in effect.~~

~~-~~  
12 24

~~-~~  
~~16~~

~~-~~ 13. "State registrar" means state registrar as defined  
12 25 in section 144.1.

12 26

~~17. "Summons" shall mean and include a subpoena, warrant,~~

~~-~~  
12 27

~~citation, order or other notice, by whatever name known,~~

~~-~~  
12 28

~~provided for by the laws of the state or states wherein the~~

~~-~~  
12 29

~~petitioner and the respondent reside as the means for~~

~~-~~  
12 30

~~requiring the appearance and attendance in court of the~~

~~-~~  
12 31

~~respondent in a proceeding instituted pursuant to this~~

~~-~~  
12 32

~~chapter.~~

~~-~~  
12 33 Sec. 10. Section [252A.3](#), subsections 1, 2, 3, 5, and 6,  
12 34 Code 1997, are amended to read as follows:

12 35 1. A spouse

~~in one state~~

~~- is~~

~~hereby declared to be~~

~~- liable~~

13 1 for the support of the other spouse and any child or children

13 2 under eighteen years of age and any other dependent

~~residing~~

~~-~~  
13 3

~~or found in the same state or in another state having~~

~~-~~  
13 4

~~substantially similar or reciprocal laws~~

~~-. The court~~

~~having~~

~~-~~  
13 5

~~jurisdiction of the respondent in a proceeding instituted~~

~~-~~  
13 6

~~under this chapter~~

~~- shall establish the respondent's monthly~~

13 7 support payment and the amount of the support debt accrued and

13 8 accruing pursuant to section 598.21

~~, subsection 4~~

~~-.~~  
13 9 2. A parent

~~in one state~~

~~- is~~

~~hereby declared to be~~

~~- liable~~

13 10 for the support of the parent's child or children under

13 11 eighteen years of age

~~residing or found in the same state or~~

~~-~~  
13 12

~~in another state having substantially similar or reciprocal~~

~~-~~  
13 13

~~laws~~

~~-, whenever the other parent of such child or children is~~

13 14 dead, or cannot be found, or is incapable of supporting the

13 15 child or children, and, if the liable parent is possessed of

13 16 sufficient means or able to earn the means. The court having

13 17 jurisdiction of the respondent in a proceeding instituted

13 18 under this chapter shall establish the respondent's monthly

13 19 support payment and the amount of the support debt accrued and

13 20 accruing pursuant to section 598.21, subsection 4.

13 21 3. The parents

~~in one state~~

~~- are~~

~~hereby declared to be~~

~~-~~  
13 22 severally liable for the support of a dependent child eighteen

13 23 years of age or older

~~residing or found in the same state or~~

~~-~~  
13 24

~~in another state having substantially similar or reciprocal~~

13 25

~~laws~~

~~-, whenever such child is unable to maintain the child's  
13 26 self and is likely to become a public charge.~~

13 27 5. A child or children born of parents who held or hold  
13 28 themselves out as husband and wife by virtue of a common law  
13 29 marriage

~~recognized as valid by the laws of the initiating~~

13 30

~~state and of the responding state shall be~~

~~are deemed the~~

13 31 legitimate child or children of both parents.

13 32 6. A man or woman who was or is held out as the person's  
13 33 spouse by a person by virtue of a common law marriage

13 34

~~recognized as valid by the laws of the initiating state and of~~

13 35

~~the responding state shall be~~

~~is deemed the legitimate spouse~~

14 1 of such person.

14 2 Sec. 11. Section [252A.3](#), Code 1997, is amended by adding  
14 3 the following new subsection:

14 4 NEW SUBSECTION. 9. The court may order a party to pay  
14 5 sums sufficient to provide necessary food, shelter, clothing,  
14 6 care, medical or hospital expenses, including medical support  
14 7 as defined in chapter 252E, expenses of confinement, expenses  
14 8 of education of a child, funeral expenses, and such other  
14 9 reasonable and proper expenses of the dependent as justice  
14 10 requires, giving due regard to the circumstances of the  
14 11 respective parties.

14 12 Sec. 12. Section [252A.5](#), Code 1997, is amended to read as  
14 13 follows:

14 14 252A.5 WHEN PROCEEDING MAY BE MAINTAINED.

14 15 Unless prohibited pursuant to

~~section 252A.20~~

~~28 U.S.C. }~~

14 16 [1738B](#), a proceeding to compel support of a dependent may be  
14 17 maintained under this chapter in any of the following cases:

14 18 1. Where the petitioner and the respondent are residents  
14 19 of or domiciled or found

~~in the same state~~

~~in this state.~~

14 20

~~2. Where the petitioner resides in one state and the~~

14 21

~~respondent is a resident of or is domiciled or found in~~

14 22

~~another state having substantially similar or reciprocal laws.~~

14 23

~~3. Where the respondent is not and never was a resident of~~

~~14 24~~

~~or domiciled in the initiating state and the petitioner~~

~~14 25~~

~~resides or is domiciled in such state and the respondent is~~

~~14 26~~

~~believed to be a resident of or domiciled in another state~~

~~14 27~~

~~having substantially similar or reciprocal laws.~~

~~14 28~~

~~4. Where the respondent was or is a resident of or~~

~~14 29~~

~~domiciled in the initiating state and has departed or departs~~

~~14 30~~

~~from such state leaving therein a dependent in need of and~~

~~14 31~~

~~entitled to support under this chapter and is believed to be a~~

~~14 32~~

~~resident of or domiciled in another state having substantially~~

~~14 33~~

~~similar or reciprocal laws.~~

~~14 34~~

~~5~~

~~2. Whenever the state or a political subdivision thereof~~  
14 35 furnishes support to a dependent, it has the same right

15 1 through proceedings instituted by the petitioner's

15 2 representative to invoke the provisions hereof as the

15 3 dependent to whom the support was furnished, for the purpose

15 4 of securing reimbursement of expenditures so made and of

15 5 obtaining continuing support; the petition in such case may be

15 6 verified by any official having knowledge of such expenditures

15 7 without further verification of any person and consent of the

15 8 dependent shall not be required in order to institute

15 9 proceedings under this chapter. The child support recovery

15 10 unit may bring the action based upon a statement of a witness,

15 11 regardless of age, with knowledge of the circumstances,

15 12 including, but not limited to, statements by the mother of the

15 13 dependent or a relative of the mother or the putative father.

15 14 3. If the child support recovery unit is providing

15 15 services, the unit has the same right to invoke the provisions

15 16 of this section as the dependent for which support is owed for

15 17 the purpose of securing support. The petition in such case

15 18 may be verified by any official having knowledge of the

15 19 request for services by the unit, without further verification

15 20 by any other person, and consent of the dependent shall not be

15 21 required in order to institute proceedings under this chapter.

15 22 The child support recovery unit may bring the action based  
15 23 upon the statement of a witness, regardless of age, with  
15 24 knowledge of the circumstances, including, but not limited to,  
15 25 statements by the mother of the dependent or a relative of the  
15 26 mother or the putative father.

15 27 Sec. 13. Section [252A.6](#), Code 1997, is amended to read as  
15 28 follows:

15 29 252A.6 HOW COMMENCED - TRIAL.

15 30 1. A proceeding under this chapter shall be commenced by

~~a~~

15 31

~~petitioner, or a petitioner's representative, by~~

~~filing a~~

15 32 verified petition in the court in equity in the county

~~of the~~

15 33

~~state wherein~~

~~where the~~

~~petitioner~~

~~dependent~~ resides or is

15 34 domiciled, showing the name, age, residence, and circumstances

15 35 of the

~~petitioner~~

~~dependent~~, alleging that the

~~petitioner~~

16 1 ~~dependent~~ is in need of and is entitled to support from the  
16 2 respondent, giving the respondent's name, age, residence, and  
16 3 circumstances, and praying that the respondent be compelled to  
16 4 furnish such support. The petitioner may include in or attach  
16 5 to the petition any information which may help in locating or  
16 6 identifying the respondent including, but without limitation  
16 7 by enumeration, a photograph of the respondent, a description  
16 8 of any distinguishing marks of the respondent's person, other  
16 9 names and aliases by which the respondent has been or is  
16 10 known, the name of the respondent's employer, the respondent's  
16 11 fingerprints, or social security number.

16 12

~~2. If the respondent be a resident of or domiciled in such~~

16 13

~~state and the court has or can acquire jurisdiction of the~~

16 14

~~person of the respondent under existing laws in effect in such~~

16 15

~~state, such laws shall govern and control the procedure to be~~

16 16

~~followed in such proceeding.~~

16 17

~~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~~

16 34

~~state, receives from the court of an initiating state the~~

16 35

~~aforsaid copies, it shall docket the cause, notify the county~~

17 1

~~attorney or other official acting as petitioner's~~

17 2

~~representative, set a time and place for a hearing, and take~~

17 3

~~such action as is necessary in accordance with the laws of~~

17 4

~~this state to serve notice and thus obtain jurisdiction over~~

17 5

~~the respondent. If a court of the state, acting as a~~

17 6

~~responding state, is unable to obtain jurisdiction of the~~

17 7

~~respondent or the respondent's property due to inaccuracies or~~

17 8

~~inadequacies in the petition or otherwise, the court shall~~

17 9

~~communicate this fact to the court in the initiating state,~~

17 10

~~shall on its own initiative use all means at its disposal to~~

17 11

~~trace the respondent or the respondent's property, and shall~~

17 12

~~hold the case pending the receipt of more accurate information~~

17 13

~~or an amended petition from the court in the initiating state.~~

17 14

~~However, if the court of the responding state is unable to~~

17 15

~~obtain jurisdiction because the respondent resides in or is~~

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

~~17 29  
5  
2. It shall not be necessary for the  
petitioner  
17 30 dependent or the  
petitioner's  
17 31 dependent's witnesses to appear  
personally at  
such~~

- a hearing on the petition, but it shall be  
17 32 the duty of the petitioner's representative

~~of the responding~~

-  
17 33

~~state~~

- to appear on behalf of and represent the petitioner at  
17 34 all stages of the proceeding.

17 35

~~6~~

- 3. If at

~~such~~

- a hearing on the petition the respondent

18 1 controverts the petition and enters a verified denial of any

18 2 of the material allegations

~~thereof~~

-, the judge presiding at

18 3

~~such~~

- ~~the~~ hearing shall stay the proceedings

~~and transmit to~~

-  
18 4

~~the judge of the court in the initiating state a transcript of~~

-  
18 5

~~the clerk's minutes showing the denials entered by the~~

-  
18 6

~~respondent~~

- The petitioner shall be given the opportunity to

18 7 present further evidence to address issues which the

18 8 respondent has controverted.

18 9

~~7. Upon receipt by the judge of the court in the~~

-  
18 10

~~initiating state of such transcript, such court shall take~~

-  
18 11

~~such proof, including the testimony of the petitioner and the~~

-  
18 12

~~petitioner's witnesses and such other evidence as the court~~

-  
18 13

~~may deem proper, and, after due deliberation, the court shall~~

-  
18 14

~~make its recommendation, based on all of such proof and~~

-

18 15

~~evidence, and shall transmit to the court in the responding~~

18 16

~~state an exemplified transcript of such proof and evidence and~~

18 17

~~of its proceedings and recommendation in connection therewith.~~

18 18

~~8. Upon the receipt of such transcript, the court in the~~

18 19

~~responding state shall resume its hearing in the proceeding~~

18 20

~~and shall give the respondent a reasonable opportunity to~~

18 21

~~appear and reply.~~

18 22

~~9. Upon the resumption of such hearing, the respondent~~

18 23

~~shall have the right to examine or cross examine the~~

18 24

~~petitioner and the petitioner's witnesses by means of~~

18 25

~~depositions or written interrogatories, and the petitioner~~

18 26

~~shall have the right to examine or cross examine the~~

18 27

~~respondent and the respondent's witnesses by means of~~

18 28

~~depositions or written interrogatories.~~

18 29

~~10. If a respondent, duly summoned by a court in the~~

18 30

~~responding state, willfully fails without good cause to appear~~

18 31

~~as directed in the summons, the respondent shall be punished~~

~~-~~  
18 32

~~in the same manner and to the same extent as is provided by~~

~~-~~  
18 33

~~law for the punishment of a defendant or witness who willfully~~

~~-~~  
18 34

~~disobeys a summons or subpoena duly issued out of such court~~

~~-~~  
18 35

~~in any other action or proceeding cognizable by said court.~~

~~-~~  
19 1

~~-~~  
~~11~~

~~-~~ 4. If,

~~on the return day of the summons,~~

~~the respondent~~

19 2 appears at the

~~time and place specified in the summons~~

~~hearing~~

19 3 and fails to answer the petition or admits the allegations of

19 4 the petition, or, if, after a hearing

~~has been duly held by~~

~~-~~  
19 5

~~the court in the responding state in accordance with this~~

~~-~~  
19 6

~~section,~~

~~the court has found and determined that the prayer of~~

19 7 the petitioner, or any part of the prayer, is supported by the

19 8 evidence adduced in the proceeding, and that the

~~petitioner~~

19 9 dependent is in need of and entitled to support from

~~the~~

~~-~~  
19 10

~~respondent~~

~~a party,~~ the court shall make and enter an order

19 11 directing

~~the respondent~~

~~a party~~ to furnish support

~~to the~~

~~-~~  
19 12

~~petitioner~~

~~for the dependent~~ and to pay a sum as the court

19 13 determines pursuant to section 598.21

~~subsection 4~~

~~.~~

~~.~~

~~A~~

~~-~~

19 14

~~.~~

~~certified copy of the order shall be transmitted by the court~~

~~-~~

19 15

~~.~~

~~to the court in the initiating state and the copy shall be~~

~~-~~

19 16

~~.~~

~~filed with and made a part of the records of the court in the~~

~~-~~

19 17

~~.~~

~~proceeding.~~

~~- Upon entry of an order for support or upon~~

19 18 failure of a person to make payments pursuant to an order for

19 19 support, the court may require

~~.~~

~~the respondent~~

~~- a party to~~

19 20 provide security, a bond, or other guarantee which the court

19 21 determines is satisfactory to secure the payment of the

19 22 support. Upon the

~~.~~

~~respondent's~~

~~- party's failure to pay the~~

19 23 support under the order, the court may declare the security,

19 24 bond, or other guarantee forfeited.

19 25

~~.~~

~~12~~

~~- 5. The court making such order may require the~~

19 26

~~.~~

~~respondent~~

~~- party to make payment at specified intervals to the~~

19 27 clerk of the district court

~~.~~

~~-~~

~~- or to the~~

~~.~~

~~dependent, or to any~~

~~-~~

19 28

~~.~~

~~state or county agency~~

~~- collection services center, and to~~

19 29 report personally to the sheriff or any other official, at

19 30 such times as may be deemed necessary.

19 31

~~.~~

~~13~~

~~- 6. A~~

~~.~~

~~respondent~~

~~- party who~~

~~.~~

~~shall~~

~~- willfully~~

~~.~~

~~fail~~

- fails to  
19 32 comply with or

~~violate~~

- who violates the terms or conditions of  
19 33 the support order or of the

~~respondent's~~

- party's probation

19 34 shall be punished by the court in the same manner and to the  
19 35 same extent as is provided by law for a contempt of such court  
20 1 or a violation of probation ordered by such court in any other  
20 2 suit or proceeding cognizable by such court.  
20 3

~~14. The court of this state when acting as a responding~~

~~20 4~~

~~state shall have the following duties which may be carried out~~

~~20 5~~

~~through the clerk of the court: Upon receipt of a payment~~

~~20 6~~

~~made by the respondent pursuant to any order of the court or~~

~~20 7~~

~~otherwise, to transmit the same forthwith to the court of the~~

~~20 8~~

~~initiating state, and upon request to furnish to the court of~~

~~20 9~~

~~the initiating state a certified statement of all payments~~

~~20 10~~

~~made by the respondent.~~

~~20 11~~

~~15~~

- 7. Except as provided in

~~section 252A.20~~

- 28 U.S.C. }

20 12 1738B, any order of support issued by a court

~~of the state~~

~~20 13~~

~~acting as a responding state~~

- shall not supersede any previous

20 14 order of support issued in a divorce or separate maintenance  
20 15 action, but the amounts for a particular period paid pursuant  
20 16 to either order shall be credited against amounts accruing or  
20 17 accrued for the same period under both. This subsection also  
20 18 applies to orders entered following an administrative process  
20 19 including, but not limited to, the administrative processes  
20 20 provided pursuant to chapters 252C and 252F.

20 21

~~16. The court of the initiating state shall receive and~~

20 22

~~accept all payments made by the respondent to the probation~~

20 23

~~department or bureau of the court of the responding state and~~

20 24

~~transmitted by the latter on behalf of the respondent. Upon~~

20 25

~~receipt of any such payment, and under such rules as the court~~

20 26

~~of the initiating state may prescribe, the court, or its~~

20 27

~~probation department or bureau, as the court may direct, shall~~

20 28

~~deliver such payment to the dependent person entitled thereto,~~

20 29

~~take a proper receipt and acquittance therefor, and keep a~~

20 30

~~permanent record thereof.~~

20 31

~~17. A court or administrative agency of a state that has~~

20 32

~~issued a child support order consistent with 28 U.S.C. } 1738B~~

20 33

~~has continuing, exclusive jurisdiction over the order if the~~

20 34

~~state is the state in which the child is residing or the state~~

20 35

~~is the residence of the petitioner or respondent unless the~~

21 1

~~court or administrative agency of another state, acting in~~

21 2

~~accordance with 28 U.S.C. } 1738B, has modified the order.~~

21 3 Sec. 14. Section [252A.6A](#), subsection 1, unnumbered  
21 4 paragraph 1, Code 1997, is amended to read as follows:  
21 5 When

~~a court of this state is acting as the responding~~

21 6

~~state in~~

- an action is initiated under this chapter to  
21 7 establish paternity, all of the following shall apply:  
21 8 Sec. 15. Section [252A.6A](#), subsection 2, unnumbered  
21 9 paragraph 1, Code 1997, is amended to read as follows:  
21 10 When

~~a court of this state is acting as the responding~~

21 11

~~state in~~

- an action is initiated

~~under this chapter~~

- to

21 12 establish child or medical support based on a prior  
21 13 determination of paternity and the respondent files an answer  
21 14 to the notice

~~required under section 252A.6~~

- denying paternity,

21 15 all of the following shall apply:  
21 16 Sec. 16. Section [252A.6A](#), subsection 2, paragraph a,  
21 17 subparagraph (2), Code 1997, is amended to read as follows:  
21 18 (2) If the court determines that the prior determination  
21 19 of paternity should not be overcome, pursuant to section  
21 20 600B.41A, and that the

~~respondent~~

- party has a duty to provide

21 21 support, the court shall enter an order establishing the  
21 22 monthly child support payment and the amount of the support  
21 23 debt accrued and accruing pursuant to section 598.21,  
21 24 subsection 4, or medical support pursuant to chapter 252E, or  
21 25 both.

21 26 Sec. 17. Section [252A.6A](#), subsection 2, paragraph b, Code  
21 27 1997, is amended to read as follows:

21 28 b. If the prior determination of paternity is based on an  
21 29 administrative or court order or by any other means, pursuant  
21 30 to the laws of a foreign jurisdiction, an action to overcome  
21 31 the prior determination of paternity shall be filed in that  
21 32 jurisdiction. Unless the

~~respondent~~

- party requests and is

21 33 granted a stay of an action

~~initiated under this chapter~~

- to

21 34 establish child or medical support, the action shall proceed  
21 35 as otherwise provided

~~in this chapter~~

-  
22 1 Sec. 18. Section [252A.17](#), Code 1997, is amended to read as  
22 2 follows:  
22 3 252A.17 REGISTRY OF FOREIGN SUPPORT ORDERS.

22 4 The petitioner may register

~~the~~

~~a foreign support order in~~

22 5 a court of this state in the manner and with the effect

22 6 provided in

~~sections 252A.18 and 252A.19~~

~~chapter 252K. The~~

22 7 clerk of the court shall maintain a registry of foreign

22 8 support orders in which foreign support orders shall be filed.

22 9 The filing is in equity.

22 10 Sec. 19. Section [252A.18](#), Code 1997, is amended to read as

22 11 follows:

22 12 252A.18 REGISTRATION PROCEDURE FOR FOREIGN SUPPORT ORDERS

22 13 - NOTICE.

22 14

~~1. A petitioner seeking to register a foreign support~~

22 15

~~order in a court of this state shall transmit to the clerk of~~

22 16

~~the court three certified copies of the order reflecting all~~

22 17

~~modifications, one copy of the reciprocal enforcement of~~

22 18

~~support act of the state in which the order was made, and a~~

22 19

~~statement verified and signed by the petitioner, showing the~~

22 20

~~post office address of the petitioner, the last known place of~~

22 21

~~residence and post office address of the respondent, the~~

22 22

~~amount of support remaining unpaid, a description and the~~

22 23

~~location of any property of the respondent available upon~~

22 24

~~execution, and a list of the states in which the order is~~

22 25

~~registered. Upon receipt of these documents the clerk of the~~

22 26

~~court, with payment of a filing fee of six dollars, shall file~~

~~-~~  
22 27

~~them in the registry of foreign support orders. The filing~~

~~-~~  
22 28

~~constitutes registration under this chapter.~~

~~-~~  
22 29

~~2. Promptly~~

~~- Registration of a foreign support order shall~~

~~22 30 be in accordance with chapter 252K except that, with regard to~~

~~22 31 service, promptly upon registration, the clerk of the court~~

~~22 32 shall send a notice by restricted certified mail to the~~

~~22 33 respondent~~

~~- at the address given a notice~~

~~- of the registration~~

~~22 34 with a copy of the registered support order~~

~~- and the post-~~

~~-~~  
22 35

~~office address of the petitioner, or the petitioner may~~

~~-~~  
23 1

~~request that~~

~~- or the respondent may be personally served with~~

~~23 2 the notice and the copy of the order in the same manner as~~

~~23 3 original notices are personally served. The clerk shall also~~

~~23 4 docket the case and notify the prosecuting attorney of the~~

~~23 5 action.~~

~~23 6~~

~~3. a. The respondent shall have twenty days after~~

~~-~~  
23 7

~~receiving notice of the registration in which to petition the~~

~~-~~  
23 8

~~court to vacate the registration or for other relief. If the~~

~~-~~  
23 9

~~respondent does not so petition, the respondent is in default~~

~~-~~  
23 10

~~and the registered support order is confirmed.~~

~~-~~  
23 11

~~b. If a registration action is initiated by the child~~

~~-~~  
23 12

~~support recovery unit, issues subject to challenge are limited~~

~~-~~  
23 13

~~to issues of fact relating to the support obligation and not~~

23 14

~~other issues including, but not limited to, custody and~~

23 15

~~visitation, or the terms of the support order.~~

23 16 Sec. 20. Sections 252A.4, 252A.4A, 252A.7, 252A.9,  
23 17 252A.11, 252A.12, 252A.16, 252A.19, 252A.20, 252A.24, and  
23 18 252A.25, Code 1997, are repealed.

23 19 Sec. 21. Part B, sections 8 through 20 of this Act, are  
23 20 effective January 1, 1998.

23 21 DIVISION II

23 22 PART A

23 23 Sec. 22. Section [252B.1](#), Code 1997, is amended by adding  
23 24 the following new subsection:

23 25 NEW SUBSECTION. 2A. "Child support agency" means child  
23 26 support agency as defined in section 252H.2.

23 27 Sec. 23. Section [252B.2](#), Code 1997, is amended to read as  
23 28 follows:

23 29 252B.2 UNIT ESTABLISHED - INTERVENTION - REVIEW.

23 30 There is created within the department of human services a  
23 31 child support recovery unit for the purpose of providing the  
23 32 services required in sections 252B.3 to 252B.6. The unit is  
23 33 not required to intervene in actions to provide such services.

23 34 Sec. 24. Section [252B.3](#), Code 1997, is amended to read as  
23 35 follows:

24 1 252B.3 DUTY OF DEPARTMENT TO ENFORCE CHILD SUPPORT -  
24 2 COOPERATION - RULES.

24 3 1. Upon receipt by the department of an application for  
24 4 public assistance on behalf of a child and determination by  
24 5 the department that the child

~~has been abandoned by its~~

24 6

~~parents or that the child and one parent have been abandoned~~

24 7

~~by the other parent or that the parent or other person~~

24 8

~~responsible for the care, support or maintenance of the child~~

24 9

~~has failed or neglected to give proper care or support to the~~

24 10

~~child~~

~~is eligible for public assistance and that provision of~~

24 11 child support services is appropriate, the department shall  
24 12 take appropriate action under the provisions of this chapter  
24 13 or under other appropriate statutes of this state including  
24 14 but not limited to chapters 239, 252A, 252C, 252D, 252E, 252F,  
24 15 252G, 252H, 252I, 252J, 598, and 600B, to ensure that the  
24 16 parent or other person responsible for the support of the  
24 17 child fulfills the support obligation. The department shall  
24 18 also take appropriate action as required by federal law upon  
24 19 receiving a request from a child support agency for a child  
24 20 receiving public assistance in another state.

24 21 2. The department of human services may negotiate a  
24 22 partial payment of a support obligation with a parent or other  
24 23 person responsible for the support of the child, provided that  
24 24 the negotiation and partial payment are consistent with  
24 25 applicable federal law and regulation.

24 26 3. The department shall adopt rules pursuant to chapter  
24 27 17A regarding cases in which, under federal law, it is a  
24 28 condition of eligibility for an individual who is an applicant  
24 29 for or recipient of public assistance to cooperate in good  
24 30 faith with the department in establishing the paternity of, or  
24 31 in establishing, modifying, or enforcing a support order by  
24 32 identifying and locating the parent of the child or enforcing  
24 33 rights to support payments. The rules shall include all of  
24 34 the following provisions:

24 35 a. As required by the unit, the individual shall provide  
25 1 the name of the noncustodial parent and additional necessary  
25 2 information, and shall appear at interviews, hearings, and  
25 3 legal proceedings.

25 4 b. If paternity is an issue, the individual and child  
25 5 shall submit to blood or genetic tests pursuant to a judicial  
25 6 or administrative order.

25 7 c. The individual may be requested to sign a voluntary  
25 8 affidavit of paternity, after notice of the rights and  
25 9 consequences of such an acknowledgment, but shall not be  
25 10 required to sign an affidavit or otherwise relinquish the  
25 11 right to blood or genetic tests.

25 12 d. The unit shall promptly notify the individual and the  
25 13 appropriate division of the department administering the  
25 14 public assistance program of each determination by the unit of  
25 15 noncooperation of the individual and the reason for such  
25 16 determination.

25 17 e. A procedure under which the individual may claim that,  
25 18 and the department shall determine whether, the individual has  
25 19 sufficient good cause or other exception for not cooperating,  
25 20 taking into consideration the best interest of the child.

25 21 4. Without need for a court order and notwithstanding the  
25 22 requirements of section 598.22A, the support payment ordered  
25 23 pursuant to any chapter shall be satisfied as to the  
25 24 department, the child, and either parent for the period during  
25 25 which the parents are reconciled and are cohabiting, the child  
25 26 for whom support is ordered is living in the same residence as  
25 27 the parents, and the obligor receives public assistance on the  
25 28 obligor's own behalf for the benefit of the child. The  
25 29 department shall implement this subsection as follows:

25 30 a. The unit shall file a notice of satisfaction with the  
25 31 clerk of court.

25 32 b. This subsection shall not apply unless all the children  
25 33 for whom support is ordered reside with both parents, except  
25 34 that a child may be absent from the home due to a foster care  
25 35 placement pursuant to chapter 234 or a comparable law of a  
26 1 foreign jurisdiction.

26 2 c. The unit shall send notice by regular mail to the  
26 3 obligor when the provisions of this subsection no longer  
26 4 apply. A copy of the notice shall be filed with the clerk of  
26 5 court.

26 6 d. This section shall not limit the rights of the parents  
26 7 or the department to proceed by other means to suspend,  
26 8 terminate, modify, reinstate, or establish support.

26 9 Sec. 25. Section [252B.4](#), unnumbered paragraph 1, Code  
26 10 1997, is amended to read as follows:

26 11 The child support and paternity determination services  
26 12 established by the department pursuant to this chapter and  
26 13 other appropriate services provided by law including but not  
26 14 limited to the provisions of chapters 239, 252A, 252C, 252D,  
26 15 252E, 252F, 598, and 600B shall be made available by the unit  
26 16 to an individual not otherwise eligible as a public assistance  
26 17 recipient upon application by the individual for the services

26 18 or upon referral as described in subsection 6. The  
26 19 application shall be filed with the department.  
26 20 Sec. 26. Section [252B.4](#), subsection 3, Code 1997, is  
26 21 amended to read as follows:  
26 22 3.

~~When~~

~~Except as provided in paragraph "c", when~~ the unit  
26 23 intercepts a federal tax refund of an obligor for payment of  
26 24 delinquent support and the funds are due to a recipient of  
26 25 services who is not otherwise eligible for public assistance,  
26 26 the unit shall deduct a twenty-five dollar fee from the funds  
26 27 before forwarding the balance to the recipient.  
26 28 a. The unit shall inform the recipient of the fee under  
26 29 this subsection prior to assessment.  
26 30 b. The fee shall be assessed only to individuals who  
26 31 receive support from the federal tax refund offset program.  
26 32 If the tax refund due the recipient is less than fifty  
26 33 dollars, the fee shall not be assessed.  
26 34 c. The unit shall not deduct a twenty-five dollar fee if  
26 35 the recipient is a resident of a foreign country and is  
27 1 eligible for services pursuant to subsection 6, paragraph "b".

27 2 Sec. 27. Section [252B.4](#), Code 1997, is amended by adding  
27 3 the following new subsection:

27 4 NEW SUBSECTION. 6. The unit shall also provide child  
27 5 support and paternity determination services and shall respond  
27 6 as provided in federal law for an individual not otherwise  
27 7 eligible as a public assistance recipient if the unit receives  
27 8 a request from any of the following:

27 9 a. A child support agency.  
27 10 b. A foreign reciprocating country or foreign country with  
27 11 which the state has an arrangement as provided in 42 U.S.C. }  
27 12 659A.

27 13 Sec. 28. Section [252B.5](#), subsection 3, Code 1997, is  
27 14 amended to read as follows:

27 15 3. Aid in enforcing through court or administrative  
27 16 proceedings an existing court order for support issued  
27 17 pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any  
27 18 other chapter under which child or medical support is granted.  
27 19 The director may enter into a contract with a private  
27 20 collection agency to collect support payments for cases which  
27 21 have been identified by the department as difficult collection  
27 22 cases if the department determines that this form of  
27 23 collection is more cost-effective than departmental collection  
27 24 methods. A private collection agency with whom the department  
27 25 enters a contract under this subsection shall comply with  
27 26 state and federal confidentiality requirements and debt  
27 27 collection laws. The director may use a portion of the state  
27 28 share of funds collected through this means to pay the costs  
27 29 of any contract authorized under this subsection.

27 30 Sec. 29. Section [252B.5](#), subsection 7, unnumbered  
27 31 paragraph 1, Code 1997, is amended to read as follows:

27 32 At the request of either parent who is subject to the order  
27 33 of support or upon its own initiation, review the amount of  
27 34 the support award in accordance with the guidelines  
27 35 established pursuant to section 598.21, subsection 4, and

~~the~~

28 1

~~federal Family Support Act of 1988~~

~~Title IV-D of the federal~~

28 2 Social Security Act, as amended, and take action to initiate  
28 3 modification proceedings if the criteria established pursuant  
28 4 to this section are met. However, a review of a support award  
28 5 is not required

~~in those cases for which an assignment ordered~~

28 6

~~pursuant to chapter 234 or 239 is in effect~~

~~if the child~~

28 7 support recovery unit determines that such a review would not  
28 8 be in the best interest of the child and neither parent has  
28 9 requested such review.

28 10 Sec. 30. Section [252B.5](#), subsection 9, Code 1997, is  
28 11 amended to read as follows:

28 12 9. The review and adjustment,

~~or~~

~~modification, or~~

28 13 alteration of a support order pursuant to chapter 252H upon  
28 14 adoption of rules pursuant to chapter 17A

~~governing policies~~

28 15

~~and procedures for review and adjustment or modification~~

~~and~~

28 16 periodic notification, at a minimum of once every three years,  
28 17 to parents subject to a support order of their rights to these  
28 18 services.

28 19 Sec. 31. Section [252B.5](#), Code 1997, is amended by adding  
28 20 the following new subsections:

28 21 NEW SUBSECTION. 10. The unit shall not establish orders  
28 22 for spousal support. The unit shall enforce orders for  
28 23 spousal support only if the spouse is the custodial parent of  
28 24 a child for whom the unit is also enforcing a child support or  
28 25 medical support order.

28 26 NEW SUBSECTION. 11. a. Effective October 1, 1997,  
28 27 periodically certify to the secretary of the United States  
28 28 department of health and human services, a list of the names  
28 29 of obligors determined by the unit to owe delinquent child  
28 30 support, under a support order as defined in section 252J.1,  
28 31 in excess of five thousand dollars. The determination of the  
28 32 delinquent amount owed may be based upon one or more support  
28 33 orders being enforced by the unit if the delinquent support  
28 34 owed exceeds five thousand dollars. However, the  
28 35 determination shall not include any amounts which are  
29 1 delinquent due to the retroactive application of a modified  
29 2 order. The certification shall be in a format and shall  
29 3 include any supporting documentation required by the  
29 4 secretary.

29 5 b. All of the following shall apply to an action initiated  
29 6 by the unit under this subsection:

29 7 (1) At least thirty days prior to provision of  
29 8 certification to the secretary, the unit shall send notice by  
29 9 regular mail to the last known address of the obligor. The  
29 10 notice shall include all of the following:

29 11 (a) A statement that the unit has determined that the  
29 12 obligor owes delinquent child support in excess of five  
29 13 thousand dollars.

29 14 (b) A statement that upon certification by the unit to the  
29 15 secretary, the secretary will transmit the certification to  
29 16 the United States secretary of state for denial, revocation,  
29 17 restriction, or limitation of a passport as provided in 42  
29 18 U.S.C. } 652(k).

29 19 (c) Information regarding the procedures for challenging  
29 20 the determination by the unit, based upon mistake of fact.  
29 21 For the purposes of this subsection, "mistake of fact" means a  
29 22 mistake in the identity of the obligor or a mistake in the

29 23 amount of the delinquent child support owed if the amount did  
29 24 not exceed five thousand dollars on the date of the unit's  
29 25 decision on the challenge.

29 26 (2) (a) If the obligor chooses to challenge the  
29 27 determination, the obligor shall submit the challenge in  
29 28 writing to the unit, to be received by the unit within twenty  
29 29 days of the date of the notice to the obligor. The obligor  
29 30 shall include any relevant information in the written  
29 31 challenge.

29 32 (b) Upon timely receipt of the written challenge, the unit  
29 33 shall review the determination for a mistake of fact.

29 34 (c) Following review of the determination, the unit shall  
29 35 send a written decision to the obligor within ten days of  
30 1 timely receipt of the written challenge.

30 2 (i) If the unit determines that a mistake of fact exists,  
30 3 the unit shall not certify the name of the obligor to the  
30 4 secretary.

30 5 (ii) If the unit determines that a mistake of fact does  
30 6 not exist, the unit shall certify the name of the obligor to  
30 7 the secretary no earlier than ten days following the issuance  
30 8 of the decision, unless, within ten days of the issuance of  
30 9 the decision, the obligor requests a contested case proceeding  
30 10 pursuant to chapter 17A or makes a payment for child support  
30 11 so that the amount of delinquent child support no longer  
30 12 exceeds five thousand dollars.

30 13 (3) Following issuance of a final decision under chapter  
30 14 17A that no mistake of fact exists, the obligor may request a  
30 15 hearing before the district court in the county where one or  
30 16 more of the support orders upon which the determination is  
30 17 based is filed. To request a hearing, the obligor shall file  
30 18 a written application with the court contesting the decision  
30 19 and shall send a copy of the application to the unit by  
30 20 regular mail. Notwithstanding the time specifications of  
30 21 section 17A.19, an application for a hearing shall be filed  
30 22 with the court no later than ten days after issuance of the  
30 23 final decision. The clerk of the district court shall  
30 24 schedule a hearing and shall mail a copy of the order  
30 25 scheduling the hearing to the obligor and to the unit. The  
30 26 unit shall certify a copy of its written decision indicating  
30 27 the date of issuance to the court prior to the hearing. The  
30 28 hearing shall be held within thirty days of the filing of the  
30 29 application. The filing of an application for a hearing shall  
30 30 stay the certification by the unit to the secretary. However,  
30 31 if the obligor fails to appear at the scheduled hearing, the  
30 32 stay shall be automatically lifted and the unit shall certify  
30 33 the name of the obligor to the secretary. The scope of the  
30 34 review by the district court shall be limited to demonstration  
30 35 of a mistake of fact. Issues related to visitation, custody,  
31 1 or other provisions not related to the support provisions of a  
31 2 support order are not grounds for a hearing under this  
31 3 subsection.

31 4 c. Following certification to the secretary, if the unit  
31 5 determines that an obligor no longer owes delinquent child  
31 6 support in excess of five thousand dollars, the unit shall  
31 7 notify the secretary of the change or shall provide  
31 8 information to the secretary as the secretary requires.

31 9 Sec. 32. Section [252B.6](#), subsection 3, Code 1997, is  
31 10 amended to read as follows:

31 11 3. Appear on behalf of the state for the purpose of  
31 12 facilitating the modification of support awards consistent  
31 13 with guidelines established pursuant to section 598.21,  
31 14 subsection 4, and

~~the federal Family Support Act of 1988~~

~~Title~~

31 15 IV-D of the federal Social Security Act. The unit shall not  
31 16 otherwise participate in the proceeding.

31 17 Sec. 33. Section 252B.7, subsection 4, Code 1997, is  
31 18 amended to read as follows:

31 19 4. An attorney employed by or under contract with the  
31 20 child support recovery unit represents and acts exclusively on  
31 21 behalf of the state when providing child support enforcement  
31 22 services. An attorney-client relationship does not exist  
31 23 between the attorney and an individual party, witness, or  
31 24 person other than the state, regardless of the name in which  
31 25 the action is brought.

31 26 Sec. 34. Section 252B.7A, subsection 1, paragraph a, Code  
31 27 1997, is amended to read as follows:

31 28 a. Income as identified in a signed statement of the  
31 29 parent pursuant to section 252B.9, subsection 1, paragraph  
31 30 "b". If evidence suggests that the statement is incomplete or  
31 31 inaccurate, the unit may present the evidence to the court in  
31 32 a judicial proceeding or to the administrator in a proceeding  
31 33 under chapter 252C or a comparable chapter, and the court or  
31 34 administrator shall weigh the evidence in setting the support  
31 35 obligation. Evidence includes but is not limited to income as  
32 1 established under paragraph "c".

32 2 Sec. 35. Section 252B.9, Code 1997, is amended to read as  
32 3 follows:

32 4 252B.9 INFORMATION AND ASSISTANCE FROM OTHERS -  
32 5 AVAILABILITY OF RECORDS.

32 6 1. a. The director may request from state, county and  
32 7 local agencies, information and assistance deemed necessary to  
32 8 carry out the provisions of this chapter. State, county and  
32 9 local agencies, officers and employees shall co-operate with  
32 10 the unit

~~in locating absent parents of children on whose~~

~~-~~  
32 11

~~behalf public assistance is being provided~~

~~- and shall on~~

32 12 request supply the department with available information  
32 13 relative to

~~the location, income and property holdings of~~

~~- the~~

32 14 absent parent,

~~- and~~

~~- the custodial parent, and any other~~

32 15 necessary party, notwithstanding any provisions of law making  
32 16 this information confidential. The cooperation and  
32 17 information required by this subsection shall also be provided  
32 18

~~- to the department~~

~~- when it is requested by~~

~~the unit on behalf~~

~~-~~  
32 19

~~of persons who have applied for support enforcement services~~

~~- a~~

32 20 child support agency. Information required by this subsection  
32 21 includes, but is not limited to, information relative to  
32 22 location, income, property holdings, records of licenses as  
32 23 defined in section 252J.1, and records concerning the  
32 24 ownership and control of corporations, partnerships, and other  
32 25 business entities. If the information is maintained in an  
32 26 automated database, the unit shall be provided automated  
32 27 access.

32 28 b. Parents of a child on whose behalf support enforcement  
32 29 services are provided shall provide information regarding  
32 30 income, resources, financial circumstances, and property  
32 31 holdings to the department for the purpose of establishment,  
32 32 modification, or enforcement of a support obligation. The  
32 33 department may provide the information to parents of a child  
32 34 as needed to implement the requirements of section 598.21,  
32 35 subsection 4, notwithstanding any provisions of law making  
33 1 this information confidential.

33 2 c. Notwithstanding any provisions of law making this  
33 3 information confidential, all entities, including for-profit,  
33 4 nonprofit, and governmental employers, shall, on request,  
33 5 promptly supply the unit or a child support agency information  
33 6 on the employment, compensation, and benefits of any  
33 7 individual employed by such entity as an employee or  
33 8 contractor with relation to whom the unit or a child support  
33 9 agency is providing services.

33 10 d. Notwithstanding any provisions of law making this  
33 11 information confidential, the unit may subpoena or a child  
33 12 support agency may use the administrative subpoena form  
33 13 promulgated by the secretary of the United States department  
33 14 of health and human services under 42 U.S.C. } 652(a)(11)(C),  
33 15 to obtain any of the following:

33 16 (1) Books, papers, records, or information regarding any  
33 17 financial or other information relating to a paternity or  
33 18 support proceeding.

33 19 (2) Certain records held by public utilities and cable  
33 20 television companies with respect to individuals who owe or  
33 21 are owed support, or against or with respect to whom a support  
33 22 obligation is sought, consisting of the names and addresses of  
33 23 such individuals and the names and addresses of the employers  
33 24 of such individuals, as appearing in customer records. If the  
33 25 records are maintained in automated databases, the unit shall  
33 26 be provided with automated access.

33 27 e. The unit or a child support agency may subpoena  
33 28 information for one or more individuals.

33 29 f. If the unit or a child support agency issues a request  
33 30 under paragraph "c", or a subpoena under paragraph "d", all of  
33 31 the following shall apply:

33 32 (1) The unit or child support agency may issue a request  
33 33 or subpoena to a person or entity by sending it by regular  
33 34 mail. Proof of service may be completed according to R.C.P.  
33 35 82.

34 1 (2) A person who is not a parent or putative father in a  
34 2 paternity or support proceeding, who is issued a request or  
34 3 subpoena, shall be provided an opportunity to refuse to comply  
34 4 for good cause by filing a request for a conference with the  
34 5 unit or child support agency in the manner and within the time  
34 6 specified in rules adopted pursuant to subparagraph (8).

34 7 (3) Good cause shall be limited to mistake in the identity  
34 8 of the person, or prohibition under federal law to release  
34 9 such information.

34 10 (4) After the conference the unit shall issue a notice  
34 11 finding that the person has good cause for refusing to comply,  
34 12 or a notice finding that the person does not have good cause  
34 13 for failing to comply. If the person refuses to comply after  
34 14 issuance of notice finding lack of good cause, the person is  
34 15 subject to the following:

34 16 (a) For an initial refusal to comply, a penalty of twenty-  
34 17 five dollars.

34 18 (b) For a second refusal to comply, a penalty of one  
34 19 hundred dollars and the opportunity to contest the penalty  
34 20 before an administrative law judge.

34 21 (c) For a third or subsequent offense, contempt of court  
34 22 proceedings.

34 23 (5) If the unit imposes a penalty under subparagraph (4),  
34 24 subparagraph subpart (a), the person may seek contested case

34 25 proceedings and judicial review pursuant to chapter 17A.  
34 26 (6) If the unit imposes a penalty of contempt of court,  
34 27 the person may request an original hearing before the district  
34 28 court in the county where the person resides or has its  
34 29 principal place of business. A person, or the unit, may  
34 30 appeal any final judgment of the district court.

34 31 (7) If a parent or putative father fails to comply with a  
34 32 subpoena or request for information, the provisions of chapter  
34 33 252J shall apply.

34 34 (8) The unit may adopt rules pursuant to chapter 17A to  
34 35 implement this section.

35 1 g. Notwithstanding any provisions of law making this  
35 2 information confidential, the unit or a child support agency  
35 3 shall have access to records and information held by financial  
35 4 institutions with respect to individuals who owe or are owed  
35 5 support, or with respect to whom a support obligation is  
35 6 sought including information on assets and liabilities. If  
35 7 the records are maintained in automated databases, the unit  
35 8 shall be provided with automated access. For the purposes of  
35 9 this section, "financial institution" means financial  
35 10 institution as defined in section 252I.1.

35 11 h. Notwithstanding any law to the contrary, the unit and a  
35 12 child support agency shall have access to any data maintained  
35 13 by the state of Iowa which contains information that would aid  
35 14 the agency in locating individuals. Such information shall  
35 15 include, but is not limited to, driver's license, motor  
35 16 vehicle, and criminal justice information. However, the  
35 17 information does not include criminal investigative reports or  
35 18 intelligence files maintained by law enforcement. The unit  
35 19 and child support agency shall use or disclose the information  
35 20 obtained pursuant to this paragraph only in accordance with  
35 21 subsection 3. Criminal history records maintained by the  
35 22 department of public safety shall be disclosed in accordance  
35 23 with chapter 692.

35 24 i. Liability shall not arise under this subsection with  
35 25 respect to any disclosure by a person or entity as required by  
35 26 this subsection, and no advance notice from the unit or a  
35 27 child support agency is required prior to requesting  
35 28 information or assistance or issuing a subpoena under this  
35 29 subsection.

35 30 2. Notwithstanding other statutory provisions to the  
35 31 contrary, including but not limited to chapters 22 and 217, as  
35 32 the chapters relate to confidentiality of records maintained  
35 33 by the department, the payment records of the collection  
35 34 services center maintained under section 252B.13A are public  
35 35 records only as follows:

36 1 a. Payment records of the collection services center which  
36 2 are maintained pursuant to chapter 598 are public records and  
36 3 may be released upon request.

36 4 b. Except as otherwise provided in subsection 1, the  
36 5 department shall not release details related to payment  
36 6 records or provide alternative formats for release of the  
36 7 information, with the following additional exceptions:

36 8 (1) The unit or collection services center may provide  
36 9 additional detail or present the information in an alternative  
36 10 format to an individual or to the individual's legal repre-  
36 11 sentative if the individual owes or is owed a support obliga-  
36 12 tion, to an agency assigned the obligation as the result of  
36 13 receipt by a party of public assistance, to an agency charged  
36 14 with enforcing child support pursuant to Title IV-D of the  
36 15 federal Social Security Act, or to the court.

36 16 (2) For support orders entered in Iowa which are being  
36 17 enforced by the unit, the unit may compile and make available  
36 18 for publication a listing of cases in which no payment has  
36 19 been credited to an accrued or accruing support obligation  
36 20 during a previous three-month period. Each case on the list  
36 21 shall be identified only by the name of the support obligor,

36 22 the address, if known, of the support obligor, unless the  
36 23 information pertaining to the address of the support obligor  
36 24 is protected through confidentiality requirements established  
36 25 by law and has not otherwise been verified with the unit, the  
36 26 support obligor's court order docket or case number, the  
36 27 county in which the obligor's support order is filed, the  
36 28 collection services center case numbers, and the range within  
36 29 which the balance of the support obligor's delinquency is  
36 30 established. The department shall determine dates for the  
36 31 release of information, the specific format of the information  
36 32 released, and the three-month period used as a basis for  
36 33 identifying cases. The department may not release the  
36 34 information more than twice annually. In compiling the  
36 35 listing of cases, no prior public notice to the obligor is  
37 1 required, but the unit may send notice annually by mail to the  
37 2 current known address of any individual owing a support  
37 3 obligation which is being enforced by the unit. The notice  
37 4 shall inform the individual of the provisions of this  
37 5 subparagraph. Actions taken pursuant to this subparagraph are  
37 6 not subject to review under chapter 17A, and the lack of  
37 7 receipt of a notice does not prevent the unit from proceeding  
37 8 in implementing this subparagraph.  
37 9 (3) The provisions of subparagraph (2) may be applied to  
37 10 support obligations entered in another state, at the request  
37 11 of

~~an initiating state~~

~~a child support agency~~ if the  
37 12

~~initiating state~~

~~child support agency~~ has demonstrated that  
37 13 the provisions of subparagraph (2) are not in conflict with  
37 14 the laws of the state where the support obligation is entered  
37 15 and the unit is enforcing the support obligation.

~~For the~~

37 16

~~purpose of this subparagraph, "initiating state" means any~~

37 17

~~child support enforcement agency operating under the~~

37 18

~~provisions of Title IV D of the federal Social Security Act.~~

37 19 3. Notwithstanding other statutory provisions to the  
37 20 contrary, including but not limited to, chapters 22 and 217,  
37 21 as the chapters relate to the confidentiality of records  
37 22 maintained by the department, information recorded by the  
37 23 department pursuant to this section or obtained by the unit is  
37 24 confidential and, except when prohibited by federal law or  
37 25 regulation, may be used or disclosed as provided in subsection  
37 26 1, paragraph "b" and "h", and subsection 2, and as follows:  
37 27

~~e~~  
- a. The attorney general may utilize the information

~~of~~

37 28

~~the unit~~

- to secure, modify, or enforce a support obligation of  
37 29 an individual

~~, unless otherwise prohibited by federal law~~

37 30

~~d~~

- b. This subsection shall not permit or require the  
37 31 release of information

~~contained in the case records of the~~

37 32

~~unit~~

- , except to the extent provided in this section.

37 33 c. The unit may release or disclose information as  
37 34 necessary to provide services under section 252B.5, as  
37 35 provided by Title IV-D of the federal Social Security Act, as  
38 1 amended, or as required by federal law.

38 2 d. After contact with the requesting party, information on  
38 3 the location of a party may be released to a party unless the  
38 4 unit has or obtains knowledge of a protective order against  
38 5 the requesting party with respect to a nonrequesting party, or  
38 6 unless the unit has or obtains reasonable evidence of domestic  
38 7 violence or child abuse or reason to believe that the release  
38 8 of the information may result in physical or emotional harm to  
38 9 a nonrequesting party or a child, and if one of the following  
38 10 conditions is met:

38 11 (1) Release of the information is required by federal law  
38 12 or regulation.

38 13 (2) Release of the information is required by chapter  
38 14 252K.

38 15 (3) The requesting party demonstrates a need for that  
38 16 information to notify a nonrequesting party of a proceeding  
38 17 relating to a child who is subject to a paternity or support  
38 18 order being enforced by the unit for a child of the parties.

38 19 e. Information may be released if directly connected with  
38 20 any of the following:

38 21 (1) The administration of the plan or program approved  
38 22 under Title I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI, XIX, or  
38 23 XX, or the supplemental security income program established  
38 24 under Title XVI of the federal Social Security Act, as  
38 25 amended.

38 26 (2) Any investigations, prosecutions, or criminal or civil  
38 27 proceeding conducted in connection with the administration of  
38 28 any such plan or program.

38 29 (3) The administration of any other federal or federally  
38 30 assisted program which provides assistance in cash or in kind  
38 31 or provides services, directly to individuals on the basis of  
38 32 need.

38 33 (4) Reporting to an appropriate agency or official,  
38 34 information on known or suspected instances of physical or  
38 35 mental injury, sexual abuse or exploitation, or negligent  
39 1 treatment or maltreatment of a child who is the subject of a  
39 2 child support enforcement action under circumstances which  
39 3 indicate that the child's health or welfare is threatened.

39 4

~~3.~~

~~f.~~

~~Except as otherwise provided in subsection 1,~~

39 5

~~paragraph "b", and in subsection 2, information recorded by~~

39 6

~~the department pursuant to this section shall be available~~

39 7

~~only to the unit, attorneys prosecuting a case in which the~~

39 8

~~unit may participate according to sections 252B.5 and 252B.6,~~

39 9 Information may be released to courts having jurisdiction in  
39 10 support or abandonment proceedings

~~, and agencies in other~~

39 11

~~states charged with support collection and paternity~~

39 12

~~determination responsibilities as determined by the rules of~~

39 13

~~the department and the provisions of Title IV of the federal~~

39 14

~~Social Security Act~~

~~However, information relating to the~~

39 15

~~location of an absent parent shall be made available, pursuant~~

39 16

~~to federal regulations, to a resident parent, legal guardian,~~

39 17

~~attorney, or agent of a child who is not receiving assistance~~

39 18

~~under Title IV A of the federal Social Security Act. Unless~~

39 19

~~otherwise prohibited by federal statute or regulation, the~~

39 20

g. The child support recovery unit shall release  
39 21 information relating to an absent parent to another unit of  
39 22 the department pursuant to a written request for the  
39 23 information approved by the director or the director's  
39 24 designee.

39 25

h. For purposes of this subsection, "party" means an  
39 26 absent parent, obligor, resident parent, or other necessary  
39 27 party.

39 28 Sec. 36. Section [252B.10](#), subsection 2, Code 1997, is  
39 29 amended to read as follows:

39 30 2. Any reasonable grounds for belief that a public  
39 31 employee has violated any provision of this chapter shall be  
39 32 grounds for immediate removal from all access to paternity  
39 33 determination and support collection data available through or  
39 34 recorded under section 252B.9.

39 35 Sec. 37. Section [252B.13A](#), Code 1997, is amended to read  
40 1 as follows:

40 2 252B.13A COLLECTION SERVICES CENTER.

40 3 The department shall establish within the unit a collection  
40 4 services center for the receipt and disbursement of support  
40 5 payments as defined in section [252D.16A or](#) 598.1 as required  
40 6 for orders by section 252B.14. For purposes of this section,  
40 7 support payments do not include attorney fees, court costs, or  
40 8 property settlements.

40 9 Sec. 38. Section [252B.14](#), subsection 1, Code 1997, is  
40 10 amended to read as follows:

40 11 1. For the purposes of this section, "support order"  
40 12 includes any order entered pursuant to chapter 234, 252A,  
40 13 252C, 598, 600B, or any other support chapter or proceeding  
40 14 which establishes support payments as defined in section  
40 15 [252D.16A or](#) 598.1.

40 16 PART B

40 17 Sec. 39. Section [252B.6](#), subsections 1, 2, and 4, Code  
40 18 1997, are amended to read as follows:

40 19 1. Represent the

~~child~~

~~state~~ in obtaining a support order

40 20 necessary to meet the child's needs or in enforcing a similar  
40 21 order previously entered.

40 22 2.

~~Appear as a friend of the court~~

~~Represent the state's~~

40 23 interest in obtaining support for a child in dissolution of  
40 24 marriage and separate maintenance proceedings, or proceedings  
40 25 supplemental

~~thereto~~

~~to these proceedings or any other support~~

40 26 proceedings, when either or both of the parties to the  
40 27 proceedings are receiving public assistance, for the purpose  
40 28 of advising the court of the financial interest of the state  
40 29 in the proceeding.

40 30 4.

~~If public assistance has been applied for or granted on~~

40 31

~~behalf of a child of parents who are legally separated or~~

40 32

~~whose marriage has been legally dissolved, the unit may apply~~

40 33 Apply to the district court

~~for a court order directing either~~

40 34

~~or both parents to show cause for the following:~~

~~or initiate~~

40 35 an administrative action, as necessary, to obtain, enforce, or

41 1 modify support.  
41 2

~~a. Why an order of support for the child should not be~~

~~41 3~~

~~entered, or~~

~~41 4~~

~~b. Why the parent should not be held in contempt for~~

~~41 5~~

~~failure to comply with a support order previously entered.~~

41 6 Sec. 40. Section [252B.7](#), subsection 1, paragraph b, Code  
41 7 1997, is amended to read as follows:

41 8 b. Cases under chapter 252A, the

~~Uniform~~

~~Support of~~

~~41 9 Dependents Law.~~

41 10 Sec. 41. Section [252B.12](#), Code 1997, is amended to read as  
41 11 follows:

41 12 252B.12 JURISDICTION OVER NONRESIDENT PARENTS.

41 13 In an action to establish paternity or to establish or  
41 14 enforce a child support obligation, or to modify a support  
41 15 order, a nonresident person is subject to the jurisdiction of  
41 16 the courts of this state

~~upon service of process of original~~

~~41 17~~

~~notice in accordance with the rules of civil procedure, Iowa~~

~~41 18~~

~~court rules, third edition, if any of the following~~

~~41 19~~

~~circumstances exists:~~

~~- as specified in section 252K.201.~~

41 20

~~1. Any circumstance in which the nonresident has the~~

~~41 21~~

~~necessary minimum contact with this state for the exercise of~~

~~41 22~~

~~jurisdiction, consistent with the constitutions of this state~~

~~41 23~~

~~and the United States.~~

~~41 24~~

~~2. The affected child was conceived in this state while at~~

~~41 25~~

~~least one of the parents was a resident of this state and the~~

41 26

~~nonresident is the parent or alleged parent of the child.~~

41 27

~~3. The affected child resides in this state as a result of~~

41 28

~~the acts or directives or with the approval of the~~

41 29

~~nonresident.~~

41 30

~~4. The nonresident has resided with the affected child in~~

41 31

~~this state.~~

41 32 Sec. 42. Part B, sections 39 through 41 of this Act, are  
41 33 effective January 1, 1998.

41 34 DIVISION III

41 35 Sec. 43. Section [252C.2](#), subsections 1 and 2, Code 1997,  
42 1 are amended to read as follows:

42 2 1.

~~By accepting~~

~~If public assistance~~

~~for~~

~~is provided by~~

42 3 the department to or on behalf of a dependent child or a

42 4 dependent child's caretaker,

~~the recipient is deemed to have~~

42 5

~~made~~

~~there is an assignment by operation of law to the~~

42 6 department of any and all rights in, title to, and interest in

42 7 any support obligation

~~and~~

~~payment, and arrearages owed to or~~

42 8 for the child or caretaker up to the amount of public

42 9 assistance paid for or on behalf of the child or caretaker.

42 10 Unless otherwise specified in the order, an equal and

42 11 proportionate share of any child support awarded is presumed

42 12 to be payable on behalf of each child subject to the order or

42 13 judgment for purposes of an assignment under this section.

42 14 2. The payment of public assistance to or for the benefit

42 15 of a dependent child or a dependent child's caretaker creates

42 16 a support debt due and owing to the department by the

42 17 responsible person in an amount equal to the public assistance

42 18 payment, except that the support debt is limited to the amount

42 19 of a support obligation established by court order or by the

42 20 administrator. The administrator may establish a support debt

42 21 as to amounts accrued and accruing pursuant to section 598.21,

42 22 subsection 4. However, when establishing a support

~~debt is~~

42 23

~~not created in favor of the department~~

~~obligation~~ against a

42 24 responsible person, no debt shall be created for the period

42 25 during which the responsible person is a recipient on the

42 26 person's own behalf of public assistance for the benefit of

42 27 the dependent child or the dependent child's caretaker

~~, if~~

42 28 any of the following conditions exist:

42 29 a. The parents have reconciled and are cohabiting, and the

42 30 child for whom support would otherwise be sought is living in

42 31 the same residence as the parents.

42 32 b. The child is living with the parent from whom support

42 33 would otherwise be sought.

42 34 Sec. 44. Section [252C.7](#), Code 1997, is repealed.

42 35 DIVISION IV

43 1 PART A

43 2 Sec. 45. Section [252D.1](#), Code 1997, is amended to read as

43 3 follows:

43 4 252D.1

~~SUPPORT DEFINITION~~

~~DELINQUENT SUPPORT PAYMENTS~~

43 5

~~ASSIGNMENT OF INCOME~~

43 6

~~1. As used in this chapter, unless the context otherwise~~

43 7

~~requires, "support" or "support payments" means any amount~~

43 8

~~which the court may require a person to pay for the benefit of~~

43 9

~~a child under a temporary order or a final judgment or decree,~~

43 10

~~and may include child support, maintenance, medical support as~~

43 11

~~defined in chapter 252E, and, if contained in a child support~~

43 12

~~order, spousal support, and any other term used to describe~~

43 13

~~these obligations. These obligations may include support for~~

43 14

~~a child who is between the ages of eighteen and twenty two~~

~~43 15~~

~~years and who is regularly attending an accredited school in~~

~~43 16~~

~~pursuance of a course of study leading to a high school~~

~~43 17~~

~~diploma or its equivalent, or regularly attending a course of~~

~~43 18~~

~~vocational technical training either as a part of a regular~~

~~43 19~~

~~school program or under special arrangements adapted to the~~

~~43 20~~

~~individual person's needs, or is, in good faith, a full time~~

~~43 21~~

~~student in a college, university, or community college, or has~~

~~43 22~~

~~been accepted for admission to a college, university, or~~

~~43 23~~

~~community college and the next regular term has not yet begun;~~

~~43 24~~

~~and may include support for a child of any age who is~~

~~43 25~~

~~dependent on the parties to the dissolution proceedings~~

~~43 26~~

~~because of physical or mental disability.~~

~~43 27~~

~~2.~~

~~If support payments ordered under chapter 232, 234,  
43 28 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other  
43 29 applicable chapter, or under a comparable statute of a foreign  
43 30 jurisdiction, as certified to the child support recovery unit  
43 31 established in section 252B.2, are not paid to the clerk of  
43 32 the district court or the collection services center pursuant  
43 33 to section 598.22 and become delinquent in an amount equal to  
43 34 the payment for one month, the child support recovery unit may  
43 35 enter an ex parte order or, upon application of a person  
44 1 entitled to receive the support payments,~~

~~the child support~~

44 2

~~recovery unit or~~

- the district court may enter an ex parte

44 3 order, notifying the person whose income is to be

~~assigned~~

- 44 4 withheld, of the delinquent amount, of the amount of income

44 5

~~wages, compensation, or benefits~~

- to be withheld, and of the

44 6 procedure to file a motion to quash the order

~~of assignment~~

- 44 7 for income withholding, and s

~~hall order an assignment of~~

44 8

~~income requiring~~

- ordering the withholding of specified sums to

44 9 be deducted from the delinquent person's

~~periodic earnings,~~

44 10

~~trust income, compensation, benefits, or other~~

- income as

44 11 defined in section 252D.16A sufficient to pay the support

44 12 obligation and, except as provided in section 598.22,

44 13 requiring the payment of such sums to the clerk of the

44 14 district court or the collection services center.

44 15 Notification of income withholding shall be provided to the

44 16 obligor and to the payor of

~~earnings, trust income, or other~~

- 44 17 income pursuant to section 252D.17.

44 18

~~3. A person entitled by court order to receive support~~

44 19

~~payments or a person responsible for enforcing such a court~~

44 20

~~order may petition the clerk of the district court for an~~

44 21

~~assignment of income. If the petition is verified and~~

44 22

~~establishes that support payments are delinquent in an amount~~

44 23

~~equal to the payment for one month and if the clerk of the~~

44 24

~~district court determines, after providing an opportunity for~~

44 25

~~a hearing, that notice of the mandatory assignment of income~~

44 26

~~as provided in section 252D.3 has been given, the clerk of the~~

44 27

~~district court shall order an assignment of income under~~

44 28

~~subsection 2.~~

44 29 Sec. 46. Section [252D.3](#), Code 1997, is amended to read as  
44 30 follows:

44 31 252D.3 NOTICE OF

~~ASSIGNMENT~~

~~INCOME WITHHOLDING.~~

44 32 All orders for support entered on or after July 1, 1984  
44 33 shall notify the person ordered to pay support of the  
44 34 mandatory

~~assignment~~

~~withholding of income required under~~

44 35 section 252D.1. However, for orders for support entered  
45 1 before July 1, 1984, the clerk of the district court, the  
45 2 child support recovery unit, or the person entitled by the  
45 3 order to receive the support payments, shall notify each  
45 4 person ordered to pay support under such orders of the  
45 5 mandatory

~~assignment~~

~~withholding of income required under~~

45 6 section 252D.1. The notice shall be sent by certified mail to  
45 7 the person's last known address or the person shall be  
45 8 personally served with the notice in the manner provided for  
45 9 service of an original notice at least fifteen days prior to  
45 10

~~the filing of a petition under section 252D.1, subsection 3 or~~

45 11 the ordering of

~~an assignment of~~

~~income withholding under~~

45 12 section 252D.1

~~, subsection 2 or 3~~

~~. A person ordered to pay~~

45 13 support may waive the right to receive the notice at any time.  
45 14 Sec. 47. Section [252D.9](#), Code 1997, is amended to read as  
45 15 follows:

45 16 252D.9 SUMS SUBJECT TO IMMEDIATE WITHHOLDING.

45 17 Specified sums shall be deducted from the obligor's

45 18

~~earnings, trust income, or other~~

- income sufficient to pay the

45 19 support obligation and any judgment established or delinquency  
45 20 accrued under the support order. The amount withheld pursuant  
45 21 to an

~~assignment of~~

- income withholding order or notice of

45 22 order for income withholding shall not exceed the amount  
45 23 specified in 15 U.S.C. } 1673(b).

45 24 Sec. 48. Section 252D.10, Code 1997, is amended to read as  
45 25 follows:

45 26 252D.10 NOTICE OF

~~ASSIGNMENT~~

- IMMEDIATE INCOME WITHHOLDING.

45 27 The notice requirements of section 252D.3 do not apply to  
45 28 this subchapter. An order for support entered after November  
45 29 1, 1990, shall contain the notice of immediate income  
45 30 withholding. However, this subchapter is sufficient notice  
45 31 for implementation of immediate income withholding without any  
45 32 further notice.

45 33 Sec. 49. NEW SECTION. 252D.16A DEFINITIONS.

45 34 As used in this chapter, unless the context otherwise  
45 35 requires:

46 1 1. "Income" means all of the following:

46 2 a. Any periodic form of payment due an individual,  
46 3 regardless of source, including but not limited to wages,  
46 4 salaries, commissions, bonuses, worker's compensation,  
46 5 disability payments, payments pursuant to a pension or  
46 6 retirement program, and interest.

46 7 b. A sole payment or lump sum as provided in section  
46 8 252D.18C.

46 9 c. Irregular income as defined in section 252D.18B.

46 10 2. "Payor of income" or "payor" means and includes, but is  
46 11 not limited to, an obligor's employer, trustee, the state of  
46 12 Iowa and all governmental subdivisions and agencies and any  
46 13 other person from whom an obligor receives income.

46 14 3. "Support" or "support payments" means any amount which  
46 15 the court or administrative agency may require a person to pay  
46 16 for the benefit of a child under a temporary order or a final  
46 17 judgment or decree, and may include child support,  
46 18 maintenance, medical support as defined in chapter 252E,  
46 19 spousal support, and any other term used to describe these  
46 20 obligations. These obligations may include support for a  
46 21 child of any age who is dependent on the parties to the  
46 22 dissolution proceedings because of physical or mental  
46 23 disability. The obligations may include support for a child  
46 24 eighteen or more years of age with respect to whom a child  
46 25 support order has been issued pursuant to the laws of a  
46 26 foreign jurisdiction.

46 27 Sec. 50. Section 252D.17, Code 1997, is amended to read as  
46 28 follows:

46 29 252D.17 NOTICE TO

~~EMPLOYER OR INCOME~~

- PAYOR OF INCOME -

46 30 DUTIES AND LIABILITY - CRIMINAL PENALTY.

46 31 The district court shall provide notice by sending a copy  
46 32 of the order for income withholding or a notice of the order  
46 33 for income withholding to the obligor and the obligor's  
46 34

~~employer, trustee, or other~~

- payor of income by regular mail,

46 35 with proof of service completed according to rule of civil  
47 1 procedure 82. The child support recovery unit shall provide

47 2 notice of the income withholding order by sending a notice of  
47 3 the order to the obligor's

~~employer, trustee, or other~~  
- payor

47 4 of income by regular mail or by electronic means. Proof of  
47 5 service may be completed according to rule of civil procedure  
47 6 82. The

~~order or the~~  
- child support recovery unit's notice of  
47 7 the order may be sent to the

~~employer, trustee, or other~~  
- payor

47 8 of income on the same date that the order is sent to the clerk  
47 9 of court for filing. In all other instances, the income  
47 10 withholding order shall be filed with the clerk of court prior  
47 11 to sending the notice of the order to the payor of income. In  
47 12 addition to the amount to be withheld for payment of support,  
47 13 the order or the

~~child support recovery unit's~~  
- notice of the

47 14 order shall be in a standard format as prescribed by the unit  
47 15 and shall include all of the following information regarding  
47 16 the duties of the payor in implementing the withholding order:  
47 17 1. The withholding order or notice of the order for income  
47 18 withholding for child support or child support and spousal  
47 19 support has priority over a garnishment or an assignment for

~~a~~  
-  
47 20 any other purpose

~~other than the support of the dependents in~~  
-  
47 21

~~the court order being enforced~~  
-

47 22 2. As reimbursement for the payor's processing costs, the  
47 23 payor may deduct a fee of no more than two dollars for each  
47 24 payment in addition to the amount withheld for support. The  
47 25 payor of income is not required to vary the payroll cycle to  
47 26 comply with the frequency of payment of a support order.

47 27 3. The amount withheld for support, including the  
47 28 processing fee, shall not exceed the amounts specified in 15  
47 29 U.S.C. } 1673(b).

47 30 4. The income withholding order is binding on an existing  
47 31 or future

~~employer, trustee, or other~~  
- payor of income ten days

47 32 after receipt of the copy of the order or the

~~child support~~  
-  
47 33

~~recovery unit's~~  
- notice of the order, and is binding whether or

47 34 not the copy of the order received is file-stamped.

47 35 5. The payor shall send the amounts withheld to the  
48 1 collection services center or the clerk of the district court  
48 2 within

~~ten working~~

- seven business days of the date the obligor

48 3 is paid. "Business day" means a day on which state offices

48 4 are open for regular business.

48 5 6. The payor may combine amounts withheld from the

48 6

~~obligor's wages~~

- obligors' income in a single payment to the

48 7 clerk of the district court or to the collection services

48 8 center, as appropriate. Whether combined or separate,

48 9 payments shall be identified by the name of the obligor,

48 10 account number, amount, and the date withheld. If payments

48 11 for multiple obligors are combined, the portion of the payment

48 12 attributable to each obligor shall be specifically identified.

48 13

~~7. The payor shall deliver or send a copy of the order or~~

48 14

~~the child support recovery unit's notice of the order to the~~

48 15

~~obligor within one business day after receipt of the order or~~

48 16

~~the child support recovery unit's notice of the order.~~

48 17

~~8.~~

- 7. The withholding is binding on the payor until

48 18 further notice by the court or the child support recovery

48 19 unit.

48 20

~~9.~~

- 8. If the payor knowingly fails to withhold income or

48 21 to pay the amounts withheld to the collection services center

48 22 or the clerk of court in accordance with the provisions of the

48 23 order or the

~~child support recovery unit's~~

- notice of the

48 24 order, the payor commits a simple misdemeanor and is liable

48 25 for the accumulated amount which should have been withheld,

48 26 together with costs, interest, and reasonable attorney fees

48 27 related to the collection of the amounts due from the payor.

48 28

~~10.~~

- 9. The payor shall promptly notify the court or the

48 29 child support recovery unit when the obligor's employment or

48 30 other income terminates, and provide the obligor's last known

48 31 address and the name and address of the obligor's new

48 32 employer, if known.

48 33

~~11.~~

- 10. Any payor who discharges an obligor, refuses to

48 34 employ an obligor, or takes disciplinary action against an

48 35 obligor based upon income withholding is guilty of a simple

49 1 misdemeanor. A withholding order or the

~~child support~~

49 2

~~recovery unit's~~

- notice of the order for income withholding has

49 3 the same force and effect as any other district court order,  
49 4 including, but not limited to, contempt of court proceedings  
49 5 for noncompliance.

49 6 11. a. Beginning July 1, 1997, if a payor of income does  
49 7 business in another state through a registered agent and  
49 8 receives a notice of income withholding issued by another  
49 9 state the payor shall, and beginning January 1, 1998, any  
49 10 payor of income shall withhold funds as directed in a notice  
49 11 issued by another state, except that a payor of income shall  
49 12 follow the laws of the obligor's principal place of employment  
49 13 when determining all of the following:

49 14 (1) The payor's fee for processing an income withholding  
49 15 payment.

49 16 (2) The maximum amount permitted to be withheld from the  
49 17 obligor's income.

49 18 (3) The time periods for implementing the income  
49 19 withholding order and forwarding the support payments.

49 20 (4) The priorities for withholding and allocating income  
49 21 withheld for multiple child support obligees.

49 22 (5) Any withholding terms or conditions not specified in  
49 23 the order.

49 24 b. A payor of income who complies with an income  
49 25 withholding notice that is regular on its face shall not be  
49 26 subject to any civil liability to any individual or agency for  
49 27 conduct in compliance with the notice.

49 28 Sec. 51. NEW SECTION. 252D.17A NOTICE TO OBLIGOR OF  
49 29 IMPLEMENTATION OF INCOME WITHHOLDING ORDER.

49 30 The child support recovery unit or the district court shall  
49 31 send a notice of the income withholding order to the obligor  
49 32 at the time the notice is sent to the payor of income.

49 33 Sec. 52. Section 252D.18A, unnumbered paragraph 1, Code  
49 34 1997, is amended to read as follows:

49 35 When the obligor is responsible for paying more than one  
50 1 support obligation and the

~~employer or the income~~

- payor of

50 2 income has received more than one income withholding order or  
50 3

~~the child support recovery unit's~~

- notice of an order for the

50 4 obligor, the payor shall withhold amounts in accordance with  
50 5 all of the following:

50 6 Sec. 53. Section 252D.18A, subsection 3, paragraph a, Code  
50 7 1997, is amended to read as follows:

50 8 a. To arrive at the amount to be withheld for each  
50 9 obligee, the payor shall total the amounts due for current  
50 10 support under the income withholding orders and the

~~child~~

50 11

~~support recovery unit's~~

- notices of orders and determine the

50 12 proportionate share for each obligee. The proportionate share  
50 13 shall be determined by dividing the amount due for current  
50 14 support for each order or

~~child support recovery unit's~~

- notice

50 15 of order by the total due for current support for all orders  
50 16 and

~~child support recovery unit's~~

- notices of orders. The

50 17 results are the percentages of the obligor's net income which  
50 18 shall be withheld for each obligee.

50 19 Sec. 54. NEW SECTION. 252D.19A DISPARITY BETWEEN ORDER  
50 20 AND PAY DATES - NOT DELINQUENT.

50 21 1. An obligor whose support payments are automatically  
50 22 withheld from the obligor's paycheck shall not be delinquent  
50 23 or in arrears if all of the following conditions are met:

50 24 a. Any delinquency or arrearage is caused solely by a  
50 25 disparity between the schedules of the obligor's regular pay  
50 26 dates and the scheduled date the support is due.

50 27 b. The amount calculated to be withheld is such that the  
50 28 total amount of current support to be withheld from the  
50 29 paychecks of the obligor and the amount ordered to be paid in  
50 30 the support order are the same on an annual basis.

50 31 c. The automatic deductions for support are continuous and  
50 32 occurring.

50 33 2. If the unit takes an enforcement action during a  
50 34 calendar year against an obligor and the obligor is not  
50 35 delinquent or in arrears solely due to the applicability of  
51 1 this section to the obligor, upon discovering the  
51 2 circumstances, the unit shall promptly discontinue the  
51 3 enforcement action.

51 4 Sec. 55. Section [252D.21](#), Code 1997, is amended to read as  
51 5 follows:

51 6 252D.21 PENALTY FOR MISREPRESENTATION.

51 7 A person who knowingly makes a false statement or  
51 8 representation of a material fact or knowingly fails to  
51 9 disclose a material fact in order to secure an

~~assignment of~~

51 10 income withholding order or notice of income withholding

51 11 against another person and to receive support payments or  
51 12 additional support payments pursuant to this chapter, is  
51 13 guilty, upon conviction, of a serious misdemeanor.

51 14 Sec. 56. Section [252D.23](#), Code 1997, is amended to read as  
51 15 follows:

51 16 252D.23 FILING OF WITHHOLDING ORDER - ORDER EFFECTIVE AS  
51 17 DISTRICT COURT ORDER.

51 18 An income withholding order entered by the child support  
51 19 recovery unit pursuant to this chapter shall be filed with the  
51 20 clerk of the district court. For the purposes of  
51 21 demonstrating compliance by the

~~employer, trustee, or other~~

51 22 payor of income, the copy of the withholding order or the  
51 23

~~child support recovery unit's~~

- notice of the order received,

51 24 whether or not the copy of the order is file-stamped, shall  
51 25 have all the force, effect, and attributes of a docketed order  
51 26 of the district court including, but not limited to,  
51 27 availability of contempt of court proceedings against

~~an~~

51 28

~~employer, trustee, or other~~

- a payor of income for  
51 29 noncompliance. However, any information contained in the  
51 30 income withholding order or the

~~child support recovery unit's~~

-  
51 31 notice of the order related to the amount of the accruing or  
51 32 accrued support obligation which does not reflect the correct  
51 33 amount of support due does not modify the underlying support  
51 34 judgment.

51 35 Sec. 57. NEW SECTION. 252D.31 MOTION TO QUASH.

52 1 An obligor under this chapter may move to quash an income  
52 2 withholding order or a notice of income withholding by filing  
52 3 a motion to quash with the clerk of court.

52 4 1. Grounds for contesting a withholding order under this  
52 5 chapter include all of the following:

52 6 a. A mistake of fact, which for purposes of this chapter  
52 7 means an error in the amount withheld or the amount of the  
52 8 withholding or the identity of the obligor.

52 9 b. For immediate withholding only, the conditions for  
52 10 exception to immediate income withholding as defined under  
52 11 section 252D.8 existed at the time of implementation of the  
52 12 withholding.

52 13 2. The clerk of the district court shall schedule a  
52 14 hearing on the motion to quash for a time not later than seven  
52 15 days after the filing of the motion to quash and the notice of  
52 16 the motion to quash. The clerk shall mail to the parties  
52 17 copies of the motion to quash, the notice of the motion to  
52 18 quash, and the order scheduling the hearing.

52 19 3. The payor shall withhold and transmit the amount  
52 20 specified in the order or notice of the order of income  
52 21 withholding to the clerk of the district court or the  
52 22 collection services center, as appropriate, until the notice  
52 23 that a motion to quash has been granted is received.

52 24 Sec. 58. Sections 252D.2 and 252D.11, Code 1997, are  
52 25 repealed.

52 26 PART B

52 27 Sec. 59. Section [252D.17](#), Code 1997, is amended by adding  
52 28 the following new subsection:

52 29 NEW SUBSECTION. 12. The payor of income shall comply with  
52 30 chapter 252K when receiving a notice of income withholding  
52 31 from another state.

52 32 Sec. 60. Section [252D.24](#), subsection 3, Code 1997, is  
52 33 amended to read as follows:

52 34 3. Income withholding for a support order issued by a  
52 35 foreign jurisdiction is

~~subject to the law and procedures for~~

-  
53 1

~~income withholding of the jurisdiction where the income~~

-  
53 2

~~withholding order is implemented. With respect to when the~~

-  
53 3

~~obligor becomes subject to withholding, however, the law and~~

-  
53 4

~~procedures of the jurisdiction where the support order was~~

-  
53 5

~~entered apply~~

~~governed by chapter 252K, articles V or VI, and~~

53 6 ~~this chapter, as appropriate.~~

53 7 Sec. 61. Part B, sections 59 and 60 of this Act, are

53 8 effective January 1, 1998.

53 9 DIVISION V

53 10 Sec. 62. Section [252E.2](#), subsection 2, unnumbered

53 11 paragraph 1, Code 1997, is amended to read as follows:

53 12 An insurer who is subject to the federal

~~Omnibus Budget~~

53 13

~~Reconciliation Act of 1993, section 4301~~

~~Employee Retirement~~

53 14 Income Security Act, as codified in

~~42 U.S.C. } 1936g-1~~

~~29~~

53 15 U.S.C. } 1169, shall provide benefits in accordance with that

53 16 section which meet the requirements of a qualified medical

53 17 child support order. For the purposes of this subsection

53 18 "qualified medical child support order" means a child support

53 19 order which creates or recognizes the existence of a child's

53 20 right to, or assigns to a child the right to, receive benefits

53 21 for which a participant or child is eligible under a group

53 22 health plan and which specifies the following:

53 23 Sec. 63. Section [252E.4](#), subsection 1, Code 1997, is

53 24 amended to read as follows:

53 25 1. When a support order requires an obligor to provide

53 26 coverage under a health benefit plan, the district court or

53 27 the department may enter an ex parte order directing an

53 28 employer to take all actions necessary to enroll an obligor's

53 29 dependent for coverage under a health benefit plan or may

53 30 include the provisions in an ex parte income withholding order

53 31 or notice of income withholding pursuant to chapter 252D. The

53 32 department may amend the information in the ex parte order

53 33 regarding health insurance provisions if necessary to comply

53 34 with health insurance requirements including but not limited

53 35 to the provisions of section [252E.2](#), subsection 2.

54 1 Sec. 64. NEW SECTION. 252E.6A MOTION TO QUASH.

54 2 1. An obligor may move to quash the order to the employer

54 3 under section [252E.4](#) by following the same procedures and

54 4 alleging a mistake of a fact as provided in section [252D.31](#).

54 5 If the unit is enforcing an income withholding order and a

54 6 medical support order simultaneously, any challenge to the

54 7 income withholding order and medical support enforcement shall

54 8 be filed and heard simultaneously.

54 9 2. The employer shall comply with the requirements of this

54 10 chapter until the employer receives notice that a motion to

54 11 quash has been granted.

54 12 Sec. 65. Section [252E.13](#), subsection 2, Code 1997, is

54 13 amended to read as follows:

54 14 2. In addition, if

~~an administrative~~

~~a support order~~

54 15

~~entered pursuant to chapter 252C~~

~~does not provide medical~~

54 16 support as defined in this chapter or equivalent medical

54 17 support, the department or a party to the order may

~~obtain a~~

~~medical support order pursuant to chapter 252C  
- seek a  
54 19 modification of the order.~~

~~A medical support order obtained  
-  
54 20~~

~~pursuant to chapter 252C may be an additional or separate  
-  
54 21~~

~~support judgment and shall be known as an administrative order  
-  
54 22~~

~~for medical support.  
-~~

54 23 DIVISION VI

54 24 Sec. 66. Section [252F.3](#), subsection 1, paragraph f,  
54 25 subparagraph (2), subparagraph subpart (c), Code 1997, is  
54 26 amended to read as follows:

54 27 (c) If paternity was contested and paternity testing was  
54 28 conducted, and the putative father does not deny paternity  
54 29 after the testing or challenge the paternity test results,

~~ten~~

54 30 twenty days from the date paternity test results are issued or  
54 31 mailed by the unit to the putative father.

54 32 Sec. 67. Section [252F.3](#), subsection 1, paragraph f,  
54 33 subparagraph (4), subparagraph subpart (c), Code 1997, is  
54 34 amended to read as follows:

54 35 (c) If paternity was contested and paternity testing  
55 1 conducted, and the putative father does not deny paternity  
55 2 after the testing or challenge the paternity test results,

~~ten~~

55 3 twenty days from the date the paternity test results are  
55 4 issued or mailed to the putative father by the unit.

55 5 Sec. 68. Section [252F.3](#), subsection 1, paragraph g, Code  
55 6 1997, is amended to read as follows:

55 7 g. A statement that if a conference is not requested, and  
55 8 the putative father does not deny paternity or challenge the  
55 9 results of any paternity testing conducted but objects to the  
55 10 finding of financial responsibility or the amount of child  
55 11 support or medical support, or both, the putative father shall  
55 12 send a written request for a court hearing on the issue of  
55 13 support to the unit within twenty days of the date of service  
55 14 of the original notice, or, if paternity was contested and  
55 15 paternity testing conducted, and the putative father does not  
55 16 deny paternity after the testing or challenge the paternity  
55 17 test results, within

~~ten~~

~~twenty~~ days from the date the  
55 18 paternity test results are issued or mailed to the putative  
55 19 father by the unit, whichever is later.

55 20 Sec. 69. Section [252F.3](#), subsection 4, paragraphs b and c,  
55 21 Code 1997, are amended to read as follows:

55 22 b. If paternity establishment was contested and paternity  
55 23 tests conducted, a court hearing on the issue of paternity  
55 24 shall be

~~—scheduled~~

- held no earlier than

~~—fifty~~

- thirty days from

55 25 the date paternity test results are issued to all parties by  
55 26 the unit, unless the parties mutually agree to waive the time  
55 27 frame pursuant to section 252F.8.

55 28 c.

~~—If a court hearing is scheduled regarding the issue of~~

-

55 29

~~—paternity establishment, any~~

- Any objection to the results of

55 30 paternity tests shall be filed no later than

~~—thirty~~

- twenty

55 31 days

~~—before~~

- after the date

~~—the court hearing is originally~~

-

55 32

~~—scheduled~~

- paternity test results are issued or mailed to the

55 33 putative father by the unit. Any objection to paternity test  
55 34 results filed by a party

~~—less~~

- more than

~~—thirty~~

- twenty days

55 35

~~—before~~

- after the date

~~—the court hearing is originally~~

-

56 1

~~—scheduled~~

- paternity tests are issued or mailed to the putative

56 2 father by the unit shall not be accepted or considered by the  
56 3 court.

56 4 Sec. 70. Section [252F.3](#), subsection 6, paragraph d, Code  
56 5 1997, is amended to read as follows:

56 6 d. If a paternity test is ordered under this section, the  
56 7 administrator shall direct that inherited characteristics be  
56 8 analyzed and interpreted, and shall appoint an expert  
56 9 qualified as an examiner of genetic markers to analyze and  
56 10 interpret the results. The test shall be of a type generally  
56 11 acknowledged as reliable by accreditation entities designated  
56 12 by the secretary of the United States department of health and  
56 13 human services and shall be performed by a laboratory approved  
56 14 by an accreditation entity.

56 15 Sec. 71. Section [252F.3](#), subsection 6, paragraph i,  
56 16 subparagraph (1), Code 1997, is amended to read as follows:

56 17 (1) In order to challenge the presumption of paternity, a  
56 18 party shall file a written notice of the challenge with the

56 19 district court within twenty days from the date the paternity  
56 20 test results are issued or mailed to all parties by the unit

56 21

~~or if a court hearing is scheduled to resolve the issue of~~

56 22

~~paternity, no later than thirty days before the scheduled date~~

56 23

~~of the court hearing, whichever occurs later. Any subsequent~~

56 24

~~rescheduling or continuances of the originally scheduled~~

56 25

~~hearing shall not extend the initial time frame.~~

- Any

56 26 challenge to a presumption of paternity resulting from  
56 27 paternity tests, or to paternity test results filed after the  
56 28

~~initial~~

- lapse of the twenty-day time frame shall not be

56 29 accepted or admissible by the unit or the court.

56 30 Sec. 72. Section [252F.3](#), subsection 6, paragraph k, Code  
56 31 1997, is amended to read as follows:

56 32 k. If the results of the test or the verified expert's  
56 33 analysis are timely challenged as provided in this subsection,  
56 34 the administrator, upon the request of a party and advance  
56 35 payment by the contestant or upon the unit's own initiative,  
57 1 shall order that an additional test be performed by the same  
57 2 laboratory or an independent laboratory

~~or~~

- If the party

57 3 requesting additional testing does not advance payment, the  
57 4 administrator shall certify the case to the district court in  
57 5 accordance with paragraph "i" and section 252F.5.

57 6 Sec. 73. Section [252F.3](#), subsection 6, paragraph n, Code  
57 7 1997, is amended to read as follows:

57 8 n. Except as provided in paragraph "k", the unit shall  
57 9 advance the costs of genetic testing. If paternity is  
57 10 established and paternity testing was conducted, the unit  
57 11 shall enter an order or, if the action proceeded to a court  
57 12 hearing, request that the court enter a judgment for the costs  
57 13 of the paternity tests consistent with applicable federal law.  
57 14 In a proceeding under this chapter, a copy of a bill for  
57 15 genetic testing shall be admitted as evidence without  
57 16 requiring third-party foundation testimony and shall  
57 17 constitute prima facie evidence of the amount incurred for  
57 18 genetic testing.

57 19 Sec. 74. Section [252F.4](#), subsection 6, Code 1997, is  
57 20 amended by adding the following new paragraph:

57 21 NEW PARAGRAPH. j. Statements as required pursuant to  
57 22 section 598.22B.

57 23 Sec. 75. Section [252F.5](#), subsection 3, paragraph d, Code  
57 24 1997, is amended by striking the paragraph.

57 25

DIVISION VII

57 26 Sec. 76. Section [252G.1](#), Code 1997, is amended by adding

57 27 the following new subsections:

57 28 NEW SUBSECTION. 4A. "Business day" means a day on which  
57 29 state offices are open for regular business.

57 30 NEW SUBSECTION. 8A. "Labor organization" means any  
57 31 organization of any kind, or any agency, or employee  
57 32 representation committee or plan, in which employees  
57 33 participate and which exists for the purpose, in whole or in  
57 34 part, of dealing with employers concerning grievances, labor  
57 35 disputes, wages, rates of pay, hours of employment, or  
58 1 conditions of work.

58 2 Sec. 77. Section 252G.1, subsection 8, Code 1997, is  
58 3 amended to read as follows:

58 4 8. "Employer" means a person doing business in this state  
58 5 who engages an employee for compensation and for whom the  
58 6 employer withholds federal or state tax liabilities from the  
58 7 employee's compensation. "Employer" includes any governmental  
58 8 entity and any labor organization.

58 9 Sec. 78. Section 252G.3, subsection 1, paragraph d, Code  
58 10 1997, is amended to read as follows:

58 11 d. The address to which income withholding orders or the  
58 12

~~child support recovery unit's~~

~~notices of orders and~~

58 13 garnishments should be sent.

58 14 Sec. 79. Section 252G.3, subsection 3, Code 1997, is  
58 15 amended to read as follows:

58 16 3.

~~Until such time as the Iowa employee's withholding~~

58 17

~~allowance certificate is amended to provide for inclusion of~~

58 18

~~all of the information required under subsection 1, submission~~

58 19

~~of the certificate constitutes compliance with this section.~~

58 20 An employer with employees in two or more states that  
58 21 transmits reports magnetically or electronically may comply  
58 22 with subsection 1 by transmitting the report described in  
58 23 subsection 1 to each state, or by designating as the recipient  
58 24 state one state, in which the employer has employees, and  
58 25 transmitting the report to that state. An employer that  
58 26 transmits reports pursuant to this subsection shall notify the  
58 27 United States secretary of health and human services, in  
58 28 writing, of the state designated by the employer for the  
58 29 purpose of transmitting reports.

58 30 Sec. 80. NEW SECTION. 252G.7 DATA ENTRY AND TRANSMITTING  
58 31 CENTRALIZED EMPLOYEE REGISTRY RECORDS TO THE NATIONAL NEW HIRE  
58 32 REGISTRY.

58 33 The unit shall enter new hire data into the centralized  
58 34 employee directory database within five business days of  
58 35 receipt from employers and shall transmit the records of the  
59 1 centralized employee registry to the national directory of new  
59 2 hires within three business days after the date information  
59 3 regarding a newly hired employee is entered into the  
59 4 centralized employee registry.

59 5 Sec. 81. NEW SECTION. 252G.8 INCOME WITHHOLDING  
59 6 REQUIREMENTS.

59 7 Within two business days after the date information  
59 8 regarding a newly hired employee is entered into the

59 9 centralized employee registry and matched with obligors in  
59 10 cases being enforced by the unit, the unit shall transmit a  
59 11 notice to the employer or payor of income of the employee  
59 12 directing the employer or payor of income to withhold from the  
59 13 income of the employee in accordance with chapter 252D.

59 14 DIVISION VIII

59 15 Sec. 82. Section [252H.1](#), Code 1997, is amended to read as  
59 16 follows:

59 17 252H.1 PURPOSE AND INTENT.

59 18 This chapter is intended to provide a means for state  
59 19 compliance with

~~the~~

~~- Title IV-D of the federal~~

~~Family Support~~

~~-~~  
59 20 Social Security Act

~~of 1988~~

~~- , as amended, requiring states to~~

59 21 provide procedures for the review and adjustment of support  
59 22 orders being enforced under Title IV-D of the federal Social  
59 23 Security Act, and also to provide an expedited modification  
59 24 process when review and adjustment procedures are not  
59 25 required, appropriate, or applicable. Actions under this  
59 26 chapter shall be initiated only by the child support recovery  
59 27 unit.

59 28 Sec. 83. Section [252H.2](#), Code 1997, is amended by adding  
59 29 the following new subsection:

59 30 NEW SUBSECTION. 5A. "Cost-of-living alteration" means a  
59 31 change in an existing child support order which equals an  
59 32 amount which is the amount of the support obligation following  
59 33 application of the percentage change of the consumer price  
59 34 index for all urban consumers, United States city average, as  
59 35 published in the federal register by the federal department of  
60 1 labor, bureau of labor statistics.

60 2 Sec. 84. Section [252H.2](#), subsection 6, paragraph a, Code  
60 3 1997, is amended to read as follows:

60 4 a.

~~- An alteration,~~

~~- A change, correction, or termination of~~  
60 5 an existing support order.

60 6 Sec. 85. Section [252H.2](#), subsection 8, Code 1997, is  
60 7 amended to read as follows:

60 8 8. "Public assistance" means benefits received in this  
60 9 state or any other state, under Title IV-A (

~~aid to dependent~~

~~-~~  
60 10

~~children~~

~~- temporary assistance to needy families), IV-E (foster~~  
60 11 care), or XIX (medicaid) of the Act.

60 12 Sec. 86. Section [252H.3](#), subsection 1, Code 1997, is  
60 13 amended to read as follows:

60 14 1. Any action initiated under this chapter, including any  
60 15 court hearing resulting from an action, shall be limited in  
60 16 scope to the adjustment or modification of the child or  
60 17 medical support or cost-of-living alteration of the child  
60 18 support provisions of a support order.

60 19 Sec. 87. Section [252H.4](#), subsections 1 and 4, Code 1997,  
60 20 are amended to read as follows:

60 21 1. The unit may administratively adjust or modify or may  
60 22 provide for an administrative cost-of-living alteration of a

60 23 support order entered under chapter 234, 252A, 252C, 598, or  
60 24 600B, or any other support chapter if the unit is providing  
60 25 enforcement services pursuant to chapter 252B. The unit is  
60 26 not required to intervene to administratively adjust or modify  
60 27 or provide for an administrative cost-of-living alteration of  
60 28 a support order under this chapter.

60 29 4. The unit shall adopt rules pursuant to chapter 17A to  
60 30 establish the process for the review of requests for  
60 31 adjustment, the criteria and procedures for conducting a  
60 32 review and determining when an adjustment is appropriate, the  
60 33 procedure and criteria for a cost-of-living alteration, the  
60 34 criteria and procedure for a request for review pursuant to  
60 35 section 252H.18A, and other rules necessary to implement this  
61 1 chapter.

61 2 Sec. 88. Section [252H.6](#), Code 1997, is amended to read as  
61 3 follows:

61 4 252H.6 COLLECTION OF INFORMATION.

61 5 The unit

~~shall~~

- may request, obtain, and validate

61 6 information concerning the financial circumstances of the  
61 7 parents of a child as necessary to determine the appropriate  
61 8 amount of support pursuant to the guidelines established in  
61 9 section 598.21, subsection 4, including but not limited to  
61 10 those sources and procedures described in sections 252B.7A and  
61 11 252B.9. The collection of information does not constitute a  
61 12 review conducted pursuant to section 252H.16.

61 13 Sec. 89. Section [252H.8](#), subsection 4, paragraph f, Code  
61 14 1997, is amended to read as follows:

61 15 f. Copies of any financial statements and supporting  
61 16 documentation provided by the parents including proof of a  
61 17 substantial change in circumstances for a request filed  
61 18 pursuant to section 252H.18A.

61 19 Sec. 90. Section [252H.9](#), subsections 2 and 7, Code 1997,  
61 20 are amended to read as follows:

61 21 2.

~~The~~

- For orders to which subchapter II or III is

61 22 applicable, the unit shall determine the appropriate amount of  
61 23 the child support obligation using the current child support  
61 24 guidelines established pursuant to section 598.21, subsection  
61 25 4, and the criteria established pursuant to section 252B.7A  
61 26 and shall determine the provisions for medical support  
61 27 pursuant to chapter 252E.

61 28 7. A copy of the order shall be sent by regular mail  
61 29 within fourteen days after filing to each parent's last known  
61 30 address, or if applicable, to the last known address of the  
61 31 parent's attorney.

61 32 Sec. 91. Section [252H.11](#), subsection 2, unnumbered  
61 33 paragraph 1, Code 1997, is amended to read as follows:

61 34 If the modification action filed by the parent is  
61 35 subsequently dismissed before being heard by the court, the  
62 1 unit shall continue the action previously initiated under

~~this~~

-  
62 2

~~chapter~~

- subchapter II or III, or initiate a new action as

62 3 follows:

62 4 Sec. 92. Section [252H.13](#), Code 1997, is amended to read as  
62 5 follows:

62 6 252H.13 RIGHT TO REQUEST REVIEW.

62 7 A parent shall have the right to request the review of a

62 8 support order for which the unit is currently providing  
62 9 enforcement services of an ongoing child support obligation  
62 10 pursuant to chapter 252B including by objecting to a cost-of-  
62 11 living alteration pursuant to section 252H.24, subsections 1  
62 12 and 2.

62 13 Sec. 93. Section 252H.14, Code 1997, is amended to read as  
62 14 follows:

62 15 252H.14 REVIEWS INITIATED BY THE CHILD SUPPORT RECOVERY  
62 16 UNIT.

62 17 1. The unit

~~shall~~

- may periodically initiate a review of

62 18 support orders meeting the conditions in section 252H.12 in  
62 19 accordance with the following:

62 20 a. The right to any ongoing child support obligation is  
62 21 currently assigned to the state due to the receipt of public  
62 22 assistance.

62 23 b. The right to any ongoing medical support obligation is  
62 24 currently assigned to the state due to the receipt of public  
62 25 assistance unless:

62 26 (1) The support order already includes provisions  
62 27 requiring the parent ordered to pay child support to also  
62 28 provide medical support.

62 29 (2) The parent entitled to receive support has  
62 30 satisfactory health insurance coverage for the children,  
62 31 excluding coverage resulting from the receipt of public  
62 32 assistance benefits.

62 33 c. The review is otherwise necessary to comply with this

62 34 Act:

62 35 2. The unit

~~shall~~

- may periodically initiate a request to a

63 1 child support agency of another state to conduct a review of a  
63 2 support order entered in that state when the right to any  
63 3 ongoing child or medical support obligation due under the  
63 4 order is currently assigned to the state of Iowa.

63 5 3. The unit shall adopt rules establishing criteria to  
63 6 determine the appropriateness of initiating a review.

63 7 4. The unit shall initiate reviews under this section in  
63 8 accordance with the

~~federal Family Support~~

- Act

~~of 1988~~

63 9 Sec. 94. NEW SECTION. 252H.18A REQUEST FOR REVIEW  
63 10 OUTSIDE APPLICABLE TIME FRAMES.

63 11 1. If a support order is not eligible for review and  
63 12 adjustment because the support order is outside of the minimum  
63 13 time frames specified by rule of the department, a parent may  
63 14 request a review and administrative modification by submitting  
63 15 all of the following to the unit:

63 16 a. A request for review of the support order which is  
63 17 outside of the applicable time frames.

63 18 b. Verified documentation of a substantial change in  
63 19 circumstances as specified by rule of the department.

63 20 2. Upon receipt of the request and all documentation  
63 21 required in subsection 1, the unit shall review the request  
63 22 and documentation and if appropriate shall issue a notice of  
63 23 intent to modify as provided in section 252H.19.

63 24 3. Notwithstanding section 598.21, subsections 8 and 9,  
63 25 for purposes of this section, a substantial change in  
63 26 circumstances means there has been a change of fifty percent  
63 27 or more in the income of a parent, and the change is due to

63 28 financial circumstances which have existed for a minimum  
63 29 period of three months and can reasonably be expected to exist  
63 30 for an additional three months.

63 31 SUBCHAPTER IV

63 32 COST-OF-LIVING ALTERATION

63 33 Sec. 95. NEW SECTION. 252H.21 PURPOSE - INTENT -  
63 34 EFFECT ON REQUIREMENTS FOR GUIDELINES.

63 35 1. This subchapter is intended to provide a procedure to  
64 1 accommodate a request of both parents to expeditiously change  
64 2 a support order due to changes in the cost of living.

64 3 2. All of the following shall apply to a cost of living  
64 4 alteration under this subchapter:

64 5 a. To the extent permitted under 42 U.S.C. }  
64 6 666(a)(10)(A)(i)(II), the cost-of-living alteration shall be  
64 7 an exception to any requirement under law for the application  
64 8 of the child support guidelines established pursuant to  
64 9 section 598.21, subsection 4, including but not limited to,  
64 10 any requirement in this chapter or chapter 234, 252A, 252B,  
64 11 252C, 252F, 598, or 600B.

64 12 b. The cost-of-living alteration shall not prevent any  
64 13 subsequent modification or adjustment to the support order as  
64 14 otherwise provided in law based on application of the child  
64 15 support guidelines.

64 16 c. The calculation of a cost-of-living alteration to a  
64 17 child support order shall be compounded as follows:

64 18 (1) Increase or decrease the child support order by the  
64 19 percentage change of the appropriate consumer price index for  
64 20 the month and year after the month and year the child support  
64 21 order was last issued, modified, adjusted, or altered.

64 22 (2) Increase or decrease the amount of the child support  
64 23 order calculated in subparagraph (1) for each subsequent year  
64 24 by applying the appropriate consumer price index for each  
64 25 subsequent year to the result of the calculation for the  
64 26 previous year. The final year in the calculation shall be the  
64 27 year immediately preceding the year the unit received the  
64 28 completed request for the cost-of-living alteration.

64 29 d. The amount of the cost-of-living alteration in the  
64 30 notice in section 252H.24, subsection 1, shall be the result  
64 31 of the calculation in paragraph "c".

64 32 Sec. 96. NEW SECTION. 252H.22 SUPPORT ORDERS SUBJECT TO  
64 33 COST-OF-LIVING ALTERATION.

64 34 A support order meeting all of the following conditions is  
64 35 eligible for a cost-of-living alteration under this  
65 1 subchapter.

65 2 1. The support order is subject to the jurisdiction of  
65 3 this state for the purposes of a cost-of-living alteration.

65 4 2. The support order provides for the ongoing support of  
65 5 at least one child under the age of eighteen or a child  
65 6 between the ages of eighteen and nineteen who has not yet  
65 7 graduated from high school but who is reasonably expected to  
65 8 graduate from high school before attaining the age of  
65 9 nineteen.

65 10 3. The unit is providing enforcement services for the  
65 11 ongoing support obligation pursuant to chapter 252B.

65 12 4. A parent requests a cost-of-living alteration as  
65 13 provided in section 252H.23.

65 14 5. The support order addresses medical support for the  
65 15 child.

65 16 Sec. 97. NEW SECTION. 252H.23 RIGHT TO REQUEST COST-OF-  
65 17 LIVING ALTERATION.

65 18 A parent may request a cost-of-living alteration by  
65 19 submitting all of the following to the unit:

65 20 1. A written request for a cost-of-living alteration to  
65 21 the support order signed by the parent making the request.

65 22 2. A statement signed by the nonrequesting parent agreeing  
65 23 to the cost-of-living alteration to the support order.

65 24 3. A statement signed by each parent waiving that parent's

65 25 right to personal service and accepting service by regular  
65 26 mail.

65 27 4. Other documentation specified by rule of the  
65 28 department.

65 29 Sec. 98. NEW SECTION. 252H.24 ROLE OF THE CHILD SUPPORT  
65 30 RECOVERY UNIT - FILING AND DOCKETING OF COST-OF-LIVING  
65 31 ALTERATION ORDER - ORDER EFFECTIVE AS DISTRICT COURT ORDER.

65 32 1. Upon receipt of a request and required documentation  
65 33 for a cost-of-living alteration, the unit shall issue a notice  
65 34 of the amount of cost-of-living alteration by regular mail to  
65 35 the last known address of each parent, or, if applicable, each  
66 1 parent's attorney. The notice shall include all of the

66 2 following:

66 3 a. A statement that either parent may contest the cost-of-  
66 4 living alteration within thirty days of the date of the notice  
66 5 by making a request for a review of a support order as  
66 6 provided in section 252H.13, and if either parent does not  
66 7 make a request for a review within thirty days, the unit shall  
66 8 prepare an administrative order as provided in subsection 4.

66 9 b. A statement that the parent may waive the thirty-day  
66 10 notice waiting period provided for in this section.

66 11 2. Upon timely receipt of a request and required  
66 12 documentation for a review of a support order as provided in  
66 13 subsection 1 from either parent, the unit shall terminate the  
66 14 cost-of-living alteration process and apply the provisions of  
66 15 subchapters I and II of this chapter relating to review and  
66 16 adjustment.

66 17 3. Upon receipt of signed requests from both parents  
66 18 subject to the support order, waiving the notice waiting  
66 19 period, the unit may prepare an administrative order pursuant  
66 20 to subsection 4 altering the support obligation.

66 21 4. If timely request for a review pursuant to section  
66 22 252H.13 is not made, and if the thirty-day notice waiting  
66 23 period has expired, or if both parents have waived the notice  
66 24 waiting period, the unit shall prepare and present an  
66 25 administrative order for a cost-of-living alteration, ex  
66 26 parte, to the district court where the order to be altered is  
66 27 filed.

66 28 5. Unless defects appear on the face of the administrative  
66 29 order or on the attachments, the district court shall approve  
66 30 the order. Upon filing, the approved order shall have the  
66 31 same force, effect, and attributes of an order of the district  
66 32 court.

66 33 6. Upon filing, the clerk of the district court shall  
66 34 enter the order in the judgment docket and judgment lien  
66 35 index.

67 1 7. If the parents jointly waive the thirty-day notice  
67 2 waiting period, the signed statements of both parents waiving  
67 3 the notice period shall be filed in the court record with the  
67 4 administrative order altering the support obligation.

67 5 8. The unit shall send a copy of the order by regular mail  
67 6 to each parent's last known address, or, if applicable, to the  
67 7 last known address of the parent's attorney.

67 8 9. An administrative order approved by the district court  
67 9 is final, and action by the unit to enforce and collect upon  
67 10 the order may be taken from the date of the entry of the order  
67 11 by the district court.

67 12 DIVISION IX

67 13 Sec. 99. Section 252I.1, subsections 1, 3, 5, and 8, Code  
67 14 1997, are amended to read as follows:

67 15 1. "Account" means "account" as defined in section  
67 16 524.103, "share account or shares" as defined in section  
67 17 534.102, the savings or deposits of a member received or being  
67 18 held by a credit union, or certificates of deposit. "Account"  
67 19 also includes deposits held by an agent, a broker-dealer, or  
67 20 an issuer as defined in section 502.102 and money-market  
67 21 mutual fund accounts. However, "account" does not include

67 22 amounts held by a financial institution as collateral for  
67 23 loans extended by the financial institution.  
67 24 3. "Court order" means "support order" as defined in  
67 25 section

~~252C.1~~

- 252J.1.

67 26 5. "Financial institution" includes a bank, credit union,  
67 27

~~or~~

- savings and loan association, insurance company, safe

67 28 deposit company, and money-market mutual fund. "Financial  
67 29 institution" also includes an institution which holds deposits  
67 30 for an agent, broker-dealer, or an issuer as defined in  
67 31 section 502.102.

67 32 8. "Support" or "support payments" means "support" or  
67 33 "support payments" as defined in section

~~252D.1~~

- 252D.16A.

67 34 Sec. 100. Section 252I.4, Code 1997, is amended to read as  
67 35 follows:

68 1 252I.4 VERIFICATION OF ACCOUNTS AND IMMUNITY FROM  
68 2 LIABILITY.

68 3 1. The unit may contact a financial institution to obtain  
68 4 verification of the account number, the names and social  
68 5 security numbers listed for the account, and the account  
68 6 balance of any account held by an obligor. Contact with a  
68 7 financial institution may be by telephone or by written  
68 8 communication. The financial institution may require positive  
68 9 voice recognition and may require the telephone number of the  
68 10 authorized person from the unit before releasing an obligor's  
68 11 account information by telephone.

68 12 2. The unit and financial institutions doing business in  
68 13 Iowa shall enter into agreements to develop and operate a data  
68 14 match system, using automated data exchanges to the maximum  
68 15 extent feasible. The data match system shall allow a means by  
68 16 which each financial institution shall provide to the unit for  
68 17 each calendar quarter the name, record address, social  
68 18 security number or other taxpayer identification number, and  
68 19 other identifying information for each obligor who maintains  
68 20 an account at the institution and who owes past-due support,  
68 21 as identified by the unit by name and social security number  
68 22 or other taxpayer identification number.

68 23 3. The unit may pay a reasonable fee to a financial  
68 24 institution for conducting the data match required in  
68 25 subsection 2, not to exceed the actual costs incurred by the  
68 26 financial institution.

68 27

~~2.~~

- 4. The financial institution is immune from any  
68 28 liability, civil or criminal, which might otherwise be  
68 29 incurred or imposed for any of the following:  
68 30 a. Any information released by the financial institution  
68 31 to the unit pursuant to this

~~chapter~~

- section.

68 32 b. Any encumbrance or surrender of any assets held by the  
68 33 financial institution in response to a notice of lien or levy  
68 34 issued by the unit.

68 35 c. Any other action taken in good faith to comply with  
69 1 section 252I.4 or 252I.7.

69 2

~~3.~~

- 5. The financial institution or the unit is not liable  
69 3 for the cost of any early withdrawal penalty of an obligor's  
69 4 certificate of deposit.

69 5

DIVISION X

69 6 Sec. 101. Section 252J.1, subsections 1, 2, 3, 4, 6, and  
69 7 9, Code 1997, are amended to read as follows:

69 8 1. "Certificate of noncompliance" means a document  
69 9 provided by the child support recovery unit certifying that  
69 10 the named

~~obligor~~

- individual is not in compliance with

~~a~~

- any

69 11 of the following:

69 12 a. A support order.

~~or with a~~

69 13 b. A written agreement for payment of support entered into  
69 14 by the unit and the obligor.

69 15 c. A subpoena or warrant relating to a paternity or  
69 16 support proceeding.

69 17 2. "License" means a license, certification, registration,  
69 18 permit, approval, renewal, or other similar authorization  
69 19 issued to an

~~obligor~~

- individual by a licensing authority which

69 20 evidences the admission to, or granting of authority to engage  
69 21 in, a profession, occupation, business,

~~or~~

- industry, or

69 22 recreation or to operate or register a motor vehicle.

69 23 "License"

~~does not mean or include~~

- includes licenses for

69 24 hunting, fishing, boating, or other recreational activity.

69 25 3. "Licensee" means an

~~obligor~~

- individual to whom a

69 26 license has been issued, or who is seeking the issuance of a  
69 27 license.

69 28 4. "Licensing authority" means a county treasurer, county

69 29 recorder or designated depository, the supreme court, or an

69 30 instrumentality, agency, board, commission, department,

69 31 officer, organization, or any other entity of the state, which

69 32 has authority within this state to suspend or revoke a license

69 33 or to deny the renewal or issuance of a license authorizing an

69 34

~~obligor~~

- individual to register or operate a motor vehicle or

69 35 to engage in a business, occupation, profession, recreation,

70 1 or industry.

70 2 6. "Support" means support or support payments as defined

70 3 in section

~~252D.1~~

- 252D.16A, whether established through court

70 4 or administrative order.

70 5 9. "Withdrawal of a certificate of noncompliance" means a

70 6 document provided by the unit certifying that the certificate  
70 7 of noncompliance is withdrawn and that the licensing authority  
70 8 may proceed with issuance, reinstatement, or renewal of an  
70 9

~~obligor's~~

~~individual's license.~~

70 10 Sec. 102. Section [252J.1](#), Code 1997, is amended by adding  
70 11 the following new subsections:

70 12 NEW SUBSECTION. 1A. "Individual" means a parent, an  
70 13 obligor, or a putative father in a paternity or support  
70 14 proceeding.

70 15 NEW SUBSECTION. 5A. "Subpoena or warrant" means a  
70 16 subpoena or warrant relating to a paternity or support  
70 17 proceeding initiated or obtained by the unit or a child  
70 18 support agency as defined in section 252H.2.

70 19 Sec. 103. Section [252J.2](#), subsections 1, 2, and 4, Code  
70 20 1997, are amended to read as follows:

70 21 1. Notwithstanding other statutory provisions to the  
70 22 contrary, and if an

~~obligor~~

~~individual~~ has not been cited for

70 23 contempt and enjoined from engaging in the activity governed  
70 24 by a license pursuant to section 598.23A, the unit may utilize  
70 25 the process established in this chapter to collect support.

70 26 2. For cases in which services are provided by the unit  
70 27 all of the following apply:

70 28 a. An obligor is subject to the provisions of this chapter  
70 29 if the obligor's support obligation is being enforced by the  
70 30 unit, if the support payments required by a support order to  
70 31 be paid to the clerk of the district court or the collection  
70 32 services center pursuant to section 598.22 are not paid and  
70 33 become delinquent in an amount equal to the support payment  
70 34 for

~~ninety days~~

~~three months~~, and if the obligor's situation

70 35 meets other criteria specified under rules adopted by the  
71 1 department pursuant to chapter 17A. The criteria specified by  
71 2 rule shall include consideration of the length of time since  
71 3 the obligor's last support payment and the total amount of  
71 4 support owed by the obligor.

71 5 b. An individual is subject to the provisions of this  
71 6 chapter if the individual has failed, after receiving  
71 7 appropriate notice, to comply with a subpoena or warrant.

71 8 4. Notwithstanding

~~the confidentiality provisions of~~

~~chapter~~

~~252B or 422, or any other statutory provision~~

71 10

~~pertaining to the confidentiality of records, a licensing~~

71 11

~~authority shall exchange information with the unit through~~

71 12

~~manual or automated means.~~

~~22 all of the following apply:~~

71 13 a. Information

~~exchanged~~

~~obtained by the unit under this~~

71 14 chapter shall be used solely for the purposes of this chapter  
71 15 or chapter

~~598 shall be used solely for the purpose of~~

71 16

~~identifying licensees subject to enforcement pursuant to this~~

71 17

~~chapter or chapter 598~~

~~252B.~~

71 18 b. Information obtained by a licensing authority shall be  
71 19 used solely for the purposes of this chapter.

71 20 Sec. 104. Section [252J.3](#), Code 1997, is amended to read as  
71 21 follows:

71 22 252J.3 NOTICE TO

~~OBLIGOR~~

~~INDIVIDUAL OF POTENTIAL SANCTION~~

71 23 OF LICENSE.

71 24 The unit shall proceed in accordance with this chapter only  
71 25 if notice is served on the

~~obligor~~

~~individual in accordance~~

71 26 with R.C.P. 56.1 or notice is sent by certified mail addressed  
71 27 to the

~~obligor's~~

~~individual's last known address and served~~

71 28 upon any person who may accept service under R.C.P. 56.1.

71 29 Return acknowledgment is required to prove service by

71 30 certified mail. The notice shall include all of the

71 31 following:

71 32 1. The address and telephone number of the unit and the  
71 33 unit case number.

71 34 2. A statement that the obligor is not in compliance with

71 35 a support order or the individual has not complied with a

72 1 subpoena or warrant.

72 2 3. A statement that the

~~obligor~~

~~individual may request a~~

72 3 conference with the unit to contest the action.

72 4 4. A statement that if, within twenty days of service of

72 5 notice on the

~~obligor~~

~~individual, the~~

~~obligor~~

~~individual fails~~

72 6 to contact the unit to schedule a conference, the unit shall

72 7 issue a certificate of noncompliance, bearing the

~~obligor's~~

72 8 individual's name, social security number

~~and unit case~~

72 9 number,

~~and the docket number of a support order requiring the~~

72 10

~~obligor to pay support,~~

- to any appropriate licensing

72 11 authority, certifying that the obligor is not in compliance  
72 12 with a support order or an individual has not complied with a  
72 13 subpoena or warrant.

72 14 5. A statement that in order to stay the issuance of a  
72 15 certificate of noncompliance the request for a conference  
72 16 shall be in writing and shall be received by the unit within  
72 17 twenty days of service of notice on the

~~obligor~~

- individual.

72 18 6. The names of the licensing authorities to which the  
72 19 unit intends to issue a certificate of noncompliance.

72 20 7. A statement that if the unit issues a certificate of  
72 21 noncompliance to an appropriate licensing authority, the  
72 22 licensing authority shall initiate proceedings to refuse to  
72 23 issue or renew, or to suspend or revoke the

~~obligor's~~

72 24 individual's license, unless the unit provides the licensing  
72 25 authority with a withdrawal of a certificate of noncompliance.  
72 26 Sec. 105. Section [252J.4](#), Code 1997, is amended to read as  
72 27 follows:

72 28 252J.4 CONFERENCE.

72 29 1. The

~~obligor~~

- individual may schedule a conference with

72 30 the unit following service of notice pursuant to section  
72 31 252J.3, or at any time after service of notice of suspension,  
72 32 revocation, denial of issuance, or nonrenewal of a license  
72 33 from a licensing authority, to challenge the unit's actions  
72 34 under this chapter.

72 35 2. The request for a conference shall be made to the unit,  
73 1 in writing, and, if requested after service of a notice  
73 2 pursuant to section 252J.3, shall be received by the unit  
73 3 within twenty days following service of notice.

73 4 3. The unit shall notify the

~~obligor~~

- individual of the

73 5 date, time, and location of the conference by regular mail,  
73 6 with the date of the conference to be no earlier than ten days  
73 7 following issuance of notice of the conference by the unit.  
73 8 If the

~~obligor~~

- individual fails to appear at the conference,

73 9 the unit shall issue a certificate of noncompliance.

73 10 4. Following the conference, the unit shall issue a  
73 11 certificate of noncompliance unless any of the following  
73 12 applies:

73 13 a. The unit finds a mistake in the identity of the

~~obligor~~

73 14 individual.

73 15 b. The unit finds a mistake in determining that the amount  
73 16 of delinquent support is equal to or greater than

~~ninety days~~

73 17 three months.

73 18 c. The obligor enters a written agreement with the unit to  
73 19 comply with a support order, the obligor complies with an  
73 20 existing written agreement to comply with a support order, or  
73 21 the obligor pays the total amount of delinquent support due.

73 22 d. Issuance of a certificate of noncompliance is not  
73 23 appropriate under other criteria established in accordance  
73 24 with rules adopted by the department pursuant to chapter 17A.

73 25 e. The unit finds a mistake in determining the compliance  
73 26 of the individual with a subpoena or warrant.

73 27 f. The individual complies with a subpoena or warrant.

73 28 5. The unit shall grant the

~~obligor~~

- individual a stay of

73 29 the issuance of a certificate of noncompliance upon receiving  
73 30 a timely written request for a conference, and if a  
73 31 certificate of noncompliance has previously been issued, shall  
73 32 issue a withdrawal of a certificate of noncompliance if the  
73 33 obligor enters into a written agreement with the unit to  
73 34 comply with a support order or if the individual complies with  
73 35 a subpoena or warrant.

74 1 6. If the

~~obligor~~

- individual does not timely request a

74 2 conference or does not comply with a subpoena or warrant or if  
74 3 the obligor does not pay the total amount of delinquent  
74 4 support owed within twenty days of service of the notice  
74 5 pursuant to section 252J.3, the unit shall issue a certificate  
74 6 of noncompliance.

74 7 Sec. 106. Section [252J.5](#), subsection 1, unnumbered  
74 8 paragraph 1, Code 1997, is amended to read as follows:

74 9 If an obligor is subject to this chapter as established in  
74 10 section 252J.2, subsection 2, paragraph "a", the obligor and  
74 11 the unit may enter into a written agreement for payment of  
74 12 support and compliance which takes into consideration the  
74 13 obligor's ability to pay and other criteria established by  
74 14 rule of the department. The written agreement shall include  
74 15 all of the following:

74 16 Sec. 107. Section [252J.6](#), Code 1997, is amended to read as  
74 17 follows:

74 18 252J.6 DECISION OF THE UNIT.

74 19 1. If an obligor is not in compliance with a support order  
74 20 or the individual is not in compliance with a subpoena or  
74 21 warrant pursuant to section 252J.2, the unit notifies the  
74 22

~~obligor~~

- individual pursuant to section 252J.3, and the

~~obligor~~

74 23 individual requests a conference pursuant to section 252J.4,  
74 24 the unit shall issue a written decision if any of the  
74 25 following conditions exists:

74 26 a. The

~~obligor~~

- individual fails to appear at a scheduled

74 27 conference under section 252J.4.

74 28 b. A conference is held under section 252J.4.

74 29 c. The obligor fails to comply with a written agreement  
74 30 entered into by the obligor and the unit under section 252J.5.

74 31 2. The unit shall send a copy of the written decision to

74 32 the

~~obligor~~

- individual by regular mail at the

~~obligor's~~

-  
74 33 individual's most recent address of record. If the decision  
74 34 is made to issue a certificate of noncompliance or to withdraw  
74 35 the certificate of noncompliance, a copy of the certificate of  
75 1 noncompliance or of the withdrawal of the certificate of  
75 2 noncompliance shall be attached to the written decision. The  
75 3 written decision shall state all of the following:

75 4 a. That a copy of the certificate of noncompliance or  
75 5 withdrawal of the certificate of noncompliance has been  
75 6 provided to the licensing authorities named in the notice  
75 7 provided pursuant to section 252J.3.

75 8 b. That upon receipt of a certificate of noncompliance,  
75 9 the licensing authority shall initiate proceedings to suspend,  
75 10 revoke, deny issuance, or deny renewal of a license, unless  
75 11 the licensing authority is provided with a withdrawal of a  
75 12 certificate of noncompliance from the unit.

75 13 c. That in order to obtain a withdrawal of a certificate  
75 14 of noncompliance from the unit, the obligor shall enter into a  
75 15 written agreement with the unit, comply with an existing  
75 16 written agreement with the unit, or pay the total amount of  
75 17 delinquent support owed or the individual shall comply with a  
75 18 subpoena or warrant.

75 19 d. That if the unit issues a written decision

~~7~~  
- which

75 20 includes a certificate of noncompliance, that all of the  
75 21 following apply:

75 22 (1) The

~~obligor~~

- individual may request a hearing as

75 23 provided in section 252J.9, before the district court as  
75 24 follows:

75 25 (a) If the action is a result of section 252J.2,  
75 26 subsection 2, paragraph "a", in the county in which the  
75 27 underlying support order is filed, by filing a written  
75 28 application to the court challenging the issuance of the  
75 29 certificate of noncompliance by the unit and sending a copy of  
75 30 the application to the unit within the time period specified  
75 31 in section 252J.9.

75 32 (b) If the action is a result of section 252J.2,  
75 33 subsection 2, paragraph "b" and the individual is not an  
75 34 obligor, in the county in which the dependent child or  
75 35 children reside if the child or children reside in Iowa; in  
76 1 the county in which the dependent child or children last  
76 2 received public assistance if the child or children received  
76 3 public assistance in Iowa; or in the county in which the  
76 4 individual resides if the action is the result of a request  
76 5 from a child support agency in a foreign jurisdiction.

76 6 (2) The

~~obligor~~

- individual may retain an attorney at the

76 7

~~obligor's~~

- individual's own expense to represent the

~~obligor~~

-

76 8 individual at the hearing.

76 9 (3) The scope of review of the district court shall be  
76 10 limited to demonstration of a mistake of fact related to the  
76 11 delinquency of the

~~obligor~~

- or the compliance of the individual

76 12 with a subpoena or warrant.

76 13 3. If the unit issues a certificate of noncompliance, the  
76 14 unit shall only issue a withdrawal of the certificate of  
76 15 noncompliance if any of the following applies:

76 16 a. The unit or the court finds a mistake in the identity  
76 17 of the

~~obligor~~

- individual.

76 18 b. The unit finds a mistake in determining compliance with  
76 19 a subpoena or warrant.

76 20

~~b.~~

- c. The unit or the court finds a mistake in determining  
76 21 that the amount of delinquent support due is equal to or  
76 22 greater than

~~ninety days~~

- three months.

76 23

~~e.~~

- d. The obligor enters a written agreement with the unit  
76 24 to comply with a support order, the obligor complies with an  
76 25 existing written agreement to comply with a support order, or  
76 26 the obligor pays the total amount of delinquent support owed.

76 27 e. The individual complies with the subpoena or warrant.

76 28

~~d.~~

- f. Issuance of a withdrawal of the certificate of  
76 29 noncompliance is appropriate under other criteria in  
76 30 accordance with rules adopted by the department pursuant to  
76 31 chapter 17A.

76 32 Sec. 108. Section [252J.7](#), Code 1997, is amended to read as  
76 33 follows:

76 34 252J.7 CERTIFICATE OF NONCOMPLIANCE - CERTIFICATION TO  
76 35 LICENSING AUTHORITY.

77 1 1. If the

~~obligor~~

- individual fails to respond to the

77 2 notice of potential license sanction provided pursuant to  
77 3 section 252J.3 or the unit issues a written decision under  
77 4 section 252J.6 which states that the

~~obligor~~

- individual is not

77 5 in compliance, the unit shall certify, in writing, to any  
77 6 appropriate licensing authority that the support obligor is  
77 7 not in compliance with a support order or the individual is  
77 8 not in compliance with a subpoena or warrant and shall include  
77 9 a copy of the certificate of noncompliance.

77 10 2. The certificate of noncompliance shall contain the

77 11

~~obligor's~~

- individual's name

~~and~~ social security number

~~and~~

77 12

~~the docket number of the applicable support order~~

77 13 3. The certificate of noncompliance shall require all of  
77 14 the following:

77 15 a. That the licensing authority initiate procedures for  
77 16 the revocation or suspension of the

~~obligor's~~

~~individual's~~

77 17 license, or for the denial of the issuance or renewal of a  
77 18 license using the licensing authority's procedures.

77 19 b. That the licensing authority provide notice to the  
77 20

~~obligor~~

~~individual~~, as provided in section 252J.8, of the  
77 21 intent to suspend, revoke, deny issuance, or deny renewal of a  
77 22 license including the effective date of the action. The  
77 23 suspension, revocation, or denial shall be effective no sooner  
77 24 than thirty days following provision of notice to the

~~obligor~~

77 25 individual.

77 26 Sec. 109. Section [252J.8](#), subsections 3, 4, and 5, Code  
77 27 1997, are amended to read as follows:

77 28 3. The supreme court shall prescribe rules for admission  
77 29 of persons to practice as attorneys and counselors pursuant to  
77 30 chapter 602, article 10, which include provisions, as  
77 31 specified in this chapter, for the denial, suspension, or  
77 32 revocation of the admission for failure to comply with a child  
77 33 support order or a subpoena or warrant.

77 34 4. A licensing authority that is issued a certificate of  
77 35 noncompliance shall initiate procedures for the suspension,  
78 1 revocation, or denial of issuance or renewal of licensure to  
78 2 an

~~obligor~~

~~individual~~. The licensing authority shall utilize  
78 3 existing rules and procedures for suspension, revocation, or  
78 4 denial of the issuance or renewal of a license.

78 5 In addition, the licensing authority shall provide notice  
78 6 to the

~~obligor~~

~~individual~~ of the licensing authority's intent

78 7 to suspend, revoke, or deny issuance or renewal of a license  
78 8 under this chapter. The suspension, revocation, or denial  
78 9 shall be effective no sooner than thirty days following  
78 10 provision of notice to the

~~obligor~~

~~individual~~. The notice

78 11 shall state all of the following:

78 12 a. The licensing authority intends to suspend, revoke, or  
78 13 deny issuance or renewal of an

~~obligor's~~

~~individual's~~ license

78 14 due to the receipt of a certificate of noncompliance from the

78 15 unit.

78 16 b. The

~~—obligor~~

- individual must contact the unit to  
78 17 schedule a conference or to otherwise obtain a withdrawal of a  
78 18 certificate of noncompliance.

78 19 c. Unless the unit furnishes a withdrawal of a certificate  
78 20 of noncompliance to the licensing authority within thirty days  
78 21 of the issuance of the notice under this section, the  
78 22

~~—obligor's~~

- individual's license will be revoked, suspended, or  
78 23 denied.

78 24 d. If the licensing authority's rules and procedures  
78 25 conflict with the additional requirements of this section, the  
78 26 requirements of this section shall apply. Notwithstanding  
78 27 section 17A.18, the

~~—obligor~~

- individual does not have a right  
78 28 to a hearing before the licensing authority to contest the  
78 29 authority's actions under this chapter but may request a court  
78 30 hearing pursuant to section 252J.9 within thirty days of the  
78 31 provision of notice under this section.

78 32 5. If the licensing authority receives a withdrawal of a  
78 33 certificate of noncompliance from the unit, the licensing  
78 34 authority shall immediately reinstate, renew, or issue a  
78 35 license if the

~~—obligor~~

- individual is otherwise in compliance  
79 1 with licensing requirements established by the licensing  
79 2 authority.

79 3 Sec. 110. Section [252J.9](#), subsections 1, 2, and 3, Code  
79 4 1997, are amended to read as follows:

79 5 1. Following the issuance of a written decision by the  
79 6 unit under section 252J.6 which includes the issuance of a  
79 7 certificate of noncompliance, or following provision of notice  
79 8 to the

~~—obligor~~

- individual by a licensing authority pursuant to  
79 9 section 252J.8, an

~~—obligor~~

- individual may seek review of the  
79 10 decision and request a hearing before the district court as  
79 11 follows:

79 12 a. If the action is a result of section 252J.2, subsection  
79 13 2, paragraph "a", in the county in which the underlying  
79 14 support order is filed, by filing an application with the  
79 15 district court, and sending a copy of the application to the  
79 16 unit by regular mail.

79 17 b. If the action is a result of section 252J.2, subsection  
79 18 2, paragraph "b" and the individual is not an obligor, in a  
79 19 county in which the dependent child or children reside if the  
79 20 child or children reside in Iowa; in the county in which the  
79 21 dependent child or children last received public assistance if  
79 22 the child or children received public assistance in Iowa; or  
79 23 in the county in which the individual resides if the action is  
79 24 the result of a request from a child support agency in a  
79 25 foreign jurisdiction.

79 26 PARAGRAPH DIVIDED. An application shall be filed to seek  
79 27 review of the decision by the unit or following issuance of  
79 28 notice by the licensing authority no later than within thirty

79 29 days after the issuance of the notice pursuant to section  
79 30 252J.8. The clerk of the district court shall schedule a  
79 31 hearing and mail a copy of the order scheduling the hearing to  
79 32 the

~~obligor~~

- individual and the unit and shall also mail a copy  
79 33 of the order to the licensing authority, if applicable. The  
79 34 unit shall certify a copy of its written decision and  
79 35 certificate of noncompliance, indicating the date of issuance,  
80 1 and the licensing authority shall certify a copy of a notice  
80 2 issued pursuant to section 252J.8, to the court prior to the  
80 3 hearing.  
80 4 2. The filing of an application pursuant to this section  
80 5 shall automatically stay the actions of a licensing authority  
80 6 pursuant to section 252J.8. The hearing on the application  
80 7 shall be scheduled and held within thirty days of the filing  
80 8 of the application. However, if the

~~obligor~~

- individual fails  
80 9 to appear at the scheduled hearing, the stay shall be lifted  
80 10 and the licensing authority shall continue procedures pursuant  
80 11 to section 252J.8.  
80 12 3. The scope of review by the district court shall be  
80 13 limited to demonstration of a mistake of fact relating to the  
80 14 delinquency of the obligor or the noncompliance of the  
80 15 individual with a subpoena or warrant. Issues related to  
80 16 visitation, custody, or other provisions not related to the  
80 17 support provisions of a support order are not grounds for a  
80 18 hearing under this chapter.

80 19 DIVISION XI  
80 20 UNIFORM INTERSTATE FAMILY SUPPORT ACT  
80 21 (1996)

80 22 ARTICLE 1  
80 23 GENERAL PROVISIONS

80 24 Sec. 111. NEW SECTION. 252K.101 DEFINITIONS.

80 25 In this chapter:

80 26 1. "Child" means an individual, whether over or under the  
80 27 age of majority, who is or is alleged to be owed a duty of  
80 28 support by the individual's parent or who is or is alleged to  
80 29 be the beneficiary of a support order directed to the parent.

80 30 2. "Child-support order" means a support order for a  
80 31 child, including a child who has attained the age of majority  
80 32 under the law of the issuing state.

80 33 3. "Duty of support" means an obligation imposed or  
80 34 imposable by law to provide support for a child, spouse, or  
80 35 former spouse, including an unsatisfied obligation to provide  
81 1 support.

81 2 4. "Home state" means the state in which a child lived  
81 3 with a parent or a person acting as parent for at least six  
81 4 consecutive months immediately preceding the time of filing of  
81 5 a petition or comparable pleading for support and, if a child  
81 6 is less than six months old, the state in which the child  
81 7 lived from birth with any of them. A period of temporary  
81 8 absence of any of them is counted as part of the six-month or  
81 9 other period.

81 10 5. "Income" includes earnings or other periodic  
81 11 entitlements to money from any source and any other property  
81 12 subject to withholding for support under the law of this  
81 13 state.

81 14 6. "Income-withholding order" means an order or other  
81 15 legal process directed to an obligor's employer or other payor  
81 16 of income, as defined by the income-withholding law of this  
81 17 state, to withhold support from the income of the obligor.

81 18 7. "Initiating state" means a state from which a  
81 19 proceeding is forwarded or in which a proceeding is filed for

81 20 forwarding to a responding state under this chapter or a law  
81 21 or procedure substantially similar to this chapter, the  
81 22 Uniform Reciprocal Enforcement of Support Act, or the Revised  
81 23 Uniform Reciprocal Enforcement of Support Act.

81 24 8. "Initiating tribunal" means the authorized tribunal in  
81 25 an initiating state.

81 26 9. "Issuing state" means the state in which a tribunal  
81 27 issues a support order or renders a judgment determining  
81 28 parentage.

81 29 10. "Issuing tribunal" means the tribunal that issues a  
81 30 support order or renders a judgment determining parentage.

81 31 11. "Law" includes decisional and statutory law and rules  
81 32 and regulations having the force of law.

81 33 12. "Obligee" means any of the following:

81 34 a. An individual to whom a duty of support is or is  
81 35 alleged to be owed or in whose favor a support order has been  
82 1 issued or a judgment determining parentage has been rendered.

82 2 b. A state or political subdivision to which the rights  
82 3 under a duty of support or support order have been assigned or  
82 4 which has independent claims based on financial assistance  
82 5 provided to an individual obligee.

82 6 c. An individual seeking a judgment determining parentage  
82 7 of the individual's child.

82 8 13. "Obligor" means an individual, or the estate of a  
82 9 decedent, to which any of the following applies:

82 10 a. Who owes or is alleged to owe a duty of support.

82 11 b. Who is alleged but has not been adjudicated to be a  
82 12 parent of a child.

82 13 c. Who is liable under a support order.

82 14 14. "Register" means to file a support order or judgment  
82 15 determining parentage in the appropriate location for the  
82 16 filing of foreign judgments.

82 17 15. "Registering tribunal" means a tribunal in which a  
82 18 support order is registered.

82 19 16. "Responding state" means a state in which a proceeding  
82 20 is filed or to which a proceeding is forwarded for filing from  
82 21 an initiating state under this chapter or a law or procedure  
82 22 substantially similar to this chapter, the Uniform Reciprocal  
82 23 Enforcement of Support Act, or the Revised Uniform Reciprocal  
82 24 Enforcement of Support Act.

82 25 17. "Responding tribunal" means the authorized tribunal in  
82 26 a responding state.

82 27 18. "Spousal-support order" means a support order for a  
82 28 spouse or former spouse of the obligor.

82 29 19. "State" means a state of the United States, the  
82 30 District of Columbia, Puerto Rico, the United States Virgin  
82 31 Islands, or any territory or insular possession subject to the  
82 32 jurisdiction of the United states. The term includes:

82 33 a. An Indian tribe.

82 34 b. A foreign jurisdiction that has enacted a law or  
82 35 established procedures for issuance and enforcement of support  
83 1 orders which are substantially similar to the procedures under  
83 2 this chapter, the Uniform Reciprocal Enforcement of Support  
83 3 Act, or the Revised Uniform Reciprocal Enforcement of Support  
83 4 Act.

83 5 20. "Support enforcement agency" means a public official  
83 6 or agency authorized to seek any of the following:

83 7 a. Enforcement of support orders or laws relating to the  
83 8 duty of support.

83 9 b. Establishment or modification of child support.

83 10 c. Determination of parentage.

83 11 d. Location of obligors or their assets.

83 12 21. "Support order" means a judgment, decree, or order,  
83 13 whether temporary, final, or subject to modification, for the  
83 14 benefit of a child, a spouse, or a former spouse, which  
83 15 provides for monetary support, health care, arrearages, or  
83 16 reimbursement, and may include related costs and fees,

83 17 interest, income withholding, attorney's fees, and other  
83 18 relief.

83 19 22. "Tribunal" means a court, administrative agency, or  
83 20 quasi-judicial entity authorized to establish, enforce, or  
83 21 modify support orders or to determine parentage.

83 22 Sec. 112. NEW SECTION. 252K.102 TRIBUNALS OF THIS STATE.  
83 23 The child support recovery unit when the unit establishes  
83 24 or modifies an order, upon ratification by the court, and the  
83 25 court, are the tribunals of this state.

83 26 Sec. 113. NEW SECTION. 252K.103 REMEDIES CUMULATIVE.  
83 27 Remedies provided by this chapter are cumulative and do not  
83 28 affect the availability of remedies under other law.

83 29 ARTICLE 2  
83 30 JURISDICTION  
83 31 PART 1

83 32 EXTENDED PERSONAL JURISDICTION

83 33 Sec. 114. NEW SECTION. 252K.201 BASES FOR JURISDICTION  
83 34 OVER NONRESIDENT.

83 35 In a proceeding to establish, enforce, or modify a support  
84 1 order or to determine parentage, a tribunal of this state may  
84 2 exercise personal jurisdiction over a nonresident individual  
84 3 or the individual's guardian or conservator if any of the  
84 4 following applies:

84 5 1. The individual is personally served with notice within  
84 6 this state.

84 7 2. The individual submits to the jurisdiction of this  
84 8 state by consent, by entering a general appearance, or by  
84 9 filing a responsive document having the effect of waiving any  
84 10 contest to personal jurisdiction.

84 11 3. The individual resided with the child in this state.

84 12 4. The individual resided in this state and provided  
84 13 prenatal expenses or support for the child.

84 14 5. The child resides in this state as a result of the acts  
84 15 or directives of the individual.

84 16 6. The individual engaged in sexual intercourse in this  
84 17 state and the child may have been conceived by that act of  
84 18 intercourse.

84 19 7. The individual asserted parentage in the declaration of  
84 20 paternity registry maintained in this state by the Iowa  
84 21 department of public health pursuant to section 144.12A or  
84 22 established paternity by affidavit under section 252A.3A.

84 23 8. There is any other basis consistent with the  
84 24 constitutions of this state and the United States for the  
84 25 exercise of personal jurisdiction.

84 26 Sec. 115. NEW SECTION. 252K.202 PROCEDURE WHEN  
84 27 EXERCISING JURISDICTION OVER NONRESIDENT.

84 28 A tribunal of this state exercising personal jurisdiction  
84 29 over a nonresident under section 252K.201 may apply section  
84 30 252K.316 to receive evidence from another state, and section  
84 31 252K.318 to obtain discovery through a tribunal of another  
84 32 state. In all other respects, Articles 3 through 7 do not  
84 33 apply and the tribunal shall apply the procedural and  
84 34 substantive law of this state, including the rules on choice  
84 35 of law other than those established by this chapter.

85 1 PART 2

85 2 PROCEEDINGS INVOLVING TWO OR MORE STATES

85 3 Sec. 116. NEW SECTION. 252K.203 INITIATING AND  
85 4 RESPONDING TRIBUNAL OF THIS STATE.

85 5 Under this chapter, a tribunal of this state may serve as  
85 6 an initiating tribunal to forward proceedings to another state  
85 7 and as a responding tribunal for proceedings initiated in  
85 8 another state.

85 9 Sec. 117. NEW SECTION. 252K.204 SIMULTANEOUS PROCEEDINGS  
85 10 IN ANOTHER STATE.

85 11 1. A tribunal of this state may exercise jurisdiction to  
85 12 establish a support order if the petition or comparable  
85 13 pleading is filed after a pleading is filed in another state

85 14 only if all of the following apply:

85 15 a. The petition or comparable pleading in this state is  
85 16 filed before the expiration of the time allowed in the other  
85 17 state for filing a responsive pleading challenging the  
85 18 exercise of jurisdiction by the other state.

85 19 b. The contesting party timely challenges the exercise of  
85 20 jurisdiction in the other state.

85 21 c. If relevant, this state is the home state of the child.

85 22 2. A tribunal of this state may not exercise jurisdiction  
85 23 to establish a support order if the petition or comparable  
85 24 pleading is filed before a petition or comparable pleading is  
85 25 filed in another state if all of the following apply:

85 26 a. The petition or comparable pleading in the other state  
85 27 is filed before the expiration of the time allowed in this  
85 28 state for filing a responsive pleading challenging the  
85 29 exercise of jurisdiction by this state.

85 30 b. The contesting party timely challenges the exercise of  
85 31 jurisdiction in this state.

85 32 c. If relevant, the other state is the home state of the  
85 33 child.

85 34 Sec. 118. NEW SECTION. 252K.205 CONTINUING, EXCLUSIVE  
85 35 JURISDICTION.

86 1 1. A tribunal of this state issuing a support order  
86 2 consistent with the law of this state has continuing,  
86 3 exclusive jurisdiction over a child-support order if any of  
86 4 the following applies:

86 5 a. As long as this state remains the residence of the  
86 6 obligor, the individual obligee, or the child for whose  
86 7 benefit the support order is issued.

86 8 b. Until all of the parties who are individuals have filed  
86 9 written consents with the tribunal of this state for a  
86 10 tribunal of another state to modify the order and assume  
86 11 continuing, exclusive jurisdiction.

86 12 2. A tribunal of this state issuing a child-support order  
86 13 consistent with the law of this state may not exercise its  
86 14 continuing, exclusive jurisdiction to modify the order if the  
86 15 order has been modified by a tribunal of another state  
86 16 pursuant to this chapter or a law substantially similar to  
86 17 this chapter.

86 18 3. If a child support order of this state is modified by a  
86 19 tribunal of another state pursuant to this chapter or a law  
86 20 substantially similar to this chapter, a tribunal of this  
86 21 state loses its continuing, exclusive jurisdiction with regard  
86 22 to prospective enforcement of the order issued in this state,  
86 23 and may only:

86 24 a. Enforce the order that was modified as to amounts  
86 25 accruing before the modification.

86 26 b. Enforce nonmodifiable aspects of that order.

86 27 c. Provide other appropriate relief for violations of that  
86 28 order which occurred before the effective date of the  
86 29 modification.

86 30 4. A tribunal of this state shall recognize the  
86 31 continuing, exclusive jurisdiction of a tribunal of another  
86 32 state which has issued a child support order pursuant to this  
86 33 chapter or a law substantially similar to this chapter.

86 34 5. A temporary support order issued ex parte or pending  
86 35 resolution of a jurisdictional conflict does not create  
87 1 continuing, exclusive jurisdiction in the issuing tribunal.

87 2 6. A tribunal of this state issuing a support order  
87 3 consistent with the law of this state has continuing,  
87 4 exclusive jurisdiction over a spousal support order throughout  
87 5 the existence of the support obligation. A tribunal of this  
87 6 state may not modify a spousal support order issued by a  
87 7 tribunal of another state having continuing, exclusive  
87 8 jurisdiction over that order under the law of that state.

87 9 Sec. 119. NEW SECTION. 252K.206 ENFORCEMENT AND  
87 10 MODIFICATION OF SUPPORT ORDER BY TRIBUNAL HAVING CONTINUING

87 11 JURISDICTION.

87 12 1. A tribunal of this state may serve as an initiating  
87 13 tribunal to request a tribunal of another state to enforce or  
87 14 modify a support order issued in that state.

87 15 2. A tribunal of this state having continuing, exclusive  
87 16 jurisdiction over a support order may act as a responding  
87 17 tribunal to enforce or modify the order. If a party subject  
87 18 to the continuing, exclusive jurisdiction of the tribunal no  
87 19 longer resides in the issuing state, in subsequent proceedings  
87 20 the tribunal may apply section 252K.316 to receive evidence  
87 21 from another state and section 252K.318 to obtain discovery  
87 22 through a tribunal of another state.

87 23 3. A tribunal of this state which lacks continuing,  
87 24 exclusive jurisdiction over a spousal-support order may not  
87 25 serve as a responding tribunal to modify a spousal-support  
87 26 order of another state.

87 27

PART 3

87 28

RECONCILIATION OF MULTIPLE ORDERS

87 29

Sec. 120. NEW SECTION. 252K.207 RECOGNITION OF

87 30

CONTROLLING CHILD-SUPPORT ORDER.

87 31

1. If a proceeding is brought under this chapter and only  
87 32 one tribunal has issued a child support order, the order of  
87 33 that tribunal controls and must be so recognized.

87 34

2. If a proceeding is brought under this chapter, and two  
87 35 or more child-support orders have been issued by tribunals of  
88 1 this state or another state with regard to the same obligor  
88 2 and child, a tribunal of this state shall apply the following  
88 3 rules in determining which order to recognize for purposes of  
88 4 continuing, exclusive jurisdiction:

88 5

a. If only one of the tribunals would have continuing,  
88 6 exclusive jurisdiction under this chapter, the order of that  
88 7 tribunal controls and must be so recognized.

88 8

b. If more than one of the tribunals would have  
88 9 continuing, exclusive jurisdiction under this chapter, an  
88 10 order issued by a tribunal in the current home state of the  
88 11 child controls and must be so recognized, but if an order has  
88 12 not been issued in the current home state of the child, the  
88 13 order most recently issued controls and must be so recognized.

88 14

c. If none of the tribunals would have continuing,  
88 15 exclusive jurisdiction under this chapter, the tribunal of  
88 16 this state having jurisdiction over the parties shall issue a  
88 17 child-support order, which controls and must be so recognized.

88 18

3. If two or more child support orders have been issued  
88 19 for the same obligor and child and if the obligor or the  
88 20 individual obligee resides in this state, a party may request  
88 21 a tribunal of this state to determine which order controls and  
88 22 must be so recognized under subsection 2. The request must be  
88 23 accompanied by a certified copy of every support order in  
88 24 effect. The requesting party shall give notice of the request  
88 25 to each party whose rights may be affected by the  
88 26 determination.

88 27

4. The tribunal that issued the controlling order under  
88 28 subsection 1, 2, or 3 is the tribunal that has continuing,  
88 29 exclusive jurisdiction under section 252K.205.

88 30

5. A tribunal of this state which determines by order the  
88 31 identity of the controlling order under subsection 2,  
88 32 paragraph "a" or "b", or which issues a new controlling order  
88 33 under subsection 2, paragraph "c", shall state in that order  
88 34 the basis upon which the tribunal made its determination.

88 35

6. Within thirty days after issuance of an order  
89 1 determining the identity of the controlling order, the party  
89 2 obtaining the order shall file a certified copy of it with  
89 3 each tribunal that issued or registered an earlier order of  
89 4 child support. A party who obtains the order and fails to  
89 5 file a certified copy is subject to appropriate sanctions by a  
89 6 tribunal in which the issue of failure to file arises. The  
89 7 failure to file does not affect the validity or enforceability

89 8 of the controlling order.  
89 9 Sec. 121. NEW SECTION. 252K.208 MULTIPLE CHILD SUPPORT  
89 10 ORDERS FOR TWO OR MORE OBLIGEES.

89 11 In responding to multiple registrations or requests for  
89 12 enforcement of two or more child support orders in effect at  
89 13 the same time with regard to the same obligor and different  
89 14 individual obligees, at least one of which was issued by a  
89 15 tribunal of another state, a tribunal of this state shall  
89 16 enforce those orders in the same manner as if the multiple  
89 17 orders had been issued by a tribunal of this state.

89 18 Sec. 122. NEW SECTION. 252K.209 CREDIT FOR PAYMENTS.  
89 19 Amounts collected and credited for a particular period  
89 20 pursuant to a support order issued by a tribunal of another  
89 21 state must be credited against the amounts accruing or accrued  
89 22 for the same period under a support order issued by the  
89 23 tribunal of this state.

89 24 ARTICLE 3  
89 25 CIVIL PROVISIONS OF GENERAL APPLICATION

89 26 Sec. 123. NEW SECTION. 252K.301 PROCEEDINGS UNDER THIS  
89 27 CHAPTER.

- 89 28 1. Except as otherwise provided in this chapter, this  
89 29 article applies to all proceedings under this chapter.  
89 30 2. This chapter provides for the following proceedings:  
89 31 a. Establishment of an order for spousal support or child  
89 32 support pursuant to Article 4.  
89 33 b. Enforcement of a support order and income withholding  
89 34 order of another state without registration pursuant to  
89 35 Article 5.  
90 1 c. Registration of an order for spousal support or child  
90 2 support of another state for enforcement pursuant to Article  
90 3 6.  
90 4 d. Modification of an order for child support or spousal  
90 5 support issued by a tribunal of this state pursuant to Article  
90 6 2, part 2.  
90 7 e. Registration of an order for child support of another  
90 8 state for modification pursuant to Article 6.  
90 9 f. Determination of parentage pursuant to Article 7.  
90 10 g. Assertion of jurisdiction over nonresidents pursuant to  
90 11 Article 2, part 1.

90 12 3. An individual movant or a support enforcement agency  
90 13 may commence a proceeding authorized under this chapter by  
90 14 filing a petition or a comparable pleading in an initiating  
90 15 tribunal for forwarding to a responding tribunal or by filing  
90 16 a petition or a comparable pleading directly in a tribunal of  
90 17 another state which has or can obtain personal jurisdiction  
90 18 over the respondent or nonmoving party.

90 19 Sec. 124. NEW SECTION. 252K.302 ACTION BY MINOR PARENT.  
90 20 A minor parent, or a guardian or other legal representative  
90 21 of a minor parent, may maintain a proceeding on behalf of or  
90 22 for the benefit of the minor's child.

90 23 Sec. 125. NEW SECTION. 252K.303 APPLICATION OF LAW OF  
90 24 THIS STATE.

90 25 Except as otherwise provided by this chapter, a responding  
90 26 tribunal of this state shall do all of the following:

90 27 1. Apply the procedural and substantive law, including the  
90 28 rules on choice of law, generally applicable to similar  
90 29 proceedings originating in this state, and may exercise all  
90 30 powers and provide all remedies available in those  
90 31 proceedings.

90 32 2. Determine the duty of support and the amount payable in  
90 33 accordance with the law and support guidelines of this state.

90 34 Sec. 126. NEW SECTION. 252K.304 DUTIES OF INITIATING  
90 35 TRIBUNAL.

91 1 1. Upon the filing of a petition or comparable pleading  
91 2 authorized by this chapter, an initiating tribunal of this  
91 3 state shall forward three copies of the petition or comparable  
91 4 pleading and its accompanying documents:

91 5 a. To the responding tribunal or appropriate support  
91 6 enforcement agency in the responding state.

91 7 b. If the identity of the responding tribunal is unknown,  
91 8 to the state information agency of the responding state with a  
91 9 request that they be forwarded to the appropriate tribunal and  
91 10 that receipt be acknowledged.

91 11 2. If a responding state has not enacted this law or a law  
91 12 or procedure substantially similar to this chapter, a tribunal  
91 13 of this state may issue a certificate or other document and  
91 14 make findings required by the law of the responding state. If  
91 15 the responding state is a foreign jurisdiction, the tribunal  
91 16 may specify the amount of support sought and provide other  
91 17 documents necessary to satisfy the requirements of the  
91 18 responding state.

91 19 Sec. 127. NEW SECTION. 252K.305 DUTIES AND POWERS OF  
91 20 RESPONDING TRIBUNAL.

91 21 1. When a responding tribunal of this state receives a  
91 22 petition or comparable pleading from an initiating tribunal or  
91 23 directly pursuant to section 252K.301, subsection 3, it shall  
91 24 cause the petition or pleading to be filed and notify the  
91 25 movant where and when it was filed.

91 26 2. A responding tribunal of this state, to the extent  
91 27 otherwise authorized by law, may do one or more of the  
91 28 following:

91 29 a. Issue or enforce a support order, modify a child-  
91 30 support order, or render a judgment to determine parentage.

91 31 b. Order an obligor to comply with a support order,  
91 32 specifying the amount and the manner of compliance.

91 33 c. Order income withholding.

91 34 d. Determine the amount of any arrearages, and specify a  
91 35 method of payment.

92 1 e. Enforce orders by civil or criminal contempt, or both.

92 2 f. Set aside property for satisfaction of the support  
92 3 order.

92 4 g. Place liens and order execution on the obligor's  
92 5 property.

92 6 h. Order an obligor to keep the tribunal informed of the  
92 7 obligor's current residential address, telephone number,  
92 8 employer, address of employment, and telephone number at the  
92 9 place of employment.

92 10 i. Issue a bench warrant for an obligor who has failed  
92 11 after proper notice to appear at a hearing ordered by the  
92 12 tribunal and enter the bench warrant in any local and state  
92 13 computer systems for criminal warrants.

92 14 j. Order the obligor to seek appropriate employment by  
92 15 specified methods.

92 16 k. Award reasonable attorney's fees and other fees and  
92 17 costs.

92 18 1. Grant any other available remedy.

92 19 3. A responding tribunal of this state shall include in a  
92 20 support order issued under this chapter, or in the documents  
92 21 accompanying the order, the calculations on which the support  
92 22 order is based.

92 23 4. A responding tribunal of this state may not condition  
92 24 the payment of a support order issued under this chapter upon  
92 25 compliance by a party with provisions for visitation.

92 26 5. If a responding tribunal of this state issues an order  
92 27 under this chapter, the tribunal shall send a copy of the  
92 28 order to the movant and the respondent and to the initiating  
92 29 tribunal, if any.

92 30 Sec. 128. NEW SECTION. 252K.306 INAPPROPRIATE TRIBUNAL.

92 31 If a petition or comparable pleading is received by an  
92 32 inappropriate tribunal of this state, it shall forward the  
92 33 pleading and accompanying documents to an appropriate tribunal  
92 34 in this state or another state and notify the movant where and  
92 35 when the pleading was sent.

93 1 Sec. 129. NEW SECTION. 252K.307 DUTIES OF SUPPORT

93 2 ENFORCEMENT AGENCY.

93 3 1. A support enforcement agency of this state, upon  
93 4 request, shall provide services to a movant in a proceeding  
93 5 under this chapter.

93 6 2. A support enforcement agency that is providing services  
93 7 to the movant as appropriate shall:

93 8 a. Take all steps necessary to enable an appropriate  
93 9 tribunal in this state or another state to obtain jurisdiction  
93 10 over the respondent.

93 11 b. Request an appropriate tribunal to set a date, time,  
93 12 and place for a hearing.

93 13 c. Make a reasonable effort to obtain all relevant  
93 14 information, including information as to income and property  
93 15 of the parties.

93 16 d. Within five days, exclusive of Saturdays, Sundays, and  
93 17 legal holidays, after receipt of a written notice from an  
93 18 initiating, responding, or registering tribunal, send a copy  
93 19 of the notice to the movant.

93 20 e. Within five days, exclusive of Saturdays, Sundays, and  
93 21 legal holidays, after receipt of a written communication from  
93 22 the respondent or the respondent's attorney, send a copy of  
93 23 the communication to the movant.

93 24 f. Notify the movant if jurisdiction over the respondent  
93 25 cannot be obtained.

93 26 3. This chapter does not create or negate a relationship  
93 27 of attorney and client or other fiduciary relationship between  
93 28 a support enforcement agency or the attorney for the agency  
93 29 and the individual being assisted by the agency.

93 30 Sec. 130. NEW SECTION. 252K.308 DUTY OF ATTORNEY

93 31 GENERAL.

93 32 If the attorney general determines that the support  
93 33 enforcement agency is neglecting or refusing to provide  
93 34 services to an individual, the attorney general may order the  
93 35 agency to perform its duties under this chapter or may provide  
94 1 those services directly to the individual.

94 2 Sec. 131. NEW SECTION. 252K.309 PRIVATE COUNSEL.

94 3 An individual may employ private counsel to represent the  
94 4 individual in proceedings authorized by this chapter.

94 5 Sec. 132. NEW SECTION. 252K.310 DUTIES OF STATE

94 6 INFORMATION AGENCY.

94 7 1. The child support recovery unit is the state  
94 8 information agency under this chapter.

94 9 2. The state information agency shall:

94 10 a. Compile and maintain a current list, including  
94 11 addresses, of the tribunals in this state which have  
94 12 jurisdiction under this chapter and any support enforcement  
94 13 agencies in this state and transmit a copy to the state  
94 14 information agency of every other state.

94 15 b. Maintain a register of tribunals and support  
94 16 enforcement agencies received from other states.

94 17 c. Forward to the appropriate tribunal in the place in  
94 18 this state in which the individual obligee or the obligor  
94 19 resides, or in which the obligor's property is believed to be  
94 20 located, all documents concerning a proceeding under this  
94 21 chapter received from an initiating tribunal or the state  
94 22 information agency of the initiating state.

94 23 d. Obtain information concerning the location of the  
94 24 obligor and the obligor's property within this state not  
94 25 exempt from execution, by such means as postal verification  
94 26 and federal or state locator services, examination of  
94 27 telephone directories, requests for the obligor's address from  
94 28 employers, and examination of governmental records, including,  
94 29 to the extent not prohibited by other law, those relating to  
94 30 real property, vital statistics, law enforcement, taxation,  
94 31 motor vehicles, driver's licenses, and social security.

94 32 Sec. 133. NEW SECTION. 252K.311 PLEADINGS AND

94 33 ACCOMPANYING DOCUMENTS.

94 34 1. A movant seeking to establish or modify a support order  
94 35 or to determine parentage in a proceeding under this chapter  
95 1 must verify the petition. Unless otherwise ordered under  
95 2 section 252K.312, the petition or accompanying documents must  
95 3 provide, so far as known, the name, residential address, and  
95 4 social security numbers of the obligor and the obligee, and  
95 5 the name, sex, residential address, social security number,  
95 6 and date of birth of each child for whom support is sought.  
95 7 The petition must be accompanied by a certified copy of any  
95 8 support order in effect. The petition may include any other  
95 9 information that may assist in locating or identifying the  
95 10 respondent.

95 11 2. The petition must specify the relief sought. The  
95 12 petition and accompanying documents shall conform  
95 13 substantially with the requirements imposed by the forms  
95 14 mandated by federal law for use in cases filed by a support  
95 15 enforcement agency.

95 16 Sec. 134. NEW SECTION. 252K.312 NONDISCLOSURE OF  
95 17 INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.

95 18 Upon a finding, which may be made ex parte, that the  
95 19 health, safety, or liberty of a party or child would be  
95 20 unreasonably put at risk by the disclosure of identifying  
95 21 information, or if an existing order so provides, a tribunal  
95 22 shall order that the address of the child or party or other  
95 23 identifying information not be disclosed in a pleading or  
95 24 other document filed in a proceeding under this chapter.

95 25 Sec. 135. NEW SECTION. 252K.313 COSTS AND FEES.

95 26 1. The movant shall not be required to pay a filing fee or  
95 27 other costs.

95 28 2. If an obligee prevails, a responding tribunal may  
95 29 assess against an obligor filing fees, reasonable attorney's  
95 30 fees, other costs, and necessary travel and other reasonable  
95 31 expenses incurred by the obligee and the obligee's witnesses.  
95 32 The tribunal may not assess fees, costs, or expenses against  
95 33 the obligee or the support enforcement agency of either the  
95 34 initiating or the responding state, except as provided by  
95 35 other law. Attorney's fees may be taxed as costs, and may be  
96 1 ordered paid directly to the attorney, who may enforce the  
96 2 order in the attorney's own name. Payment of support owed to  
96 3 the obligee has priority over fees, costs, and expenses.

96 4 3. The tribunal shall order the payment of costs and  
96 5 reasonable attorney's fees if the tribunal determines that a  
96 6 hearing was requested primarily for delay. In a proceeding  
96 7 under Article 6, a hearing is presumed to have been requested  
96 8 primarily for delay if a registered support order is confirmed  
96 9 or enforced without change.

96 10 Sec. 136. NEW SECTION. 252K.314 LIMITED IMMUNITY OF  
96 11 MOVANT.

96 12 1. Participation by a movant in a proceeding before a  
96 13 responding tribunal, whether in person, by private attorney,  
96 14 or through services provided by the support enforcement  
96 15 agency, does not confer personal jurisdiction over the movant  
96 16 in another proceeding.

96 17 2. A movant is not amenable to service of civil process  
96 18 while physically present in this state to participate in a  
96 19 proceeding under this chapter.

96 20 3. The immunity granted by this section does not extend to  
96 21 civil litigation based on acts unrelated to a proceeding under  
96 22 this chapter committed by a party while present in this state  
96 23 to participate in the proceeding.

96 24 Sec. 137. NEW SECTION. 252K.315 NONPARENTAGE AS DEFENSE.

96 25 A party whose parentage of a child has been previously  
96 26 determined by or pursuant to law may not plead nonparentage as  
96 27 a defense to a proceeding under this chapter.

96 28 Sec. 138. NEW SECTION. 252K.316 SPECIAL RULES OF  
96 29 EVIDENCE AND PROCEDURE.

96 30 1. The physical presence of the movant in a responding

96 31 tribunal of this state is not required for the establishment,  
96 32 enforcement, or modification of a support order or the  
96 33 rendition of a judgment determining parentage.

96 34 2. A verified petition, affidavit, document substantially  
96 35 complying with federally mandated forms, and a document  
97 1 incorporated by reference in any of them, not excluded under  
97 2 the hearsay rule if given in person, is admissible in evidence  
97 3 if given under oath by a party or witness residing in another  
97 4 state.

97 5 3. A copy of the record of child-support payments  
97 6 certified as a true copy of the original by the custodian of  
97 7 the record may be forwarded to a responding tribunal. The  
97 8 copy is evidence of facts asserted in it, and is admissible to  
97 9 show whether payments were made.

97 10 4. Copies of bills for testing for parentage, and for  
97 11 prenatal and postnatal health care of the mother and child,  
97 12 furnished to the adverse party at least ten days before trial,  
97 13 are admissible in evidence to prove the amount of the charges  
97 14 billed and that the charges were reasonable, necessary, and  
97 15 customary.

97 16 5. Documentary evidence transmitted from another state to  
97 17 a tribunal of this state by telephone, telecopier, or other  
97 18 means that do not provide an original writing may not be  
97 19 excluded from evidence on an objection based on the means of  
97 20 transmission.

97 21 6. In a proceeding under this chapter, a tribunal of this  
97 22 state may permit a party or witness residing in another state  
97 23 to be deposed or to testify by telephone, audiovisual means,  
97 24 or other electronic means at a designated tribunal or other  
97 25 location in that state. A tribunal of this state shall  
97 26 cooperate with tribunals of other states in designating an  
97 27 appropriate location for the deposition or testimony.

97 28 7. If a party called to testify at a civil hearing refuses  
97 29 to answer on the ground that the testimony may be self-  
97 30 incriminating, the trier of fact may draw an adverse inference  
97 31 from the refusal.

97 32 8. A privilege against disclosure of communications  
97 33 between spouses does not apply in a proceeding under this  
97 34 chapter.

97 35 9. The defense of immunity based on the relationship of  
98 1 husband and wife or parent and child does not apply in a  
98 2 proceeding under this chapter.

98 3 Sec. 139. NEW SECTION. 252K.317 COMMUNICATIONS BETWEEN  
98 4 TRIBUNALS.

98 5 A tribunal of this state may communicate with a tribunal of  
98 6 another state in writing, or by telephone or other means, to  
98 7 obtain information concerning the laws of that state, the  
98 8 legal effect of a judgment, decree, or order of that tribunal,  
98 9 and the status of a proceeding in the other state. A tribunal  
98 10 of this state may furnish similar information by similar means  
98 11 to a tribunal of another state.

98 12 Sec. 140. NEW SECTION. 252K.318 ASSISTANCE WITH  
98 13 DISCOVERY.

98 14 A tribunal of this state may:

98 15 1. Request a tribunal of another state to assist in  
98 16 obtaining discovery.

98 17 2. Upon request, compel a person over whom it has  
98 18 jurisdiction to respond to a discovery order issued by a  
98 19 tribunal of another state.

98 20 Sec. 141. NEW SECTION. 252K.319 RECEIPT AND DISBURSEMENT  
98 21 OF PAYMENTS.

98 22 A support enforcement agency or tribunal of this state  
98 23 shall disburse promptly any amounts received pursuant to a  
98 24 support order, as directed by the order. The agency or  
98 25 tribunal shall furnish to a requesting party or a tribunal of  
98 26 another state a certified statement by the custodian of the  
98 27 record of the amounts and dates of all payments received.

98 28

ARTICLE 4

98 29

ESTABLISHMENT OF SUPPORT ORDER

98 30

Sec. 142. NEW SECTION. 252K.401 PETITION TO ESTABLISH

98 31

SUPPORT ORDER.

98 32

1. If a support order entitled to recognition under this

98 33

chapter has not been issued, a responding tribunal of this

98 34

state may issue a support order if any of the following

98 35

applies:

99 1

a. The individual seeking the order resides in another

99 2

state.

99 3

b. The support enforcement agency seeking the order is

99 4

located in another state.

99 5

2. The tribunal may issue a temporary child-support order

99 6

if any of the following applies:

99 7

a. The respondent has signed a verified statement

99 8

acknowledging parentage.

99 9

b. The respondent has been determined by or pursuant to

99 10

law to be the parent.

99 11

c. There is other clear and convincing evidence that the

99 12

respondent is the child's parent.

99 13

3. Upon finding, after notice and opportunity to be heard,

99 14

that an obligor owes a duty of support, the tribunal shall

99 15

issue a support order directed to the obligor and may issue

99 16

other orders pursuant to section 252K.305.

99 17

ARTICLE 5

99 18

ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

99 19

Sec. 143. NEW SECTION. 252K.501 EMPLOYER'S RECEIPT OF

99 20

INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

99 21

An income-withholding order issued in another state may be

99 22

sent to the person or entity defined as the obligor's employer

99 23

under the income-withholding law of this state without first

99 24

filing a petition or comparable pleading or registering the

99 25

order with a tribunal of this state.

99 26

Sec. 144. NEW SECTION. 252K.502 EMPLOYER'S COMPLIANCE

99 27

WITH INCOME-WITHHOLDING ORDER OF ANOTHER STATE.

99 28

1. Upon receipt of an income-withholding order, the

99 29

obligor's employer shall immediately provide a copy of the

99 30

order to the obligor.

99 31

2. The employer shall treat an income-withholding order

99 32

issued in another state which appears regular on its face as

99 33

if it had been issued by a tribunal of this state.

99 34

3. Except as otherwise provided in subsection 4 and

99 35

section 252K.503 the employer shall withhold and distribute

100 1

the funds as directed in the withholding order by complying

100 2

with terms of the order which specify:

100 3

a. The duration and amount of periodic payments of current

100 4

child support, stated as a sum certain.

100 5

b. The person or agency designated to receive payments and

100 6

the address to which the payments are to be forwarded.

100 7

c. Medical support, whether in the form of periodic cash

100 8

payment, stated as a sum certain, or ordering the obligor to

100 9

provide health insurance coverage for the child under a policy

100 10

available through the obligor's employment.

100 11

d. The amount of periodic payments of fees and costs for a

100 12

support enforcement agency, the issuing tribunal, and the

100 13

obligee's attorney, stated as sums certain.

100 14

e. The amount of periodic payments of arrearages and

100 15

interest on arrearages, stated as sums certain.

100 16

4. An employer shall comply with the law of the state of

100 17

the obligor's principal place of employment for withholding

100 18

from income with respect to:

100 19

a. The employer's fee for processing an income-withholding

100 20

order.

100 21

b. The maximum amount permitted to be withheld from the

100 22

obligor's income.

100 23

c. The times within which the employer must implement the

100 24

withholding order and forward the child support payment.

100 25 Sec. 145. NEW SECTION. 252K.503 COMPLIANCE WITH MULTIPLE  
100 26 INCOME-WITHHOLDING ORDERS.

100 27 If an obligor's employer receives multiple income-  
100 28 withholding orders with respect to the earnings of the same  
100 29 obligor, the employer satisfies the terms of the multiple  
100 30 orders if the employer complies with the law of the state of  
100 31 the obligor's principal place of employment to establish the  
100 32 priorities for withholding and allocating income withheld for  
100 33 multiple child support obligees.

100 34 Sec. 146. NEW SECTION. 252K.504 IMMUNITY FROM CIVIL  
100 35 LIABILITY.

101 1 An employer who complies with an income-withholding order  
101 2 issued in another state in accordance with this article is not  
101 3 subject to civil liability to an individual or agency with  
101 4 regard to the employer's withholding of child support from the  
101 5 obligor's income.

101 6 Sec. 147. NEW SECTION. 252K.505 PENALTIES FOR  
101 7 NONCOMPLIANCE.

101 8 An employer who willfully fails to comply with an income-  
101 9 withholding order issued by another state and received for  
101 10 enforcement is subject to the same penalties that may be  
101 11 imposed for noncompliance with an order issued by a tribunal  
101 12 of this state.

101 13 Sec. 148. NEW SECTION. 252K.506 CONTEST BY OBLIGOR.

101 14 1. An obligor may contest the validity or enforcement of  
101 15 an income-withholding order issued in another state and  
101 16 received directly by an employer in this state in the same  
101 17 manner as if the order had been issued by a tribunal of this  
101 18 state. Section 252K.604 applies to the contest.

101 19 2. The obligor shall give notice of the contest to:

101 20 a. A support enforcement agency providing services to the  
101 21 obligee.

101 22 b. Each employer that has directly received an income-  
101 23 withholding order.

101 24 c. The person or agency designated to receive payments in  
101 25 the income-withholding order, or if no person or agency is  
101 26 designated, to the obligee.

101 27 Sec. 149. NEW SECTION. 252K.507 ADMINISTRATIVE  
101 28 ENFORCEMENT OF ORDERS.

101 29 1. A party seeking to enforce a support order or an  
101 30 income-withholding order, or both, issued by a tribunal of  
101 31 another state may send the documents required for registering  
101 32 the order to a support enforcement agency of this state.

101 33 2. Upon receipt of the documents, the support enforcement  
101 34 agency, without initially seeking to register the order, shall  
101 35 consider and, if appropriate, use any administrative procedure  
102 1 authorized by the law of this state to enforce a support order  
102 2 or an income-withholding order, or both. If the obligor does  
102 3 not contest administrative enforcement, the order need not be  
102 4 registered. If the obligor contests the validity or  
102 5 administrative enforcement of the order, the support  
102 6 enforcement agency shall register the order pursuant to this  
102 7 chapter.

102 8 ARTICLE 6  
102 9 ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER  
102 10 AFTER REGISTRATION  
102 11 PART 1

102 12 REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

102 13 Sec. 150. NEW SECTION. 252K.601 REGISTRATION OF ORDER  
102 14 FOR ENFORCEMENT.

102 15 A support order or an income-withholding order issued by a  
102 16 tribunal of another state may be registered in this state for  
102 17 enforcement.

102 18 Sec. 151. NEW SECTION. 252K.602 PROCEDURE TO REGISTER  
102 19 ORDER FOR ENFORCEMENT.

102 20 1. A support order or income-withholding order of another  
102 21 state may be registered in this state by sending the following

102 22 documents and information to the appropriate tribunal in this  
102 23 state:

- 102 24 a. A letter of transmittal to the tribunal requesting  
102 25 registration and enforcement.
- 102 26 b. Two copies, including one certified copy, of all orders  
102 27 to be registered, including any modification of an order.
- 102 28 c. A sworn statement by the party seeking registration or  
102 29 a certified statement by the custodian of the records showing  
102 30 the amount of any arrearage.
- 102 31 d. The name of the obligor and, if known:
  - 102 32 (1) The obligor's address and social security number.
  - 102 33 (2) The name and address of the obligor's employer and any  
102 34 other source of income of the obligor.
  - 102 35 (3) A description and the location of property of the  
103 1 obligor in this state not exempt from execution.
- 103 2 e. The name and address of the obligee and, if applicable,  
103 3 the agency or person to whom support payments are to be  
103 4 remitted.

103 5 2. On receipt of a request for registration, the  
103 6 registering tribunal shall cause the order to be filed as a  
103 7 foreign judgment, together with one copy of the documents and  
103 8 information, regardless of their form.

103 9 3. A petition or comparable pleading seeking a remedy that  
103 10 must be affirmatively sought under other law of this state may  
103 11 be filed at the same time as the request for registration or  
103 12 later. The pleading must specify the grounds for the remedy  
103 13 sought.

103 14 Sec. 152. NEW SECTION. 252K.603 EFFECT OF REGISTRATION  
103 15 FOR ENFORCEMENT.

103 16 1. A support order or income-withholding order issued in  
103 17 another state is registered when the order is filed in the  
103 18 registering tribunal of this state.

103 19 2. A registered order issued in another state is  
103 20 enforceable in the same manner and is subject to the same  
103 21 procedures as an order issued by a tribunal of this state.

103 22 3. Except as otherwise provided in this Article, a  
103 23 tribunal of this state shall recognize and enforce, but may  
103 24 not modify, a registered order if the issuing tribunal had  
103 25 jurisdiction.

103 26 Sec. 153. NEW SECTION. 252K.604 CHOICE OF LAW.

103 27 1. The law of the issuing state governs the nature,  
103 28 extent, amount, and duration of current payments and other  
103 29 obligations of support and the payment of arrearages under the  
103 30 order.

103 31 2. In a proceeding for arrearages, the statute of  
103 32 limitation under the laws of this state or of the issuing  
103 33 state, whichever is longer, applies.

103 34 PART 2  
103 35 CONTEST OF VALIDITY OR ENFORCEMENT

104 1 Sec. 154. NEW SECTION. 252K.605 NOTICE OF REGISTRATION  
104 2 OF ORDER.

104 3 1. When a support order or income-withholding order issued  
104 4 in another state is registered, the registering tribunal shall  
104 5 notify the nonregistering party. The notice must be  
104 6 accompanied by a copy of the registered order and the  
104 7 documents and relevant information accompanying the order.

104 8 2. The notice must inform the nonregistering party:

- 104 9 a. That a registered order is enforceable as of the date  
104 10 of registration in the same manner as an order issued by a  
104 11 tribunal of this state.

- 104 12 b. That a hearing to contest the validity or enforcement  
104 13 of the registered order must be requested within twenty days  
104 14 after the date of mailing or personal service of the notice.

- 104 15 c. That failure to contest the validity or enforcement of  
104 16 the registered order in a timely manner will result in  
104 17 confirmation of the order and enforcement of the order and the  
104 18 alleged arrearages and precludes further contest of that order

104 19 with respect to any matter that could have been asserted.  
104 20 d. Of the amount of any alleged arrearages.  
104 21 3. Upon registration of an income-withholding order for  
104 22 enforcement, the registering tribunal shall notify the  
104 23 obligor's employer pursuant to the income-withholding law of  
104 24 this state.  
104 25 Sec. 155. NEW SECTION. 252K.606 PROCEDURE TO CONTEST  
104 26 VALIDITY OR ENFORCEMENT OF REGISTERED ORDER.  
104 27 1. A nonregistering party seeking to contest the validity  
104 28 or enforcement of a registered order in this state shall  
104 29 request a hearing within twenty days after the date of mailing  
104 30 or personal service of notice of the registration. The  
104 31 nonregistering party may seek to vacate the registration, to  
104 32 assert any defense to an allegation of noncompliance with the  
104 33 registered order, or to contest the remedies being sought or  
104 34 the amount of any alleged arrearages pursuant to section  
104 35 252K.607.  
105 1 2. If the nonregistering party fails to contest the  
105 2 validity or enforcement of the registered order in a timely  
105 3 manner, the order is confirmed by operation of law.  
105 4 3. If a nonregistering party requests a hearing to contest  
105 5 the validity or enforcement of the registered order, the  
105 6 registering tribunal shall schedule the matter for hearing and  
105 7 give notice to the parties of the date, time, and place of the  
105 8 hearing.  
105 9 Sec. 156. NEW SECTION. 252K.607 CONTEST OF REGISTRATION  
105 10 OR ENFORCEMENT.  
105 11 1. A party contesting the validity or enforcement of a  
105 12 registered order or seeking to vacate the registration has the  
105 13 burden of proving one or more of the following defenses:  
105 14 a. The issuing tribunal lacked personal jurisdiction over  
105 15 the contesting party.  
105 16 b. The order was obtained by fraud.  
105 17 c. The order has been vacated, suspended, or modified by a  
105 18 later order.  
105 19 d. The issuing tribunal has stayed the order pending  
105 20 appeal.  
105 21 e. There is a defense under the law of this state to the  
105 22 remedy sought.  
105 23 f. Full or partial payment has been made.  
105 24 g. The statute of limitation under section 252K.604  
105 25 precludes enforcement of some or all of the arrearages.  
105 26 2. If a party presents evidence establishing a full or  
105 27 partial defense under subsection 1, a tribunal may stay  
105 28 enforcement of the registered order, continue the proceeding  
105 29 to permit production of additional relevant evidence, and  
105 30 issue other appropriate orders. An uncontested portion of the  
105 31 registered order may be enforced by all remedies available  
105 32 under the law of this state.  
105 33 3. If the contesting party does not establish a defense  
105 34 under subsection 1 to the validity or enforcement of the  
105 35 order, the registering tribunal shall issue an order  
106 1 confirming the order.  
106 2 Sec. 157. NEW SECTION. 252K.608 CONFIRMED ORDER.  
106 3 Confirmation of a registered order, whether by operation of  
106 4 law or after notice and hearing, precludes further contest of  
106 5 the order with respect to any matter that could have been  
106 6 asserted at the time of registration.  
106 7 PART 3  
106 8 REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER  
106 9 Sec. 158. NEW SECTION. 252K.609 PROCEDURE TO REGISTER  
106 10 CHILD-SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION.  
106 11 A party or support enforcement agency seeking to modify, or  
106 12 to modify and enforce, a child-support order issued in another  
106 13 state shall register that order in this state in the same  
106 14 manner provided in Part 1 if the order has not been  
106 15 registered. A petition for modification may be filed at the

106 16 same time as a request for registration, or later. The  
106 17 pleading must specify the grounds for modification.  
106 18 Sec. 159. NEW SECTION. 252K.610 EFFECT OF REGISTRATION  
106 19 FOR MODIFICATION.  
106 20 A tribunal of this state may enforce a child-support order  
106 21 of another state registered for purposes of modification, in  
106 22 the same manner as if the order had been issued by a tribunal  
106 23 of this state, but the registered order may be modified only  
106 24 if the requirements of section 252K.611 have been met.  
106 25 Sec. 160. NEW SECTION. 252K.611 MODIFICATION OF CHILD-  
106 26 SUPPORT ORDER OF ANOTHER STATE.  
106 27 1. After a child-support order issued in another state has  
106 28 been registered in this state, the responding tribunal of this  
106 29 state may modify that order only if section 252K.613 does not  
106 30 apply and after notice and hearing it finds that paragraph "a"  
106 31 or "b" applies:  
106 32 a. The following requirements are met:  
106 33 (1) The child, the individual obligee, and the obligor do  
106 34 not reside in the issuing state.  
106 35 (2) A movant who is a nonresident of this state seeks  
107 1 modification.  
107 2 (3) The respondent is subject to the personal jurisdiction  
107 3 of the tribunal of this state.  
107 4 b. The child, or a party who is an individual, is subject  
107 5 to the personal jurisdiction of the tribunal of this state and  
107 6 all of the parties who are individuals have filed written  
107 7 consents in the issuing tribunal for a tribunal of this state  
107 8 to modify the support order and assume continuing, exclusive  
107 9 jurisdiction over the order. However, if the issuing state is  
107 10 a foreign jurisdiction that has not enacted a law or  
107 11 established procedures substantially similar to the procedures  
107 12 under this chapter, the consent otherwise required of an  
107 13 individual residing in this state is not required for the  
107 14 tribunal to assume jurisdiction to modify the child-support  
107 15 order.  
107 16 2. Modification of a registered child-support order is  
107 17 subject to the same requirements, procedures, and defenses  
107 18 that apply to the modification of an order issued by a  
107 19 tribunal of this state and the order may be enforced and  
107 20 satisfied in the same manner.  
107 21 3. A tribunal of this state may not modify any aspect of a  
107 22 child-support order that may not be modified under the law of  
107 23 the issuing state. If two or more tribunals have issued  
107 24 child-support orders for the same obligor and child, the order  
107 25 that controls and must be so recognized under section 252K.207  
107 26 establishes the aspects of the support order which are  
107 27 nonmodifiable.  
107 28 4. On issuance of an order modifying a child-support order  
107 29 issued in another state, a tribunal of this state becomes the  
107 30 tribunal having continuing, exclusive jurisdiction.  
107 31 Sec. 161. NEW SECTION. 252K.612 RECOGNITION OF ORDER  
107 32 MODIFIED IN ANOTHER STATE.  
107 33 A tribunal of this state shall recognize a modification of  
107 34 its earlier child-support order by a tribunal of another state  
107 35 which assumed jurisdiction pursuant to this chapter or a law  
108 1 substantially similar to this chapter and, upon request,  
108 2 except as otherwise provided in this chapter, shall:  
108 3 1. Enforce the order that was modified only as to amounts  
108 4 accruing before the modification.  
108 5 2. Enforce only nonmodifiable aspects of that order.  
108 6 3. Provide other appropriate relief only for violations of  
108 7 the order which occurred before the effective date of the  
108 8 modification.  
108 9 4. Recognize the modifying order of the other state, upon  
108 10 registration, for the purpose of enforcement.  
108 11 Sec. 162. NEW SECTION. 252K.613 JURISDICTION TO MODIFY  
108 12 CHILD-SUPPORT ORDER OF ANOTHER STATE WHEN INDIVIDUAL PARTIES

108 13 RESIDE IN THIS STATE.

108 14 1. If all of the parties who are individuals reside in  
108 15 this state and the child does not reside in the issuing state,  
108 16 a tribunal of this state has jurisdiction to enforce and to  
108 17 modify the issuing state's child-support order in a proceeding  
108 18 to register that order.

108 19 2. A tribunal of this state exercising jurisdiction under  
108 20 this section shall apply the provisions of Articles 1 and 2,  
108 21 this Article, and the procedural and substantive law of this  
108 22 state to the proceeding for enforcement or modification.  
108 23 Articles 3, 4, 5, 7, and 8 do not apply.

108 24 Sec. 163. NEW SECTION. 252K.614 NOTICE TO ISSUING  
108 25 TRIBUNAL OF MODIFICATION.

108 26 Within thirty days after issuance of a modified child-  
108 27 support order, the party obtaining the modification shall file  
108 28 a certified copy of the order with the issuing tribunal that  
108 29 had continuing, exclusive jurisdiction over the earlier order,  
108 30 and in each tribunal in which the party knows the earlier  
108 31 order has been registered. A party who obtains the order and  
108 32 fails to file a certified copy is subject to appropriate  
108 33 sanctions by a tribunal in which the issue of failure to file  
108 34 arises. The failure to file does not affect the validity or  
108 35 enforceability of the modified order of the new tribunal

109 1 having continuing, exclusive jurisdiction.

109 2 ARTICLE 7

109 3 DETERMINATION OF PARENTAGE

109 4 Sec. 164. NEW SECTION. 252K.701 PROCEEDING TO DETERMINE  
109 5 PARENTAGE.

109 6 1. A tribunal of this state may serve as an initiating or  
109 7 responding tribunal in a proceeding brought under this chapter  
109 8 or a law or procedure substantially similar to this chapter,  
109 9 the Uniform Reciprocal Enforcement of Support Act, or the  
109 10 Revised Uniform Reciprocal Enforcement of Support Act to  
109 11 determine that the petitioner is a parent of a particular  
109 12 child or to determine that a respondent is a parent of that  
109 13 child.

109 14 2. In a proceeding to determine parentage, a responding  
109 15 tribunal of this state shall apply the procedural and  
109 16 substantive laws pursuant to chapters 252A and 252F, and the  
109 17 rules of this state on choice of law.

109 18 ARTICLE 8

109 19 INTERSTATE RENDITION

109 20 Sec. 165. NEW SECTION. 252K.801 GROUNDS FOR RENDITION.

109 21 1. For purposes of this Article, "governor" includes an  
109 22 individual performing the functions of governor or the  
109 23 executive authority of a state covered by this chapter.

109 24 2. The governor of this state may:

109 25 a. Demand that the governor of another state surrender an  
109 26 individual found in the other state who is charged criminally  
109 27 in this state with having failed to provide for the support of  
109 28 an obligee.

109 29 b. On the demand by the governor of another state,  
109 30 surrender an individual found in this state who is charged  
109 31 criminally in the other state with having failed to provide  
109 32 for the support of an obligee.

109 33 3. A provision for extradition of individuals not  
109 34 inconsistent with this chapter applies to the demand even if  
109 35 the individual whose surrender is demanded was not in the  
110 1 demanding state when the crime was allegedly committed and has  
110 2 not fled therefrom.

110 3 Sec. 166. NEW SECTION. 252K.802 CONDITIONS OF RENDITION.

110 4 1. Before making demand that the governor of another state  
110 5 surrender an individual charged criminally in this state with  
110 6 having failed to provide for the support of an obligee, the  
110 7 governor of this state may require a prosecutor of this state  
110 8 to demonstrate that at least sixty days previously the obligee  
110 9 had initiated proceedings for support pursuant to this chapter

110 10 or that the proceeding would be of no avail.

110 11 2. If, under this chapter, or a law substantially similar  
110 12 to this chapter, the Uniform Reciprocal Enforcement of Support  
110 13 Act, or the Revised Uniform Reciprocal Enforcement of Support  
110 14 Act, the governor of another state makes a demand that the  
110 15 governor of this state surrender an individual charged  
110 16 criminally in that state with having failed to provide for the  
110 17 support of a child or other individual to whom a duty of  
110 18 support is owed, the governor may require a prosecutor to  
110 19 investigate the demand and report whether a proceeding for  
110 20 support has been initiated or would be effective. If it  
110 21 appears that a proceeding would be effective but has not been  
110 22 initiated, the governor may delay honoring the demand for a  
110 23 reasonable time to permit the initiation of a proceeding.

110 24 3. If a proceeding for support has been initiated and the  
110 25 individual whose rendition is demanded prevails, the governor  
110 26 may decline to honor the demand. If the movant prevails and  
110 27 the individual whose rendition is demanded is subject to a  
110 28 support order, the governor may decline to honor the demand if  
110 29 the individual is complying with the support order.

110 30 ARTICLE 9

110 31 MISCELLANEOUS PROVISIONS

110 32 Sec. 167. NEW SECTION. 252K.901 UNIFORMITY OF  
110 33 APPLICATION AND CONSTRUCTION.

110 34 This chapter shall be applied and construed to effectuate  
110 35 its general purpose to make uniform the law with respect to  
111 1 the subject of this chapter among states enacting it.

111 2 Sec. 168. NEW SECTION. 252K.902 SHORT TITLE.

111 3 This chapter may be cited as the Uniform Interstate Family  
111 4 Support Act.

111 5 Sec. 169. NEW SECTION. 252K.903 SEVERABILITY CLAUSE.

111 6 If any provision of this chapter or its application to any  
111 7 person or circumstance is held invalid, the invalidity does  
111 8 not affect other provisions or application of this chapter  
111 9 which can be given effect without the invalid provision or  
111 10 application, and to this end the provisions of this chapter  
111 11 are severable.

111 12 Sec. 170. NEW SECTION. 252K.904 EFFECTIVE DATE -  
111 13 PENDING MATTERS.

111 14 1. This chapter takes effect January 1, 1998.

111 15 2. A tribunal of this state shall apply this chapter  
111 16 beginning January 1, 1998, with the following conditions:

111 17 a. Matters pending on January 1, 1998, shall be governed  
111 18 by this chapter.

111 19 b. Pleadings and accompanying documents on pending matters  
111 20 are sufficient if the documents substantially comply with the  
111 21 requirements of chapter 252A in effect on December 31, 1997.

111 22 DIVISION XII

111 23 Sec. 171. Section 598.1, subsection 6, Code 1997, is  
111 24 amended to read as follows:

111 25 6. "Support" or "support payments" means an amount which  
111 26 the court may require either of the parties to pay under a  
111 27 temporary order or a final judgment or decree, and may include  
111 28 alimony, child support, maintenance, and any other term used  
111 29 to describe these obligations. For orders entered on or after  
111 30 July 1, 1990, unless the court specifically orders otherwise,  
111 31 medical support is not included in the monetary amount of  
111 32 child support. The obligations may include support for a  
111 33 child

~~who is between the ages of eighteen and twenty two years~~

111 34

~~who is regularly attending an accredited school in pursuance~~

111 35

~~of a course of study leading to a high school diploma or its~~

112 1

~~equivalent, or regularly attending a course of vocational~~

112 2

~~technical training either as a part of a regular school~~

112 3

~~program or under special arrangements adapted to the~~

112 4

~~individual person's needs; or is, in good faith, a full time~~

112 5

~~student in a college, university, or community college; or has~~

112 6

~~been accepted for admission to a college, university, or~~

112 7

~~community college and the next regular term has not yet begun;~~

112 8

~~or a child~~

of any age who is dependent on the parties to the  
112 9 dissolution proceedings because of physical or mental  
112 10 disability.

112 11 Sec. 172. Section [598.5](#), subsection 5, Code 1997, is  
112 12 amended to read as follows:

112 13 5. State whether or not a separate action for dissolution  
112 14 of marriage or child support has been commenced

~~by the~~

112 15

~~respondent~~

and whether such action is pending in any court in  
112 16 this state or elsewhere. State whether the entry of an order  
112 17 would violate 28 U.S.C. } 1738B. If there is an existing  
112 18 child support order, the party shall disclose identifying  
112 19 information regarding the order.

112 20 Sec. 173. Section [598.21](#), subsection 4, paragraph a, Code  
112 21 1997, is amended to read as follows:

112 22 a.

~~Upon~~

~~Unless prohibited pursuant to 28 U.S.C. } 1738B.~~

112 23 upon every judgment of annulment, dissolution, or separate  
112 24 maintenance, the court may order either parent or both parents  
112 25 to pay an amount reasonable and necessary for supporting a  
112 26 child. In establishing the amount of support, consideration  
112 27 shall be given to the responsibility of both parents to  
112 28 support and provide for the welfare of the minor child and of  
112 29 a child's need, whenever practicable, for a close relationship  
112 30 with both parents. There shall be a rebuttable presumption  
112 31 that the amount of child support which would result from the

112 32 application of the guidelines prescribed by the supreme court  
112 33 is the correct amount of child support to be awarded. A  
112 34 variation from the guidelines shall not be considered by a  
112 35 court without a record or written finding, based on stated  
113 1 reasons, that the guidelines would be unjust or inappropriate  
113 2 as determined under the criteria prescribed by the supreme  
113 3 court.

113 4 The court shall order as child medical support a health  
113 5 benefit plan as defined in chapter 252E if available to either  
113 6 parent at a reasonable cost. A health benefit plan is  
113 7 considered reasonable in cost if it is employment-related or  
113 8 other group health insurance, regardless of the service  
113 9 delivery mechanism. The premium cost of the health benefit  
113 10 plan may be considered by the court as a reason for varying  
113 11 from the child support guidelines. If a health benefit plan  
113 12 is not available at a reasonable cost, the court may order any  
113 13 other provisions for medical support as defined in chapter  
113 14 252E.

113 15 Sec. 174. Section [598.21](#), subsection 8, unnumbered  
113 16 paragraphs 2 and 3, Code 1997, are amended to read as follows:  
113 17

~~—A~~  
— Unless otherwise provided pursuant to 28 U.S.C. } 1738B,

113 18 a modification of a support order entered under chapter 234,  
113 19 252A, 252C, 600B, this chapter, or any other support chapter  
113 20 or proceeding between parties to the order is void unless the  
113 21 modification is approved by the court, after proper notice and  
113 22 opportunity to be heard is given to all parties to the order,  
113 23 and entered as an order of the court. If support payments  
113 24 have been assigned to the department of human services  
113 25 pursuant to section 234.39, 239.3, or 252E.11, or if services  
113 26 are being provided pursuant to chapter 252B, the department  
113 27

~~shall be considered~~

— is a party to the support order.

113 28 Modifications of orders pertaining to child custody shall be  
113 29 made pursuant to chapter 598A. If the petition for a  
113 30 modification of an order pertaining to child custody asks  
113 31 either for joint custody or that joint custody be modified to  
113 32 an award of sole custody, the modification, if any, shall be  
113 33 made pursuant to section 598.41.

113 34 Judgments for child support or child support awards entered  
113 35 pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B,  
114 1 or any other chapter of the Code which are subject to a  
114 2 modification proceeding may be retroactively modified only  
114 3 from the date the notice of the pending petition for  
114 4 modification is served on the opposing party. The prohibition  
114 5 of retroactive modification does not bar the child support  
114 6 recovery unit from obtaining orders for accrued support for  
114 7 previous time periods. Any retroactive modification which  
114 8 increases the amount of child support or any order for accrued  
114 9 support under this paragraph shall include a periodic payment  
114 10 plan. A retroactive modification shall not be regarded as a  
114 11 delinquency unless there are subsequent failures to make  
114 12 payments.

114 13 Sec. 175. Section [598.21](#), subsection 9, unnumbered  
114 14 paragraph 2, Code 1997, is amended to read as follows:

114 15 This basis for modification is applicable to petitions  
114 16 filed on or after July 1, 1992, notwithstanding whether the  
114 17 guidelines prescribed by subsection 4 were used in  
114 18 establishing the current amount of support. Upon application  
114 19 for a modification of an order for child support for which  
114 20 services are being received pursuant to chapter 252B, the  
114 21 court shall set the amount of child support based upon the  
114 22 most current child support guidelines established pursuant to

114 23 subsection 4, including provisions for medical support  
114 24 pursuant to chapter 252E. The child support recovery unit  
114 25 shall, in submitting an application for modification,

~~or~~

114 26 adjustment, or alteration of an order for support, employ  
114 27 additional criteria and procedures as provided in chapter 252H  
114 28 and as established by rule.

114 29 Sec. 176. Section 598.21, subsection 10, Code 1997, is  
114 30 amended to read as follows:

114 31 10. Notwithstanding any other provision of law to the  
114 32 contrary, when an application for modification or adjustment  
114 33 of support is submitted by the child support recovery unit,  
114 34 the sole issues which may be considered by the court in that  
114 35 action are the application of the guidelines in establishing  
115 1 the amount of support pursuant to subsection 4, and provision  
115 2 for medical support under chapter 252E. When an application  
115 3 for a cost-of-living alteration of support is submitted by the  
115 4 child support recovery unit pursuant to section 252H.24, the  
115 5 sole issue which may be considered by the court in the action  
115 6 is the application of the cost-of-living alteration in  
115 7 establishing the amount of child support. Issues related to  
115 8 custody, visitation, or other provisions unrelated to support  
115 9 shall be considered only under a separate application for  
115 10 modification.

115 11 Sec. 177. Section 598.22, Code 1997, is amended to read as  
115 12 follows:

115 13 598.22 SUPPORT PAYMENTS - CLERK OF COURT - COLLECTION  
115 14 SERVICES CENTER - DEFAULTS - SECURITY.

115 15 Except as otherwise provided in section 598.22A, this  
115 16 section applies to all initial or modified orders for support  
115 17 entered under this chapter, chapter 234, 252A, 252C, 252F,  
115 18 600B, or any other chapter of the Code. All orders or  
115 19 judgments entered under chapter 234, 252A, 252C, 252F, or  
115 20 600B, or under this chapter or any other chapter which provide  
115 21 for temporary or permanent support payments shall direct the  
115 22 payment of those sums to the clerk of the district court or  
115 23 the collection services center in accordance with section  
115 24 252B.14 for the use of the person for whom the payments have  
115 25 been awarded. Payments to persons other than the clerk of the  
115 26 district court and the collection services center do not  
115 27 satisfy the support obligations created by the orders or  
115 28 judgments, except as provided for trusts governed by the  
115 29 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for  
115 30 tax refunds or rebates in section 602.8102, subsection 47, or  
115 31 for dependent benefits paid to the child support obligee as  
115 32 the result of disability benefits awarded to the child support  
115 33 obligor under the federal Social Security Act. For trusts  
115 34 governed by the federal Retirement Equity Act of 1984, Pub. L.  
115 35 No. 98-397, the

~~assignment of~~

~~order for income withholding or~~

116 1 notice of the order for income withholding shall require the  
116 2 payment of such sums to the alternate payee in accordance with  
116 3 the federal Act.

116 4

~~Upon a finding of previous failure to pay child support,~~

116 5

~~the court may order the person obligated for permanent child~~

116 6

~~support to make an assignment of periodic earnings or trust~~

116 7

~~income to the clerk of court or the collection services center~~

116 8

~~established pursuant to section 252B.13A for the use of the~~

116 9

~~person for whom the assignment is ordered. The assignment of~~

116 10

~~earnings ordered by the court shall not exceed the amounts set~~

116 11

~~forth in 15 U.S.C. } 1673(b)(1982). The assignment is binding~~

116 12

~~on the employer, trustee, or other payor of the funds two~~

116 13

~~weeks after service upon that person of notice that the~~

116 14

~~assignment has been made. The payor shall withhold from the~~

116 15

~~earnings or trust income payable to the person obligated the~~

116 16

~~amount specified in the assignment and shall transmit the~~

116 17

~~payments to the clerk or the collection services center, as~~

116 18

~~appropriate.~~

~~An income withholding order or notice of the~~  
116 19 order for income withholding shall be entered under the terms  
116 20 and conditions of chapter 252D. However, for trusts governed  
116 21 by the federal Retirement Equity Act of 1984, Pub. L. No. 98-  
116 22 397, the payor shall transmit the payments to the alternate  
116 23 payee in accordance with the federal Act.

~~The payor may~~

116 24

~~deduct from each payment a sum not exceeding two dollars as a~~

116 25

~~reimbursement for costs. An employer who dismisses an~~

116 26

~~employee due to the entry of an assignment order commits a~~

116 27

~~simple misdemeanor.~~

116 28

~~An assignment of periodic income may also be entered under~~

116 29

~~the terms and conditions of chapter 252D.~~

116 30 An order or judgment entered by the court for temporary or  
116 31 permanent support or for

~~an assignment~~

~~income withholding~~

116 32 shall be filed with the clerk. The orders have the same force  
116 33 and effect as judgments when entered in the judgment docket  
116 34 and lien index and are records open to the public. The clerk  
116 35 or the collection services center, as appropriate, shall  
117 1 disburse the payments received pursuant to the orders or  
117 2 judgments within two working days of the receipt of the  
117 3 payments. All moneys received or disbursed under this section  
117 4 shall be entered in records kept by the clerk, or the  
117 5 collection services center, as appropriate, which shall be  
117 6 available to the public. The clerk or the collection services  
117 7 center shall not enter any moneys paid in the record book if  
117 8 not paid directly to the clerk or the center, as appropriate,  
117 9 except as provided for trusts and federal social security  
117 10 disability payments in this section, and for tax refunds or  
117 11 rebates in section 602.8102, subsection 47.

117 12 If the sums ordered to be paid in a support payment order  
117 13 are not paid to the clerk or the collection services center,  
117 14 as appropriate, at the time provided in the order or judgment,  
117 15 the clerk or the collection services center, as appropriate,  
117 16 shall certify a default to the court which may, on its own  
117 17 motion, proceed as provided in section 598.23.

117 18 Prompt payment of sums required to be paid under sections  
117 19 598.11 and 598.21 is the essence of such orders or judgments  
117 20 and the court may act pursuant to section 598.23 regardless of  
117 21 whether the amounts in default are paid prior to the contempt  
117 22 hearing.

117 23 Upon entry of an order for support or upon the failure of a  
117 24 person to make payments pursuant to an order for support, the  
117 25 court may require the person to provide security, a bond, or  
117 26 other guarantee which the court determines is satisfactory to  
117 27 secure the payment of the support. Upon the person's failure  
117 28 to pay the support under the order, the court may declare the  
117 29 security, bond, or other guarantee forfeited.

117 30 For the purpose of enforcement, medical support is  
117 31 additional support which, upon being reduced to a dollar  
117 32 amount, may be collected through the same remedies available  
117 33 for the collection and enforcement of child support.

117 34 Sec. 178. NEW SECTION. 598.22B INFORMATION REQUIRED IN  
117 35 ORDER OR JUDGMENT.

118 1 This section applies to all initial or modified orders for  
118 2 paternity or support entered under this chapter, chapter 234,  
118 3 252A, 252C, 252F, 252H, 252K, 600B, or under any other  
118 4 chapter, and any subsequent order to enforce such support  
118 5 orders.

118 6 1. All such orders or judgments shall direct each party to  
118 7 file with the clerk of court or the child support recovery  
118 8 unit, as appropriate, upon entry of the order, and to update

118 9 as appropriate, information on location and identity of the  
118 10 party, including social security number, residential and  
118 11 mailing addresses, telephone number, driver's license number,  
118 12 and name, address, and telephone number of the party's  
118 13 employer. The order shall also include a provision that the  
118 14 information filed will be disclosed and used pursuant to this  
118 15 section. The party shall file the information with the clerk  
118 16 of court, or, if support payments are to be directed to the  
118 17 collection services center as provided in sections 252B.14 and  
118 18 252B.16, with the child support recovery unit .

118 19 2. All such orders or judgments shall include a statement  
118 20 that in any subsequent child support action initiated by the  
118 21 child support recovery unit or between the parties, upon  
118 22 sufficient showing that diligent effort has been made to  
118 23 ascertain the location of such a party, the unit or the court  
118 24 may deem due process requirements for notice and service of  
118 25 process to be met with respect to the party, upon delivery of  
118 26 written notice to the most recent residential or employer  
118 27 address filed with the clerk of court or unit pursuant to  
118 28 subsection 1.

118 29 3. a. Information filed pursuant to subsection 1 shall  
118 30 not be a public record.

118 31 b. Information filed with the clerk of court pursuant to  
118 32 subsection 1 shall be available to the child support recovery  
118 33 unit, upon request.

118 34 c. Information filed with the clerk of court shall be  
118 35 available, upon request, to a party unless the party filing  
119 1 the information also files an affidavit alleging the party has  
119 2 reason to believe that release of the information may result  
119 3 in physical or emotional harm to the affiant or child.

119 4 d. If the child support recovery unit is providing  
119 5 services pursuant to chapter 252B, information filed with the  
119 6 unit shall only be disclosed as provided in section 252B.9.

119 7 Sec. 179. Section [598.23](#), subsection 2, paragraph a, Code  
119 8 1997, is amended by striking the paragraph and inserting in  
119 9 lieu thereof the following:

119 10 a. Withholds income under the terms and conditions of  
119 11 chapter 252D.

119 12 Sec. 180. Section [598.34](#), Code 1997, is amended to read as  
119 13 follows:

119 14 598.34 RECIPIENTS OF PUBLIC ASSISTANCE - ASSIGNMENT OF  
119 15 SUPPORT PAYMENTS.

119 16

~~— A person entitled to periodic support payments pursuant to~~

119 17

~~— an order or judgment entered in an action for dissolution of~~

119 18

~~— marriage, who is also a recipient of public assistance, is~~

119 19

~~— deemed to have assigned the person's rights to the support~~

119 20

~~— payments, to the extent of public assistance received by the~~

119 21

~~— person, to the department of human services.~~

~~— If public~~

119 22 assistance is provided by the department of human services to

119 23 or on behalf of a dependent child or a dependent child's  
119 24 caretaker, there is an assignment by operation of law to the  
119 25 department of any and all rights in, title to, and interest in  
119 26 any support obligation, payment, and arrearages owed to or for  
119 27 the child or caretaker not to exceed the amount of public  
119 28 assistance paid for or on behalf of the child or caretaker.  
119 29 The department shall immediately notify the clerk of court by  
119 30 mail when

~~- a person entitled to support payments~~  
~~- such a child~~

119 31 or caretaker has been determined to be eligible for public  
119 32 assistance. Upon notification by the department

~~- that a person~~

119 33

~~- entitled to periodic support payments pursuant to this chapter~~

119 34

~~- is receiving public assistance~~

~~-~~, the clerk of court shall make

119 35 a notation of the automatic assignment in the judgment docket  
120 1 and lien index. The notation constitutes constructive notice  
120 2 of the assignment. For public assistance approved and  
120 3 provided on or after July 1, 1997, if the applicant for public  
120 4 assistance is a person other than a parent of the child, the  
120 5 department shall send a notice by regular mail to the last  
120 6 known addresses of the obligee and obligor. The clerk of  
120 7 court shall forward support payments received pursuant to  
120 8 section 598.22, to which the department is entitled, to the  
120 9 department, which may secure support payments in default  
120 10 through other proceedings

~~- provided for in chapter 252A or~~

120 11

~~- section 598.24~~

120 12 The clerk shall furnish the department with copies of all  
120 13 orders or decrees

~~- awarding~~

~~- and temporary or domestic abuse~~

120 14 orders addressing support

~~- to parties having custody of minor~~

120 15

~~- children~~

~~- when the parties are receiving public assistance or~~

120 16 services are otherwise provided by the child support recovery  
120 17 unit pursuant to chapter 252B. Unless otherwise specified in  
120 18 the order, an equal and proportionate share of any child  
120 19 support awarded shall be presumed to be payable on behalf of  
120 20 each child subject to the order or judgment for purposes of an  
120 21 assignment under this section.

120 22 Sec. 181. CHILD SUPPORT GUIDELINES - AMENDMENT.

120 23 1. At the time of the next review of the uniform child  
120 24 support guidelines following July 1, 1997, the supreme court  
120 25 shall amend the guidelines to establish guidelines based upon  
120 26 those developed and used in Delaware which include a  
120 27 determination of primary child support, taking into

120 28 consideration each parent's available net income for child  
120 29 support, calculating the primary support need, and determining  
120 30 the primary support obligation of each parent; provide for a  
120 31 standard-of-living adjustment; and, at the supreme court's  
120 32 discretion, provide for supplemental quarterly child support.

120 33 2. Following adoption of the guidelines, subsequent  
120 34 modifications of child support orders shall meet the  
120 35 guidelines in accordance with the modification provisions of  
121 1 this section or chapter 252H.

121 2 3. Following adoption of the guidelines, the judicial  
121 3 department shall submit recommendations to the general  
121 4 assembly for statutory changes necessary to implement the  
121 5 guidelines.

121 6 DIVISION XIII

121 7 Sec. 182. NEW SECTION. 252B.22 STATEWIDE SUPPORT LIEN  
121 8 INDEX.

121 9 1. The child support recovery unit created in chapter 252B  
121 10 shall establish a task force to assist in the development of a  
121 11 plan for a statewide support lien index. The unit, in  
121 12 consultation with the task force, may recommend additional  
121 13 statutory changes to the general assembly by January 1, 1999,  
121 14 to facilitate implementation of a statewide index.

121 15 2. The plan shall provide for an index pertaining to any  
121 16 person against whom a support judgment is entered, registered,  
121 17 or otherwise filed with a court in this state, against whom  
121 18 the unit is enforcing a support judgment, or against whom an  
121 19 interstate lien form promulgated by the United States  
121 20 secretary of health and human services is filed. The plan  
121 21 shall also provide for implementation and administration of an  
121 22 automated statewide support lien index, access to at least one  
121 23 location in every county, and the development of procedures to  
121 24 periodically update the lien information.

121 25 3. Members of the task force may include, but shall not be  
121 26 limited to, representatives, appointed by the respective  
121 27 entity, of the abstractors' association, realtors'  
121 28 association, Iowa state bar association, county recorders'  
121 29 association, clerks of court association, county treasurers'  
121 30 association, automobile dealers' association, department of  
121 31 revenue and finance, state department of transportation, the  
121 32 office of the secretary of state, the office of the state  
121 33 court administrator, and other constituency groups and  
121 34 agencies which have an interest in a statewide support lien  
121 35 index to record liens. Appointments shall be made in  
122 1 accordance with sections 69.16 and 69.16A. Vacancies shall be  
122 2 filled by the original appointment authority and in the manner  
122 3 of the original appointments.

122 4 Sec. 183. Section 624.23, Code 1997, is amended by adding  
122 5 the following new subsection:

122 6 NEW SUBSECTION. 4. In addition to other provisions  
122 7 relating to the attachment of liens, full faith and credit  
122 8 shall be afforded to liens arising for overdue support due on  
122 9 support judgments entered by a court or administrative agency  
122 10 of another state on real estate in this state owned by the  
122 11 obligor, for the period of ten years from the date of the  
122 12 judgment. Notwithstanding any other provisions of law,  
122 13 including but not limited to, the formatting of forms, payment  
122 14 of filing fees, or requirement of signatures, the lien  
122 15 attaches on the date, whichever is earlier, that a notice of  
122 16 interstate lien promulgated by the United States secretary of  
122 17 health and human services is either:

122 18 a. Filed with the clerk of district court in the county  
122 19 where the real estate is located.

122 20 b. Recorded in a statewide support lien index as provided  
122 21 in section 252B.22.

122 22 The lien shall apply only prospectively as of the date of  
122 23 attachment to all real estate the obligor may subsequently  
122 24 acquire and does not retroactively apply to the chain of title

122 25 for any real estate that the obligor had disposed of prior to  
122 26 the date of attachment.

122 27 Sec. 184. Section 624.24, Code 1997, is amended to read as  
122 28 follows:

122 29 624.24 WHEN JUDGMENT LIEN ATTACHES.

122 30 1. When the real estate lies in the county wherein the  
122 31 judgment of the district court of this state or of the circuit  
122 32 or district courts of the United States was entered in the  
122 33 judgment docket and lien index kept by the clerk of the court  
122 34 having jurisdiction, the lien shall attach from the date of  
122 35 such entry of judgment, but if in another it will not attach  
123 1 until an attested copy of the judgment is filed in the office  
123 2 of the clerk of the district court of the county in which the  
123 3 real estate lies.

123 4 2. In addition to other provisions relating to the  
123 5 attachment of liens, upon the establishment of a statewide  
123 6 support lien index, as provided in section 252B.22, support  
123 7 judgments entered, registered, or otherwise filed with a court  
123 8 in this state, support judgments being enforced by the child  
123 9 support recovery unit created in chapter 252B, or support  
123 10 judgments for which an interstate lien form promulgated by the  
123 11 United States secretary of health and human services is filed,  
123 12 are liens upon any real estate owned by the obligor in any  
123 13 county in this state upon the date the lien is recorded on a  
123 14 statewide support lien index. The lien shall attach to all  
123 15 real estate the obligor may subsequently acquire after that  
123 16 date, shall apply only prospectively as of the date of filing  
123 17 and does not retroactively apply to the chain of title for any  
123 18 real estate that the obligor had disposed of prior to the date  
123 19 of the entry of the lien on a statewide support lien index or  
123 20 other recording of the lien.

123 21 Sec. 185. NEW SECTION. 624.24A LIENS OF SUPPORT  
123 22 JUDGMENTS.

123 23 1. In addition to other provisions relating to the  
123 24 attachment of liens, support judgments in the appellate or  
123 25 district courts of this state, are liens upon the personal  
123 26 property titled in this state and owned by the obligor at the  
123 27 time of such rendition or subsequently acquired by the  
123 28 obligor.

123 29 2. The lien shall attach from the date of the notation on  
123 30 the title.

123 31 3. In addition to other provisions relating to the  
123 32 attachment of liens, full faith and credit shall be afforded  
123 33 to a lien arising for overdue support due on support judgments  
123 34 entered by a court or administrative agency of another state  
123 35 on personal property titled in this state and owned by the  
124 1 obligor. In this state, a lien attaches on the date,  
124 2 whichever is earlier that a notice of interstate lien  
124 3 promulgated by the United States secretary of health and human  
124 4 services is either:

124 5 a. Filed with the clerk of district court in the county  
124 6 where the personal property is titled and the lien is noted on  
124 7 the title.

124 8 b. Recorded in the statewide support lien index as  
124 9 provided in section 252B.22.

124 10 The lien shall apply only prospectively as of the date of  
124 11 attachment, shall attach to any titled personal property the  
124 12 obligor may subsequently acquire, and does not retroactively  
124 13 apply to the chain of title for any personal property that the  
124 14 obligor had disposed of prior to the date of attachment.

124 15 4. In addition to other provisions relating to the  
124 16 attachment of liens, upon the establishment of a statewide  
124 17 support lien index as provided in section 252B.22, support  
124 18 judgments entered, registered, or otherwise filed with a court  
124 19 in this state, support judgments being enforced by the child  
124 20 support recovery unit created in chapter 252B, or support  
124 21 judgments for which an interstate lien form promulgated by the

124 22 United States secretary of health and human services is filed,  
124 23 are liens upon any personal property owned by the obligor and  
124 24 titled in any county in the state when recorded on a statewide  
124 25 support lien index. The lien shall apply only prospectively  
124 26 to the date of filing and shall attach to all titled personal  
124 27 property the obligor may subsequently acquire, and does not  
124 28 retroactively apply to the chain of title for any titled  
124 29 personal property that the obligor has disposed of prior to  
124 30 the date of the entry of the lien on a statewide support lien  
124 31 index or other recording of the lien.

124 32 DIVISION XIV

124 33 PART A

124 34 Sec. 186. Section [600B.9](#), Code 1997, is amended to read as  
124 35 follows:

125 1 600B.9 TIME OF INSTITUTING PROCEEDINGS.

125 2 The proceedings may be instituted during the pregnancy of  
125 3 the mother or after the birth of the child, but, except with  
125 4 the consent of all parties, the trial shall not be held until  
125 5 after the birth of the child and shall be held no earlier than  
125 6 twenty days from the date the alleged father is served with  
125 7 notice of the action or, if blood or genetic tests are  
125 8 conducted, no earlier than

~~— fifty~~

~~— thirty~~ days from the date the  
125 9 test results are filed with the clerk of the district court as  
125 10 provided under section 600B.41.

125 11 Sec. 187. Section [600B.18](#), Code 1997, is amended to read  
125 12 as follows:

125 13 600B.18 METHOD OF TRIAL.

125 14 The trial shall be by

~~— jury, if either party demands a jury,~~

125 15

~~— otherwise by~~

~~— the court, and shall be conducted as in other~~  
125 16 civil cases.

125 17 Sec. 188. Section [600B.23](#), Code 1997, is amended to read  
125 18 as follows:

125 19 600B.23 COSTS PAYABLE BY COUNTY.

125 20 If the

~~— verdict of the jury at the trial or the~~

~~— finding of~~

125 21 the court be in favor of the defendant the costs of the action  
125 22 shall be paid by the county.

125 23 Sec. 189. Section [600B.24](#), subsection 2, Code 1997, is  
125 24 amended to read as follows:

125 25 2. Upon a finding

~~— or verdict~~

~~— of paternity against the~~

125 26 defendant, the court shall enter a judgment against the  
125 27 defendant declaring paternity and ordering support of the  
125 28 child.

125 29 Sec. 190. Section [600B.25](#), Code 1997, is amended to read  
125 30 as follows:

125 31 600B.25 FORM OF JUDGMENT - CONTENTS OF SUPPORT ORDER -

125 32 EVIDENCE - COSTS.

125 33 1. Upon a finding

~~— or verdict~~

~~— of paternity pursuant to~~

125 34 section 600B.24, the court shall establish the father's  
125 35 monthly support payment and the amount of the support debt

126 1 accrued or accruing pursuant to section 598.21, subsection 4,  
126 2 until the child reaches majority or until the child finishes  
126 3 high school, if after majority. The court may order the  
126 4 father to pay amounts the court deems appropriate for the past  
126 5 support and maintenance of the child and for the reasonable  
126 6 and necessary expenses incurred by or for the mother in  
126 7 connection with prenatal care, the birth of the child, and  
126 8 postnatal care of the child and the mother, and other medical  
126 9 support as defined in section 252E.1. The court may award the  
126 10 prevailing party the reasonable costs of suit, including but  
126 11 not limited to reasonable attorney fees.

126 12 2. A copy of a bill for the costs of prenatal care or the  
126 13 birth of the child shall be admitted as evidence, without  
126 14 requiring third-party foundation testimony, and shall  
126 15 constitute prima facie evidence of amounts incurred.

126 16 Sec. 191. Section 600B.38, Code 1997, is amended to read  
126 17 as follows:

126 18 600B.38 RECIPIENTS OF PUBLIC ASSISTANCE - ASSIGNMENT OF  
126 19 SUPPORT PAYMENTS.

126 20

~~A person entitled to periodic support payments pursuant to~~

126 21

~~an order or judgment entered in a paternity action under this~~

126 22

~~chapter, who is also a recipient of public assistance, is~~

126 23

~~deemed to have assigned the person's rights to the support~~

126 24

~~payments, to the extent of public assistance received by the~~

126 25

~~person, to the department of human services.~~

~~— If public~~

126 26 assistance is provided by the department of human services to  
126 27 or on behalf of a dependent child or a dependent child's  
126 28 caretaker, there is an assignment by operation of law to the  
126 29 department of any and all rights in, title to, and interest in  
126 30 any support obligation, payment, and arrearages owed to or on  
126 31 behalf of the child or caretaker, not to exceed the amount of  
126 32 public assistance paid for or on behalf of the child or  
126 33 caretaker. The department shall immediately notify the clerk  
126 34 of court by mail when

~~a person entitled to support payments~~

126 35 such a child or caretaker has been determined to be eligible  
127 1 for public assistance. Upon notification by the department

127 2

~~that a person entitled to periodic support payments pursuant~~

127 3

~~to this chapter is receiving public assistance~~  
~~—, the clerk of~~

127 4 court shall make a notation of the automatic assignment in the  
127 5 judgment docket and lien index. The notation constitutes

127 6 constructive notice of the assignment. For public assistance  
127 7 approved and provided on or after July 1, 1997, if the  
127 8 applicant for public assistance is a person other than a  
127 9 parent of the child, the department shall send notice by  
127 10 regular mail to the last known addresses of the obligee and  
127 11 obligor. The clerk of court shall forward support payments  
127 12 received pursuant to section 600B.25, to which the department  
127 13 is entitled, to the department, which may secure support  
127 14 payments in default through other proceedings

~~prescribed in~~

127 15

~~chapter 252A or section 600B.37~~

-. The clerk shall furnish the  
127 16 department with copies of all orders or decrees

~~awarding~~

~~and~~

127 17 temporary or domestic abuse orders addressing support

~~to~~

127 18

~~parties having custody of minor children~~

- when the parties are

127 19 receiving public assistance or services are otherwise provided  
127 20 by the child support recovery unit. Unless otherwise  
127 21 specified in the order, an equal and proportionate share of  
127 22 any child support awarded shall be presumed to be payable on  
127 23 behalf of each child subject to the order or judgment for  
127 24 purposes of an assignment under this section.

127 25 Sec. 192. Section 600B.41, subsections 2 and 4, Code 1997,  
127 26 are amended to read as follows:

127 27 2. If a blood or genetic test is required, the court shall  
127 28 direct that inherited characteristics be determined by  
127 29 appropriate testing procedures, and shall appoint an expert  
127 30 qualified as an examiner of genetic markers to analyze and  
127 31 interpret the results and to report to the court. Appropriate  
127 32 testing procedures shall include any genetic test generally  
127 33 acknowledged as reliable by accreditation bodies designated by  
127 34 the secretary of the United States department of health and  
127 35 human services and which are performed by a laboratory  
128 1 approved by such an accreditation body.

128 2 4. A verified expert's report shall be admitted at trial.  
128 3 A copy of a bill for blood or genetic testing shall be  
128 4 admitted as evidence, without requiring third-party foundation  
128 5 testimony, and shall constitute prima facie evidence of  
128 6 amounts incurred for blood or genetic testing.

128 7 Sec. 193. Section 600B.41, subsection 5, paragraph a,  
128 8 unnumbered paragraph 1, Code 1997, is amended to read as  
128 9 follows:

128 10 Test results which show a statistical probability of  
128 11 paternity are admissible. To challenge the test results, a  
128 12 party shall file a notice of the challenge, with the court,  
128 13

~~within~~

- no later than twenty days

~~of~~

- after the filing of the

128 14 expert's report with the clerk of the district court

~~, or, if a~~

128 15

~~court hearing is scheduled to resolve the issue of paternity,~~

128 16

~~no later than thirty days before the original court hearing~~

128 17

~~date~~

128 18 Sec. 194. Section [600B.41A](#), subsection 3, paragraph f,

128 19 Code 1997, is amended to read as follows:

128 20 f. The court finds

~~that~~

~~all of the following:~~

128 21 (1) That the conclusion of the expert as disclosed by the  
128 22 evidence based upon blood or genetic testing demonstrates that  
128 23 the established father is not the biological father of the  
128 24 child.

128 25 (2) If paternity was established pursuant to section  
128 26 252A.3A, the signed affidavit was based on fraud, duress, or  
128 27 material mistake of fact, as shown by the petitioner.

128 28 Sec. 195. Section [600B.41A](#), subsection 3, paragraph g,  
128 29 Code 1997, is amended by striking the paragraph.

128 30 Sec. 196. Section [600B.41A](#), subsection 6, Code 1997, is  
128 31 amended to read as follows:

128 32 6. If the court determines that test results conducted in  
128 33 accordance with section 600B.41 or chapter 252F exclude the  
128 34 established father as the biological father, but the court  
128 35 dismisses the action to overcome paternity, the court

~~may~~

129 1 shall enter an order relieving the established father of

~~any~~

129 2

~~or~~

~~all future support obligations owed on behalf of the child,~~  
129 3 while preserving the paternity determination. The court's  
129 4 determination and the effective date of the determination  
129 5 shall be in accordance with subsection 4, paragraphs "a" and  
129 6 "b", and shall be made based upon the unique circumstances of  
129 7 each case and the interests of all parties.

129 8 Sec. 197. Section [600B.30](#), Code 1997, is repealed.

129 9 Part B

129 10 Sec. 198. Section [600B.41A](#), subsection 2, paragraph a,  
129 11 Code 1997, is amended to read as follows:

129 12 a. A paternity determination made in or by a foreign  
129 13 jurisdiction

~~and, notwithstanding section 252A.20,~~

~~or a~~

129 14 paternity determination which has been made in or by a foreign  
129 15 jurisdiction and registered in this state in accordance with  
129 16 section 252A.18 or chapter 252K.

129 17 Sec. 199. Section [600B.34](#), Code 1997, is repealed.

129 18 Sec. 200. EFFECTIVE DATE. Part B, sections 198 and 199 of  
129 19 this Act, are effective January 1, 1998.

129 20 DIVISION XV

129 21 Sec. 201. Section [96.3](#), subsection 9, paragraph c, Code

129 22 1997, is amended to read as follows:

129 23 c. However, if the department is notified of

~~an assignment~~

129 24

~~of~~

- income

~~by the child support recovery unit~~

- withholding under

129 25 chapter 252D or section 598.22 or 598.23 or if income is  
129 26 garnisheed by the child support recovery unit under chapter  
129 27 642 and an individual's benefits are condemned to the  
129 28 satisfaction of the child support obligation being enforced by  
129 29 the child support recovery unit, the department shall deduct  
129 30 and withhold from the individual's benefits that amount  
129 31 required through legal process.

129 32 Notwithstanding section 642.2, subsections 2, 3, 6, and 7,  
129 33 which restrict garnishments under chapter 642 to wages of  
129 34 public employees, the department may be garnisheed under  
129 35 chapter 642 by the child support recovery unit established in  
130 1 section 252B.2, pursuant to a judgment for child support  
130 2 against an individual eligible for benefits under this  
130 3 chapter.

130 4 Notwithstanding section 96.15, benefits under this chapter  
130 5 are not exempt from income

~~assignment~~

- withholding,

130 6 garnishment, attachment, or execution if

~~assigned to~~

- withheld

130 7 for or garnisheed by the child support recovery unit,  
130 8 established in section 252B.2, or if an

~~assignment~~

- income

130 9 withholding order or notice of the income withholding order  
130 10 under section 598.22 or 598.23 is being enforced by the child  
130 11 support recovery unit to satisfy the child support obligation  
130 12 of an individual who is eligible for benefits under this  
130 13 chapter.

130 14 Sec. 202. Section 144.13, subsection 2, Code 1997, is  
130 15 amended to read as follows:

130 16 2. If the mother was married

~~either~~

- at the time of

130 17 conception,

~~or~~

- birth, or at any time during the period between

130 18 conception and birth, the name of the husband shall be entered  
130 19 on the certificate as the father of the child unless paternity  
130 20 has been determined otherwise by a court of competent  
130 21 jurisdiction, in which case the name of the father as  
130 22 determined by the court shall be entered by the department.

130 23 Sec. 203. Section 144.13, subsection 3, Code 1997, is  
130 24 amended to read as follows:

130 25 3. If the mother was not married

~~either~~

- at the time of

130 26 conception,

~~or~~

~~birth, and at any time during the period~~

130 27 between conception and birth, the name of the father shall not  
130 28 be entered on the certificate of birth

~~without the written~~

130 29

~~consent of the mother and the person to be named as the~~

130 30

~~father~~

-, unless a determination of paternity has been made

130 31 pursuant to section 252A.3, in which case the name of the  
130 32 father as established shall be entered by the department. If  
130 33 the father is not named on the certificate of birth, no other  
130 34 information about the father shall be entered on the  
130 35 certificate.

131 1 Sec. 204. Section [144.13](#), subsection 4, paragraph c, Code  
131 2 1997, is amended to read as follows:

131 3 c. A copy of the affidavit of paternity if filed pursuant  
131 4 to section 252A.3A and any subsequent rescision form which  
131 5 rescinds the affidavit.

131 6 Sec. 205. Section [144.26](#), Code 1997, is amended to read as  
131 7 follows:

131 8 144.26 DEATH CERTIFICATE.

131 9 1. A death certificate for each death which occurs in this  
131 10 state shall be filed with the county registrar of the county  
131 11 in which the death occurs, within three days after the death  
131 12 and prior to final disposition, and shall be registered by the  
131 13 registrar if it has been completed and filed in accordance  
131 14 with this chapter. A death certificate shall include the  
131 15 social security number, if provided, of the deceased person.  
131 16 All information including the certifying physician's name  
131 17 shall be typewritten.

131 18 2. All information included on a death certificate may be  
131 19 provided as mutually agreed upon by the division and the child  
131 20 support recovery unit, including by automated exchange.

131 21 3. If the place of death is unknown, a death certificate  
131 22 shall be filed in the county in which a dead body is found  
131 23 within three days after the body is found. If death occurs in  
131 24 a moving conveyance, a death certificate shall be filed in the  
131 25 county in which the dead body is first removed from the  
131 26 conveyance.

131 27 4. If a person dies outside of the county of the person's  
131 28 residence, the state registrar shall send a copy of the death  
131 29 certificate to the county registrar of the county of the  
131 30 decedent's residence. The county registrar shall record the  
131 31 death certificate in the same records in which death  
131 32 certificates of persons who died within the county are  
131 33 recorded.

131 34 Sec. 206. Section [234.39](#), subsections 1, 2, and 3, Code  
131 35 1997, are amended to read as follows:

132 1 1. For an individual to whom section 234.35, subsection 1,  
132 2 is applicable, a dispositional order of the juvenile court  
132 3 requiring the provision of foster care, or an administrative  
132 4 order entered pursuant to chapter 252C, or any order  
132 5 establishing paternity and support for a child in foster care,  
132 6 shall establish, after notice and a reasonable opportunity to  
132 7 be heard is provided to a parent or guardian, the amount of  
132 8 the parent's or guardian's support obligation for the cost of  
132 9 foster care provided by the department. The amount of the  
132 10 parent's or guardian's support obligation and the amount of  
132 11 support debt accrued and accruing shall be established in

132 12 accordance with the child support guidelines prescribed under  
132 13 section 598.21, subsection 4. However, the court, or the  
132 14 department of human services in establishing support by  
132 15 administrative order, may deviate from the prescribed  
132 16 obligation after considering a recommendation by the  
132 17 department for expenses related to goals and objectives of a  
132 18 case permanency plan as defined under section 237.15, and upon  
132 19 written findings of fact which specify the reason for  
132 20 deviation and the prescribed guidelines amount. Any order for  
132 21 support shall direct the payment of the support obligation to  
132 22 the collection services center for the use of the department's  
132 23 foster care recovery unit. The order shall be filed with the  
132 24 clerk of the district court in which the responsible parent or  
132 25 guardian resides and has the same force and effect as a  
132 26 judgment when entered in the judgment docket and lien index.  
132 27 The collection services center shall disburse the payments  
132 28 pursuant to the order and record the disbursements. If  
132 29 payments are not made as ordered, the child support recovery  
132 30 unit may certify a default to the court and the court may, on  
132 31 its own motion, proceed under section 598.22 or 598.23 or the  
132 32 child support recovery unit may enforce the judgment as  
132 33 allowed by law. An order entered under this subsection may be  
132 34 modified only in accordance with the guidelines prescribed  
132 35 under section 598.21, subsection 8, or under chapter 252H.

133 1 2. For an individual who is served by the department of  
133 2 human services under section 234.35, and is not subject to a  
133 3 dispositional order of the juvenile court requiring the  
133 4 provision of foster care, the department shall determine the  
133 5 obligation of the individual's parent or guardian pursuant to  
133 6 chapter 252C and in accordance with the child support  
133 7 guidelines prescribed under section 598.21, subsection 4.  
133 8 However, the department may adjust the prescribed obligation  
133 9 for expenses related to goals and objectives of a case  
133 10 permanency plan as defined under section 237.15. An  
133 11 obligation determined under this subsection may be modified  
133 12 only in accordance with conditions under section 598.21,  
133 13 subsection 8, or under chapter 252H.

133 14 3. A person entitled to periodic support payments pursuant  
133 15 to an order or judgment entered in any action for support, who  
133 16 also is or has a child receiving foster care services, is  
133 17 deemed to have assigned to the department current and accruing  
133 18 support payments attributable to the child effective as of the  
133 19 date the child enters foster care placement, to the extent of  
133 20 expenditure of foster care funds. The department shall notify  
133 21 the clerk of the district court when a child entitled to  
133 22 support payments is receiving foster care services pursuant to  
133 23 chapter 234. Upon notification by the department that a child  
133 24 entitled to periodic support payments is receiving foster care  
133 25 services, the clerk of the district court shall make a  
133 26 notation of the automatic assignment in the judgment docket  
133 27 and lien index. The notation constitutes constructive notice  
133 28 of assignment. The clerk of court shall furnish the  
133 29 department with copies of all orders and decrees awarding  
133 30 support when the child is receiving foster care services. At  
133 31 the time the child ceases to receive foster care services, the  
133 32 assignment of support shall be automatically terminated.  
133 33 Unpaid support accrued under the assignment of support rights  
133 34 during the time that the child was in foster care remains due  
133 35 to the department up to the amount of unreimbursed foster care  
134 1 funds expended. The department shall notify the clerk of  
134 2 court of the automatic termination of the assignment. Unless  
134 3 otherwise specified in the support order, an equal and  
134 4 proportionate share of any child support awarded shall be  
134 5 presumed to be payable on behalf of each child subject to the  
134 6 order or judgment for purposes of an assignment under this  
134 7 section.

134 8 Sec. 207. Section [236.5](#), subsection 2, paragraph e, Code

134 9 1997, is amended to read as follows:  
134 10 e.

~~That~~

~~- Unless prohibited pursuant to 28 U.S.C. } 1738B.~~

134 11 ~~that~~ the defendant pay the clerk a sum of money for the  
134 12 separate support and maintenance of the plaintiff and children  
134 13 under eighteen.

134 14 Sec. 208. Section 236.10, Code 1997, is amended to read as  
134 15 follows:

134 16 236.10 CONFIDENTIALITY OF RECORDS.

134 17 The file in a domestic abuse case shall be sealed by the  
134 18 clerk of court when it is complete and after the time for  
134 19 appeal has expired. However, the clerk shall open the file  
134 20 upon application to and order of the court for good cause  
134 21 shown ~~or upon request of the child support recovery unit.~~

134 22 Sec. 209. Section 239.3, Code 1997, is amended to read as  
134 23 follows:

134 24 239.3 APPLICATION FOR ASSISTANCE - ASSIGNMENT OF SUPPORT  
134 25 RIGHTS.

134 26 1. An application for assistance shall be made to the  
134 27 department. The application shall be in writing or reduced to  
134 28 writing in the manner and upon the form prescribed by the  
134 29 administrator. The application shall be made by the specified  
134 30 relative with whom the dependent child resides or will reside,  
134 31 and shall contain the information required on the application  
134 32 form. One application may be made for several children of the  
134 33 same family if they reside or will reside with the same  
134 34 specified relative.

134 35 2. An assignment of support rights is created by any of  
135 1 the following:

135 2 a. An applicant for assistance under this chapter and  
135 3 other persons covered by an application are deemed to have  
135 4 assigned to the department of human services at the time of  
135 5 application all rights to periodic support payments to the  
135 6 extent of public assistance received by the applicant and  
135 7 other persons covered by the application.

135 8 b. A determination that a child or another person covered  
135 9 by an application is eligible for assistance under this  
135 10 chapter creates an assignment by operation of law to the  
135 11 department of all rights to periodic support payments not to  
135 12 exceed the amount of public assistance received by the child  
135 13 and other persons covered by the application.

135 14 3. An assignment takes effect upon determination that an  
135 15 applicant or another person covered by an application is  
135 16 eligible for assistance under this chapter, applies to both  
135 17 current and accrued support obligations, and terminates when  
135 18 an applicant or another person covered by an application  
135 19 ceases to receive assistance under this chapter, except with  
135 20 respect to the amount of unpaid support obligations accrued  
135 21 under the assignment. If an applicant or another person  
135 22 covered by an application ceases to receive assistance under  
135 23 this chapter and the applicant or other person covered by the  
135 24 application receives a periodic support payment, the  
135 25 department of human services is entitled only to that amount  
135 26 of the periodic support payment above the current periodic  
135 27 support obligation and as provided by federal law.

135 28 Sec. 210. Section 421.17, subsection 21, unnumbered  
135 29 paragraph 1, Code 1997, is amended to read as follows:

135 30 To establish and maintain a procedure to set off against a  
135 31 debtor's income tax refund or rebate any debt, which is  
135 32 assigned to the department of human services, or which the  
135 33 child support recovery unit is otherwise attempting to collect  
135 34

~~on behalf of an individual not eligible as a public assistance~~

~~recipient~~

~~-, or which the foster care recovery unit of the  
136 1 department of human services is attempting to collect on  
136 2 behalf of a child receiving foster care provided by the  
136 3 department of human services.~~

136 4 Sec. 211. Section 535.3, subsection 3, Code 1997, is  
136 5 amended to read as follows:

136 6 3. Interest on periodic payments for child, spousal, or  
136 7 medical support shall not accrue until thirty days after the  
136 8 payment becomes due and owing. Additionally, interest on  
136 9 these payments shall not accrue on amounts being paid through  
136 10 income withholding pursuant to chapter 252D for the time these  
136 11 payments are unpaid solely because the date on which the payor  
136 12 of income withholds income based upon the payor's regular pay  
136 13 cycle varies from the provisions of the support order.

136 14 Sec. 212. Section 595.4, unnumbered paragraph 1, Code  
136 15 1997, is amended to read as follows:

136 16 Previous to the issuance of any license to marry, the  
136 17 parties desiring the license shall sign and file a verified  
136 18 application with the county registrar which application either  
136 19 may be mailed to the parties at their request or may be signed  
136 20 by them at the office of the county registrar in the county in  
136 21 which the license is to be issued. The application shall  
136 22 include the social security number of each applicant and shall  
136 23 set forth at least one affidavit of some competent and  
136 24 disinterested person stating the facts as to age and  
136 25 qualification of the parties. Upon the filing of the  
136 26 application for a license to marry, the county registrar shall  
136 27 file the application in a record kept for that purpose and  
136 28 shall take all necessary steps to ensure the confidentiality  
136 29 of the social security number of each applicant. All  
136 30 information included on an application may be provided as  
136 31 mutually agreed upon by the division of records and statistics  
136 32 and the child support recovery unit, including by automated  
136 33 exchange.

136 34 Sec. 213. Section 626A.2, subsection 2, Code 1997, is  
136 35 amended to read as follows:

137 1 2.

~~In a~~

~~- A proceeding to enforce a child support order~~

~~, the~~

137 2

~~law of this state shall apply except as follows:~~

~~- is governed~~

137 3 by 28 U.S.C. } 1738B.

137 4

~~a. In interpreting a child support order, a court shall~~

137 5

~~apply the law of the state of the court that issued the order.~~

137 6

~~b. In an action to enforce a child support order, a court~~

137 7

~~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.~~

137 10 Sec. 214. Section [627.11](#), Code 1997, is amended to read as  
137 11 follows:

137 12 627.11 EXCEPTION UNDER DECREE FOR SPOUSAL SUPPORT.

137 13 If the party in whose favor the order, judgment, or decree  
137 14 for the support of a spouse was rendered has not remarried,  
137 15 the personal earnings of the debtor are not exempt from an  
137 16 order, judgment, or decree for temporary or permanent support,  
137 17 as defined in section

~~252D.1~~

- ~~252D.16A~~, of a spouse, nor from  
137 18 an installment of an order, judgment, or decree for the  
137 19 support of a spouse.

137 20 Sec. 215. Section [627.12](#), Code 1997, is amended to read as  
137 21 follows:

137 22 627.12 EXCEPTION UNDER DECREE FOR CHILD SUPPORT.

137 23 The personal earnings of the debtor are not exempt from an  
137 24 order, judgment, or decree for the support, as defined in  
137 25 section

~~252D.1~~

- ~~252D.16A~~, of a child, nor from an installment  
137 26 of an order, judgment, or decree for the support of a child.

137 27 Sec. 216. Section [642.2](#), subsections 1 and 5, Code 1997,  
137 28 are amended to read as follows:

137 29 1. The state of Iowa, and all of its governmental  
137 30 subdivisions and agencies, may be

~~garnisheed~~

- ~~garnished~~, only

137 31 as provided in this section and the consent of the state and  
137 32 of its governmental subdivisions and agencies to those  
137 33 garnishment proceedings is hereby given. However,  
137 34 notwithstanding the requirements of this chapter, income  
137 35 withholding notices shall be served on the state, and all of  
138 1 its governmental subdivisions and agencies, pursuant to the  
138 2 requirements of sections 252D.16 and 252D.17.

138 3 5.

~~Service~~

- ~~Except as provided in subsection 1, service~~

138 4 upon the garnishee shall be made by serving an original notice  
138 5 with a copy of the judgment against the defendant, and with a  
138 6 copy of the questions specified in section 642.5, by certified  
138 7 mail or by personal service upon the attorney general, county  
138 8 attorney, city attorney, secretary of the school district, or  
138 9 legal counsel of the appropriate governmental unit. The  
138 10 garnishee shall be required to answer within thirty days  
138 11 following receipt of the notice.

138 12 DIVISION XVI

138 13 Sec. 217. Section [252B.4](#), Code 1997, is amended by adding  
138 14 the following new subsection:

138 15 NEW SUBSECTION. 6. The director may require a fee to  
138 16 recover the costs incurred by the department in providing  
138 17 services, as follows:

138 18 a. The fee shall not exceed the standardized  
138 19 administrative cost of maintaining a case. The amount of the  
138 20 fee shall be determined by subtracting from the unit's total  
138 21 costs the standardized costs of providing specific services.

138 22 The difference in the amounts shall be prorated over the  
138 23 unit's total caseload to determine the standardized  
138 24 administrative cost of maintaining a case. The unit shall not  
138 25 recalculate the standardized administrative cost of  
138 26 maintaining a case more often than every three years.

138 27 b. The fee shall be charged to any person receiving  
138 28 nonassistance services and to former public assistance  
138 29 recipients receiving continued services from the unit if the  
138 30 person's family unit income is greater than two hundred  
138 31 percent of the poverty level as published annually in the  
138 32 federal register for use by the federal office of community  
138 33 services, office of energy assistance. For the purposes of  
138 34 determining family unit income, the income of only the  
138 35 recipient of services shall be considered. In determining the  
139 1 size of the family unit, the department shall include the  
139 2 recipient of services and any minor children related to the  
139 3 recipient of services by adoption or birth.

139 4 c. The unit shall provide notice of the fee to applicants  
139 5 for and recipients of services on the application form, the  
139 6 notice of continued services, or a notice of cost recovery, as  
139 7 applicable, and shall provide notice of any changes in the  
139 8 amount of the fee. The applicant or recipient shall provide  
139 9 verification of income as requested by the unit. Unless  
139 10 verification of income of two hundred percent of the poverty  
139 11 level or less is provided, the unit shall assess the fee. The  
139 12 unit is not required to redetermine the family unit income  
139 13 more frequently than on an annual basis. The applicant or  
139 14 recipient of services may appeal the unit's finding of family  
139 15 unit income in excess of two hundred percent of the poverty  
139 16 level in accordance with chapter 17A for contested case  
139 17 proceedings.

139 18 d. The fee shall be assessed for each full calendar month  
139 19 of services provided for each nonassistance or continued  
139 20 services case.

139 21 e. The fee shall be deducted from support collected on  
139 22 behalf of the recipient. Fees shall accumulate for months in  
139 23 which no support is collected and shall be deducted from  
139 24 support after support is actually collected. However, no more  
139 25 than two monthly fees shall be deducted from support collected  
139 26 in a single month.

139 27 f. If the applicant or recipient of services is the  
139 28 obligor or putative father, the obligor or putative father  
139 29 shall pay the fee to the collection services center. Failure  
139 30 of the obligor or putative father to pay the fee, including  
139 31 submission of a payment which is not honored by the person's  
139 32 financial institution, shall be considered noncooperation and  
139 33 shall result in termination of services.

139 34 DIVISION XVII  
139 35 SURCHARGE

140 1 Sec. 218. Section 252B.9, subsection 2, paragraph b, is  
140 2 amended by adding the following new subparagraph:

140 3 NEW SUBPARAGRAPH. (4) Records relating to the  
140 4 administration, collection, and enforcement of surcharges  
140 5 pursuant to section 252B.22 which are recorded by the unit or  
140 6 a collection entity shall be confidential records except that  
140 7 information, as necessary for support collection and  
140 8 enforcement, may be provided to other governmental agencies,  
140 9 the obligor or the resident parent, or a collection entity  
140 10 under contract with the unit unless otherwise prohibited by  
140 11 the federal law. A collection entity under contract with the  
140 12 unit shall use information obtained for the sole purpose of  
140 13 fulfilling the duties required under the contract, and shall  
140 14 disclose any records obtained by the collection entity to the  
140 15 unit for use in support establishment and enforcement.

140 16 Sec. 219. Section 252B.13A, Code 1997, is amended to read  
140 17 as follows:

140 18 252B.13A COLLECTION SERVICES CENTER.

140 19 The department shall establish within the unit a collection  
140 20 services center for the receipt and disbursement of support  
140 21 payments as defined in section 598.1 as required for orders by  
140 22 section 252B.14. For purposes of this section, support  
140 23 payments do not include attorney fees, court costs, or  
140 24 property settlements. The center may also receive and  
140 25 disburse surcharges as provided in section 252B.22.

140 26 Sec. 220. NEW SECTION. 252B.22 SURCHARGE.

140 27 1. A surcharge shall be due and payable by the obligor on  
140 28 a support arrearage identified as difficult to collect and  
140 29 referred by the unit on or after January 1, 1998, to a  
140 30 collection entity under contract with the unit or other state  
140 31 entity. The amount of the surcharge shall be a percent of the  
140 32 amount of the support arrearage referred to the collection  
140 33 entity and shall be specified in the contract with the  
140 34 collection entity. For the purpose of this chapter, a  
140 35 "collection entity" includes but is not limited to a state  
141 1 agency, including the central collection unit of the  
141 2 department of revenue and finance, or a private collection  
141 3 agency. Use of a collection entity is in addition to any  
141 4 other legal means by which support payments may be collected.  
141 5 The unit shall continue to use other enforcement actions, as  
141 6 appropriate.

141 7 2. a. Notice that a surcharge may be assessed on a  
141 8 support arrearage referred to a collection entity pursuant to  
141 9 this section shall be provided to an obligor in accordance  
141 10 with one of the following as applicable:

141 11 (1) In the order establishing or modifying the support  
141 12 obligation. The unit or district court shall include notice  
141 13 in any new or modified support order issued on or after July  
141 14 1, 1997.

141 15 (2) Through notice sent by the unit by regular mail to the  
141 16 last known address of the support obligor.

141 17 b. The notice shall also advise that any appropriate  
141 18 information may be provided to a collection entity for  
141 19 purposes of administering and enforcing the surcharge.

141 20 3. Arrearages submitted for referral and surcharge  
141 21 pursuant to this section shall meet all of the following  
141 22 criteria:

141 23 a. The arrearages owed shall be based on a court or  
141 24 administrative order which establishes the support obligation.

141 25 b. The arrearage is due for a case in which the unit is  
141 26 providing services pursuant to this chapter and one for which  
141 27 the arrearage has been identified as difficult to collect by  
141 28 the unit.

141 29 c. The obligor was provided notice pursuant to subsection  
141 30 2 at least fifteen days prior to sending the notice of  
141 31 referral pursuant to subsection 4.

141 32 4. The unit shall send notice of referral to the obligor  
141 33 by regular mail to the obligor's last known address, with  
141 34 proof of service completed according to R.C.P. } 82, at least  
141 35 thirty days prior to the date the arrearage is referred to the  
142 1 collection entity. The notice shall inform the obligor of all  
142 2 of the following:

142 3 a. The arrearage will be referred to a collection entity.

142 4 b. Upon referral, a surcharge is due and payable by the  
142 5 obligor.

142 6 c. The amount of the surcharge.

142 7 d. That the obligor may avoid referral by paying the  
142 8 amount of the arrearage to the collection services center  
142 9 within twenty days of the date of notice of referral.

142 10 e. That the obligor may contest the referral by submitting  
142 11 a written request for review of the unit. The request shall  
142 12 be received by the unit within twenty days of the date of the  
142 13 notice of referral.

142 14 f. The right to contest the referral is limited to a  
142 15 mistake of fact, which includes a mistake in the identity of

142 16 the obligor, a mistake as to fulfillment of the requirements  
142 17 for referral under this subsection, or a mistake in the amount  
142 18 of the arrearages.

142 19 g. The unit shall issue a written decision following a  
142 20 requested review.

142 21 h. Following the issuance of a written decision by the  
142 22 unit denying that a mistake of fact exists, the obligor may  
142 23 request a hearing to challenge the surcharge by sending a  
142 24 written request for a hearing to the office of the unit which  
142 25 issued the decision. The request shall be received by the  
142 26 office of the unit which issued the decision within ten days  
142 27 of the unit's written decision. The only grounds for a  
142 28 hearing shall be mistake of fact. Following receipt of the  
142 29 written request, the unit which receives the request shall  
142 30 certify the matter for hearing in the district court in the  
142 31 county in which the underlying support order is filed.

142 32 i. The address of the collection services center for  
142 33 payment of the arrearages.

142 34 5. If the obligor pays the amount of arrearage within  
142 35 twenty days of the date of the notice of referral, referral of  
143 1 the arrearage to a collection entity shall not be made.

143 2 6. If the obligor requests a review or court hearing  
143 3 pursuant to this section, referral of the arrearages shall be  
143 4 stayed pending the decision of the unit or the court.

143 5 7. Actions of the unit under this section shall not be  
143 6 subject to contested case proceedings or further review  
143 7 pursuant to chapter 17A and any resulting court hearing shall  
143 8 be an original hearing before the district court.

143 9 8. If an obligor does not pay the amount of the arrearage,  
143 10 does not contest the referral, or if following the unit's  
143 11 review and any court hearing the unit or court does not find a  
143 12 mistake of fact, the arrearages shall be referred to a  
143 13 collection entity. Following the review or hearing, if the  
143 14 unit or court finds a mistake in the amount of the arrearage,  
143 15 the arrearages shall be referred to the collection entity in  
143 16 the appropriate arrearage amount. For arrearages referred to  
143 17 a collection entity, the obligor shall pay a surcharge equal  
143 18 to a percent of the amount of the support arrearage due as of  
143 19 the date of the referral. The surcharge is in addition to the  
143 20 arrearages and any other fees or charges owed, and shall be  
143 21 enforced by the collection entity as provided under section  
143 22 252B.5. Upon referral to the collection entity, the surcharge  
143 23 is an automatic judgment against the obligor.

143 24 9. The director or the director's designee may file a  
143 25 notice of the surcharge with the clerk of the district court  
143 26 in the county in which the underlying support order is filed.  
143 27 Upon filing, the clerk shall enter the amount of the surcharge  
143 28 on the lien index and judgment docket.

143 29 10. Following referral of a support arrearage to a  
143 30 collection entity, the surcharge shall be due and owing and  
143 31 enforceable by a collection entity or the unit notwithstanding  
143 32 satisfaction of the support obligation or whether the  
143 33 collection entity is enforcing a support arrearage. However,  
143 34 the unit may waive payment of all or a portion of the  
143 35 surcharge if waiver will facilitate the collection of the  
144 1 support arrearage.

144 2 11. All surcharge payments shall be received and disbursed  
144 3 by the collection services center.

144 4 12. a. A payment received by the collection services  
144 5 center which meets all the following conditions shall be  
144 6 allocated as specified in paragraph "b":

144 7 (1) The payment is for a case in which arrearages have  
144 8 been referred to a collection entity.

144 9 (2) A surcharge is assessed on the arrearages.

144 10 (3) The payment is collected under the provisions of the  
144 11 contract with the collection entity.

144 12 b. A payment meeting all of the conditions in paragraph

144 13 "a" shall be allocated between support and costs and fees, and  
144 14 the surcharge according to the following formula:  
144 15 (1) The payment shall be divided by the sum of one hundred  
144 16 percent plus the percent specified in the contract.  
144 17 (2) The quotient shall be the amount allocated to the  
144 18 support arrearage and other fees and costs.  
144 19 (3) The difference between the dividend and the quotient  
144 20 shall be the amount allocated to the surcharge.  
144 21 13. Any computer or software programs developed and any  
144 22 records used in relation to a contract with a collection  
144 23 entity remain the property of the department.

#### 144 24 EXPLANATION

144 25 This bill provides changes relating to child support  
144 26 provisions of the Code. The bill includes changes  
144 27 precipitated by the federal Personal Responsibility and Work  
144 28 Opportunity Act of 1996, other federal law changes, technical,  
144 29 and conforming changes and additional provisions.

144 30 Division I of the bill amends Code chapter 252A, the  
144 31 Uniform Support of Dependents Law, including changes  
144 32 necessitated by the adoption of the Uniform Interstate Family  
144 33 Support Act (UIFSA) to be effective by January 1, 1998. The  
144 34 division also provides changes in the establishment of  
144 35 paternity by affidavit by including a provision for rescision  
145 1 of the affidavit, requiring the provision of certain  
145 2 information to potential signatories, requiring that the form  
145 3 be filed and registered by the state registrar before it is  
145 4 effective, requiring the division of records and statistics of  
145 5 the Iowa department of public health to provide paternity  
145 6 acknowledgment forms and services, authorizing the child  
145 7 support recovery unit to enter contracts with other entities  
145 8 to provide voluntary paternity affidavit services, and making  
145 9 changes to conform with practices of the division of records  
145 10 and statistics. This division also provides that a putative  
145 11 father may file a paternity action, provides for admission of  
145 12 evidence of costs associated with blood or genetic testing,  
145 13 prenatal care, or birth, provides that appropriate genetic  
145 14 testing is to take place in an approved lab, and provides for  
145 15 the establishment of temporary child support orders based upon  
145 16 genetic test results which demonstrate a probability of the  
145 17 putative father's paternity of 99 percent or higher. The  
145 18 division also provides that if a child is receiving public  
145 19 assistance, child support is assigned to the department by  
145 20 operation of law and provides that if support is assigned each  
145 21 child under an order is presumed to be entitled to an equal  
145 22 and proportionate share of any child support awarded.

145 23 Division II amends Code chapter 252B relating to child  
145 24 support recovery services provided through the child support  
145 25 recovery unit (CSRU). The bill establishes that the CSRU is  
145 26 not required to intervene in actions to provide services;  
145 27 establishes that the CSRU is to take appropriate action if a  
145 28 child is eligible for public assistance in this state or if  
145 29 federal law requires action regarding a request received from  
145 30 another state for a child receiving public assistance; directs  
145 31 the department of human services to adopt rules regarding  
145 32 cases for which it is a condition of eligibility for public  
145 33 assistance that the applicant for or recipient of public  
145 34 assistance cooperate in good faith in establishing paternity,  
145 35 in establishing, modifying, or enforcing a support order, or  
146 1 in locating a parent; provides for the satisfaction of a child  
146 2 support debt during the time which parents have reconciled and  
146 3 are living together and are receiving public assistance;  
146 4 provides that the CSRU is not to deduct a fee for interception  
146 5 of a federal tax refund if the recipient is a resident of a  
146 6 foreign country; codifies language that authorizes the CSRU to  
146 7 enter contracts with private collection agencies for difficult  
146 8 to collect cases; provides for the notification of parents  
146 9 under a support order regarding their rights to review and

146 10 adjustment, modification, or alteration of a support order at  
146 11 a minimum once every three years; clarifies that the CSRU is  
146 12 not to establish orders for spousal support and when the CSRU  
146 13 may enforce orders for spousal support; provides a procedure  
146 14 to certify to the secretary of the United States department of  
146 15 health and human services, a list of names of obligors who owe  
146 16 delinquent child support in excess of \$5,000 for the purposes  
146 17 of passport sanctions; clarifies that a CSRU attorney acts for  
146 18 the state and does not represent an individual party, witness,  
146 19 or person other than the state; specifies the conditions under  
146 20 which information may be obtained from various sources by the  
146 21 CSRU, including by administrative subpoena, for the purposes  
146 22 of CSRU activities and the conditions under which the  
146 23 information may be released or disclosed; provides the basis  
146 24 for provision of CSRU services when a request is received from  
146 25 another state or country for an individual not otherwise  
146 26 eligible for public assistance; and makes technical and  
146 27 conforming changes to reflect UIFSA and to correct references  
146 28 to federal law.

146 29 Division III amends Code chapter 252C which relates to  
146 30 child support debts and administrative procedures. The bill  
146 31 provides that if public assistance is being provided to or on  
146 32 behalf of a dependent child or the child's caretaker, child  
146 33 support is assigned to the department by operation of law and  
146 34 that there is a presumption that an equal and proportionate  
146 35 share of any child support awarded is payable for each child  
147 1 under the order.

147 2 Division IV amends Code chapter 252D relating to income  
147 3 withholding. The bill combines and relocates existing  
147 4 sections and provisions of the chapter to include them in the  
147 5 subchapter containing general provisions; changes references  
147 6 to assignment of income to withholding of income; requires the  
147 7 CSRU to provide the obligor with a notice of income  
147 8 withholding at the time that the notice is sent to the payor  
147 9 of income and eliminates the requirement that the payor of  
147 10 income provide this notice; provides definitions of "business  
147 11 day", "income", "payor of income or payor", and "support or  
147 12 support payments"; provides that the CSRU may provide notice  
147 13 to the payor of income by regular mail or by electronic means;  
147 14 provides that the order for or notice of income withholding  
147 15 has priority over a garnishment or assignment for any other  
147 16 purpose; provides that a payor of income is not required to  
147 17 vary the pay cycle to comply with the frequency of payment in  
147 18 a support order; requires the payor of income to send the  
147 19 amounts withheld within seven business days of the date the  
147 20 obligor is paid; provides that a payor of income who does not  
147 21 comply with withholding provisions commits a simple  
147 22 misdemeanor; specifies which state's law applies to payors of  
147 23 income in interstate withholding cases; and makes conforming  
147 24 changes based upon UIFSA.

147 25 Division V amends Code chapter 252E relating to medical  
147 26 support. The bill provides that orders for income withholding  
147 27 may provide for enrollment of a child in health insurance  
147 28 coverage; provides that a notice to enroll a child may be  
147 29 contested and provides a procedure for a motion to quash an  
147 30 order or notice requiring enforcement of medical support;  
147 31 provides for modification of a support order to provide for  
147 32 medical support rather than entry of a new order; and corrects  
147 33 a reference to federal law.

147 34 Division VI amends Code chapter 252F relating to  
147 35 administrative establishment of paternity. The bill changes  
148 1 the time frames relating to contesting paternity test results  
148 2 and holding hearings to be consistent; requires that tests are  
148 3 to be completed by approved laboratories; provides for advance  
148 4 payment for additional tests; provides for the type of  
148 5 evidence admissible to establish the amount paid for testing;  
148 6 and specifies the information to be included in the order

148 7 establishing paternity which includes location and other  
148 8 information about the parties.

148 9 Division VII amends Code chapter 252G relating to the  
148 10 central employee registry. The bill provides definitions of  
148 11 "business day", "employer", and "labor organization"; allows  
148 12 multistate employers who report electronically to select one  
148 13 state for reporting; requires the CSRU to enter new hire  
148 14 information into the registry within five business days of  
148 15 receipt from the employer and to transmit the information to  
148 16 the national directory of new hires within three business days  
148 17 after this entry; and provides that the employer or payor of  
148 18 income is to be sent notice of withholding of income within  
148 19 two business days of the entry of the new hire information  
148 20 into the centralized employee registry.

148 21 Division VIII amends Code chapter 252H which relates to  
148 22 adjustment and modification of support. The bill provides a  
148 23 process for a cost-of-living alteration of the support order  
148 24 if the parties agree; makes periodic review of support orders  
148 25 discretionary based upon a request or as required by federal  
148 26 law rather than mandating review; provides for review and  
148 27 modification of a support order outside of the usual time  
148 28 frames based on a substantial change in circumstances; and  
148 29 requires that a copy of a modified order be sent by regular  
148 30 mail to each parent or parent's attorney within 14 days after  
148 31 filing.

148 32 Division IX amends Code chapter 252I relating to levies  
148 33 against accounts. The bill redefines "financial institutions"  
148 34 to include insurance companies, safe deposit companies, and  
148 35 money market mutual funds, to require that financial  
149 1 institutions enter into agreements with CSRU to provide  
149 2 quarterly data matches with CSRU to facilitate locating of  
149 3 accounts of obligors with a delinquency, and to provide  
149 4 immunity from liability for certain actions by a financial  
149 5 institution.

149 6 Division X amends Code chapter 252J, relating to licensing  
149 7 sanctions. The bill expands application of the chapter to  
149 8 include license sanctions for noncompliance with a subpoena or  
149 9 warrant relating to paternity or support proceedings; to  
149 10 include recreational licenses; and to make a correction  
149 11 regarding a reference to the time period upon which the  
149 12 delinquency is based.

149 13 Division XI establishes Code chapter 252K, the Uniform  
149 14 Interstate Family Support Act (UIFSA) which provides for  
149 15 interstate establishment, modification, and enforcement of  
149 16 child support obligations. Enactment is required by federal  
149 17 law by January 1, 1998. This chapter replaces Code chapter  
149 18 252A as it relates to interstate cases.

149 19 Division XII amends Code chapter 598 relating to  
149 20 dissolution of marriages. The bill requires that all orders  
149 21 or judgments for paternity or support are to require the  
149 22 parties to submit identifying information; makes conforming  
149 23 changes to reflect the federal Full Faith and Credit for Child  
149 24 Support Orders Act; provides for cost-of-living alterations in  
149 25 child support orders; provides conforming language to reflect  
149 26 changes in income withholding provisions; provides that if a  
149 27 child is a recipient of public assistance, support is assigned  
149 28 to the state regardless of the relationship to the child of  
149 29 the applicant for assistance and provides that if support is  
149 30 assigned, each child under a child support order is presumed  
149 31 to receive an equal and proportionate share. The bill also  
149 32 directs the supreme court to adopt new uniform child support  
149 33 guidelines at the time of the next review of the guidelines  
149 34 after July 1, 1997.

149 35 Division XIII provides for development of a plan for a  
150 1 statewide support lien index, provides that liens arise by  
150 2 operation of law on titled personal property as well as real  
150 3 property, and provides that full faith and credit is to be

150 4 afforded liens arising in other states.  
150 5 Division XIV amends Code chapter 600B relating to paternity  
150 6 establishment. The bill removes entitlement to a jury trial  
150 7 in paternity proceedings; changes the time frames for  
150 8 objecting to paternity test results; provides for overcoming  
150 9 paternity established by an affidavit of paternity based upon  
150 10 fraud, duress, or material mistake of fact; requires paternity  
150 11 tests to be performed by approved laboratories; provides for  
150 12 admissibility of bills to the court as evidence for payment of  
150 13 prenatal, birth, and paternity testing; provides for  
150 14 assignment by operation of law of support for a child who is a  
150 15 recipient of public assistance regardless of the relationship  
150 16 of the applicant for assistance to the child; provides that if  
150 17 support is assigned, each child under an order is presumed to  
150 18 receive an equal and proportionate share; and makes conforming  
150 19 changes relating to interstate paternity and support orders.  
150 20 Division XV amends various Code chapters to make conforming  
150 21 changes relative to child support and relating to requiring  
150 22 social security numbers on marriage license applications and  
150 23 death certificates, rescission of an affidavit of paternity as  
150 24 it relates to birth certificates, cost-of-living alterations,  
150 25 interstate child support law, and support relating to foster  
150 26 care.  
150 27 Division XVI provides for application of a fee for CSRU  
150 28 services in nonpublic assistance cases based upon income above  
150 29 200 percent of poverty.  
150 30 Division XVII establishes a surcharge to be collected from  
150 31 an obligor for support arrearages which are identified as hard  
150 32 to collect and which are referred to a collection entity.  
150 33 LSB 1496HC 77  
150 34 pf/cf/24