

H-3/4/98 Judiciary

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FILED FEB 16 1998

SENATE FILE 2221
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2014)

Passed Senate, Date 3/3/98 (p.525) Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the payment of costs relating to a contempt of
2 court action for nonpayment of child support.

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

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SENATE FILE 2221

S-5101

1 Amend Senate File 2221 as follows:
2 1. Page 1, by inserting after line 21 the
3 following:
4 "3. In addition to the provisions of subsection 1,
5 when an action for contempt of an order or decree
6 providing for visitation is brought against a party on
7 the grounds that the party has willfully disobeyed the
8 provisions for visitation, and the court determines
9 that the party is in contempt of the order or decree,
10 the costs of the proceeding, including reasonable
11 attorney's fees, shall be taxed against that party."
12 2. Title page, line 2, by inserting after the
13 word "support" the following: "or violation of a
14 visitation order".

By NANCY BOETTGER
STEVE KING
ROD HALVORSON

adopted 3/3/98 (p.525)

S-5101 FILED MARCH 2, 1998

S.F. 2221

1 Section 1. Section 598.24, Code 1997, is amended to read
2 as follows:

3 598.24 COSTS IF PARTY IS IN DEFAULT OR CONTEMPT.

4 1. When an action for a modification, order to show cause,
5 or contempt of a dissolution, annulment, or separate
6 maintenance decree is brought on the grounds that a party to
7 the decree is in default or contempt of the decree, and the
8 court determines that the party is in default or contempt of
9 the decree, the costs of the proceeding, including reasonable
10 attorney's fees, may be taxed against that party.

11 2. In addition to the provisions of subsection 1, when an
12 action for contempt of an order or decree for support which
13 has been entered pursuant to this chapter or chapter 234,
14 252A, 252C, 252F, 600B, or any other support chapter, or a
15 comparable chapter of a foreign jurisdiction is brought
16 against a party on the grounds that the party has failed to
17 make support payments pursuant to that order or decree for a
18 period of at least six months and the court determines that
19 the party is in contempt of the order or decree, the costs of
20 the proceeding, including reasonable attorney's fees, shall be
21 taxed against that party.

22 EXPLANATION

23 This bill provides that if a contempt of court action
24 relating to the failure to pay child support in accordance
25 with an order or decree for at least six months is brought and
26 the court determines that the nonpaying party is in contempt,
27 the costs of the proceeding, including reasonable attorney's
28 fees, shall be taxed against the party held in contempt.

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18 period of at least six months and the court determines that
19 the party is in contempt of the order or decree, the costs of
20 the proceeding, including reasonable attorney's fees, shall be
21 taxed against that party.

22 3. In addition to the provisions of subsection 1, when an
23 action for contempt of an order or decree providing for
24 visitation is brought against a party on the grounds that the
25 party has willfully disobeyed the provisions for visitation,
26 and the court determines that the party is in contempt of the
27 order or decree, the costs of the proceeding, including
28 reasonable attorney's fees, shall be taxed against that party.

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