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SENATE FILE 2313  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2096)

Passed Senate, Date 3/10/98 (p.610) Passed House, Date 4/15/98 (p.1273)  
Vote: Ayes 46 Nays 0 Vote: Ayes 43 Nays 0  
Approved March 6, 1998

A BILL FOR

1 An Act relating to child support, providing penalties, and  
2 providing effective dates.

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

4

SENATE FILE 2313

S-5164

1 Amend Senate File 2313 as follows:

2 1. Page 17, by inserting after line 5 the  
3 following:

4 "(6) The unit receives notification that an  
5 individual has an exemption from cooperation with  
6 child support enforcement under a family investment  
7 program safety plan which addresses family or domestic  
8 violence."

9 2. Page 17, line 6, by striking the figure "6"  
10 and inserting the following: "7".

11 3. Page 17, line 8, by inserting after the word  
12 "order," the following: "safety plan,".

13 4. Page 17, line 9, by striking the figure "5"  
14 and inserting the following: "6".

By NANCY BOETTGER

S-5164 FILED MARCH 10, 1998  
ADOPTED (p.610)

S.F. 2313

19  
20  
21  
22  
23

DIVISION I

STATE DISBURSEMENT UNIT

1  
2  
3 Section 1. Section 236.10, Code Supplement 1997, is  
4 amended to read as follows:

5 236.10 CONFIDENTIALITY OF RECORDS.

6 The file in a domestic abuse case shall be sealed by the  
7 clerk of court when it is complete and after the time for  
8 appeal has expired. However, the clerk shall open the file  
9 upon application to and order of the court for good cause  
10 shown or upon request of the child support recovery unit.  
11 Support payment records, whether maintained by the clerk of  
12 the district court or the department of human services, are  
13 public records and may be released upon request. However, a  
14 payment record shall not include address or location  
15 information.

16 Sec. 2. Section 252B.9, subsection 2, paragraph a, Code  
17 Supplement 1997, is amended to read as follows:

18 a. Payment records of the collection services center which  
19 are maintained pursuant to chapter 598 are public records and  
20 may be released upon request. Payment records of the clerk of  
21 the district court, to which the department has access to meet  
22 the requirements of a state disbursement unit, are also public  
23 records and may be released upon request. A payment record  
24 shall not include address or location information.

25 Sec. 3. Section 252B.13A, Code Supplement 1997, is amended  
26 to read as follows:

27 252B.13A COLLECTION SERVICES CENTER.

28 1. The department shall establish within the unit a  
29 collection services center for the receipt and disbursement of  
30 support payments as defined in section 252D.16 or 598.1 as  
31 required for orders by section 252B.14. For purposes of this  
32 section, support payments do not include attorney fees, court  
33 costs, or property settlements. The center may also receive  
34 and disburse surcharges as provided in section 252B.23.

35 2. a. The collection services center shall meet the

1 requirements for a state disbursement unit pursuant to 42  
2 U.S.C. § 654B, section 252B.14, and this section by October 1,  
3 1999.

4 b. Prior to October 1, 1999, the department and the  
5 judicial department shall enter into a cooperative agreement  
6 for implementation of the state disbursement unit requirement.  
7 The agreement shall include, but is not limited to, provisions  
8 for all of the following:

9 (1) Coordination with the state case registry created in  
10 section 252B.24.

11 (2) The receipt and disbursement of income withholding  
12 payments for orders not receiving services from the unit  
13 pursuant to section 252B.14, subsection 4.

14 (3) The transmission of information, orders, and  
15 documents, and access to information.

16 (4) Furnishing, upon request, timely information on the  
17 current status of support payments as provided in 42 U.S.C. §  
18 654B(b)(4), in a manner consistent with state law.

19 (5) The notification of payors of income to direct income  
20 withholding payments to the collection services center as  
21 provided in section 252B.14, subsection 4.

22 Sec. 4. Section 252B.14, Code Supplement 1997, is amended  
23 to read as follows:

24 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES CENTER --  
25 CLERK OF THE DISTRICT COURT.

26 1. For the purposes of this section, "support order"  
27 includes any order entered pursuant to chapter 234, 252A,  
28 252C, 598, 600B, or any other support chapter or proceeding  
29 which establishes support payments as defined in section  
30 252D.16 or 598.1.

31 2. For support orders being enforced by the child support  
32 recovery unit, support payments made pursuant to the order  
33 shall be directed to and disbursed by the collection services  
34 center.

35 3. ~~For-a~~ With the exception of support order-as payments

1 to which subsection 2 ~~does-not-apply~~ or 4 applies, support  
2 payments made pursuant to the an order shall be directed to  
3 and disbursed by the clerk of the district court in the county  
4 in which the order for support is filed. The clerk of the  
5 district court may require the obligor to submit payments by  
6 bank draft or money order if the obligor submits an  
7 insufficient funds support payment to the clerk of the  
8 district court.

9 4. By October 1, 1999, for a support order to which  
10 subsection 2 does not apply, regardless of the terms of the  
11 support order directing or redirecting the place of payment,  
12 support payments made through income withholding by a payor of  
13 income as provided in chapter 252D shall be directed to and  
14 disbursed by the collection services center. The judicial  
15 department and the department shall develop and implement a  
16 plan to notify payors of income of this requirement and the  
17 effective date of the requirement applicable to the respective  
18 payor of income.

19 5. If the collection services center is receiving and  
20 disbursing payments pursuant to a support order, but the unit  
21 is not providing other services under Title IV-D of the  
22 federal Social Security Act, or if the order is not being  
23 enforced by the unit, the parties to that order are not  
24 considered to be receiving services under this chapter.

25 ~~4-~~ 6. Payments to persons other than the clerk of the  
26 district court or the collection services center do not  
27 satisfy the support obligations created by a support order or  
28 judgment, except as provided for in sections 598.22 and  
29 598.22A.

30 Sec. 5. Section 252B.15, Code 1997, is amended to read as  
31 follows:

32 252B.15 PROCESSING AND DISBURSEMENT OF SUPPORT PAYMENTS.

33 1. The collection services center shall notify the clerk  
34 of the district court of any order for which the child support  
35 recovery unit is providing enforcement services. The clerk of

1 the district court shall forward any support payment made  
2 pursuant to the order, along with any support payment  
3 information, to the collection services center. Unless the  
4 agreement developed pursuant to section 252B.13A otherwise  
5 provides, by October 1, 1999, the clerk of the district court  
6 shall forward any support payment made and any support payment  
7 information provided through income withholding pursuant to  
8 chapter 252D, to the collection services center. The  
9 collection services center shall process and disburse the  
10 payment in accordance with federal requirements.

11 2. If Unless otherwise provided under federal law, if it  
12 is possible to identify the support order to which a payment  
13 is to be applied and if sufficient information is provided to  
14 identify the obligee, a payment received by the collection  
15 services center or the clerk of the district court shall be  
16 disbursed to the appropriate individual or office within two  
17 working days in accordance with section 598.22.

18 Sec. 6. Section 252B.16, subsection 3, Code 1997, is  
19 amended to read as follows:

20 3. Once the responsibility for receiving and disbursing  
21 support payments has been transferred from a clerk of the  
22 district court to the collection services center, the  
23 responsibility shall remain with the collection services  
24 center even if the child support recovery unit is no longer  
25 providing enforcement services, unless redirected by court  
26 order. However, the responsibility for receiving and  
27 disbursing income withholding payments shall not be redirected  
28 to a clerk of the district court.

29 Sec. 7. Section 252D.1, Code Supplement 1997, is amended  
30 to read as follows:

31 252D.1 DELINQUENT SUPPORT PAYMENTS.

32 If support payments ordered under chapter 232, 234, 252A,  
33 252C, 252D, 252E, 252F, 598, 600B, or any other applicable  
34 chapter, or under a comparable statute of a foreign  
35 jurisdiction, as certified to the child support recovery unit

1 established in section 252B.2, are not paid to the clerk of  
2 the district court or the collection services center pursuant  
3 to section 598.22 and become delinquent in an amount equal to  
4 the payment for one month, the child support recovery unit may  
5 enter an ex parte order or, upon application of a person  
6 entitled to receive the support payments, the district court  
7 may enter an ex parte order, notifying the person whose income  
8 is to be withheld, of the delinquent amount, of the amount of  
9 income to be withheld, and of the procedure to file a motion  
10 to quash the order for income withholding, and ordering the  
11 withholding of specified sums to be deducted from the  
12 delinquent person's income as defined in section 252D.16  
13 sufficient to pay the support obligation and, except as  
14 provided in section 598.22, requiring the payment of such sums  
15 to the clerk of the district court or the collection services  
16 center. Beginning October 1, 1999, all income withholding  
17 payments shall be paid to the collection services center.  
18 Notification of income withholding shall be provided to the  
19 obligor and to the payor of income pursuant to section  
20 252D.17.

21 Sec. 8. Section 252D.17, subsections 5, 6, and 8, Code  
22 Supplement 1997, are amended to read as follows:

23 5. The payor shall send the amounts withheld to the  
24 collection services center or the clerk of the district court  
25 pursuant to section 252B.14 within seven business days of the  
26 date the obligor is paid. "Business day" means a day on which  
27 state offices are open for regular business.

28 6. The payor may combine amounts withheld from the  
29 obligors' income in a single payment to the clerk of the  
30 district court or to the collection services center, as  
31 appropriate. Whether combined or separate, payments shall be  
32 identified by the name of the obligor, account number, amount,  
33 and, until October 1, 1999, the date withheld. If payments  
34 for multiple obligors are combined, the portion of the payment  
35 attributable to each obligor shall be specifically identified.

1 8. If the payor knowingly fails to withhold income or to  
2 pay the amounts withheld to the collection services center or  
3 the clerk of court in accordance with the provisions of the  
4 order ~~or~~, the notice of the order, or the notification of  
5 payors of income provisions established in section 252B.13A,  
6 the payor commits a simple misdemeanor and is liable for the  
7 accumulated amount which should have been withheld, together  
8 with costs, interest, and reasonable attorney fees related to  
9 the collection of the amounts due from the payor.

10 Sec. 9. Section 252D.18A, subsection 4, Code Supplement  
11 1997, is amended to read as follows:

12 4. The payor shall identify and report payments by the  
13 obligor's name, account number, amount, and date withheld  
14 pursuant to section 252D.17. ~~If~~ Until October 1, 1999, if  
15 payments for multiple obligees are combined, the portion of  
16 the payment attributable to each obligee shall be specifically  
17 identified. Beginning October 1, 1999, if payments for  
18 multiple obligees are combined, the portion of the payment  
19 attributable to each obligee shall be specifically identified  
20 only if the payor is directed to do so by the child support  
21 recovery unit.

22 Sec. 10. Section 252D.20, Code 1997, is amended to read as  
23 follows:

24 252D.20 ADMINISTRATION OF INCOME WITHHOLDING PROCEDURES.

25 The child support recovery unit is designated as the entity  
26 of the state to administer income withholding in accordance  
27 with the procedures specified for keeping adequate records to  
28 document, track, and monitor support payments on cases subject  
29 to Title IV-D of the federal Social Security Act. ~~The~~ Until  
30 October 1, 1999, the clerks of the district court are  
31 designated as the entities for administering income  
32 withholding on cases which are not subject to Title IV-D.  
33 Beginning October 1, 1999, the collection services center is  
34 designated as the entity for administering income withholding  
35 for cases which are not subject to Title IV-D. The collection

1 services center's responsibilities for administering income  
2 withholding in cases not subject to Title IV-D are limited to  
3 the receipt, recording, and disbursement of income withholding  
4 payments and to responding to requests for information on the  
5 current status of support payments pursuant to section  
6 252B.13A. Notwithstanding section 622.53, in cases where the  
7 court or the child support recovery unit is enforcing a  
8 foreign judgment through income withholding, a certified copy  
9 of the underlying judgment is sufficient proof of  
10 authenticity.

11 Sec. 11. Section 598.22, unnumbered paragraph 1, Code  
12 Supplement 1997, is amended to read as follows:

13 Except as otherwise provided in section 598.22A, this  
14 section applies to all initial or modified orders for support  
15 entered under this chapter, chapter 234, 252A, 252C, 252F,  
16 600B, or any other chapter of the Code. All orders or  
17 judgments entered under chapter 234, 252A, 252C, 252F, or  
18 600B, or under this chapter or any other chapter which provide  
19 for temporary or permanent support payments shall direct the  
20 payment of those sums to the clerk of the district court or  
21 the collection services center in accordance with section  
22 252B.14 for the use of the person for whom the payments have  
23 been awarded. Beginning October 1, 1999, all income  
24 withholding payments shall be directed to the collection  
25 services center. Payments to persons other than the clerk of  
26 the district court and the collection services center do not  
27 satisfy the support obligations created by the orders or  
28 judgments, except as provided for trusts governed by the  
29 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for  
30 tax refunds or rebates in section 602.8102, subsection 47, or  
31 for dependent benefits paid to the child support obligee as  
32 the result of disability benefits awarded to the child support  
33 obligor under the federal Social Security Act. For trusts  
34 governed by the federal Retirement Equity Act of 1984, Pub. L.  
35 No. 98-397, the order for income withholding or notice of the



1 order for income withholding shall require the payment of such  
2 sums to the alternate payee in accordance with the federal  
3 Act.

4 Sec. 12. Section 598.22, unnumbered paragraph 3, Code  
5 Supplement 1997, is amended to read as follows:

6 An order or judgment entered by the court for temporary or  
7 permanent support or for income withholding shall be filed  
8 with the clerk. The orders have the same force and effect as  
9 judgments when entered in the judgment docket and lien index  
10 and are records open to the public. The Unless otherwise  
11 provided by federal law, if it is possible to identify the  
12 support order to which a payment is to be applied, and if  
13 sufficient information identifying the obligee is provided,  
14 the clerk or the collection services center, as appropriate,  
15 shall disburse the payments received pursuant to the orders or  
16 judgments within two working days of the receipt of the  
17 payments. All moneys received or disbursed under this section  
18 shall be entered in records kept by the clerk, or the  
19 collection services center, as appropriate, which shall be  
20 available to the public. The clerk or the collection services  
21 center shall not enter any moneys paid in the record book if  
22 not paid directly to the clerk or the center, as appropriate,  
23 except as provided for trusts and federal social security  
24 disability payments in this section, and for tax refunds or  
25 rebates in section 602.8102, subsection 47.

26 Sec. 13. Section 598.26, subsection 1, Code 1997, is  
27 amended to read as follows:

28 1. Until a decree of dissolution has been entered, the  
29 record and evidence shall be closed to all but the court, its  
30 officers, and the child support recovery unit of the  
31 department of human services pursuant to section 252B.9.  
32 However, the payment records of a temporary support order,  
33 whether maintained by the clerk of the district court or the  
34 department of human services, are public records and may be  
35 released upon request. Payment records shall not include

1 address or location information. No other person shall permit  
2 a copy of any of the testimony, or pleading, or the substance  
3 thereof, to be made available to any person other than a party  
4 to the action or a party's attorney. Nothing in this  
5 subsection shall be construed to prohibit publication of the  
6 original notice as provided by the rules of civil procedure.

7 Sec. 14. Section 602.8102, Code Supplement 1997, is  
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 47C. Perform duties relating to  
10 implementation and operation of requirements for the  
11 collection services center pursuant to section 252B.13A,  
12 subsection 2.

13 DIVISION II

14 STATE CASE REGISTRY

15 Sec. 15. NEW SECTION. 252B.24 STATE CASE REGISTRY.

16 1. Beginning October 1, 1998, the unit shall operate a  
17 state case registry to the extent determined by applicable  
18 time frames and other provisions of 42 U.S.C. § 654A(e) and  
19 this section. The unit and the judicial department shall  
20 enter into a cooperative agreement for the establishment and  
21 operation of the registry by the unit. The state case  
22 registry shall include records with respect to all of the  
23 following:

24 a. Unless prohibited by federal law, each case for which  
25 services are provided under this chapter.

26 b. Each order for support, as defined in section 252D.16  
27 or 598.1, which meets at least one of the following criteria:

28 (1) The support order is established or modified in this  
29 state on or after October 1, 1998.

30 (2) The income of the obligor is subject to income  
31 withholding under chapter 252D, including any support order  
32 for which the district court enters an ex parte order under  
33 chapter 252D on or after October 1, 1998.

34 2. The clerk of the district court shall provide the unit  
35 with any information, orders, or documents requested by the

1 unit to establish or operate the state case registry, which  
2 are specified in the agreement described in subsection 1,  
3 within the time frames specified in that agreement. The  
4 agreement shall include but is not limited to provisions to  
5 provide for all of the following:

6 a. Provision to the unit of information, orders, and  
7 documents necessary for the unit to meet requirements  
8 described in 42 U.S.C. § 654A(e) and this section.

9 b. Provision to the unit of information filed with the  
10 clerk of the district court by a party under section 598.22B,  
11 and the social security number of a child filed with the clerk  
12 of the district court under section 602.6111.

13 c. Use of automation, as appropriate, to meet the  
14 requirements described in 42 U.S.C. § 654A(e) and this  
15 section.

16 3. The records of the state case registry are confidential  
17 records pursuant to chapter 22 and may only be disclosed or  
18 used as provided in section 252B.9.

19 Sec. 16. Section 598.22B, Code Supplement 1997, is amended  
20 to read as follows:

21 598.22B INFORMATION REQUIRED IN ORDER OR JUDGMENT.

22 This section applies to all initial or modified orders for  
23 paternity or support entered under this chapter, chapter 234,  
24 252A, 252C, 252F, 252H, 252K, or 600B, or under any other  
25 chapter, and any subsequent order to enforce such support  
26 orders.

27 1. All such orders or judgments shall direct each party to  
28 file with the clerk of court or the child support recovery  
29 unit, as appropriate, upon entry of the order, and to update  
30 as appropriate, information on location and identity of the  
31 party, including social security number, residential and  
32 mailing addresses, telephone number, driver's license number,  
33 and name, address, and telephone number of the party's  
34 employer. The order shall also include a provision that the  
35 information filed will be disclosed and used pursuant to this

1 section. The party shall file the information with the clerk  
2 of court, or, if all support payments are to be directed to  
3 the collection services center as provided in sections section  
4 252B.14, subsection 2, and section 252B.16, with the child  
5 support recovery unit.

6 2. All such orders or judgments shall include a statement  
7 that in any subsequent child support action initiated by the  
8 child support recovery unit or between the parties, upon  
9 sufficient showing that diligent effort has been made to  
10 ascertain the location of such a party, the unit or the court  
11 may shall deem due process requirements for notice and service  
12 of process to be met with respect to the party, upon delivery  
13 of written notice to the most recent residential or employer  
14 address filed with the clerk of court or unit pursuant to  
15 subsection 1.

16 3. a. Information filed pursuant to subsection 1 shall  
17 not be a public record.

18 b. Information filed with the clerk of court pursuant to  
19 subsection 1 shall be available to the child support recovery  
20 unit, upon request. Beginning October 1, 1998, information  
21 filed with the clerk of court pursuant to subsection 1 shall  
22 be provided by the clerk of court to the child support  
23 recovery unit pursuant to section 252B.24.

24 c. Information filed with the clerk of court shall be  
25 available, upon request, to a party unless the party filing  
26 the information also files an affidavit alleging the party has  
27 reason to believe that release of the information may result  
28 in physical or emotional harm to the affiant or child.  
29 However, even if an affidavit has been filed, any information  
30 provided by the clerk of court to the child support recovery  
31 unit shall be disclosed by the unit as provided in section  
32 252B.9.

33 ~~d. If the child support recovery unit is providing~~  
34 ~~services pursuant to chapter 252B, information filed with~~  
35 Information provided to the unit shall only be disclosed as

1 provided in section 252B.9.

2 Sec. 17. Section 602.6111, Code 1997, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 4. Beginning October 1, 1998, a party,  
5 except the child support recovery unit, filing a petition,  
6 complaint, answer, appearance, first motion, or any document  
7 with the clerk of district court to establish or modify an  
8 order for child support under chapter 236, 252A, 252K, 598, or  
9 600B shall provide the clerk of the district court with the  
10 social security number of the child. The clerk of the  
11 district court shall keep the social security number of the  
12 child confidential, except the clerk shall provide the number  
13 to the child support recovery unit to be included in the  
14 records of the state case registry created under section  
15 252B.24.

16 Sec. 18. Section 602.8102, Code Supplement 1997, is  
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 47B. Perform the duties relating to  
19 establishment and operation of a state case registry pursuant  
20 to section 252B.24.

21 DIVISION III

22 NEW HIRE REPORTING

23 Sec. 19. Section 84A.5, Code 1997, is amended by adding  
24 the following new subsection:

25 NEW SUBSECTION. 9. The department shall provide access to  
26 information and documents necessary for employers and payors  
27 of income, as defined in sections 252D.16 and 252G.1, to  
28 comply with child support reporting and payment requirements.  
29 Access to the information and documents shall be provided at  
30 the central location of the department of workforce  
31 development and at each workforce development center.

32 Sec. 20. Section 252B.9, subsection 3, paragraph c, Code  
33 Supplement 1997, is amended to read as follows:

34 c. The unit may release or disclose information as  
35 necessary to provide services under section 252B.5, as

1 provided by chapter 252G, as provided by Title IV-D of the  
2 federal Social Security Act, as amended, or as required by  
3 federal law.

4 Sec. 21. Section 252G.3, subsections 1 and 2, Code  
5 Supplement 1997, are amended to read as follows:

6 1. Beginning January 1, 1994, an employer who hires or  
7 rehires an employee on or after January 1, 1994, shall report  
8 the hiring or rehiring of the employee to the centralized  
9 employee registry within fifteen in accordance with one of the  
10 following time frames:

11 a. Within fifteen days of the hiring or rehiring of the  
12 employee. ~~Employers shall report employees who, on the date~~  
13 ~~of hire or rehire, are eighteen years of age or older, and may~~  
14 ~~report employees who, on the date of hire or rehire, are under~~  
15 ~~eighteen years of age. Only employees who are reasonably~~  
16 ~~expected to earn at least one dollar in compensation for any~~  
17 ~~day on which the employee works shall be reported.~~

18 b. If the employer is transmitting hire and rehire reports  
19 magnetically or electronically, the employer may report  
20 through transmissions which are not less than twelve nor more  
21 than sixteen days apart.

22 1A. The report submitted shall contain all of the  
23 following:

24 a. The employer's name, address, and federal  
25 identification number.

26 b. The employee's name, address, and social security  
27 ~~number, and date of birth.~~

28 c. Information regarding whether the employer has employee  
29 dependent health care coverage available and the appropriate  
30 date on which the employee may qualify for the coverage.

31 d. The address to which income withholding orders or the  
32 notices of orders and garnishments should be sent.

33 e. The employee's date of birth.

34 2. Employers required to report may report the information  
35 required under subsection ± 1A by any of the following means:

1 a. By mailing a copy of the employee's Iowa employee's  
2 withholding allowance certificate to the registry.

3 b. By submitting electronic media in a format approved by  
4 the unit in advance.

5 c. By submitting a fax transmission of the employee's Iowa  
6 employee's withholding allowance certificate to the registry.

7 d. By any other means authorized by the unit in advance if  
8 the means will result in timely reporting.

9 e. By submitting both of the following:

10 (1) For the information in subsection 1A, paragraphs "a"  
11 and "b", by transmitting by first class mail, magnetically or  
12 electronically, a federal W-4 form, or, at the option of the  
13 employer, an equivalent form.

14 (2) By reporting the other information required in  
15 subsection 1A by any of the means provided in paragraph "a",  
16 "b", "c", or "d" of this subsection.

17 Sec. 22. Section 252G.5, Code 1997, is amended to read as  
18 follows:

19 252G.5 ACCESS TO CENTRALIZED EMPLOYEE REGISTRY.

20 The records of the centralized employee registry are  
21 confidential records pursuant to section sections 22.7 and  
22 252B.9, and may be accessed only by state agencies as provided  
23 in this section and section 252B.9. When a state agency  
24 accesses information in the registry, the agency may use the  
25 information to update the agency's own records. Access to and  
26 use of the information contained in the registry shall be  
27 limited to the following:

28 1. The unit for administration of the child support  
29 enforcement program, including but not limited to activities  
30 related to establishment and enforcement of child and medical  
31 support obligations through administrative or judicial  
32 processes, and other services authorized pursuant to chapter  
33 252B.

34 2. State agencies which utilize income information for the  
35 determination of eligibility or calculation of payments for

1 benefit or entitlement payments unless prohibited under  
2 federal law.

3 3. State agencies which utilize income information for the  
4 recoupment of debts to the state unless prohibited under  
5 federal law.

6 DIVISION IV

7 CONFIDENTIALITY AND DISCLOSURE

8 Sec. 23. Section 252B.9, subsection 1, paragraph h, Code  
9 Supplement 1997, is amended to read as follows:

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

25 Sec. 24. Section 252B.9, subsection 3, paragraph d, Code  
26 Supplement 1997, is amended by striking the paragraph and  
27 inserting in lieu thereof the following:

28 d. The unit may release information under section 252B.9A  
29 to meet the requirements of Title IV-D of the federal Social  
30 Security Act for parent locator services.

31 Sec. 25. Section 252B.9, subsection 3, paragraph f, Code  
32 Supplement 1997, is amended to read as follows:

33 f. Information may be released to courts having  
34 jurisdiction in support ~~or abandonment~~ proceedings. If a  
35 court issues an order, which is not entered under section



1 252B.9A, directing the unit to disclose confidential  
2 information, the unit may file a motion to quash pursuant to  
3 this chapter, Title IV-D of the federal Social Security Act,  
4 or other applicable law.

5 Sec. 26. Section 252B.9, subsection 3, Code Supplement  
6 1997, is amended by adding the following new paragraph:

7 NEW PARAGRAPH. i. If the unit receives notification under  
8 this paragraph, the unit shall notify the federal parent  
9 locator service as required by federal law that there is  
10 reasonable evidence of domestic violence or child abuse  
11 against a party or a child and that the disclosure of  
12 information could be harmful to the party or the child. The  
13 notification to the federal parent locator service shall be  
14 known as notification of a disclosure risk indicator. For  
15 purposes of this paragraph, the unit shall notify the federal  
16 parent locator service of a disclosure risk indicator only if  
17 at least one of the following applies:

18 (1) The unit receives notification that the department, or  
19 comparable agency of another state, has made a finding of good  
20 cause or other exception as provided in section 252B.3, or  
21 comparable law of another state.

22 (2) The unit receives and, through automation, matches  
23 notification from the department of public safety or the unit  
24 receives notification from a court of this or another state,  
25 that a court has issued a protective order or no contact order  
26 against a party with respect to another party or child.

27 (3) The unit receives notification that a court has  
28 dismissed a petition for specified confidential information  
29 pursuant to section 252B.9A.

30 (4) The unit receives notification that a tribunal has  
31 issued an order under chapter 252K, the uniform interstate  
32 family support Act, or the comparable law of another state,  
33 that the address or other identifying information of a party  
34 or child not be disclosed.

35 (5) The unit receives and, through automation, matches

1 notification from the division of child and family services of  
2 the department, or the unit receives notification from a  
3 comparable agency of another state, of a founded allegation of  
4 child abuse, or a comparable finding under the law of the  
5 other state.

6 (6) The unit receives notification, as the result of a  
7 request under section 252B.9A, of the existence of any  
8 finding, order, or founded allegation referred to in  
9 subparagraphs (1) through (5) of this paragraph.

10 Sec. 27. NEW SECTION. 252B.9A DISCLOSURE OF CONFIDENTIAL  
11 INFORMATION -- AUTHORIZED PERSON -- COURT.

12 1. A person, except a court or government agency, who is  
13 an authorized person to receive specified confidential  
14 information under 42 U.S.C. § 653, may submit a written  
15 request to the unit for disclosure of specified confidential  
16 information regarding a nonrequesting party. The written  
17 request shall comply with federal law and regulations and  
18 shall include a sworn statement attesting to the reason why  
19 the requester is an authorized person under 42 U.S.C. § 653,  
20 including that the requester would use the confidential  
21 information only for purposes permitted in that section.

22 2. Upon receipt of a request from an authorized person  
23 which meets all of the requirements under subsection 1, the  
24 unit shall search available records as permitted by law or  
25 shall request the information from the federal parent locator  
26 service as provided in 42 U.S.C. § 653.

27 a. If the unit locates the specified confidential  
28 information, the unit shall disclose the information to the  
29 extent permitted under federal law, unless one of the  
30 following applies:

31 (1) There is a notice from the federal parent locator  
32 service that there is reasonable evidence of domestic violence  
33 or child abuse pursuant to 42 U.S.C. § 653(b)(2).

34 (2) The unit has notified the federal parent locator  
35 service of a disclosure risk indicator as provided in section

1 252B.9, subsection 3, paragraph "i", and has not removed that  
2 notification.

3 (3) The unit receives notice of a basis for a disclosure  
4 risk indicator listed in section 252B.9, subsection 3,  
5 paragraph "i", within twenty days of sending a notice of the  
6 request to the subject of the request by regular mail.

7 b. If the unit locates the specified confidential  
8 information, but the unit is prohibited from disclosing  
9 confidential information under paragraph "a", the unit shall  
10 deny the request and notify the requester of the denial in  
11 writing. Upon receipt of a written notice from the unit  
12 denying the request, the requester may file a petition in  
13 district court for an order directing the unit to release the  
14 requested information to the court as provided in subsection  
15 3.

16 3. A person may file a petition in district court for  
17 disclosure of specified confidential information. The  
18 petition shall request that the court direct the unit to  
19 release specified confidential information to the court, that  
20 the court make a determination of harm if appropriate, and  
21 that the court release specified confidential information to  
22 the petitioner.

23 a. The petition shall include a sworn statement attesting  
24 to the intended use of the information by the petitioner as  
25 allowed by federal law. Such statement may specify any of the  
26 following intended uses:

27 (1) To establish parentage, or to establish, set the  
28 amount of, modify, or enforce a child support obligation.

29 (2) To make or enforce a child custody or visitation  
30 determination or order.

31 (3) To carry out the duty or authority of the petitioner  
32 to investigate, enforce, or bring a prosecution with respect  
33 to the unlawful taking or restraint of a child.

34 b. Upon the filing of a petition, the court shall enter an  
35 order directing the unit to release to the court within thirty

1 days specified confidential information which the unit would  
2 be permitted to release under 42 U.S.C. § 653 and 42 U.S.C. §  
3 663, unless one of the following applies:

4 (1) There is a notice from the federal parent locator  
5 service that there is reasonable evidence of domestic violence  
6 or child abuse pursuant to 42 U.S.C. § 653(b)(2).

7 (2) The unit has notified the federal parent locator  
8 service of a disclosure risk indicator as provided in section  
9 252B.9, subsection 3, paragraph "i", and has not removed that  
10 notification.

11 (3) The unit receives notice of a basis for a disclosure  
12 risk indicator listed in section 252B.9, subsection 3,  
13 paragraph "i", within twenty days of sending notice of the  
14 order to the subject of the request by regular mail. The unit  
15 shall include in the notice to the subject of the request a  
16 copy of the court order issued under this paragraph.

17 c. Upon receipt of the order, the unit shall comply as  
18 follows:

19 (1) If the unit has the specified confidential  
20 information, and none of the domestic violence, child abuse,  
21 or disclosure risk indicator provisions of paragraph "b"  
22 applies, the unit shall file the confidential information with  
23 the court along with a statement that the unit has not  
24 received any notice that the domestic violence, child abuse,  
25 or disclosure risk indicator provisions of paragraph "b"  
26 apply. The unit shall be granted at least thirty days to  
27 respond to the order. The court may extend the time for the  
28 unit to comply. Upon receipt by the court of the confidential  
29 information under this subparagraph, the court may order the  
30 release of the information to the petitioner.

31 (2) If the unit has the specified confidential  
32 information, and the domestic violence, child abuse, or  
33 disclosure risk indicator provision of paragraph "b" applies,  
34 the unit shall file with the court a statement that the  
35 domestic violence, child abuse, or disclosure risk indicator

1 provision of paragraph "b" applies, along with any information  
2 the unit has received related to the domestic violence, child  
3 abuse, or disclosure risk indicator. The unit shall be  
4 granted at least thirty days to respond to the order. The  
5 court may extend the time for the unit to comply. Upon  
6 receipt by the court of information from the unit under this  
7 subparagraph, the court shall make a finding whether  
8 disclosure of confidential information to any other person  
9 could be harmful to the nonrequesting party or child. In  
10 making the finding, the court shall consider any relevant  
11 information provided by the parent or child, any information  
12 provided by the unit or by a child support agency, any  
13 information provided by the petitioner, and any other relevant  
14 evidence. The unit or unit's attorney does not represent any  
15 individual person in this proceeding.

16 (a) If the court finds that disclosure of confidential  
17 information to any other person could be harmful to the  
18 nonrequesting party or child, the court shall dismiss the  
19 petition for disclosure and notify the unit to notify the  
20 federal parent locator service of a disclosure risk indicator.

21 (b) If the court does not find that disclosure of  
22 specified confidential information to any other person could  
23 be harmful to the nonrequesting party or child, the court  
24 shall notify the unit to file the specified confidential  
25 information with the court. Upon receipt by the court of the  
26 specified confidential information, the court may release the  
27 information to the petitioner and inform the unit to remove  
28 the disclosure risk indicator.

29 (3) If the unit does not have the specified confidential  
30 information and cannot obtain the information from the federal  
31 parent locator service, the unit shall comply with the order  
32 by notifying the court of the lack of information.

33 4. The confidential information which may be released by  
34 the unit to a party under subsection 2, or by the unit to the  
35 court under subsection 3, shall be limited by the federal

1 Social Security Act and other applicable federal law, and the  
2 unit may use the sworn statement filed pursuant to subsections  
3 1 or 3 in applying federal law. Any information filed with  
4 the court by the unit, when certified over the signature of a  
5 designated employee, shall be considered to be satisfactorily  
6 identified and shall be admitted as evidence, without  
7 requiring third-party foundation testimony. Additional proof  
8 of the official character of the person certifying the  
9 document or the authenticity of the person's signature shall  
10 not be required.

11 5. When making a request for confidential information  
12 under this section, a party or petitioner shall indicate the  
13 specific information requested.

14 6. For purposes of this section, "party" means party as  
15 defined in section 252B.9, subsection 3.

16 7. The unit may adopt rules pursuant to chapter 17A to  
17 prescribe provisions in addition to or in lieu of the  
18 provisions of this section to comply with federal requirements  
19 for parent locator services or the safeguarding of  
20 information.

21 DIVISION V

22 VOLUNTARY PATERNITY AFFIDAVITS AND RECISION

23 Sec. 28. Section 252A.3A, subsection 3, paragraph a, Code  
24 Supplement 1997, is amended to read as follows:

25 a. Prior to or at the time of completion of an affidavit  
26 of paternity, written and oral information about paternity  
27 establishment, developed by the child support recovery unit  
28 created in section 252B.2, shall be provided to the mother and  
29 putative father. Video or audio equipment may be used to  
30 provide oral information.

31 Sec. 29. Section 252A.3A, subsection 9, paragraph a,  
32 subparagraph (1), Code Supplement 1997, is amended to read as  
33 follows:

34 (1) Written and oral information about establishment of  
35 paternity pursuant to subsection 3. Video or audio equipment

1 may be used to provide oral information.

2 Sec. 30. Section 252A.3A, subsection 11, paragraph a, Code  
3 Supplement 1997, is amended to read as follows:

4 a. Written and oral information about the establishment of  
5 paternity pursuant to subsection 3. Video or audio equipment  
6 may be used to provide oral information.

7 Sec. 31. Section 252A.3A, subsection 12, paragraph a,  
8 subparagraph (2), Code Supplement 1997, is amended to read as  
9 follows:

10 ~~(2) Twenty-days-after-the-service-of-the-notice-or~~  
11 ~~petition-initiating~~ Entry of a court order pursuant to a  
12 proceeding in this state to which the signatory is a party  
13 relating to the child, including a proceeding to establish a  
14 support order under this chapter, chapter 252C, 252F, 598, or  
15 600B or other law of this state.

16 DIVISION VI

17 ENFORCEMENT OF ORDERS FOR HEALTH CARE COVERAGE

18 Sec. 32. Section 252E.2, subsection 2, Code Supplement  
19 1997, is amended to read as follows:

20 2. An insurer who is subject to the federal Employee  
21 Retirement Income Security Act, as codified in 29 U.S.C. §  
22 1169, shall provide benefits in accordance with that section  
23 which meet the requirements of a qualified medical child  
24 support order. For the purposes of this subsection "qualified  
25 medical child support order" means and includes a medical  
26 child support order as defined in 29 U.S.C. § 1169, or a child  
27 support order which creates or recognizes the existence of a  
28 child's right to, or assigns to a child the right to, receive  
29 benefits for which a participant or child is eligible under a  
30 group health plan or a notice of such an order issued by the  
31 child support recovery unit, and which specifies the  
32 following:

33 a. The name and the last known mailing address of the  
34 participant and the name and mailing address of each child  
35 covered by the order except that, to the extent provided in

1 the order, the name and mailing address of an official of the  
2 department may be substituted for the mailing address of the  
3 child.

4 b. A reasonable description of the type of coverage to be  
5 provided by-the-plan to each child, or the manner in which the  
6 type of coverage is to be determined.

7 c. The period during which the coverage applies.

8 ~~d.---Each-plan-to-which-the-order-applies---~~

9 DIVISION VII

10 DEFINITION OF "ACCOUNT"

11 Sec. 33. Section 252I.1, subsection 1, Code Supplement  
12 1997, is amended to read as follows:

13 1. "Account" means "account" as defined in section  
14 524.103, "share account or shares" as defined in section  
15 534.102, the savings or deposits of a member received or being  
16 held by a credit union, or certificates of deposit. "Account"  
17 also includes deposits held by an agent, a broker-dealer, or  
18 an issuer as defined in section 502.102 and money-market  
19 mutual fund accounts and "account" as defined in 42 U.S.C. §  
20 666(a)(17). However, "account" does not include amounts held  
21 by a financial institution as collateral for loans extended by  
22 the financial institution.

23 DIVISION VIII

24 PASSPORT SANCTION

25 Sec. 34. Section 252B.5, subsection 11, Code Supplement  
26 1997, is amended to read as follows:

27 11. a. ~~Effective-October-17-1997~~, Comply with federal  
28 procedures to periodically certify to the secretary of the  
29 United States department of health and human services, a list  
30 of the names of obligors determined by the unit to owe  
31 delinquent child support, under a support order as defined in  
32 section 252J.1, in excess of five thousand dollars. The  
33 ~~determination~~ certification of the delinquent amount owed may  
34 be based upon one or more support orders being enforced by the  
35 unit if the delinquent support owed exceeds five thousand



1 dollars. The determination certification shall include any  
2 amounts which are delinquent pursuant to the periodic payment  
3 plan when a modified order has been retroactively applied.  
4 The certification shall be in a format and shall include any  
5 supporting documentation required by the secretary.

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

8 ~~(1) At least thirty days prior to provision of~~  
9 ~~certification to the secretary, the unit~~ The obligor shall  
10 ~~send~~ be sent a notice by regular mail ~~to the last known~~  
11 ~~address of the obligor~~ in accordance with federal law and  
12 regulations and the notice shall remain in effect until  
13 support delinquencies have been paid in full. The notice  
14 shall include all of the following:

15 (a) ~~A statement that the unit has determined that~~  
16 regarding the amount of delinquent support owed by the obligor  
17 owes delinquent child support in excess of five thousand  
18 dollars.

19 (b) A statement providing information that upon  
20 ~~certification by the unit to the secretary, the secretary will~~  
21 ~~transmit the certification to~~ if the delinquency is in excess  
22 of five thousand dollars, the United States secretary of state  
23 ~~for denial, revocation, restriction, or limitation of~~ may  
24 apply a passport sanction by revoking, restricting, limiting,  
25 or refusing to issue a passport as provided in 42 U.S.C. §  
26 652(k).

27 (c) Information regarding the procedures for challenging  
28 the determination certification by the unit.

29 (2) (a) A challenge shall be based upon mistake of fact.  
30 For the purposes of this subsection, "mistake of fact" means a  
31 mistake in the identity of the obligor or a mistake in the  
32 amount of the delinquent child support owed if the amount did  
33 not exceed five thousand dollars on the date of the unit's  
34 decision on the challenge.

35 ~~(2) (a)~~ If the obligor chooses to challenge the

1 ~~determination certification~~, the obligor shall ~~submit-the~~  
2 ~~challenge-in-writing-to notify~~ the unit, ~~to-be-received-by-the~~  
3 ~~unit~~ within ~~twenty-days-of-the-date-of~~ the time period  
4 specified in the notice to the obligor. The obligor shall  
5 include any relevant information ~~in with~~ the written  
6 challenge.

7 (b) Upon timely receipt of the written challenge, the unit  
8 shall review the determination certification for a mistake of  
9 fact, or refer the challenge for review to the child support  
10 agency in the state chosen by the obligor as provided by  
11 federal law.

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

16 (i) If the unit determines that a mistake of fact exists,  
17 the unit shall ~~not-certify-the-name-of-the-obligor-to-the~~  
18 secretary send notification in accordance with federal  
19 procedures withdrawing the certification for passport  
20 sanction.

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

31 (3) Following issuance of a final decision under chapter  
32 17A that no mistake of fact exists, the obligor may request a  
33 hearing before the district court ~~in-the-county-where-one-or~~  
34 ~~more-of-the-support-orders-upon-which-the-determination-is~~  
35 based-is-filed pursuant to chapter 17A. ~~To-request-a-hearing,~~

1 the obligor shall file a written application with the court  
2 contesting the decision and shall send a copy of the  
3 application to the unit by regular mail. Notwithstanding the  
4 time specifications of section 17A.19, an application for a  
5 hearing shall be filed with the court no later than ten days  
6 after issuance of the final decision. The clerk of the  
7 district court shall schedule a hearing and shall mail a copy  
8 of the order scheduling the hearing to the obligor and to the  
9 unit. The unit department shall certify transmit a copy of  
10 its written decision indicating the date of issuance to the  
11 court prior to the hearing record to the district court  
12 pursuant to chapter 17A. The hearing shall be held within  
13 thirty days of the filing of the application. The filing of  
14 an application for a hearing shall stay the certification by  
15 the unit to the secretary. However, if the obligor fails to  
16 appear at the scheduled hearing, the stay shall be  
17 automatically lifted and the unit shall certify the name of  
18 the obligor to the secretary. The scope of the review by the  
19 district court shall be limited to demonstration of a mistake  
20 of fact. Issues related to visitation, custody, or other  
21 provisions not related to the support provisions of a support  
22 order are not grounds for a hearing under this subsection.  
23 c. Following certification to the secretary, if the unit  
24 determines that an obligor no longer owes delinquent child  
25 support in excess of five thousand dollars, the unit shall  
26 notify the secretary of the change or shall provide  
27 information to the secretary and notice as the secretary  
28 requires to withdraw the certification for passport sanction.

## 29 DIVISION IX

## 30 DETERMINATION OF CONTROLLING ORDER

31 Sec. 35. Section 252H.2, Code Supplement 1997, is amended  
32 by adding the following new subsection:

33 NEW SUBSECTION. 6A. "Determination of controlling order"  
34 means the process of identifying a child support order which  
35 must be recognized pursuant to section 252K.207 and 28 U.S.C.

1 § 1738B, when more than one state has issued a support order  
2 for the same child and the same obligor. Registration of a  
3 foreign order is not necessary for a court or the unit to make  
4 a determination of controlling order.

5 Sec. 36. Section 252H.3, subsection 1, Code Supplement  
6 1997, is amended to read as follows:

7 1. Any action initiated under this chapter, including any  
8 court hearing resulting from an action, shall be limited in  
9 scope to the adjustment or modification of the child or  
10 medical support or cost-of-living alteration of the child  
11 support provisions of a support order. A determination of a  
12 controlling order is within the scope of this chapter.

13 Sec. 37. Section 252H.8, subsection 4, Code Supplement  
14 1997, is amended by adding the following new paragraph:

15 NEW PARAGRAPH. h. A certified copy of each order, issued  
16 by another state, considered in determining the controlling  
17 order.

18 Sec. 38. Section 252H.9, subsection 3, Code Supplement  
19 1997, is amended by adding the following new paragraph:

20 NEW PARAGRAPH. g. If applicable, the order determined to  
21 be the controlling order.

22 Sec. 39. Section 252H.16, subsection 1, Code 1997, is  
23 amended to read as follows:

24 1. The unit shall conduct the review and determine whether  
25 an adjustment is appropriate. As necessary, the unit shall  
26 make a determination of the controlling order.

27 DIVISION X

28 INTENT -- RESPONSIBLE PARENTHOOD

29 Sec. 40. INTENT OF THE GENERAL ASSEMBLY -- RESPONSIBLE  
30 PARENTHOOD. It is the intent of the general assembly that the  
31 core principle upon which programs for children and families,  
32 including the child support program, shall be based, is the  
33 importance of the relationship between both parents and a  
34 child. It is also the intent of the general assembly to  
35 encourage family formation, optimally in the context of

1 marriage.

2 Neither parent's commitment to this relationship ends with  
3 providing financial support, but includes the sharing of time  
4 and self. The parent-child relationship includes rights and  
5 responsibilities, and, if entered into with the fullest  
6 commitment, includes limitless rewards and constitutes the  
7 most effective means of providing a child with a model of what  
8 a mother, a father, and a family should be.

9 It is the intent of the general assembly that the  
10 department of human services cooperate with other state,  
11 local, and community-based agencies and organizations to  
12 develop individualized local approaches, while maximizing  
13 coordination of existing programs and services, to assist both  
14 parents in fragile families to make and maintain connections  
15 with their children.

16

#### EXPLANATION

17 This bill includes sections to comply with federal  
18 requirements in the federal Personal Responsibility and Work  
19 Opportunity Reconciliation Act of 1996, subsequent technical  
20 amendments made to the Act in 1997, and other technical  
21 changes.

#### 22 DIVISION I.

23 State disbursement unit (SDU). The federal Act requires  
24 states to provide a single location for employers to submit  
25 income withholding payments by October 1, 1999. Under the  
26 bill, employers will send all income withholding payments to  
27 one SDU which is responsible for receiving, recording, and  
28 disbursing these payments.

#### 29 DIVISION II.

30 State case registry (SCR). This division of the bill  
31 provides for compliance with a federal mandate which is  
32 effective October 1, 1998. The CSRU must operate a state case  
33 registry which includes all IV-D cases with or without orders  
34 in place and all other orders for support established or  
35 modified in Iowa on or after October 1, 1998. The Iowa SCR

1 will also include all non-IV-D orders under which an obligor  
2 is subject to income withholding.

3 The federal Act requires that certain SCR data from Iowa be  
4 transmitted to the federal case registry of child support  
5 orders.

6 DIVISION III.

7 New hire reporting. Iowa must meet the new hire reporting  
8 requirements of the federal Act by October 1, 1998. Some of  
9 the new requirements were enacted in 1997 in House File 612.  
10 The remaining requirements are in this proposal. The changes  
11 include amending the definition of "employee" to provide no  
12 age limit and no minimum amount of salary, a reporting form  
13 which allows employers to use a W-4 or equivalent form to  
14 report the federally mandated elements, an optional filing  
15 time included in federal law for employers who file  
16 electronically, and confidentiality requirements which conform  
17 with the federal law.

18 DIVISION IV.

19 Confidentiality and disclosure. Federal legislation  
20 enacted August 5, 1997, and November 19, 1997, made several  
21 changes to the 1996 federal Act regarding who has access to  
22 federal parent locator service (FPLS) and CSRU confidential  
23 information and the safeguards which must be in place. These  
24 changes require amendments to legislation enacted by the  
25 general assembly in 1997. One of the new federal requirements  
26 is to notify FPLS if confidential information should be  
27 protected because there is a protective order or reasonable  
28 evidence of domestic violence or child abuse. This bill lists  
29 the criteria used by CSRU to determine if FPLS should be  
30 notified. The notification is called notification of a  
31 "disclosure risk indicator". Another federal requirement is  
32 that CSRU operate a parent locator service to provide  
33 confidential information to persons authorized under federal  
34 law to receive the information for specific purposes, subject  
35 to safeguards. This bill includes a process for an authorized

1 person to file a written request for the information with  
2 CSRU. CSRU will determine if a disclosure risk indicator  
3 exists and send a notice of the request for information to the  
4 nonrequesting party. If no protective order or other  
5 disclosure risk indicator exists, CSRU will release the  
6 information. Since a court is also an "authorized person"  
7 under federal law to receive confidential information subject  
8 to safeguards, this proposal includes a second process for the  
9 courts. A person may petition a court to begin this process.  
10 The court will then issue an order to CSRU to disclose the  
11 confidential information to the court, unless a protective  
12 order or other disclosure risk indicator exists. CSRU will  
13 also send a notice of the request for information to the  
14 nonrequesting party. If CSRU identifies a disclosure risk  
15 indicator, the unit will notify the court, and the court will  
16 then make a determination whether disclosure of the  
17 confidential information would be harmful to the other party  
18 or child. If the court does not find that further disclosure  
19 would be harmful, the court will notify CSRU to release the  
20 information to the court for disclosure to the petitioner.

21 DIVISION V.

22 Voluntary paternity affidavits and rescissions. Federal  
23 legislation enacted in August 1997, which included a technical  
24 amendment to the 1996 federal Act, allows oral information  
25 about the voluntary paternity affidavit process to be provided  
26 by video or audio tapes or similar means. This bill also  
27 includes a technical correction of the time allowed to rescind  
28 an affidavit. Clarification from the federal office of child  
29 support enforcement provides an affidavit may be rescinded  
30 within the earlier of 60 days or the issuance of a court order  
31 relating to the child.

32 DIVISION VI.

33 Technical amendments related to enforcement of orders for  
34 health care coverage. Federal legislation enacted August 5,  
35 1997, includes several amendments to the federal law which

1 controls health care coverage benefits for self-funded Iowa  
2 employers. This bill amends chapter 252E to conform the  
3 definition of a "qualified medical child support order"  
4 (QMCSO) to the new federal definition. It also clarifies that  
5 CSRU may send a notice of the order to the employer, and is  
6 not required to send a photocopy of the order. This is  
7 similar to the income withholding process.

8 DIVISION VII.

9 Definition of "account". The bill redefines "account" to  
10 comply with the federal definition.

11 DIVISION VIII.

12 Passport sanction. The federal Act included a requirement  
13 for the sanctioning of passports if the child support  
14 delinquency is over \$5,000. In 1997, the federal government  
15 issued instructions to states on how to implement the  
16 requirement in coordination with three federal agencies. In  
17 1997, legislation was enacted to provide a process for this,  
18 but changes are now needed to conform to the new federal  
19 instructions. The process involves Iowa certifying a list of  
20 delinquent obligors to the federal office of child support  
21 enforcement. Notices are then sent to obligors on that list  
22 which notify them of their rights to appeal.

23 DIVISION IX.

24 Determination of controlling order. In 1997, the Uniform  
25 Interstate Family Support Act (UIFSA) was enacted in Iowa  
26 which, in part, provided a "one-order" system to facilitate  
27 interstate child support enforcement. Under that Act and  
28 under federal law, sometimes a state has to determine which of  
29 several orders will be the "controlling order". The bill  
30 clarifies that if CSRU is administratively modifying a support  
31 order, and if it is necessary to determine the controlling  
32 order, the unit can make that determination subject to court  
33 ratification. This will prevent having to file two separate  
34 actions: one to determine the controlling order and one to  
35 file the modification.



1 DIVISION X  
2 Intent language. Provides intent language of the general  
3 assembly in promoting responsible parenthood.  
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**SENATE FILE 2313  
FISCAL NOTE**

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A fiscal note for Senate File 2313 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2313 requires compliance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, including a State disbursement unit, a State case registry, a new hire reporting process, confidentiality and disclosure requirements, voluntary paternity affidavits and rescissions, technical amendments for enforcement of health care coverage orders, use of passport sanctions, and the determination of a controlling order in cases of multiple orders.

**ASSUMPTIONS**

1. The Child Support Recovery computer system change is second on the Oversight Appropriations Subcommittee's list of technology projects to be funded from FY 1998 General Fund Reversions. The revenue estimate of this Fiscal Note assumes the system change will receive the entire \$571,000 appropriation requested from reversions.
2. All expenditures listed below are included in the Human Services Appropriations Subcommittee budget for FY 1999.
3. Courts may have additional requests for orders to require the Child Support Recovery Unit to release confidential information. Since court requests of this nature were allowed under existing law, there is no cost associated with this provision.
4. An estimated 157,000 child support cases are categorized as IV-D orders requiring the Collection Services Center to receive, record, and disperse child support payments. An estimated 80,000-100,000 child support orders are handled by the 99 Clerks of District Court, classified as non-IV-D orders.
5. If the State of Iowa does not comply with federal requirements included in SF 2313, there is significant federal funding at risk. Federal law currently requires compliance to receive Title IV-D funding (\$35.6 million in FY 1999), Federal child support collection incentives (\$5.6 million in FY 1999), and federal TANF appropriations (\$131.5 million for FY 1999). The federal House Ways and Means Committee passed H. R. 3130 during the week of February 27, 1998, extending penalty forgiveness for state noncompliance with requirements until June 1998. It is unknown if similar extensions may occur applicable to the FY 1999 requirements.

**FISCAL IMPACT**

The fiscal effect of SF 2313 includes the following expenditures as specified in the Department of Human Services budget for FY 1999 and the Governor's Recommendation for FY 2000:

-2-

Fiscal Impact Senate File 2313  
(dollars in thousands)

	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>
Welfare Reform System Devel.			
Technology Costs	\$ 57	\$ 82	\$ 6
Nontechnology Costs	34	49	3
Total Welfare Reform Sys.	<u>\$ 91</u>	<u>\$ 131</u>	<u>\$ 9</u>
Welfare Reform Field Time	\$ 61	\$ 66	\$ 0
(FTE's) None - Contracted Hours	<u>(0.0)</u>	<u>(0.0)</u>	<u>(0.0)</u>
Total	<u>\$ 61</u>	<u>\$ 66</u>	<u>\$ 0</u>
Disbursement Unit & Case Registry			
Technology Costs	\$ 561	\$ 0	\$ 0
Nontechnology Costs	171	106	106
Total Welfare Reform Sys.	<u>\$ 732</u>	<u>\$ 106</u>	<u>\$ 106</u>
Total SF 2313 Impact	<u>\$ 884</u>	<u>\$ 303</u>	<u>\$ 115</u>

**SOURCES:**

Department of Human Services  
Judicial Department  
American Payroll Association  
National Conference of State Legislatures

(LSB 3200SV, MMB)

FILED MARCH 4, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

H. 3/20/98 ~~CONFIDENTIAL~~

SENATE FILE 2-13  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2096)

(AS AMENDED AND PASSED BY THE SENATE MARCH 10, 1998)

~~\_\_\_\_\_~~ - New Language by the Senate

Passed Senate, Date (P.1448) 4-9-98 Passed House Date (P.1273) 4-15-98  
Vote: Ayes 93 Nays 0 Vote: Ayes 43 Nays 0  
Approved May 6, 1998

A BILL FOR

1 An Act relating to child support, providing penalties, and  
2 providing effective dates.

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

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S.F. 2313

DIVISION I

STATE DISBURSEMENT UNIT

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2  
3 Section 1. Section 236.10, Code Supplement 1997, is  
4 amended to read as follows:

5 236.10 CONFIDENTIALITY OF RECORDS.

6 The file in a domestic abuse case shall be sealed by the  
7 clerk of court when it is complete and after the time for  
8 appeal has expired. However, the clerk shall open the file  
9 upon application to and order of the court for good cause  
10 shown or upon request of the child support recovery unit.  
11 Support payment records, whether maintained by the clerk of  
12 the district court or the department of human services, are  
13 public records and may be released upon request. However, a  
14 payment record shall not include address or location  
15 information.

16 Sec. 2. Section 252B.9, subsection 2, paragraph a, Code  
17 Supplement 1997, is amended to read as follows:

18 a. Payment records of the collection services center which  
19 are maintained pursuant to chapter 598 are public records and  
20 may be released upon request. Payment records of the clerk of  
21 the district court, to which the department has access to meet  
22 the requirements of a state disbursement unit, are also public  
23 records and may be released upon request. A payment record  
24 shall not include address or location information.

25 Sec. 3. Section 252B.13A, Code Supplement 1997, is amended  
26 to read as follows:

27 252B.13A COLLECTION SERVICES CENTER.

28 1. The department shall establish within the unit a  
29 collection services center for the receipt and disbursement of  
30 support payments as defined in section 252D.16 or 598.1 as  
31 required for orders by section 252B.14. For purposes of this  
32 section, support payments do not include attorney fees, court  
33 costs, or property settlements. The center may also receive  
34 and disburse surcharges as provided in section 252B.23.

35 2. a. The collection services center shall meet the

1 requirements for a state disbursement unit pursuant to 42  
2 U.S.C. § 654B, section 252B.14, and this section by October 1,  
3 1999.

4 b. Prior to October 1, 1999, the department and the  
5 judicial department shall enter into a cooperative agreement  
6 for implementation of the state disbursement unit requirement.  
7 The agreement shall include, but is not limited to, provisions  
8 for all of the following:

9 (1) Coordination with the state case registry created in  
10 section 252B.24.

11 (2) The receipt and disbursement of income withholding  
12 payments for orders not receiving services from the unit  
13 pursuant to section 252B.14, subsection 4.

14 (3) The transmission of information, orders, and  
15 documents, and access to information.

16 (4) Furnishing, upon request, timely information on the  
17 current status of support payments as provided in 42 U.S.C. §  
18 654B(b)(4), in a manner consistent with state law.

19 (5) The notification of payors of income to direct income  
20 withholding payments to the collection services center as  
21 provided in section 252B.14, subsection 4.

22 Sec. 4. Section 252B.14, Code Supplement 1997, is amended  
23 to read as follows:

24 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES CENTER --  
25 CLERK OF THE DISTRICT COURT.

26 1. For the purposes of this section, "support order"  
27 includes any order entered pursuant to chapter 234, 252A,  
28 252C, 598, 600B, or any other support chapter or proceeding  
29 which establishes support payments as defined in section  
30 252D.16 or 598.1.

31 2. For support orders being enforced by the child support  
32 recovery unit, support payments made pursuant to the order  
33 shall be directed to and disbursed by the collection services  
34 center.

35 3. ~~For-a~~ With the exception of support order-as payments

1 to which subsection 2 ~~does not apply~~ or 4 applies, support  
2 payments made pursuant to the an order shall be directed to  
3 and disbursed by the clerk of the district court in the county  
4 in which the order for support is filed. The clerk of the  
5 district court may require the obligor to submit payments by  
6 bank draft or money order if the obligor submits an  
7 insufficient funds support payment to the clerk of the  
8 district court.

9 4. By October 1, 1999, for a support order to which  
10 subsection 2 does not apply, regardless of the terms of the  
11 support order directing or redirecting the place of payment,  
12 support payments made through income withholding by a payor of  
13 income as provided in chapter 252D shall be directed to and  
14 disbursed by the collection services center. The judicial  
15 department and the department shall develop and implement a  
16 plan to notify payors of income of this requirement and the  
17 effective date of the requirement applicable to the respective  
18 payor of income.

19 5. If the collection services center is receiving and  
20 disbursing payments pursuant to a support order, but the unit  
21 is not providing other services under Title IV-D of the  
22 federal Social Security Act, or if the order is not being  
23 enforced by the unit, the parties to that order are not  
24 considered to be receiving services under this chapter.

25 ~~4~~ 6. Payments to persons other than the clerk of the  
26 district court or the collection services center do not  
27 satisfy the support obligations created by a support order or  
28 judgment, except as provided for in sections 598.22 and  
29 598.22A.

30 Sec. 5. Section 252B.15, Code 1997, is amended to read as  
31 follows:

32 252B.15 PROCESSING AND DISBURSEMENT OF SUPPORT PAYMENTS.

33 1. The collection services center shall notify the clerk  
34 of the district court of any order for which the child support  
35 recovery unit is providing enforcement services. The clerk of

1 the district court shall forward any support payment made  
2 pursuant to the order, along with any support payment  
3 information, to the collection services center. Unless the  
4 agreement developed pursuant to section 252B.13A otherwise  
5 provides, by October 1, 1999, the clerk of the district court  
6 shall forward any support payment made and any support payment  
7 information provided through income withholding pursuant to  
8 chapter 252D, to the collection services center. The  
9 collection services center shall process and disburse the  
10 payment in accordance with federal requirements.

11 2. If Unless otherwise provided under federal law, if it  
12 is possible to identify the support order to which a payment  
13 is to be applied and if sufficient information is provided to  
14 identify the obligee, a payment received by the collection  
15 services center or the clerk of the district court shall be  
16 disbursed to the appropriate individual or office within two  
17 working days in accordance with section 598.22.

18 Sec. 6. Section 252B.16, subsection 3, Code 1997, is  
19 amended to read as follows:

20 3. Once the responsibility for receiving and disbursing  
21 support payments has been transferred from a clerk of the  
22 district court to the collection services center, the  
23 responsibility shall remain with the collection services  
24 center even if the child support recovery unit is no longer  
25 providing enforcement services, unless redirected by court  
26 order. However, the responsibility for receiving and  
27 disbursing income withholding payments shall not be redirected  
28 to a clerk of the district court.

29 Sec. 7. Section 252D.1, Code Supplement 1997, is amended  
30 to read as follows:

31 252D.1 DELINQUENT SUPPORT PAYMENTS.

32 If support payments ordered under chapter 232, 234, 252A,  
33 252C, 252D, 252E, 252F, 598, 600B, or any other applicable  
34 chapter, or under a comparable statute of a foreign  
35 jurisdiction, as certified to the child support recovery unit



1 established in section 252B.2, are not paid to the clerk of  
2 the district court or the collection services center pursuant  
3 to section 598.22 and become delinquent in an amount equal to  
4 the payment for one month, the child support recovery unit may  
5 enter an ex parte order or, upon application of a person  
6 entitled to receive the support payments, the district court  
7 may enter an ex parte order, notifying the person whose income  
8 is to be withheld, of the delinquent amount, of the amount of  
9 income to be withheld, and of the procedure to file a motion  
10 to quash the order for income withholding, and ordering the  
11 withholding of specified sums to be deducted from the  
12 delinquent person's income as defined in section 252D.16  
13 sufficient to pay the support obligation and, except as  
14 provided in section 598.22, requiring the payment of such sums  
15 to the clerk of the district court or the collection services  
16 center. Beginning October 1, 1999, all income withholding  
17 payments shall be paid to the collection services center.  
18 Notification of income withholding shall be provided to the  
19 obligor and to the payor of income pursuant to section  
20 252D.17.

21 Sec. 8. Section 252D.17, subsections 5, 6, and 8, Code  
22 Supplement 1997, are amended to read as follows:

23 5. The payor shall send the amounts withheld to the  
24 collection services center or the clerk of the district court  
25 pursuant to section 252B.14 within seven business days of the  
26 date the obligor is paid. "Business day" means a day on which  
27 state offices are open for regular business.

28 6. The payor may combine amounts withheld from the  
29 obligors' income in a single payment to the clerk of the  
30 district court or to the collection services center, as  
31 appropriate. Whether combined or separate, payments shall be  
32 identified by the name of the obligor, account number, amount,  
33 and, until October 1, 1999, the date withheld. If payments  
34 for multiple obligors are combined, the portion of the payment  
35 attributable to each obligor shall be specifically identified.

1 8. If the payor knowingly fails to withhold income or to  
2 pay the amounts withheld to the collection services center or  
3 the clerk of court in accordance with the provisions of the  
4 order ~~or~~, the notice of the order, or the notification of  
5 payors of income provisions established in section 252B.13A,  
6 the payor commits a simple misdemeanor and is liable for the  
7 accumulated amount which should have been withheld, together  
8 with costs, interest, and reasonable attorney fees related to  
9 the collection of the amounts due from the payor.

10 Sec. 9. Section 252D.18A, subsection 4, Code Supplement  
11 1997, is amended to read as follows:

12 4. The payor shall identify and report payments by the  
13 obligor's name, account number, amount, and date withheld  
14 pursuant to section 252D.17. ~~If~~ Until October 1, 1999, if  
15 payments for multiple obligees are combined, the portion of  
16 the payment attributable to each obligee shall be specifically  
17 identified. Beginning October 1, 1999, if payments for  
18 multiple obligees are combined, the portion of the payment  
19 attributable to each obligee shall be specifically identified  
20 only if the payor is directed to do so by the child support  
21 recovery unit.

22 Sec. 10. Section 252D.20, Code 1997, is amended to read as  
23 follows:

24 252D.20 ADMINISTRATION OF INCOME WITHHOLDING PROCEDURES.

25 The child support recovery unit is designated as the entity  
26 of the state to administer income withholding in accordance  
27 with the procedures specified for keeping adequate records to  
28 document, track, and monitor support payments on cases subject  
29 to Title IV-D of the federal Social Security Act. ~~The~~ Until  
30 October 1, 1999, the clerks of the district court are  
31 designated as the entities for administering income  
32 withholding on cases which are not subject to Title IV-D.  
33 Beginning October 1, 1999, the collection services center is  
34 designated as the entity for administering income withholding  
35 for cases which are not subject to Title IV-D. The collection

1 services center's responsibilities for administering income  
2 withholding in cases not subject to Title IV-D are limited to  
3 the receipt, recording, and disbursement of income withholding  
4 payments and to responding to requests for information on the  
5 current status of support payments pursuant to section  
6 252B.13A. Notwithstanding section 622.53, in cases where the  
7 court or the child support recovery unit is enforcing a  
8 foreign judgment through income withholding, a certified copy  
9 of the underlying judgment is sufficient proof of  
10 authenticity.

11 Sec. 11. Section 598.22, unnumbered paragraph 1, Code  
12 Supplement 1997, is amended to read as follows:

13 Except as otherwise provided in section 598.22A, this  
14 section applies to all initial or modified orders for support  
15 entered under this chapter, chapter 234, 252A, 252C, 252F,  
16 600B, or any other chapter of the Code. All orders or  
17 judgments entered under chapter 234, 252A, 252C, 252F, or  
18 600B, or under this chapter or any other chapter which provide  
19 for temporary or permanent support payments shall direct the  
20 payment of those sums to the clerk of the district court or  
21 the collection services center in accordance with section  
22 252B.14 for the use of the person for whom the payments have  
23 been awarded. Beginning October 1, 1999, all income  
24 withholding payments shall be directed to the collection  
25 services center. Payments to persons other than the clerk of  
26 the district court and the collection services center do not  
27 satisfy the support obligations created by the orders or  
28 judgments, except as provided for trusts governed by the  
29 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for  
30 tax refunds or rebates in section 602.8102, subsection 47, or  
31 for dependent benefits paid to the child support obligee as  
32 the result of disability benefits awarded to the child support  
33 obligor under the federal Social Security Act. For trusts  
34 governed by the federal Retirement Equity Act of 1984, Pub. L.  
35 No. 98-397, the order for income withholding or notice of the

1 order for income withholding shall require the payment of such  
2 sums to the alternate payee in accordance with the federal  
3 Act.

4 Sec. 12. Section 598.22, unnumbered paragraph 3, Code  
5 Supplement 1997, is amended to read as follows:

6 An order or judgment entered by the court for temporary or  
7 permanent support or for income withholding shall be filed  
8 with the clerk. The orders have the same force and effect as  
9 judgments when entered in the judgment docket and lien index  
10 and are records open to the public. The Unless otherwise  
11 provided by federal law, if it is possible to identify the  
12 support order to which a payment is to be applied, and if  
13 sufficient information identifying the obligee is provided,  
14 the clerk or the collection services center, as appropriate,  
15 shall disburse the payments received pursuant to the orders or  
16 judgments within two working days of the receipt of the  
17 payments. All moneys received or disbursed under this section  
18 shall be entered in records kept by the clerk, or the  
19 collection services center, as appropriate, which shall be  
20 available to the public. The clerk or the collection services  
21 center shall not enter any moneys paid in the record book if  
22 not paid directly to the clerk or the center, as appropriate,  
23 except as provided for trusts and federal social security  
24 disability payments in this section, and for tax refunds or  
25 rebates in section 602.8102, subsection 47.

26 Sec. 13. Section 598.26, subsection 1, Code 1997, is  
27 amended to read as follows:

28 1. Until a decree of dissolution has been entered, the  
29 record and evidence shall be closed to all but the court, its  
30 officers, and the child support recovery unit of the  
31 department of human services pursuant to section 252B.9.  
32 However, the payment records of a temporary support order,  
33 whether maintained by the clerk of the district court or the  
34 department of human services, are public records and may be  
35 released upon request. Payment records shall not include

1 address or location information. No other person shall permit  
2 a copy of any of the testimony, or pleading, or the substance  
3 thereof, to be made available to any person other than a party  
4 to the action or a party's attorney. Nothing in this  
5 subsection shall be construed to prohibit publication of the  
6 original notice as provided by the rules of civil procedure.

7 Sec. 14. Section 602.8102, Code Supplement 1997, is  
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 47C. Perform duties relating to  
10 implementation and operation of requirements for the  
11 collection services center pursuant to section 252B.13A,  
12 subsection 2.

13 DIVISION II

14 STATE CASE REGISTRY

15 Sec. 15. NEW SECTION. 252B.24 STATE CASE REGISTRY.

16 1. Beginning October 1, 1998, the unit shall operate a  
17 state case registry to the extent determined by applicable  
18 time frames and other provisions of 42 U.S.C. § 654A(e) and  
19 this section. The unit and the judicial department shall  
20 enter into a cooperative agreement for the establishment and  
21 operation of the registry by the unit. The state case  
22 registry shall include records with respect to all of the  
23 following:

24 a. Unless prohibited by federal law, each case for which  
25 services are provided under this chapter.

26 b. Each order for support, as defined in section 252D.16  
27 or 598.1, which meets at least one of the following criteria:

28 (1) The support order is established or modified in this  
29 state on or after October 1, 1998.

30 (2) The income of the obligor is subject to income  
31 withholding under chapter 252D, including any support order  
32 for which the district court enters an ex parte order under  
33 chapter 252D on or after October 1, 1998.

34 2. The clerk of the district court shall provide the unit  
35 with any information, orders, or documents requested by the

1 unit to establish or operate the state case registry, which  
2 are specified in the agreement described in subsection 1,  
3 within the time frames specified in that agreement. The  
4 agreement shall include but is not limited to provisions to  
5 provide for all of the following:

6 a. Provision to the unit of information, orders, and  
7 documents necessary for the unit to meet requirements  
8 described in 42 U.S.C. § 654A(e) and this section.

9 b. Provision to the unit of information filed with the  
10 clerk of the district court by a party under section 598.22B,  
11 and the social security number of a child filed with the clerk  
12 of the district court under section 602.6111.

13 c. Use of automation, as appropriate, to meet the  
14 requirements described in 42 U.S.C. § 654A(e) and this  
15 section.

16 3. The records of the state case registry are confidential  
17 records pursuant to chapter 22 and may only be disclosed or  
18 used as provided in section 252B.9.

19 Sec. 16. Section 598.22B, Code Supplement 1997, is amended  
20 to read as follows:

21 598.22B INFORMATION REQUIRED IN ORDER OR JUDGMENT.

22 This section applies to all initial or modified orders for  
23 paternity or support entered under this chapter, chapter 234,  
24 252A, 252C, 252F, 252H, 252K, or 600B, or under any other  
25 chapter, and any subsequent order to enforce such support  
26 orders.

27 1. All such orders or judgments shall direct each party to  
28 file with the clerk of court or the child support recovery  
29 unit, as appropriate, upon entry of the order, and to update  
30 as appropriate, information on location and identity of the  
31 party, including social security number, residential and  
32 mailing addresses, telephone number, driver's license number,  
33 and name, address, and telephone number of the party's  
34 employer. The order shall also include a provision that the  
35 information filed will be disclosed and used pursuant to this

1 section. The party shall file the information with the clerk  
2 of court, or, if all support payments are to be directed to  
3 the collection services center as provided in sections section  
4 252B.14, subsection 2, and section 252B.16, with the child  
5 support recovery unit.

6 2. All such orders or judgments shall include a statement  
7 that in any subsequent child support action initiated by the  
8 child support recovery unit or between the parties, upon  
9 sufficient showing that diligent effort has been made to  
10 ascertain the location of such a party, the unit or the court  
11 may shall deem due process requirements for notice and service  
12 of process to be met with respect to the party, upon delivery  
13 of written notice to the most recent residential or employer  
14 address filed with the clerk of court or unit pursuant to  
15 subsection 1.

16 3. a. Information filed pursuant to subsection 1 shall  
17 not be a public record.

18 b. Information filed with the clerk of court pursuant to  
19 subsection 1 shall be available to the child support recovery  
20 unit, upon request. Beginning October 1, 1998, information  
21 filed with the clerk of court pursuant to subsection 1 shall  
22 be provided by the clerk of court to the child support  
23 recovery unit pursuant to section 252B.24.

24 c. Information filed with the clerk of court shall be  
25 available, upon request, to a party unless the party filing  
26 the information also files an affidavit alleging the party has  
27 reason to believe that release of the information may result  
28 in physical or emotional harm to the affiant or child.  
29 However, even if an affidavit has been filed, any information  
30 provided by the clerk of court to the child support recovery  
31 unit shall be disclosed by the unit as provided in section  
32 252B.9.

33 ~~d. If the child support recovery unit is providing~~  
34 ~~services pursuant to chapter 252B, information filed with~~  
35 Information provided to the unit shall only be disclosed as

1 provided in section 252B.9.

2 Sec. 17. Section 602.6111, Code 1997, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 4. Beginning October 1, 1998, a party,  
5 except the child support recovery unit, filing a petition,  
6 complaint, answer, appearance, first motion, or any document  
7 with the clerk of district court to establish or modify an  
8 order for child support under chapter 236, 252A, 252K, 598, or  
9 600B shall provide the clerk of the district court with the  
10 social security number of the child. The clerk of the  
11 district court shall keep the social security number of the  
12 child confidential, except the clerk shall provide the number  
13 to the child support recovery unit to be included in the  
14 records of the state case registry created under section  
15 252B.24.

16 Sec. 18. Section 602.8102, Code Supplement 1997, is  
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 47B. Perform the duties relating to  
19 establishment and operation of a state case registry pursuant  
20 to section 252B.24.

21 DIVISION III

22 NEW HIRE REPORTING

23 Sec. 19. Section 84A.5, Code 1997, is amended by adding  
24 the following new subsection:

25 NEW SUBSECTION. 9. The department shall provide access to  
26 information and documents necessary for employers and payors  
27 of income, as defined in sections 252D.16 and 252G.1, to  
28 comply with child support reporting and payment requirements.  
29 Access to the information and documents shall be provided at  
30 the central location of the department of workforce  
31 development and at each workforce development center.

32 Sec. 20. Section 252B.9, subsection 3, paragraph c, Code  
33 Supplement 1997, is amended to read as follows:

34 c. The unit may release or disclose information as  
35 necessary to provide services under section 252B.5, as



1 provided by chapter 252G, as provided by Title IV-D of the  
2 federal Social Security Act, as amended, or as required by  
3 federal law.

4 Sec. 21. Section 252G.3, subsections 1 and 2, Code  
5 Supplement 1997, are amended to read as follows:

6 1. Beginning January 1, 1994, an employer who hires or  
7 rehires an employee on or after January 1, 1994, shall report  
8 the hiring or rehiring of the employee to the centralized  
9 employee registry within-fifteen in accordance with one of the  
10 following time frames:

11 a. Within fifteen days of the hiring or rehiring of the  
12 employee. ~~Employers shall report employees who, on the date~~  
13 ~~of hire or rehire, are eighteen years of age or older, and may~~  
14 ~~report employees who, on the date of hire or rehire, are under~~  
15 ~~eighteen years of age. Only employees who are reasonably~~  
16 ~~expected to earn at least one dollar in compensation for any~~  
17 ~~day on which the employee works shall be reported.~~

18 b. If the employer is transmitting hire and rehire reports  
19 magnetically or electronically, the employer may report  
20 through transmissions which are not less than twelve nor more  
21 than sixteen days apart.

22 1A. The report submitted shall contain all of the  
23 following:

24 a. The employer's name, address, and federal  
25 identification number.

26 b. The employee's name, address, and social security  
27 number, ~~and date of birth.~~

28 c. Information regarding whether the employer has employee  
29 dependent health care coverage available and the appropriate  
30 date on which the employee may qualify for the coverage.

31 d. The address to which income withholding orders or the  
32 notices of orders and garnishments should be sent.

33 e. The employee's date of birth.

34 2. Employers required to report may report the information  
35 required under subsection ± 1A by any of the following means:

- 1 a. By mailing a copy of the employee's Iowa employee's  
2 withholding allowance certificate to the registry.
- 3 b. By submitting electronic media in a format approved by  
4 the unit in advance.
- 5 c. By submitting a fax transmission of the employee's Iowa  
6 employee's withholding allowance certificate to the registry.
- 7 d. By any other means authorized by the unit in advance if  
8 the means will result in timely reporting.
- 9 e. By submitting both of the following:
- 10 (1) For the information in subsection 1A, paragraphs "a"  
11 and "b", by transmitting by first class mail, magnetically or  
12 electronically, a federal W-4 form, or, at the option of the  
13 employer, an equivalent form.
- 14 (2) By reporting the other information required in  
15 subsection 1A by any of the means provided in paragraph "a",  
16 "b", "c", or "d" of this subsection.

17 Sec. 22. Section 252G.5, Code 1997, is amended to read as  
18 follows:

19 252G.5 ACCESS TO CENTRALIZED EMPLOYEE REGISTRY.

20 The records of the centralized employee registry are  
21 confidential records pursuant to ~~section~~ sections 22.7 and  
22 252B.9, and may be accessed only by state agencies as provided  
23 in this section and section 252B.9. When a state agency  
24 accesses information in the registry, the agency may use the  
25 information to update the agency's own records. Access to and  
26 use of the information contained in the registry shall be  
27 limited to the following:

- 28 1. The unit for administration of the child support  
29 enforcement program, including but not limited to activities  
30 related to establishment and enforcement of child and medical  
31 support obligations through administrative or judicial  
32 processes, and other services authorized pursuant to chapter  
33 252B.
- 34 2. State agencies which utilize income information for the  
35 determination of eligibility or calculation of payments for

1 benefit or entitlement payments unless prohibited under  
2 federal law.

3 3. State agencies which utilize income information for the  
4 recoupment of debts to the state unless prohibited under  
5 federal law.

6 DIVISION IV

7 CONFIDENTIALITY AND DISCLOSURE

8 Sec. 23. Section 252B.9, subsection 1, paragraph h, Code  
9 Supplement 1997, is amended to read as follows:

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

25 Sec. 24. Section 252B.9, subsection 3, paragraph d, Code  
26 Supplement 1997, is amended by striking the paragraph and  
27 inserting in lieu thereof the following:

28 d. The unit may release information under section 252B.9A  
29 to meet the requirements of Title IV-D of the federal Social  
30 Security Act for parent locator services.

31 Sec. 25. Section 252B.9, subsection 3, paragraph f, Code  
32 Supplement 1997, is amended to read as follows:

33 f. Information may be released to courts having  
34 jurisdiction in support ~~or abandonment~~ proceedings. If a  
35 court issues an order, which is not entered under section

1 252B.9A, directing the unit to disclose confidential  
2 information, the unit may file a motion to quash pursuant to  
3 this chapter, Title IV-D of the federal Social Security Act,  
4 or other applicable law.

5 Sec. 26. Section 252B.9, subsection 3, Code Supplement  
6 1997, is amended by adding the following new paragraph:

7 NEW PARAGRAPH. i. If the unit receives notification under  
8 this paragraph, the unit shall notify the federal parent  
9 locator service as required by federal law that there is  
10 reasonable evidence of domestic violence or child abuse  
11 against a party or a child and that the disclosure of  
12 information could be harmful to the party or the child. The  
13 notification to the federal parent locator service shall be  
14 known as notification of a disclosure risk indicator. For  
15 purposes of this paragraph, the unit shall notify the federal  
16 parent locator service of a disclosure risk indicator only if  
17 at least one of the following applies:

18 (1) The unit receives notification that the department, or  
19 comparable agency of another state, has made a finding of good  
20 cause or other exception as provided in section 252B.3, or  
21 comparable law of another state.

22 (2) The unit receives and, through automation, matches  
23 notification from the department of public safety or the unit  
24 receives notification from a court of this or another state,  
25 that a court has issued a protective order or no contact order  
26 against a party with respect to another party or child.

27 (3) The unit receives notification that a court has  
28 dismissed a petition for specified confidential information  
29 pursuant to section 252B.9A.

30 (4) The unit receives notification that a tribunal has  
31 issued an order under chapter 252K, the uniform interstate  
32 family support Act, or the comparable law of another state,  
33 that the address or other identifying information of a party  
34 or child not be disclosed.

35 (5) The unit receives and, through automation, matches

1 notification from the division of child and family services of  
2 the department, or the unit receives notification from a  
3 comparable agency of another state, of a founded allegation of  
4 child abuse, or a comparable finding under the law of the  
5 other state.

6 (6) The unit receives notification that an individual has  
7 an exemption from cooperation with child support enforcement  
8 under a family investment program safety plan which addresses  
9 family or domestic violence.

10 (7) The unit receives notification, as the result of a  
11 request under section 252B.9A, of the existence of any  
12 finding, order, safety plan, or founded allegation referred to  
13 in subparagraphs (1) through (6) of this paragraph.

14 Sec. 27. NEW SECTION. 252B.9A DISCLOSURE OF CONFIDENTIAL  
15 INFORMATION -- AUTHORIZED PERSON -- COURT.

16 1. A person, except a court or government agency, who is  
17 an authorized person to receive specified confidential  
18 information under 42 U.S.C. § 653, may submit a written  
19 request to the unit for disclosure of specified confidential  
20 information regarding a nonrequesting party. The written  
21 request shall comply with federal law and regulations and  
22 shall include a sworn statement attesting to the reason why  
23 the requester is an authorized person under 42 U.S.C. § 653,  
24 including that the requester would use the confidential  
25 information only for purposes permitted in that section.

26 2. Upon receipt of a request from an authorized person  
27 which meets all of the requirements under subsection 1, the  
28 unit shall search available records as permitted by law or  
29 shall request the information from the federal parent locator  
30 service as provided in 42 U.S.C. § 653.

31 a. If the unit locates the specified confidential  
32 information, the unit shall disclose the information to the  
33 extent permitted under federal law, unless one of the  
34 following applies:

35 (1) There is a notice from the federal parent locator

1 service that there is reasonable evidence of domestic violence  
2 or child abuse pursuant to 42 U.S.C. § 553(b)(2).

3 (2) The unit has notified the federal parent locator  
4 service of a disclosure risk indicator as provided in section  
5 252B.9, subsection 3, paragraph "i", and has not removed that  
6 notification.

7 (3) The unit receives notice of a basis for a disclosure  
8 risk indicator listed in section 252B.9, subsection 3,  
9 paragraph "i", within twenty days of sending a notice of the  
10 request to the subject of the request by regular mail.

11 b. If the unit locates the specified confidential  
12 information, but the unit is prohibited from disclosing  
13 confidential information under paragraph "a", the unit shall  
14 deny the request and notify the requester of the denial in  
15 writing. Upon receipt of a written notice from the unit  
16 denying the request, the requester may file a petition in  
17 district court for an order directing the unit to release the  
18 requested information to the court as provided in subsection  
19 3.

20 3. A person may file a petition in district court for  
21 disclosure of specified confidential information. The  
22 petition shall request that the court direct the unit to  
23 release specified confidential information to the court, that  
24 the court make a determination of harm if appropriate, and  
25 that the court release specified confidential information to  
26 the petitioner.

27 a. The petition shall include a sworn statement attesting  
28 to the intended use of the information by the petitioner as  
29 allowed by federal law. Such statement may specify any of the  
30 following intended uses:

31 (1) To establish parentage, or to establish, set the  
32 amount of, modify, or enforce a child support obligation.

33 (2) To make or enforce a child custody or visitation  
34 determination or order.

35 (3) To carry out the duty or authority of the petitioner

1 to investigate, enforce, or bring a prosecution with respect  
2 to the unlawful taking or restraint of a child.

3 b. Upon the filing of a petition, the court shall enter an  
4 order directing the unit to release to the court within thirty  
5 days specified confidential information which the unit would  
6 be permitted to release under 42 U.S.C. § 653 and 42 U.S.C. §  
7 663, unless one of the following applies:

8 (1) There is a notice from the federal parent locator  
9 service that there is reasonable evidence of domestic violence  
10 or child abuse pursuant to 42 U.S.C. § 653(b)(2).

11 (2) The unit has notified the federal parent locator  
12 service of a disclosure risk indicator as provided in section  
13 252B.9, subsection 3, paragraph "i", and has not removed that  
14 notification.

15 (3) The unit receives notice of a basis for a disclosure  
16 risk indicator listed in section 252B.9, subsection 3,  
17 paragraph "i", within twenty days of sending notice of the  
18 order to the subject of the request by regular mail. The unit  
19 shall include in the notice to the subject of the request a  
20 copy of the court order issued under this paragraph.

21 c. Upon receipt of the order, the unit shall comply as  
22 follows:

23 (1) If the unit has the specified confidential  
24 information, and none of the domestic violence, child abuse,  
25 or disclosure risk indicator provisions of paragraph "b"  
26 applies, the unit shall file the confidential information with  
27 the court along with a statement that the unit has not  
28 received any notice that the domestic violence, child abuse,  
29 or disclosure risk indicator provisions of paragraph "b"  
30 apply. The unit shall be granted at least thirty days to  
31 respond to the order. The court may extend the time for the  
32 unit to comply. Upon receipt by the court of the confidential  
33 information under this subparagraph, the court may order the  
34 release of the information to the petitioner.

35 (2) If the unit has the specified confidential

1 information, and the domestic violence, child abuse, or  
2 disclosure risk indicator provision of paragraph "b" applies,  
3 the unit shall file with the court a statement that the  
4 domestic violence, child abuse, or disclosure risk indicator  
5 provision of paragraph "b" applies, along with any information  
6 the unit has received related to the domestic violence, child  
7 abuse, or disclosure risk indicator. The unit shall be  
8 granted at least thirty days to respond to the order. The  
9 court may extend the time for the unit to comply. Upon  
10 receipt by the court of information from the unit under this  
11 subparagraph, the court shall make a finding whether  
12 disclosure of confidential information to any other person  
13 could be harmful to the nonrequesting party or child. In  
14 making the finding, the court shall consider any relevant  
15 information provided by the parent or child, any information  
16 provided by the unit or by a child support agency, any  
17 information provided by the petitioner, and any other relevant  
18 evidence. The unit or unit's attorney does not represent any  
19 individual person in this proceeding.

20 (a) If the court finds that disclosure of confidential  
21 information to any other person could be harmful to the  
22 nonrequesting party or child, the court shall dismiss the  
23 petition for disclosure and notify the unit to notify the  
24 federal parent locator service of a disclosure risk indicator.

25 (b) If the court does not find that disclosure of  
26 specified confidential information to any other person could  
27 be harmful to the nonrequesting party or child, the court  
28 shall notify the unit to file the specified confidential  
29 information with the court. Upon receipt by the court of the  
30 specified confidential information, the court may release the  
31 information to the petitioner and inform the unit to remove  
32 the disclosure risk indicator.

33 (3) If the unit does not have the specified confidential  
34 information and cannot obtain the information from the federal  
35 parent locator service, the unit shall comply with the order



1 by notifying the court of the lack of information.

2 4. The confidential information which may be released by  
3 the unit to a party under subsection 2, or by the unit to the  
4 court under subsection 3, shall be limited by the federal  
5 Social Security Act and other applicable federal law, and the  
6 unit may use the sworn statement filed pursuant to subsections  
7 1 or 3 in applying federal law. Any information filed with  
8 the court by the unit, when certified over the signature of a  
9 designated employee, shall be considered to be satisfactorily  
10 identified and shall be admitted as evidence, without  
11 requiring third-party foundation testimony. Additional proof  
12 of the official character of the person certifying the  
13 document or the authenticity of the person's signature shall  
14 not be required.

15 5. When making a request for confidential information  
16 under this section, a party or petitioner shall indicate the  
17 specific information requested.

18 6. For purposes of this section, "party" means party as  
19 defined in section 252B.9, subsection 3.

20 7. The unit may adopt rules pursuant to chapter 17A to  
21 prescribe provisions in addition to or in lieu of the  
22 provisions of this section to comply with federal requirements  
23 for parent locator services or the safeguarding of  
24 information..

25 DIVISION V

26 VOLUNTARY PATERNITY AFFIDAVITS AND RECISION

27 Sec. 28. Section 252A.3A, subsection 3, paragraph a, Code  
28 Supplement 1997, is amended to read as follows:

29 a. Prior to or at the time of completion of an affidavit  
30 of paternity, written and oral information about paternity  
31 establishment, developed by the child support recovery unit  
32 created in section 252B.2, shall be provided to the mother and  
33 putative father. Video or audio equipment may be used to  
34 provide oral information.

35 Sec. 29. Section 252A.3A, subsection 9, paragraph a,

1 subparagraph (1), Code Supplement 1997, is amended to read as  
2 follows:

3 (1) Written and oral information about establishment of  
4 paternity pursuant to subsection 3. Video or audio equipment  
5 may be used to provide oral information.

6 Sec. 30. Section 252A.3A, subsection 11, paragraph a, Code  
7 Supplement 1997, is amended to read as follows:

8 a. Written and oral information about the establishment of  
9 paternity pursuant to subsection 3. Video or audio equipment  
10 may be used to provide oral information.

11 Sec. 31. Section 252A.3A, subsection 12, paragraph a,  
12 subparagraph (2), Code Supplement 1997, is amended to read as  
13 follows:

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

20 DIVISION VI

21 ENFORCEMENT OF ORDERS FOR HEALTH CARE COVERAGE

22 Sec. 32. Section 252E.2, subsection 2, Code Supplement  
23 1997, is amended to read as follows:

24 2. An insurer who is subject to the federal Employee  
25 Retirement Income Security Act, as codified in 29 U.S.C. §  
26 1169, shall provide benefits in accordance with that section  
27 which meet the requirements of a qualified medical child  
28 support order. For the purposes of this subsection "qualified  
29 medical child support order" means and includes a medical  
30 child support order as defined in 29 U.S.C. § 1169, or a child  
31 support order which creates or recognizes the existence of a  
32 child's right to, or assigns to a child the right to, receive  
33 benefits for which a participant or child is eligible under a  
34 group health plan or a notice of such an order issued by the  
35 child support recovery unit, and which specifies the

1 following:

2 a. The name and the last known mailing address of the  
3 participant and the name and mailing address of each child  
4 covered by the order except that, to the extent provided in  
5 the order, the name and mailing address of an official of the  
6 department may be substituted for the mailing address of the  
7 child.

8 b. A reasonable description of the type of coverage to be  
9 provided by the plan to each child, or the manner in which the  
10 type of coverage is to be determined.

11 c. The period during which the coverage applies.

12 ~~d. --Each plan to which the order applies--~~

13 DIVISION VII

14 DEFINITION OF "ACCOUNT"

15 Sec. 33. Section 252I.1, subsection 1, Code Supplement  
16 1997, is amended to read as follows:

17 1. "Account" means "account" as defined in section  
18 524.103, "share account or shares" as defined in section  
19 534.102, the savings or deposits of a member received or being  
20 held by a credit union, or certificates of deposit. "Account"  
21 also includes deposits held by an agent, a broker-dealer, or  
22 an issuer as defined in section 502.102 and money-market  
23 mutual fund accounts and "account" as defined in 42 U.S.C. §  
24 666(a)(17). However, "account" does not include amounts held  
25 by a financial institution as collateral for loans extended by  
26 the financial institution.

27 DIVISION VIII

28 PASSPORT SANCTION

29 Sec. 34. Section 252B.5, subsection 11, Code Supplement  
30 1997, is amended to read as follows:

31 11. a. ~~Effective-October-17-1997~~ Comply with federal  
32 procedures to periodically certify to the secretary of the  
33 United States department of health and human services, a list  
34 of the names of obligors determined by the unit to owe  
35 delinquent child support, under a support order as defined in

1 section 252J.1, in excess of five thousand dollars. The  
2 determination certification of the delinquent amount owed may  
3 be based upon one or more support orders being enforced by the  
4 unit if the delinquent support owed exceeds five thousand  
5 dollars. The determination certification shall include any  
6 amounts which are delinquent pursuant to the periodic payment  
7 plan when a modified order has been retroactively applied.  
8 The certification shall be in a format and shall include any  
9 supporting documentation required by the secretary.

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

12 (1) ~~At least thirty days prior to provision of~~  
13 ~~certification to the secretary, the unit~~ The obligor shall  
14 send be sent a notice by regular mail to the last known  
15 address of the obligor in accordance with federal law and  
16 regulations and the notice shall remain in effect until  
17 support delinquencies have been paid in full. The notice  
18 shall include all of the following:

19 (a) ~~A statement that the unit has determined that~~  
20 regarding the amount of delinquent support owed by the obligor  
21 owes delinquent child support in excess of five thousand  
22 dollars.

23 (b) A statement providing information that upon  
24 certification by the unit to the secretary, the secretary will  
25 transmit the certification to if the delinquency is in excess  
26 of five thousand dollars, the United States secretary of state  
27 for denial, revocation, restriction, or limitation of may  
28 apply a passport sanction by revoking, restricting, limiting,  
29 or refusing to issue a passport as provided in 42 U.S.C. §  
30 652(k).

31 (c) Information regarding the procedures for challenging  
32 the determination certification by the unit.

33 (2) (a) A challenge shall be based upon mistake of fact.  
34 For the purposes of this subsection, "mistake of fact" means a  
35 mistake in the identity of the obligor or a mistake in the

1 amount of the delinquent child support owed if the amount did  
2 not exceed five thousand dollars on the date of the unit's  
3 decision on the challenge.

4 (2)--(a) If the obligor chooses to challenge the  
5 determination certification, the obligor shall ~~submit the~~  
6 ~~challenge in writing to~~ notify the unit, ~~to be received by the~~  
7 ~~unit~~ within ~~twenty days of the date of~~ the time period  
8 specified in the notice to the obligor. The obligor shall  
9 include any relevant information in with the written  
10 challenge.

11 (b) Upon timely receipt of the written challenge, the unit  
12 shall review the determination certification for a mistake of  
13 fact, or refer the challenge for review to the child support  
14 agency in the state chosen by the obligor as provided by  
15 federal law.

16 (c) Following the unit's review of the determination  
17 certification, the unit shall send a written decision to the  
18 obligor within ten days of timely receipt of the written  
19 challenge.

20 (i) If the unit determines that a mistake of fact exists,  
21 the unit shall ~~not certify the name of the obligor to the~~  
22 secretary send notification in accordance with federal  
23 procedures withdrawing the certification for passport  
24 sanction.

25 (ii) If the unit determines that a mistake of fact does  
26 not exist, the ~~unit shall certify the name of the obligor to~~  
27 ~~the secretary no earlier than~~ obligor may contest the  
28 determination within ten days following the issuance of the  
29 ~~decision, unless, within ten days of the issuance of the~~  
30 ~~decision, the obligor requests~~ by submitting a written request  
31 for a contested case proceeding pursuant to chapter 17A or  
32 ~~makes a payment for child support so that the amount of~~  
33 ~~delinquent child support no longer exceeds five thousand~~  
34 dollars.

35 (3) Following issuance of a final decision under chapter

1 17A that no mistake of fact exists, the obligor may request a  
2 hearing before the district court ~~in the county where one or~~  
3 ~~more of the support orders upon which the determination is~~  
4 ~~based is filed pursuant to chapter 17A. To request a hearing,~~  
5 ~~the obligor shall file a written application with the court~~  
6 ~~contesting the decision and shall send a copy of the~~  
7 ~~application to the unit by regular mail. Notwithstanding the~~  
8 ~~time specifications of section 17A.19, an application for a~~  
9 ~~hearing shall be filed with the court no later than ten days~~  
10 ~~after issuance of the final decision. The clerk of the~~  
11 ~~district court shall schedule a hearing and shall mail a copy~~  
12 ~~of the order scheduling the hearing to the obligor and to the~~  
13 ~~unit. The unit department shall certify transmit a copy of~~  
14 ~~its written decision indicating the date of issuance to the~~  
15 ~~court prior to the hearing record to the district court~~  
16 ~~pursuant to chapter 17A. The hearing shall be held within~~  
17 ~~thirty days of the filing of the application. The filing of~~  
18 ~~an application for a hearing shall stay the certification by~~  
19 ~~the unit to the secretary. However, if the obligor fails to~~  
20 ~~appear at the scheduled hearing, the stay shall be~~  
21 ~~automatically lifted and the unit shall certify the name of~~  
22 ~~the obligor to the secretary. The scope of the review by the~~  
23 ~~district court shall be limited to demonstration of a mistake~~  
24 ~~of fact. Issues related to visitation, custody, or other~~  
25 ~~provisions not related to the support provisions of a support~~  
26 ~~order are not grounds for a hearing under this subsection.~~  
27 c. Following certification to the secretary, if the unit  
28 determines that an obligor no longer owes delinquent child  
29 support in excess of five thousand dollars, the unit shall  
30 ~~notify the secretary of the change or shall~~ provide  
31 ~~information to the secretary and notice~~ as the secretary  
32 requires to withdraw the certification for passport sanction.

33 DIVISION IX

34 DETERMINATION OF CONTROLLING ORDER

35 Sec. 35. Section 252H.2, Code Supplement 1997, is amended

1 by adding the following new subsection:

2 NEW SUBSECTION. 6A. "Determination of controlling order"  
3 means the process of identifying a child support order which  
4 must be recognized pursuant to section 252K.207 and 28 U.S.C.  
5 § 1738B, when more than one state has issued a support order  
6 for the same child and the same obligor. Registration of a  
7 foreign order is not necessary for a court or the unit to make  
8 a determination of controlling order.

9 Sec. 36. Section 252H.3, subsection 1, Code Supplement  
10 1997, is amended to read as follows:

11 1. Any action initiated under this chapter, including any  
12 court hearing resulting from an action, shall be limited in  
13 scope to the adjustment or modification of the child or  
14 medical support or cost-of-living alteration of the child  
15 support provisions of a support order. A determination of a  
16 controlling order is within the scope of this chapter.

17 Sec. 37. Section 252H.8, subsection 4, Code Supplement  
18 1997, is amended by adding the following new paragraph:

19 NEW PARAGRAPH. h. A certified copy of each order, issued  
20 by another state, considered in determining the controlling  
21 order.

22 Sec. 38. Section 252H.9, subsection 3, Code Supplement  
23 1997, is amended by adding the following new paragraph:

24 NEW PARAGRAPH. g. If applicable, the order determined to  
25 be the controlling order.

26 Sec. 39. Section 252H.16, subsection 1, Code 1997, is  
27 amended to read as follows:

28 1. The unit shall conduct the review and determine whether  
29 an adjustment is appropriate. As necessary, the unit shall  
30 make a determination of the controlling order.

31 DIVISION X

32 INTENT -- RESPONSIBLE PARENTHOOD

33 Sec. 40. INTENT OF THE GENERAL ASSEMBLY -- RESPONSIBLE  
34 PARENTHOOD. It is the intent of the general assembly that the  
35 core principle upon which programs for children and families,

1 including the child support program, shall be based, is the  
2 importance of the relationship between both parents and a  
3 child. It is also the intent of the general assembly to  
4 encourage family formation, optimally in the context of  
5 marriage.

6 Neither parent's commitment to this relationship ends with  
7 providing financial support, but includes the sharing of time  
8 and self. The parent-child relationship includes rights and  
9 responsibilities, and, if entered into with the fullest  
10 commitment, includes limitless rewards and constitutes the  
11 most effective means of providing a child with a model of what  
12 a mother, a father, and a family should be.

13 It is the intent of the general assembly that the  
14 department of human services cooperate with other state,  
15 local, and community-based agencies and organizations to  
16 develop individualized local approaches, while maximizing  
17 coordination of existing programs and services, to assist both  
18 parents in fragile families to make and maintain connections  
19 with their children.

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## SENATE FILE 2313

H-8509

1 Amend Senate File 2313, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 28, by inserting after line 19 the  
4 following:

5 "It is also the intent of the general assembly to  
6 enhance employment opportunities for families,  
7 including those for noncustodial parents, to improve  
8 the ability of both parents to support their children.  
9 In doing so, the department of human services and the  
10 department of workforce development shall cooperate to  
11 assist both parents in obtaining and maintaining  
12 employment including through the mechanisms provided  
13 under the family investment program, the job  
14 opportunities and basic skills (JOBS) program, the  
15 welfare-to-work program, and the child support  
16 recovery program.

## DIVISION XI

## SATISFACTION OF ACCRUED SUPPORT DEBT

17  
18 Sec. \_\_\_\_\_. Section 252B.3, Code Supplement 1997, is  
19 amended by adding the following new subsection:

20  
21 NEW SUBSECTION. 5. On or after July 1, 1999, the  
22 department shall implement a program for the  
23 satisfaction of accrued support debts, based upon  
24 timely payment by the obligor of both current support  
25 due and any payments due for accrued support debt  
26 under a periodic payment plan. The unit shall adopt  
27 rules pursuant to chapter 17A to establish the  
28 criteria and procedures for obtaining satisfaction  
29 under the program. The rules adopted under this  
30 subsection shall specify the cases and amounts to  
31 which the program is applicable, and may provide for  
32 the establishment of the program as a pilot program.

33 Sec. \_\_\_\_\_. Section 598.22A, Code Supplement 1997,  
34 is amended by adding the following new subsection:

35 NEW SUBSECTION. 4. Payment of accrued support  
36 debt due the department of human services shall be  
37 credited pursuant to section 252B.3, subsection 5.

## DIVISION XII

## ALTERNATIVES TO MEDIAN INCOME

38  
39 Sec. \_\_\_\_\_. Section 252B.7A, subsection 1, paragraph  
40 d, unnumbered paragraph 1, Code Supplement 1997, is  
41 amended to read as follows:

42  
43 By July 1, 1999, the department shall adopt rules  
44 for imputing income, whenever possible, based on the  
45 earning capacity of a parent who does not provide  
46 income information or for whom income information is  
47 not available. Until such time as the department  
48 adopts rules establishing a different standard for  
49 determining the income of a parent who does not  
50 provide income information or for whom income

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1 information is not available, the estimated state  
2 median income for a one-person family as published  
3 annually in the Federal Register for use by the  
4 federal office of community services, office of energy  
5 assistance, for the subsequent federal fiscal year.

## 6 DIVISION XIII

## 7 INCOME WITHHOLDING ARREARAGE RATES

8 Sec. \_\_\_\_\_. Section 252D.18, subsection 1, Code  
9 1997, is amended by adding the following new  
10 paragraph:

11 NEW PARAGRAPH. d. There has been a change in the  
12 rules adopted by the department pursuant to chapter  
13 17A regarding the amount of income to be withheld to  
14 pay a delinquency.

15 Sec. \_\_\_\_\_. INCOME WITHHOLDING RATES.

16 1. Beginning July 1, 1998, the amount of income  
17 withheld for the payment of delinquent support, as  
18 determined by the child support recovery unit under  
19 chapter 252D, shall be decreased on a prospective  
20 basis from the current level of fifty percent of the  
21 current child support obligation.

22 2. The department of human services may adopt  
23 rules pursuant to section 17A.4, subsection 2, and  
24 section 17A.5, subsection 2, paragraph "b", to  
25 implement this section and the rules shall become  
26 effective immediately upon filing, unless the  
27 effective date is delayed by the administrative rules  
28 review committee, notwithstanding section 17A.4,  
29 subsection 5, and section 17A.8, subsection 9, or a  
30 later effective date is specified in the rules. Any  
31 rules adopted in accordance with this section shall  
32 not take effect before the rules are reviewed by the  
33 administrative rules review committee. Any rules  
34 adopted in accordance with the provision of this  
35 section shall also be published as notice of intended  
36 action as provided in section 17A.4.

37 3. The department of human services may modify the  
38 rules adopted under this section regarding the rate of  
39 withholding established for payment of delinquent  
40 support, based upon the results of implementation of  
41 this section including but not limited to the  
42 resulting impact on collections.

## 43 DIVISION XIV

## 44 SATISFACTION OF SUPPORT OWED TO PARENT

45 Sec. \_\_\_\_\_. Section 252B.20, subsection 2, paragraph  
46 b, Code Supplement 1997, is amended to read as  
47 follows:

48 b. Approve the request and prepare an order which  
49 shall be submitted, along with the affidavit, to a  
50 judge of a district court for approval, suspending the

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1 accruing support obligation and, if requested by the  
2 obligor, and if not prohibited by chapter 252K,  
3 satisfying the obligation of support due the obligee.  
4 Sec. \_\_\_\_ . Section 252B.20, subsections 3, 10, and  
5 11, Code Supplement 1997, are amended to read as  
6 follows:

7 3. An order approved by the court for suspension  
8 of an accruing support obligation is effective upon  
9 the date of filing of the suspension order. The  
10 satisfaction of an obligation of support due the  
11 obligee shall be final upon the filing of the  
12 suspension order. A support obligation which is  
13 satisfied is not subject to the reinstatement  
14 provisions of this section.

15 10. This section does not provide for the  
16 suspension, ~~waiver, satisfaction,~~ or retroactive  
17 modification of support obligations which accrued  
18 prior to the entry of an order suspending enforcement  
19 and collection of support pursuant to this section.  
20 However, if in the application for suspension, an  
21 obligee elects to satisfy an obligation of accrued  
22 support due the obligee, the suspension order may  
23 satisfy the obligation of accrued support due the  
24 obligee.

25 11. Nothing in this section shall prohibit or  
26 limit the unit or a party entitled to receive support  
27 from enforcing and collecting any unpaid or  
28 unsatisfied support that accrued prior to the  
29 suspension of the accruing obligation.

## DIVISION XV

## PASS THROUGH OF CHILD SUPPORT

31 Sec. \_\_\_\_ . FEDERAL PERMISSION -- PASS THROUGH OF  
32 CHILD SUPPORT.

34 1. The department of human services shall seek  
35 permission from the United States department of health  
36 and human services for a statewide initiative to pass  
37 the full amount of child support collected, on behalf  
38 of family investment program participants, through to  
39 those families without being required to reimburse the  
40 federal government for the federal share of the child  
41 support collected. If the department of human  
42 services receives unconditional approval from the  
43 United States department of health and human services,  
44 the department shall submit an implementation proposal  
45 to the general assembly that provides for a net offset  
46 in family investment program benefits which is  
47 equivalent to the amount of child support passed  
48 through to the family.

49 2. The goals of the initiative shall include all  
50 of the following:

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- 1 a. Encouraging payment of child support by
- 2 providing a direct connection between the act of
- 3 paying child support and the receipt of child support
- 4 by the child.
- 5 b. Reinforcing the value of employment for family
- 6 investment program participants by more clearly
- 7 identifying the actual level of income necessary to
- 8 become independent from the receipt of benefits under
- 9 the family investment program when child support is
- 10 also being received."

By COMMITTEE ON HUMAN RESOURCES  
BODDICKER of Cedar, Chairperson

H-8509 FILED MARCH 19, 1998

*adopted 4-9-98 (P.1447)*

SENATE FILE 2313

H-8554

- 1 Amend the Committee amendment, H-8509, to Senate
- 2 File 2313, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 3, line 2, by striking the word "obligor"
- 5 and inserting the following: "obligee".

By BODDICKER of Cedar

H-8554 FILED MARCH 23, 1998

*adopted 4-9-98  
(P.1447)*

SENATE FILE 2313

H-8684

- 1 Amend Senate File 2313, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 28, by inserting after line 19 the
- 4 following:
- 5 "DIVISION XI
- 6 VISITATION -- DEVIATION FROM GUIDELINES
- 7 Sec. \_\_\_\_ . Section 598.21, Code Supplement 1997, is
- 8 amended by adding the following new subsection:
- 9 NEW SUBSECTION. 4C. Notwithstanding subsection 4,
- 10 if visitation is awarded to a parent in excess of the
- 11 average liberal visitation rights award, the court
- 12 shall deviate from the guidelines in calculating the
- 13 child support obligation."

By BODDICKER of Cedar  
MILLAGE of Scott

H-8684 FILED MARCH 25, 1998

*W/D  
4/9/98 (P.1447)*

H-9055

1 Amend Senate File 2313 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 28, by inserting after line 19 the  
4 following:

5 "Division XI

6 VISITATION -- DEVIATION FROM GUIDELINES

7 Sec. \_\_\_\_ . Section 598.21, Code Supplement 1997, is  
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 4C. If visitation is awarded to a  
10 parent in excess of the average liberal visitation  
11 rights award, the court shall do all of the following:

12 a. Deem the presumption that the amount of child  
13 support which would result from application of the  
14 guidelines prescribed by the supreme court is the  
15 correct amount of child support rebutted.

16 b. Deviate from the guidelines in calculating the  
17 child support obligation.

18 c. Provide a record or written finding that  
19 application of the child support guidelines under such  
20 award of visitation rights would be unjust or  
21 inappropriate."

22 2. By renumbering as necessary.

By BODDICKER of Cedar  
MILLAGE of Scott

H-9055 FILED APRIL 9, 1998

*Met Germane*  
*Motion to suspend Rules* 4-9-98

SENATE FILE 2313

H-8899

1 Amend Senate File 2313 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 28, by inserting after line 19, the  
4 following:

5 "DIVISION XI

6 CUSTODY -- PARENT'S DEATH OR INCOMPETENCE

7 Sec. \_\_\_\_ . Section 598.41, subsection 6, Code  
8 Supplement 1997, is amended to read as follows:

9 6. a. When a parent awarded legal custody or  
10 physical care of a child cannot act as custodian or  
11 caretaker because the parent has died or has been  
12 judicially adjudged incompetent, the court shall award  
13 legal custody including physical care of the child to  
14 the surviving parent unless the court finds that such  
15 an award is not in the child's best interest.

16 b. The court may find that such an award is not in  
17 the child's best interest if the court finds that the  
18 surviving parent has not maintained significant and  
19 meaningful contact with the child, as evidenced by  
20 consistent visitation and communication with the child  
21 and by prompt payment of support obligations.

22 c. Prior to awarding such custody, the court shall  
23 order an investigation of the home conditions,  
24 parenting capabilities, and other matters pertinent to  
25 the best interests of the child to determine if the  
26 award of custody would provide a safe, healthy and  
27 nurturing environment for the child.

28 d. The court shall appoint an attorney to  
29 represent the interests of the minor child. The  
30 attorney may make independent investigations of  
31 matters pertinent to the interests of the child."

32 2. By renumbering as necessary.

By RAYHONS of Hancock

H-8899 FILED APRIL 3, 1998

W/D  
4-9-98 (P. 1447)

HOUSE AMENDMENT TO  
SENATE FILE 2313

S-5609

1 Amend Senate File 2313, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 28, by inserting after line 19 the  
4 following:

5 "It is also the intent of the general assembly to  
6 enhance employment opportunities for families,  
7 including those for noncustodial parents, to improve  
8 the ability of both parents to support their children.  
9 In doing so, the department of human services and the  
10 department of workforce development shall cooperate to  
11 assist both parents in obtaining and maintaining  
12 employment including through the mechanisms provided  
13 under the family investment program, the job  
14 opportunities and basic skills (JOBS) program, the  
15 welfare-to-work program, and the child support  
16 recovery program.

## DIVISION XI

## SATISFACTION OF ACCRUED SUPPORT DEBT

17  
18 Sec. \_\_\_\_ . Section 252B.3, Code Supplement 1997, is  
19 amended by adding the following new subsection:

20  
21 NEW SUBSECTION. 5. On or after July 1, 1999, the  
22 department shall implement a program for the  
23 satisfaction of accrued support debts, based upon  
24 timely payment by the obligor of both current support  
25 due and any payments due for accrued support debt  
26 under a periodic payment plan. The unit shall adopt  
27 rules pursuant to chapter 17A to establish the  
28 criteria and procedures for obtaining satisfaction  
29 under the program. The rules adopted under this  
30 subsection shall specify the cases and amounts to  
31 which the program is applicable, and may provide for  
32 the establishment of the program as a pilot program.

33 Sec. \_\_\_\_ . Section 598.22A, Code Supplement 1997,  
34 is amended by adding the following new subsection:

35 NEW SUBSECTION. 4. Payment of accrued support  
36 debt due the department of human services shall be  
37 credited pursuant to section 252B.3, subsection 5.

## DIVISION XII

## ALTERNATIVES TO MEDIAN INCOME

38  
39 Sec. \_\_\_\_ . Section 252B.7A, subsection 1, paragraph  
40 d, unnumbered paragraph 1, Code Supplement 1997, is  
41 amended to read as follows:

42  
43 By July 1, 1999, the department shall adopt rules  
44 for imputing income, whenever possible, based on the  
45 earning capacity of a parent who does not provide  
46 income information or for whom income information is  
47 not available. Until such time as the department  
48 adopts rules establishing a different standard for  
49 determining the income of a parent who does not  
50 provide income information or for whom income

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1 information is not available, the estimated state  
2 median income for a one-person family as published  
3 annually in the Federal Register for use by the  
4 federal office of community services, office of energy  
5 assistance, for the subsequent federal fiscal year.

## DIVISION XIII

## INCOME WITHHOLDING ARREARAGE RATES

8 Sec. \_\_\_\_ . Section 252D.18, subsection 1, Code  
9 1997, is amended by adding the following new  
10 paragraph:

11 NEW PARAGRAPH. d. There has been a change in the  
12 rules adopted by the department pursuant to chapter  
13 17A regarding the amount of income to be withheld to  
14 pay a delinquency.

15 Sec. \_\_\_\_ . INCOME WITHHOLDING RATES.

16 1. Beginning July 1, 1998, the amount of income  
17 withheld for the payment of delinquent support, as  
18 determined by the child support recovery unit under  
19 chapter 252D, shall be decreased on a prospective  
20 basis from the current level of fifty percent of the  
21 current child support obligation.

22 2. The department of human services may adopt  
23 rules pursuant to section 17A.4, subsection 2, and  
24 section 17A.5, subsection 2, paragraph "b", to  
25 implement this section and the rules shall become  
26 effective immediately upon filing, unless the  
27 effective date is delayed by the administrative rules  
28 review committee, notwithstanding section 17A.4,  
29 subsection 5, and section 17A.8, subsection 9, or a  
30 later effective date is specified in the rules. Any  
31 rules adopted in accordance with this section shall  
32 not take effect before the rules are reviewed by the  
33 administrative rules review committee. Any rules  
34 adopted in accordance with the provision of this  
35 section shall also be published as notice of intended  
36 action as provided in section 17A.4.

37 3. The department of human services may modify the  
38 rules adopted under this section regarding the rate of  
39 withholding established for payment of delinquent  
40 support, based upon the results of implementation of  
41 this section including but not limited to the  
42 resulting impact on collections.

## DIVISION XIV

## SATISFACTION OF SUPPORT OWED TO PARENT

45 Sec. \_\_\_\_ . Section 252B.20, subsection 2, paragraph  
46 b, Code Supplement 1997, is amended to read as  
47 follows:

48 b. Approve the request and prepare an order which  
49 shall be submitted, along with the affidavit, to a  
50 judge of a district court for approval, suspending the

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1 accruing support obligation and, if requested by the  
2 obligee, and if not prohibited by chapter 252K,  
3 satisfying the obligation of support due the obligee.  
4 Sec. \_\_\_\_\_. Section 252B.20, subsections 3, 10, and  
5 11, Code Supplement 1997, are amended to read as  
6 follows:

7 3. An order approved by the court for suspension  
8 of an accruing support obligation is effective upon  
9 the date of filing of the suspension order. The  
10 satisfaction of an obligation of support due the  
11 obligee shall be final upon the filing of the  
12 suspension order. A support obligation which is  
13 satisfied is not subject to the reinstatement  
14 provisions of this section.

15 10. This section does not provide for the  
16 suspension, ~~waiver, satisfaction,~~ or retroactive  
17 modification of support obligations which accrued  
18 prior to the entry of an order suspending enforcement  
19 and collection of support pursuant to this section.  
20 However, if in the application for suspension, an  
21 obligee elects to satisfy an obligation of accrued  
22 support due the obligee, the suspension order may  
23 satisfy the obligation of accrued support due the  
24 obligee.

25 11. Nothing in this section shall prohibit or  
26 limit the unit or a party entitled to receive support  
27 from enforcing and collecting any unpaid or  
28 unsatisfied support that accrued prior to the  
29 suspension of the accruing obligation.

## DIVISION XV

## PASS THROUGH OF CHILD SUPPORT

30  
31  
32 Sec. \_\_\_\_\_. FEDERAL PERMISSION -- PASS THROUGH OF  
33 CHILD SUPPORT.

34 1. The department of human services shall seek  
35 permission from the United States department of health  
36 and human services for a statewide initiative to pass  
37 the full amount of child support collected, on behalf  
38 of family investment program participants, through to  
39 those families without being required to reimburse the  
40 federal government for the federal share of the child  
41 support collected. If the department of human  
42 services receives unconditional approval from the  
43 United States department of health and human services,  
44 the department shall submit an implementation proposal  
45 to the general assembly that provides for a net offset  
46 in family investment program benefits which is  
47 equivalent to the amount of child support passed  
48 through to the family.

49 2. The goals of the initiative shall include all  
50 of the following:

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- 1 a. Encouraging payment of child support by
- 2 providing a direct connection between the act of
- 3 paying child support and the receipt of child support
- 4 by the child.
- 5 b. Reinforcing the value of employment for family
- 6 investment program participants by more clearly
- 7 identifying the actual level of income necessary to
- 8 become independent from the receipt of benefits under
- 9 the family investment program when child support is
- 10 also being received."

RECEIVED FROM THE HOUSE

S-5609 FILED APRIL 9, 1998

*Senate Concurred**4-15-98**(P.1273)*

Doetter - Chair  
Schuerer  
Behm  
Harper  
Hammond

SSB 2096  
Human Resources  
Succeeded By  
SENATE/HOUSE FILE SE/HF 2313  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to child support, providing penalties, and  
2 providing effective dates.

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

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DIVISION I

STATE DISBURSEMENT UNIT

1  
2  
3 Section 101. Section 236.10, Code Supplement 1997, is  
4 amended to read as follows:

5 236.10 CONFIDENTIALITY OF RECORDS.

6 The file in a domestic abuse case shall be sealed by the  
7 clerk of court when it is complete and after the time for  
8 appeal has expired. However, the clerk shall open the file  
9 upon application to and order of the court for good cause  
10 shown or upon request of the child support recovery unit.  
11 Support payment records, whether maintained by the clerk of  
12 the district court or the department of human services, are  
13 public records and may be released upon request. However, a  
14 payment record shall not include address or location  
15 information.

16 Sec. 102. Section 252B.9, subsection 2, paragraph a, Code  
17 Supplement 1997, is amended to read as follows:

18 a. Payment records of the collection services center which  
19 are maintained pursuant to chapter 598 are public records and  
20 may be released upon request. Payment records of the clerk of  
21 the district court, to which the department has access to meet  
22 the requirements of a state disbursement unit, are also public  
23 records and may be released upon request. A payment record  
24 shall not include address or location information.

25 Sec. 103. Section 252B.13A, Code Supplement 1997, is  
26 amended to read as follows:

27 252B.13A COLLECTION SERVICES CENTER.

28 1. The department shall establish within the unit a  
29 collection services center for the receipt and disbursement of  
30 support payments as defined in section 252D.16 or 598.1 as  
31 required for orders by section 252B.14. For purposes of this  
32 section, support payments do not include attorney fees, court  
33 costs, or property settlements. The center may also receive  
34 and disburse surcharges as provided in section 252B.23.

35 2. a. The collection services center shall meet the

2096

1 requirements for a state disbursement unit pursuant to 42  
2 U.S.C. § 654B, section 252B.14, and this section by October 1,  
3 1999.

4 b. Prior to October 1, 1999, the department and the  
5 judicial department shall enter into a cooperative agreement  
6 for implementation of the state disbursement unit requirement.  
7 The agreement shall include, but is not limited to, provisions  
8 for all of the following:

9 (1) Coordination with the state case registry created in  
10 section 252B.24.

11 (2) The receipt and disbursement of income withholding  
12 payments for orders not receiving services from the unit  
13 pursuant to section 252B.14, subsection 4.

14 (3) The transmission of information, orders, and  
15 documents, and access to information.

16 (4) Furnishing, upon request, timely information on the  
17 current status of support payments as provided in 42 U.S.C. §  
18 654B(b)(4), in a manner consistent with state law.

19 (5) The notification of payors of income to direct income  
20 withholding payments to the collection services center as  
21 provided in section 252B.14, subsection 4.

22 Sec. 104. Section 252B.14, Code Supplement 1997, is  
23 amended to read as follows:

24 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES CENTER --  
25 CLERK OF THE DISTRICT COURT.

26 1. For the purposes of this section, "support order"  
27 includes any order entered pursuant to chapter 234, 252A,  
28 252C, 598, 600B, or any other support chapter or proceeding  
29 which establishes support payments as defined in section  
30 252D.16 or 598.1.

31 2. For support orders being enforced by the child support  
32 recovery unit, support payments made pursuant to the order  
33 shall be directed to and disbursed by the collection services  
34 center.

35 3. ~~For-a~~ With the exception of support order-as payments

1 to which subsection 2 does-not-apply or 4 applies, support  
2 payments made pursuant to the an order shall be directed to  
3 and disbursed by the clerk of the district court in the county  
4 in which the order for support is filed. The clerk of the  
5 district court may require the obligor to submit payments by  
6 bank draft or money order if the obligor submits an  
7 insufficient funds support payment to the clerk of the  
8 district court.

9 4. By October 1, 1999, for a support order to which  
10 subsection 2 does not apply, regardless of the terms of the  
11 support order directing or redirecting the place of payment,  
12 support payments made through income withholding by a payor of  
13 income as provided in chapter 252D shall be directed to and  
14 disbursed by the collection services center. The judicial  
15 department and the department shall develop and implement a  
16 plan to notify payors of income of this requirement and the  
17 effective date of the requirement applicable to the respective  
18 payor of income.

19 5. If the collection services center is receiving and  
20 disbursing payments pursuant to a support order, but the unit  
21 is not providing other services under Title IV-D of the  
22 federal Social Security Act, or if the order is not being  
23 enforced by the unit, the parties to that order are not  
24 considered to be receiving services under this chapter.

25 4- 6. Payments to persons other than the clerk of the  
26 district court or the collection services center do not  
27 satisfy the support obligations created by a support order or  
28 judgment, except as provided for in sections 598.22 and  
29 598.22A.

30 Sec. 105. Section 252B.15, Code 1997, is amended to read  
31 as follows:

32 252B.15 PROCESSING AND DISBURSEMENT OF SUPPORT PAYMENTS.

33 1. The collection services center shall notify the clerk  
34 of the district court of any order for which the child support  
35 recovery unit is providing enforcement services. The clerk of

1 the district court shall forward any support payment made  
 2 pursuant to the order, along with any support payment  
 3 information, to the collection services center. Unless the  
 4 agreement developed pursuant to section 252B.13A otherwise  
 5 provides, by October 1, 1999, the clerk of the district court  
 6 shall forward any support payment made and any support payment  
 7 information provided through income withholding pursuant to  
 8 chapter 252D, to the collection services center. The  
 9 collection services center shall process and disburse the  
 10 payment in accordance with federal requirements.

11 2. If Unless otherwise provided under federal law, if it  
 12 is possible to identify the support order to which a payment  
 13 is to be applied and if sufficient information is provided to  
 14 identify the obligee, a payment received by the collection  
 15 services center or the clerk of the district court shall be  
 16 disbursed to the appropriate individual or office within two  
 17 working days in accordance with section 598.22.

18 Sec. 106. Section 252B.16, subsection 3, Code 1997, is  
 19 amended to read as follows:

20 3. Once the responsibility for receiving and disbursing  
 21 support payments has been transferred from a clerk of the  
 22 district court to the collection services center, the  
 23 responsibility shall remain with the collection services  
 24 center even if the child support recovery unit is no longer  
 25 providing enforcement services, unless redirected by court  
 26 order. However, the responsibility for receiving and  
 27 disbursing income withholding payments shall not be redirected  
 28 to a clerk of the district court.

29 Sec. 107. Section 252D.1, Code Supplement 1997, is amended  
 30 to read as follows:

31 252D.1 DELINQUENT SUPPORT PAYMENTS.

32 If support payments ordered under chapter 232, 234, 252A,  
 33 252C, 252D, 252E, 252F, 598, 600B, or any other applicable  
 34 chapter, or under a comparable statute of a foreign  
 35 jurisdiction, as certified to the child support recovery unit

1 established in section 252B.2, are not paid to the clerk of  
2 the district court or the collection services center pursuant  
3 to section 598.22 and become delinquent in an amount equal to  
4 the payment for one month, the child support recovery unit may  
5 enter an ex parte order or, upon application of a person  
6 entitled to receive the support payments, the district court  
7 may enter an ex parte order, notifying the person whose income  
8 is to be withheld, of the delinquent amount, of the amount of  
9 income to be withheld, and of the procedure to file a motion  
10 to quash the order for income withholding, and ordering the  
11 withholding of specified sums to be deducted from the  
12 delinquent person's income as defined in section 252D.16  
13 sufficient to pay the support obligation and, except as  
14 provided in section 598.22, requiring the payment of such sums  
15 to the clerk of the district court or the collection services  
16 center. Beginning October 1, 1999, all income withholding  
17 payments shall be paid to the collection services center.  
18 Notification of income withholding shall be provided to the  
19 obligor and to the payor of income pursuant to section  
20 252D.17.

21 Sec. 108. Section 252D.17, subsections 5, 6, and 8, Code  
22 Supplement 1997, are amended to read as follows:

23 5. The payor shall send the amounts withheld to the  
24 collection services center or the clerk of the district court  
25 pursuant to section 252B.14 within seven business days of the  
26 date the obligor is paid. "Business day" means a day on which  
27 state offices are open for regular business.

28 6. The payor may combine amounts withheld from the  
29 obligors' income in a single payment to the clerk of the  
30 district court or to the collection services center, as  
31 appropriate. Whether combined or separate, payments shall be  
32 identified by the name of the obligor, account number, amount,  
33 and, until October 1, 1999, the date withheld. If payments  
34 for multiple obligors are combined, the portion of the payment  
35 attributable to each obligor shall be specifically identified.



1 8. If the payor knowingly fails to withhold income or to  
2 pay the amounts withheld to the collection services center or  
3 the clerk of court in accordance with the provisions of the  
4 order ~~or~~, the notice of the order, or the notification of  
5 payors of income provisions established in section 252B.13A,  
6 the payor commits a simple misdemeanor and is liable for the  
7 accumulated amount which should have been withheld, together  
8 with costs, interest, and reasonable attorney fees related to  
9 the collection of the amounts due from the payor.

10 Sec. 109. Section 252D.18A, subsection 4, Code Supplement  
11 1997, is amended to read as follows:

12 4. The payor shall identify and report payments by the  
13 obligor's name, account number, amount, and date withheld  
14 pursuant to section 252D.17. ~~If~~ Until October 1, 1999, if  
15 payments for multiple obligees are combined, the portion of  
16 the payment attributable to each obligee shall be specifically  
17 identified. Beginning October 1, 1999, if payments for  
18 multiple obligees are combined, the portion of the payment  
19 attributable to each obligee shall be specifically identified  
20 only if the payor is directed to do so by the child support  
21 recovery unit.

22 Sec. 110. Section 252D.20, Code 1997, is amended to read  
23 as follows:

24 252D.20 ADMINISTRATION OF INCOME WITHHOLDING PROCEDURES.

25 The child support recovery unit is designated as the entity  
26 of the state to administer income withholding in accordance  
27 with the procedures specified for keeping adequate records to  
28 document, track, and monitor support payments on cases subject  
29 to Title IV-D of the federal Social Security Act. ~~The~~ Until  
30 October 1, 1999, the clerks of the district court are  
31 designated as the entities for administering income  
32 withholding on cases which are not subject to Title IV-D.  
33 Beginning October 1, 1999, the collection services center is  
34 designated as the entity for administering income withholding  
35 for cases which are not subject to Title IV-D. The collection

1 services center's responsibilities for administering income  
2 withholding in cases not subject to Title IV-D are limited to  
3 the receipt, recording, and disbursement of income withholding  
4 payments and to responding to requests for information on the  
5 current status of support payments pursuant to section  
6 252B.13A. Notwithstanding section 622.53, in cases where the  
7 court or the child support recovery unit is enforcing a  
8 foreign judgment through income withholding, a certified copy  
9 of the underlying judgment is sufficient proof of  
10 authenticity.

11 Sec. 111. Section 598.22, unnumbered paragraph 1, Code  
12 Supplement 1997, is amended to read as follows:

13 Except as otherwise provided in section 598.22A, this  
14 section applies to all initial or modified orders for support  
15 entered under this chapter, chapter 234, 252A, 252C, 252F,  
16 600B, or any other chapter of the Code. All orders or  
17 judgments entered under chapter 234, 252A, 252C, 252F, or  
18 600B, or under this chapter or any other chapter which provide  
19 for temporary or permanent support payments shall direct the  
20 payment of those sums to the clerk of the district court or  
21 the collection services center in accordance with section  
22 252B.14 for the use of the person for whom the payments have  
23 been awarded. Beginning October 1, 1999, all income  
24 withholding payments shall be directed to the collection  
25 services center. Payments to persons other than the clerk of  
26 the district court and the collection services center do not  
27 satisfy the support obligations created by the orders or  
28 judgments, except as provided for trusts governed by the  
29 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for  
30 tax refunds or rebates in section 602.8102, subsection 47, or  
31 for dependent benefits paid to the child support obligee as  
32 the result of disability benefits awarded to the child support  
33 obligor under the federal Social Security Act. For trusts  
34 governed by the federal Retirement Equity Act of 1984, Pub. L.  
35 No. 98-397, the order for income withholding or notice of the

1 order for income withholding shall require the payment of such  
2 sums to the alternate payee in accordance with the federal  
3 Act.

4 Sec. 112. Section 598.22, unnumbered paragraph 3, Code  
5 Supplement 1997, is amended to read as follows:

6 An order or judgment entered by the court for temporary or  
7 permanent support or for income withholding shall be filed  
8 with the clerk. The orders have the same force and effect as  
9 judgments when entered in the judgment docket and lien index  
10 and are records open to the public. The Unless otherwise  
11 provided by federal law, if it is possible to identify the  
12 support order to which a payment is to be applied, and if  
13 sufficient information identifying the obligee is provided,  
14 the clerk or the collection services center, as appropriate,  
15 shall disburse the payments received pursuant to the orders or  
16 judgments within two working days of the receipt of the  
17 payments. All moneys received or disbursed under this section  
18 shall be entered in records kept by the clerk, or the  
19 collection services center, as appropriate, which shall be  
20 available to the public. The clerk or the collection services  
21 center shall not enter any moneys paid in the record book if  
22 not paid directly to the clerk or the center, as appropriate,  
23 except as provided for trusts and federal social security  
24 disability payments in this section, and for tax refunds or  
25 rebates in section 602.8102, subsection 47.

26 Sec. 113. Section 598.26, subsection 1, Code 1997, is  
27 amended to read as follows:

28 1. Until a decree of dissolution has been entered, the  
29 record and evidence shall be closed to all but the court, its  
30 officers, and the child support recovery unit of the  
31 department of human services pursuant to section 252B.9.  
32 However, the payment records of a temporary support order,  
33 whether maintained by the clerk of the district court or the  
34 department of human services, are public records and may be  
35 released upon request. Payment records shall not include

1 address or location information. No other person shall permit  
2 a copy of any of the testimony, or pleading, or the substance  
3 thereof, to be made available to any person other than a party  
4 to the action or a party's attorney. Nothing in this  
5 subsection shall be construed to prohibit publication of the  
6 original notice as provided by the rules of civil procedure.

7 Sec. 114. Section 602.8102, Code Supplement 1997, is  
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 47C. Perform duties relating to  
10 implementation and operation of requirements for the  
11 collection services center pursuant to section 252B.13A,  
12 subsection 2.

13 DIVISION II

14 STATE CASE REGISTRY

15 Sec. 201. NEW SECTION. 252B.24 STATE CASE REGISTRY.

16 1. Beginning October 1, 1998, the unit shall operate a  
17 state case registry to the extent determined by applicable  
18 time frames and other provisions of 42 U.S.C. § 654A(e) and  
19 this section. The unit and the judicial department shall  
20 enter into a cooperative agreement for the establishment and  
21 operation of the registry by the unit. The state case  
22 registry shall include records with respect to all of the  
23 following:

24 a. Unless prohibited by federal law, each case for which  
25 services are provided under this chapter.

26 b. Each order for support, as defined in section 252D.16  
27 or 598.1, which meets at least one of the following criteria:

28 (1) The support order is established or modified in this  
29 state on or after October 1, 1998.

30 (2) The income of the obligor is subject to income  
31 withholding under chapter 252D, including any support order  
32 for which the district court enters an ex parte order under  
33 chapter 252D on or after October 1, 1998.

34 2. The clerk of the district court shall provide the unit  
35 with any information, orders, or documents requested by the

1 unit to establish or operate the state case registry, which  
2 are specified in the agreement described in subsection 1,  
3 within the time frames specified in that agreement. The  
4 agreement shall include but is not limited to provisions to  
5 provide for all of the following:

6 a. Provision to the unit of information, orders, and  
7 documents necessary for the unit to meet requirements  
8 described in 42 U.S.C. § 654A(e) and this section.

9 b. Provision to the unit of information filed with the  
10 clerk of the district court by a party under section 598.22B,  
11 and the social security number of a child filed with the clerk  
12 of the district court under section 602.6111.

13 c. Use of automation, as appropriate, to meet the  
14 requirements described in 42 U.S.C. § 654A(e) and this  
15 section.

16 3. The records of the state case registry are confidential  
17 records pursuant to chapter 22 and may only be disclosed or  
18 used as provided in section 252B.9.

19 Sec. 202. Section 598.22B, Code Supplement 1997, is  
20 amended to read as follows:

21 598.22B INFORMATION REQUIRED IN ORDER OR JUDGMENT.

22 This section applies to all initial or modified orders for  
23 paternity or support entered under this chapter, chapter 234,  
24 252A, 252C, 252F, 252H, 252K, or 600B, or under any other  
25 chapter, and any subsequent order to enforce such support  
26 orders.

27 1. All such orders or judgments shall direct each party to  
28 file with the clerk of court or the child support recovery  
29 unit, as appropriate, upon entry of the order, and to update  
30 as appropriate, information on location and identity of the  
31 party, including social security number, residential and  
32 mailing addresses, telephone number, driver's license number,  
33 and name, address, and telephone number of the party's  
34 employer. The order shall also include a provision that the  
35 information filed will be disclosed and used pursuant to this

1 section. The party shall file the information with the clerk  
2 of court, or, if all support payments are to be directed to  
3 the collection services center as provided in sections section  
4 252B.14, subsection 2, and section 252B.16, with the child  
5 support recovery unit.

6 2. All such orders or judgments shall include a statement  
7 that in any subsequent child support action initiated by the  
8 child support recovery unit or between the parties, upon  
9 sufficient showing that diligent effort has been made to  
10 ascertain the location of such a party, the unit or the court  
11 may shall deem due process requirements for notice and service  
12 of process to be met with respect to the party, upon delivery  
13 of written notice to the most recent residential or employer  
14 address filed with the clerk of court or unit pursuant to  
15 subsection 1.

16 3. a. Information filed pursuant to subsection 1 shall  
17 not be a public record.

18 b. Information filed with the clerk of court pursuant to  
19 subsection 1 shall be available to the child support recovery  
20 unit, upon request. Beginning October 1, 1998, information  
21 filed with the clerk of court pursuant to subsection 1 shall  
22 be provided by the clerk of court to the child support  
23 recovery unit pursuant to section 252B.24.

24 c. Information filed with the clerk of court shall be  
25 available, upon request, to a party unless the party filing  
26 the information also files an affidavit alleging the party has  
27 reason to believe that release of the information may result  
28 in physical or emotional harm to the affiant or child.  
29 However, even if an affidavit has been filed, any information  
30 provided by the clerk of court to the child support recovery  
31 unit shall be disclosed by the unit as provided in section  
32 252B.9.

33 ~~d. If the child support recovery unit is providing~~  
34 ~~services pursuant to chapter 252B7, information filed with~~  
35 Information provided to the unit shall only be disclosed as

1 provided in section 252B.9.

2 Sec. 203. Section 602.6111, Code 1997, is amended by  
3 adding the following new subsection:

4 NEW SUBSECTION. 4. Beginning October 1, 1998, a party,  
5 except the child support recovery unit, filing a petition,  
6 complaint, answer, appearance, first motion, or any document  
7 with the clerk of district court to establish or modify an  
8 order for child support under chapter 236, 252A, 252K, 598, or  
9 600B shall provide the clerk of the district court with the  
10 social security number of the child. The clerk of the  
11 district court shall keep the social security number of the  
12 child confidential, except the clerk shall provide the number  
13 to the child support recovery unit to be included in the  
14 records of the state case registry created under section  
15 252B.24.

16 Sec. 204. Section 602.8102, Code Supplement 1997, is  
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 47B. Perform the duties relating to  
19 establishment and operation of a state case registry pursuant  
20 to section 252B.24.

21 DIVISION III

22 NEW HIRE REPORTING

23 Sec. 301. Section 252B.9, subsection 3, paragraph c, Code  
24 Supplement 1997, is amended to read as follows:

25 c. The unit may release or disclose information as  
26 necessary to provide services under section 252B.5, as  
27 provided by chapter 252G, as provided by Title IV-D of the  
28 federal Social Security Act, as amended, or as required by  
29 federal law.

30 Sec. 302. Section 252G.3, subsections 1 and 2, Code  
31 Supplement 1997, are amended to read as follows:

32 1. Beginning January 1, 1994, an employer who hires or  
33 rehires an employee on or after January 1, 1994, shall report  
34 the hiring or rehiring of the employee to the centralized  
35 employee registry within-fifteen in accordance with one of the

1 following time frames:

2 a. Within fifteen days of the hiring or rehiring of the  
3 employee. ~~Employers shall report employees who, on the date~~  
4 ~~of hire or rehire, are eighteen years of age or older, and may~~  
5 ~~report employees who, on the date of hire or rehire, are under~~  
6 ~~eighteen years of age. Only employees who are reasonably~~  
7 ~~expected to earn at least one dollar in compensation for any~~  
8 ~~day on which the employee works shall be reported.~~

9 b. If the employer is transmitting hire and rehire reports  
10 magnetically or electronically, the employer may report  
11 through transmissions which are not less than twelve nor more  
12 than sixteen days apart.

13 1A. The report submitted shall contain all of the  
14 following:

15 a. The employer's name, address, and federal  
16 identification number.

17 b. The employee's name, address, and social security  
18 number, ~~and date of birth.~~

19 c. Information regarding whether the employer has employee  
20 dependent health care coverage available and the appropriate  
21 date on which the employee may qualify for the coverage.

22 d. The address to which income withholding orders or the  
23 notices of orders and garnishments should be sent.

24 e. The employee's date of birth.

25 2. Employers required to report may report the information  
26 required under subsection  $\pm$  1A by any of the following means:

27 a. By mailing a copy of the employee's Iowa employee's  
28 withholding allowance certificate to the registry.

29 b. By submitting electronic media in a format approved by  
30 the unit in advance.

31 c. By submitting a fax transmission of the employee's Iowa  
32 employee's withholding allowance certificate to the registry.

33 d. By any other means authorized by the unit in advance if  
34 the means will result in timely reporting.

35 e. By submitting both of the following:



1 (1) For the information in subsection 1A, paragraphs "a"  
2 and "b", by transmitting by first class mail, magnetically or  
3 electronically, a federal W-4 form, or, at the option of the  
4 employer, an equivalent form.

5 (2) By reporting the other information required in  
6 subsection 1A by any of the means provided in paragraph "a",  
7 "b", "c", or "d" of this subsection.

8 Sec. 303. Section 252G.5, Code 1997, is amended to read as  
9 follows:

10 252G.5 ACCESS TO CENTRALIZED EMPLOYEE REGISTRY.

11 The records of the centralized employee registry are  
12 confidential records pursuant to section sections 22.7 and  
13 252B.9, and may be accessed only by state agencies as provided  
14 in this section and section 252B.9. When a state agency  
15 accesses information in the registry, the agency may use the  
16 information to update the agency's own records. Access to and  
17 use of the information contained in the registry shall be  
18 limited to the following:

19 1. The unit for administration of the child support  
20 enforcement program, including but not limited to activities  
21 related to establishment and enforcement of child and medical  
22 support obligations through administrative or judicial  
23 processes, and other services authorized pursuant to chapter  
24 252B.

25 2. State agencies which utilize income information for the  
26 determination of eligibility or calculation of payments for  
27 benefit or entitlement payments unless prohibited under  
28 federal law.

29 3. State agencies which utilize income information for the  
30 recoupment of debts to the state unless prohibited under  
31 federal law.

32 DIVISION IV

33 CONFIDENTIALITY AND DISCLOSURE

34 Sec. 401. Section 252B.9, subsection 1, paragraph h, Code  
35 Supplement 1997, is amended to read as follows:

1 h. Notwithstanding any law to the contrary, the unit and a  
2 child support agency shall have access to any data maintained  
3 by the state of Iowa which contains information that would aid  
4 the agency in locating individuals. Such information shall  
5 include, but is not limited to, driver's license, motor  
6 vehicle, and criminal justice information. However, the  
7 information does not include criminal investigative reports or  
8 intelligence files maintained by law enforcement. The unit  
9 and child support agency shall use or disclose the information  
10 obtained pursuant to this paragraph only in accordance with  
11 subsection 3. Criminal history records maintained by the  
12 department of public safety shall be disclosed in accordance  
13 with chapter 692. The unit shall also have access to the  
14 protective order file maintained by the department of public  
15 safety.

16 Sec. 402. Section 252B.9, subsection 3, paragraph d, Code  
17 Supplement 1997, is amended by striking the paragraph and  
18 inserting in lieu thereof the following:

19 d. The unit may release information under section 252B.9A  
20 to meet the requirements of Title IV-D of the federal Social  
21 Security Act for parent locator services.

22 Sec. 403. Section 252B.9, subsection 3, paragraph f, Code  
23 Supplement 1997, is amended to read as follows:

24 f. Information may be released to courts having  
25 jurisdiction in support ~~or-abandonment~~ proceedings. If a  
26 court issues an order, which is not entered under section  
27 252B.9A, directing the unit to disclose confidential  
28 information, the unit may file a motion to quash pursuant to  
29 this chapter, Title IV-D of the federal Social Security Act,  
30 or other applicable law.

31 Sec. 404. Section 252B.9, subsection 3, Code Supplement  
32 1997, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. i. If the unit receives notification under  
34 this paragraph, the unit shall notify the federal parent  
35 locator service as required by federal law that there is

1 reasonable evidence of domestic violence or child abuse  
2 against a party or a child and that the disclosure of  
3 information could be harmful to the party or the child. The  
4 notification to the federal parent locator service shall be  
5 known as notification of a disclosure risk indicator. For  
6 purposes of this paragraph, the unit shall notify the federal  
7 parent locator service of a disclosure risk indicator only if  
8 at least one of the following applies:

9 (1) The unit receives notification that the department, or  
10 comparable agency of another state, has made a finding of good  
11 cause or other exception as provided in section 252B.3, or  
12 comparable law of another state.

13 (2) The unit receives and, through automation, matches  
14 notification from the department of public safety or the unit  
15 receives notification from a court of this or another state,  
16 that a court has issued a protective order or no contact order  
17 against a party with respect to another party or child.

18 (3) The unit receives notification that a court has  
19 dismissed a petition for specified confidential information  
20 pursuant to section 252B.9A.

21 (4) The unit receives notification that a tribunal has  
22 issued an order under chapter 252K, the uniform interstate  
23 family support Act, or the comparable law of another state,  
24 that the address or other identifying information of a party  
25 or child not be disclosed.

26 (5) The unit receives and, through automation, matches  
27 notification from the division of child and family services of  
28 the department, or the unit receives notification from a  
29 comparable agency of another state, of a founded allegation of  
30 child abuse, or a comparable finding under the law of the  
31 other state.

32 (6) The unit receives notification, as the result of a  
33 request under section 252B.9A, of the existence of any  
34 finding, order, or founded allegation referred to in  
35 subparagraphs (1) through (5) of this paragraph.

1 The unit shall remove any disclosure risk indicator if the  
2 unit receives notification that the finding, order, or founded  
3 allegation is no longer in effect.

4 Sec. 405. NEW SECTION. 252B.9A DISCLOSURE OF  
5 CONFIDENTIAL INFORMATION -- AUTHORIZED PERSON -- COURT.

6 1. A person, except a court or government agency, who is  
7 an authorized person to receive specified confidential  
8 information under 42 U.S.C. § 653, may submit a written  
9 request to the unit for disclosure of specified confidential  
10 information regarding a nonrequesting party. The written  
11 request shall comply with federal law and regulations and  
12 shall include a sworn statement attesting to the reason why  
13 the requester is an authorized person under 42 U.S.C. § 653,  
14 including that the requester would use the confidential  
15 information only for purposes permitted in that section.

16 2. Upon receipt of a request from an authorized person  
17 which meets all of the requirements under subsection 1, the  
18 unit shall search available records as permitted by law or  
19 shall request the information from the federal parent locator  
20 service as provided in 42 U.S.C. § 653.

21 a. If the unit locates the specified confidential  
22 information, the unit shall disclose the information to the  
23 extent permitted under federal law, unless one of the  
24 following applies:

25 (1) There is a notice from the federal parent locator  
26 service that there is reasonable evidence of domestic violence  
27 or child abuse pursuant to 42 U.S.C. § 653(b)(2).

28 (2) The unit has notified the federal parent locator  
29 service of a disclosure risk indicator as provided in section  
30 252B.9, subsection 3, paragraph "i", and has not removed that  
31 notification.

32 (3) The unit receives notice of a basis for a disclosure  
33 risk indicator listed in section 252B.9, subsection 3,  
34 paragraph "i", within twenty days of sending a notice of the  
35 request to the subject of the request by regular mail.

1 b. If the unit locates the specified confidential  
2 information, but the unit is prohibited from disclosing  
3 confidential information under paragraph "a", the unit shall  
4 deny the request and notify the requester of the denial in  
5 writing. Upon receipt of a written notice from the unit  
6 denying the request, the requester may file a petition in  
7 district court for an order directing the unit to release the  
8 requested information to the court as provided in subsection  
9 3.

10 3. A person may file a petition in district court for  
11 disclosure of specified confidential information. The  
12 petition shall request that the court direct the unit to  
13 release specified confidential information to the court, that  
14 the court make a determination of harm if appropriate, and  
15 that the court release specified confidential information to  
16 the petitioner.

17 a. The petition shall include a sworn statement attesting  
18 to the intended use of the information by the petitioner as  
19 allowed by federal law. Such statement may specify any of the  
20 following intended uses:

21 (1) To establish parentage, or to establish, set the  
22 amount of, modify, or enforce a child support obligation.

23 (2) To make or enforce a child custody or visitation  
24 determination or order.

25 (3) To carry out the duty or authority of the petitioner  
26 to investigate, enforce, or bring a prosecution with respect  
27 to the unlawful taking or restraint of a child.

28 b. Upon the filing of a petition, the court shall enter an  
29 order directing the unit to release to the court within thirty  
30 days specified confidential information which the unit would  
31 be permitted to release under 42 U.S.C. § 653 and 42 U.S.C. §  
32 663, unless one of the following applies:

33 (1) There is a notice from the federal parent locator  
34 service that there is reasonable evidence of domestic violence  
35 or child abuse pursuant to 42 U.S.C. § 653(b)(2).

1 (2) The unit has notified the federal parent locator  
2 service of a disclosure risk indicator as provided in section  
3 252B.9, subsection 3, paragraph "i", and has not removed that  
4 notification.

5 (3) The unit receives notice of a basis for a disclosure  
6 risk indicator listed in section 252B.9, subsection 3,  
7 paragraph "i", within twenty days of sending notice of the  
8 order to the subject of the request by regular mail. The unit  
9 shall include in the notice to the subject of the request a  
10 copy of the court order issued under this paragraph.

11 c. Upon receipt of the order, the unit shall comply as  
12 follows:

13 (1) If the unit has the specified confidential  
14 information, and none of the domestic violence, child abuse,  
15 or disclosure risk indicator provisions of paragraph "b"  
16 applies, the unit shall file the confidential information with  
17 the court along with a statement that the unit has not  
18 received any notice that the domestic violence, child abuse,  
19 or disclosure risk indicator provisions of paragraph "b"  
20 apply. The unit shall be granted at least thirty days to  
21 respond to the order. The court may extend the time for the  
22 unit to comply. Upon receipt by the court of the confidential  
23 information under this subparagraph, the court may order the  
24 release of the information to the petitioner.

25 (2) If the unit has the specified confidential  
26 information, and the domestic violence, child abuse, or  
27 disclosure risk indicator provision of paragraph "b" applies,  
28 the unit shall file with the court a statement that the  
29 domestic violence, child abuse, or disclosure risk indicator  
30 provision of paragraph "b" applies, along with any information  
31 the unit has received related to the domestic violence, child  
32 abuse, or disclosure risk indicator. The unit shall be  
33 granted at least thirty days to respond to the order. The  
34 court may extend the time for the unit to comply. Upon  
35 receipt by the court of information from the unit under this

1 subparagraph, the court shall make a finding whether  
2 disclosure of confidential information to any other person  
3 could be harmful to the nonrequesting party or child. In  
4 making the finding, the court shall consider any relevant  
5 information provided by the parent or child, any information  
6 provided by the unit or by a child support agency, any  
7 information provided by the petitioner, and any other relevant  
8 evidence. The unit or unit's attorney does not represent any  
9 individual person in this proceeding.

10 (a) If the court finds that disclosure of confidential  
11 information to any other person could be harmful to the  
12 nonrequesting party or child, the court shall dismiss the  
13 petition for disclosure and notify the unit to notify the  
14 federal parent locator service of a disclosure risk indicator.

15 (b) If the court does not find that disclosure of  
16 specified confidential information to any other person could  
17 be harmful to the nonrequesting party or child, the court  
18 shall notify the unit to file the specified confidential  
19 information with the court. Upon receipt by the court of the  
20 specified confidential information, the court may release the  
21 information to the petitioner.

22 (3) If the unit does not have the specified confidential  
23 information and cannot obtain the information from the federal  
24 parent locator service, the unit shall comply with the order  
25 by notifying the court of the lack of information.

26 4. The confidential information which may be released by  
27 the unit to a party under subsection 2, or by the unit to the  
28 court under subsection 3, shall be limited by the federal  
29 Social Security Act and other applicable federal law, and the  
30 unit may use the sworn statement filed pursuant to subsections  
31 1 or 3 in applying federal law. Any information filed with  
32 the court by the unit, when certified over the signature of a  
33 designated employee, shall be considered to be satisfactorily  
34 identified and shall be admitted as evidence, without  
35 requiring third-party foundation testimony. Additional proof

1 of the official character of the person certifying the  
2 document or the authenticity of the person's signature shall  
3 not be required.

4 5. When making a request for confidential information  
5 under this section, a party or petitioner shall indicate the  
6 specific information requested.

7 6. For purposes of this section, "party" means party as  
8 defined in section 252B.9, subsection 3.

9 7. The unit may adopt rules pursuant to chapter 17A to  
10 prescribe provisions in addition to or in lieu of the  
11 provisions of this section to comply with federal requirements  
12 for parent locator services or the safeguarding of  
13 information.

14 DIVISION V

15 VOLUNTARY PATERNITY AFFIDAVITS AND RECISION

16 Sec. 501. Section 252A.3A, subsection 3, paragraph a, Code  
17 Supplement 1997, is amended to read as follows:

18 a. Prior to or at the time of completion of an affidavit  
19 of paternity, written and oral information about paternity  
20 establishment, developed by the child support recovery unit  
21 created in section 252B.2, shall be provided to the mother and  
22 putative father. Video or audio equipment may be used to  
23 provide oral information.

24 Sec. 502. Section 252A.3A, subsection 9, paragraph a,  
25 subparagraph (1), Code Supplement 1997, is amended to read as  
26 follows:

27 (1) Written and oral information about establishment of  
28 paternity pursuant to subsection 3. Video or audio equipment  
29 may be used to provide oral information.

30 Sec. 503. Section 252A.3A, subsection 11, paragraph a,  
31 Code Supplement 1997, is amended to read as follows:

32 a. Written and oral information about the establishment of  
33 paternity pursuant to subsection 3. Video or audio equipment  
34 may be used to provide oral information.

35 Sec. 504. Section 252A.3A, subsection 12, paragraph a,



1 subparagraph (2), Code Supplement 1997, is amended to read as  
2 follows:

3 (2) ~~Twenty-days-after-the-service-of-the-notice-or~~  
4 ~~petition-initiating~~ Entry of a court order pursuant to a  
5 proceeding in this state to which the signatory is a party  
6 relating to the child, including a proceeding to establish a  
7 support order under this chapter, chapter 252C, 252F, 598, or  
8 600B or other law of this state.

9

DIVISION VI

10

ENFORCEMENT OF ORDERS FOR HEALTH CARE COVERAGE

11 Sec. 601. Section 252E.1, subsection 10, Code Supplement  
12 1997, is amended to read as follows:

13 10. "Order" means a support order entered pursuant to  
14 chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any  
15 other support chapter, or pursuant to a comparable statute of  
16 a foreign jurisdiction, or a notice of an order, or an ex  
17 parte order entered pursuant to section 252E.4.

18 Sec. 602. Section 252E.2, subsection 2, Code Supplement  
19 1997, is amended to read as follows:

20 2. An insurer who is subject to the federal Employee  
21 Retirement Income Security Act, as codified in 29 U.S.C. §  
22 1169, shall provide benefits in accordance with that section  
23 which meet the requirements of a qualified medical child  
24 support order. For the purposes of this subsection "qualified  
25 medical child support order" means and includes a medical  
26 child support order as defined in 29 U.S.C. § 1169, or a child  
27 support order which creates or recognizes the existence of a  
28 child's right to, or assigns to a child the right to, receive  
29 benefits for which a participant or child is eligible under a  
30 group health plan or a notice of such an order issued by the  
31 child support recovery unit, and which specifies the  
32 following:

33 a. The name and the last known mailing address of the  
34 participant and the name and mailing address of each child  
35 covered by the order except that, to the extent provided in

1 the order, the name and mailing address of an official of the  
2 department may be substituted for the mailing address of the  
3 child.

4 b. A reasonable description of the type of coverage to be  
5 provided by-the-plan to each child, or the manner in which the  
6 type of coverage is to be determined.

7 c. The period during which the coverage applies.

8 ~~d.--Each-plan-to-which-the-order-applies.~~

9 DIVISION VII

10 DEFINITION OF "ACCOUNT"

11 Sec. 701. Section 252I.1, subsection 1, Code Supplement  
12 1997, is amended to read as follows:

13 1. "Account" means "account" as defined in section  
14 524.103, "share account or shares" as defined in section  
15 534.102, the savings or deposits of a member received or being  
16 held by a credit union, or certificates of deposit. "Account"  
17 also includes deposits held by an agent, a broker-dealer, or  
18 an issuer as defined in section 502.102 and money-market  
19 mutual fund accounts and "account" as defined in 42 U.S.C. §  
20 666(a)(17). However, "account" does not include amounts held  
21 by a financial institution as collateral for loans extended by  
22 the financial institution.

23 DIVISION VIII

24 PASSPORT SANCTION

25 Sec. 801. Section 252B.5, subsection 11, Code Supplement  
26 1997, is amended to read as follows:

27 11. a. ~~Effective-October-17-1997~~ Comply with federal  
28 procedures to periodically certify to the secretary of the  
29 United States department of health and human services, a list  
30 of the names of obligors determined by the unit to owe  
31 delinquent child support, under a support order as defined in  
32 section 252J.1, in excess of five thousand dollars. The  
33 determination certification of the delinquent amount owed may  
34 be based upon one or more support orders being enforced by the  
35 unit if the delinquent support owed exceeds five thousand

1 dollars. The determination certification shall include any  
2 amounts which are delinquent pursuant to the periodic payment  
3 plan when a modified order has been retroactively applied.  
4 The certification shall be in a format and shall include any  
5 supporting documentation required by the secretary.

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

8 ~~(1) At least thirty days prior to provision of~~  
9 ~~certification to the secretary, the unit~~ The obligor shall  
10 send be sent a notice by regular mail ~~to the last known~~  
11 address of the obligor in accordance with federal law and  
12 regulations and the notice shall remain in effect until  
13 support delinquencies have been paid in full. The notice  
14 shall include all of the following:

15 (a) ~~A statement that the unit has determined that~~  
16 regarding the amount of delinquent support owed by the obligor  
17 owes delinquent child support in excess of five thousand  
18 dollars.

19 (b) A statement providing information that upon  
20 ~~certification by the unit to the secretary, the secretary will~~  
21 ~~transmit the certification to~~ if the delinquency is in excess  
22 of five thousand dollars, the United States secretary of state  
23 ~~for denial, revocation, restriction, or limitation of~~ may  
24 apply a passport sanction by revoking, restricting, limiting,  
25 or refusing to issue a passport as provided in 42 U.S.C. §  
26 652(k).

27 (c) Information regarding the procedures for challenging  
28 the determination certification by the unit.

29 (2) (a) A challenge shall be based upon mistake of fact.  
30 For the purposes of this subsection, "mistake of fact" means a  
31 mistake in the identity of the obligor or a mistake in the  
32 amount of the delinquent child support owed if the amount did  
33 not exceed five thousand dollars on the date of the unit's  
34 decision on the challenge.

35 ~~(2) (a)~~ If the obligor chooses to challenge the

1 ~~determination certification~~, the obligor shall submit the  
2 ~~challenge-in-writing-to~~ notify the unit, ~~to-be-received-by-the~~  
3 ~~unit~~ within ~~twenty-days-of-the-date-of~~ the time period  
4 specified in the notice to the obligor. The obligor shall  
5 include any relevant information in with the written  
6 challenge.

7 (b) Upon timely receipt of the written challenge, the unit  
8 shall review the determination certification for a mistake of  
9 fact, or refer the challenge for review to the child support  
10 agency in the state chosen by the obligor as provided by  
11 federal law.

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

16 (i) If the unit determines that a mistake of fact exists,  
17 the unit shall ~~not-certify-the-name-of-the-obligor-to-the~~  
18 secretary send notification in accordance with federal  
19 procedures withdrawing the certification for passport  
20 sanction.

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

31 (3) Following issuance of a final decision under chapter  
32 17A that no mistake of fact exists, the obligor may request a  
33 hearing before the district court ~~in-the-county-where-one-or~~  
34 ~~more-of-the-support-orders-upon-which-the-determination-is~~  
35 based-is-filed pursuant to chapter 17A. ~~To-request-a-hearing,~~

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

23 c. Following certification to the secretary, if the unit  
 24 determines that an obligor no longer owes delinquent child  
 25 support in excess of five thousand dollars, the unit shall  
 26 ~~notify the secretary of the change or shall~~ provide  
 27 information to the secretary and notice as the secretary  
 28 requires to withdraw the certification for passport sanction.

29 DIVISION IX

30 DETERMINATION OF CONTROLLING ORDER

31 Sec. 901. Section 252H.2, Code Supplement 1997, is amended  
 32 by adding the following new subsection:

33 NEW SUBSECTION. 6A. "Determination of controlling order"  
 34 means the process of identifying a child support order which  
 35 must be recognized pursuant to section 252K.207 and 28 U.S.C.

1 § 1738B, when more than one state has issued a support order  
2 for the same child and the same obligor. Registration of a  
3 foreign order is not necessary for a court or the unit to make  
4 a determination of controlling order.

5 Sec. 902. Section 252H.3, subsection 1, Code Supplement  
6 1997, is amended to read as follows:

7 1. Any action initiated under this chapter, including any  
8 court hearing resulting from an action, shall be limited in  
9 scope to the adjustment or modification of the child or  
10 medical support or cost-of-living alteration of the child  
11 support provisions of a support order. A determination of a  
12 controlling order is within the scope of this chapter.

13 Sec. 903. Section 252H.8, subsection 4, Code Supplement  
14 1997, is amended by adding the following new paragraph:

15 NEW PARAGRAPH. h. A certified copy of each order, issued  
16 by another state, considered in determining the controlling  
17 order.

18 Sec. 904. Section 252H.9, subsection 3, Code Supplement  
19 1997, is amended by adding the following new paragraph:

20 NEW PARAGRAPH. g. If applicable, the order determined to  
21 be the controlling order.

22 Sec. 905. Section 252H.16, subsection 1, Code 1997, is  
23 amended to read as follows:

24 1. The unit shall conduct the review and determine whether  
25 an adjustment is appropriate. As necessary, the unit shall  
26 make a determination of the controlling order.

27 EXPLANATION

28 This bill includes sections to comply with federal  
29 requirements in the federal Personal Responsibility and Work  
30 Opportunity Reconciliation Act of 1996, subsequent technical  
31 amendments made to the Act in 1997, and other technical  
32 changes.

33 DIVISION I.

34 State disbursement unit (SDU). The federal Act requires  
35 states to provide a single location for employers to submit

1 income withholding payments by October 1, 1999. Under the  
2 bill, employers will send all income withholding payments to  
3 one SDU which is responsible for receiving, recording, and  
4 disbursing these payments.

5 DIVISION II.

6 State case registry (SCR). This division of the bill  
7 provides for compliance with a federal mandate which is  
8 effective October 1, 1998. The CSRU must operate a state case  
9 registry which includes all IV-D cases with or without orders  
10 in place and all other orders for support established or  
11 modified in Iowa on or after October 1, 1998. The Iowa SCR  
12 will also include all non-IV-D orders under which an obligor  
13 is subject to income withholding.

14 The federal Act requires that certain SCR data from Iowa be  
15 transmitted to the federal case registry of child support  
16 orders.

17 DIVISION III.

18 New hire reporting. Iowa must meet the new hire reporting  
19 requirements of the federal Act by October 1, 1998. Some of  
20 the new requirements were enacted in 1997 in House File 612.  
21 The remaining requirements are in this proposal. The changes  
22 include amending the definition of "employee" to provide no  
23 age limit and no minimum amount of salary, a reporting form  
24 which allows employers to use a W-4 or equivalent form to  
25 report the federally mandated elements, an optional filing  
26 time included in federal law for employers who file  
27 electronically, and confidentiality requirements which conform  
28 with the federal law.

29 DIVISION IV.

30 Confidentiality and disclosure. Federal legislation  
31 enacted August 5, 1997, and November 19, 1997, made several  
32 changes to the 1996 federal Act regarding who has access to  
33 federal parent locator service (FPLS) and CSRU confidential  
34 information and the safeguards which must be in place. These  
35 changes require amendments to legislation enacted by the

1 general assembly in 1997. One of the new federal requirements  
2 is to notify FPLS if confidential information should be  
3 protected because there is a protective order or reasonable  
4 evidence of domestic violence or child abuse. This bill lists  
5 the criteria used by CSRU to determine if FPLS should be  
6 notified. The notification is called notification of a  
7 "disclosure risk indicator". Another federal requirement is  
8 that CSRU operate a parent locator service to provide  
9 confidential information to persons authorized under federal  
10 law to receive the information for specific purposes, subject  
11 to safeguards. This bill includes a process for an authorized  
12 person to file a written request for the information with  
13 CSRU. CSRU will determine if a disclosure risk indicator  
14 exists and send a notice of the request for information to the  
15 nonrequesting party. If no protective order or other  
16 disclosure risk indicator exists, CSRU will release the  
17 information. Since a court is also an "authorized person"  
18 under federal law to receive confidential information subject  
19 to safeguards, this proposal includes a second process for the  
20 courts. A person may petition a court to begin this process.  
21 The court will then issue an order to CSRU to disclose the  
22 confidential information to the court, unless a protective  
23 order or other disclosure risk indicator exists. CSRU will  
24 also send a notice of the request for information to the  
25 nonrequesting party. If CSRU identifies a disclosure risk  
26 indicator, the unit will notify the court, and the court will  
27 then make a determination whether disclosure of the  
28 confidential information would be harmful to the other party  
29 or child. If the court does not find that further disclosure  
30 would be harmful, the court will notify CSRU to release the  
31 information to the court for disclosure to the petitioner.

32 DIVISION V.

33 Voluntary paternity affidavits and rescissions. Federal  
34 legislation enacted in August 1997, which included a technical  
35 amendment to the 1996 federal Act, allows oral information



1 about the voluntary paternity affidavit process to be provided  
2 by video or audio tapes or similar means. This bill also  
3 includes a technical correction of the time allowed to rescind  
4 an affidavit. Clarification from the federal office of child  
5 support enforcement provides an affidavit may be rescinded  
6 within the earlier of 60 days or the issuance of a court order  
7 relating to the child.

8 DIVISION VI.

9 Technical amendments related to enforcement of orders for  
10 health care coverage. Federal legislation enacted August 5,  
11 1997, includes several amendments to the federal law which  
12 controls health care coverage benefits for self-funded Iowa  
13 employers. This bill amends chapter 252E to conform the  
14 definition of a "qualified medical child support order"  
15 (QMCSO) to the new federal definition. It also clarifies that  
16 CSRU may send a notice of the order to the employer, and is  
17 not required to send a photocopy of the order. This is  
18 similar to the income withholding process.

19 DIVISION VII.

20 Definition of "account". The bill redefines "account" to  
21 comply with the federal definition.

22 DIVISION VIII.

23 Passport sanction. The federal Act included a requirement  
24 for the sanctioning of passports if the child support  
25 delinquency is over \$5,000. In 1997, the federal government  
26 issued instructions to states on how to implement the  
27 requirement in coordination with three federal agencies. In  
28 1997, legislation was enacted to provide a process for this,  
29 but changes are now needed to conform to the new federal  
30 instructions. The process involves Iowa certifying a list of  
31 delinquent obligors to the federal office of child support  
32 enforcement. Notices are then sent to obligors on that list  
33 which notify them of their rights to appeal.

34 DIVISION IX.

35 Determination of controlling order. In 1997, the Uniform

1 Interstate Family Support Act (UIFSA) was enacted in Iowa  
2 which, in part, provided a "one-order" system to facilitate  
3 interstate child support enforcement. Under that Act and  
4 under federal law, sometimes a state has to determine which of  
5 several orders will be the "controlling order". The bill  
6 clarifies that if CSRU is administratively modifying a support  
7 order, and if it is necessary to determine the controlling  
8 order, the unit can make that determination subject to court  
9 ratification. This will prevent having to file two separate  
10 actions: one to determine the controlling order and one to  
11 file the modification.

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TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

DATE: February 3, 1998

TO: Members of the General Assembly

FROM: Karla Fultz McHenry, Legislative Liaison  
Department of Human Services

The Department of Human Services (DHS) is proposing legislation to comply with Title IV-D child support requirements in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, subsequent technical amendments made to that Act in 1997, and other technical changes.

Following is information on the purpose for each Division of the proposed bill:

DIVISION I -- State Disbursement Unit

The federal Act requires states to provide a single location for employers to submit income withholding payments by October 1, 1999. Under the bill employers will send all income withholding payments to one state disbursement unit (SDU) which is responsible for receiving, recording, and disbursing these payments. This proposal contains the recommendations of a task force called together by the State Court Administrator's Office and the Department to formulate a model to meet the federal requirement in a way that best meets the customer service needs in Iowa.

DIVISION II -- State Case Registry

The federal Act requires the state child support agency to operate a State Case Registry (SCR) effective October 1, 1998. The SCR operated by the Child Support Recovery Unit (CSRU) would include a listing of all Title IV-D cases with or without orders in place, and all other orders for support established or modified in Iowa on or after October 1, 1998. The Iowa SCR will also include all earlier non-IV-D orders subject to income withholding. Beginning October 1, 1998, information from Iowa's SCR will be forwarded to the federal case registry to facilitate child support enforcement in interstate cases.

DIVISION III -- New Hire Reporting

The federal Act requires the state to meet federal new hire reporting requirements by October 1, 1998. Some of the new requirements were enacted in 1997 in House File 612.

02/03/98 TX 0102010034 DHS COLLECTIONS

The remaining requirements are in this proposal. The changes include amending the definition of "employee" to match federal provisions, allowing employers to use a W-4 or equivalent form to report the federally mandated elements, allowing an optional filing time for employers who report electronically, and conforming confidentiality requirements to federal law.

#### DIVISION IV -- Confidentiality and Disclosure

Federal legislation enacted in 1997, made several changes to the 1996 federal Act regarding parent locator services and the safeguarding of confidential information. Although the General Assembly adopted legislation in 1997 regarding these issues, the additional federal changes require amendments to our statute. This proposal includes criteria to meet a federal mandate to notify the federal parent locator service if confidential information should be protected because there is a protective order or reasonable evidence of domestic violence or child abuse. In addition, the bill provides a process for persons authorized by federal law to receive certain confidential information, subject to safeguards, to obtain that information from the Child Support Recovery Unit or through the courts.

#### DIVISION V -- Voluntary Paternity Affidavits and Rescission

Federal technical amendments to the 1996 Act allow oral information about voluntary paternity affidavits to be provided by video or audio means. This bill incorporates that change into our paternity affidavit process. This bill also includes a technical correction of the time allowed to rescind an affidavit. Clarification from the federal Office of Child Support Enforcement provides an affidavit may be rescinded within the earlier of 60 days or the issuance of a court order relating to the child.

#### DIVISION VI -- Orders for Health Care Coverage

Federal legislation enacted August 5, 1997, included several technical amendments to the Employee Retirement Income Security Act. This bill would amend chapter 252E to conform the definition of a "qualified medical child support order" to the new federal definition. It also clarifies that CSRU may send a notice of the order to the employer, and is not required to send a photocopy of the order. This is similar to the income withholding process.

#### DIVISION VII -- Definition of "Account"

This bill adds a reference to the federal definition of "account" at financial institutions to comply with the 1996 federal Act.

#### DIVISION VIII -- Passport Sanction

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The federal Act included a requirement for the sanctioning of U.S. passports if the child support delinquency is over \$5,000. In 1997, the federal government issued instructions to states on how to implement the requirement in coordination with three federal agencies. This clarification by the federal government requires changes to legislation adopted in 1997. The process involves the CSRU certifying a list of delinquent obligors to the federal Office of Child Support Enforcement. Notices are then sent to the obligors notifying them of their rights to appeal.

DIVISION IX -- Determination of Controlling Order

In 1997, the Uniform Interstate Family Support Act (UIFSA) was enacted in Iowa which, in part, provided a "one-order" system to facilitate interstate child support enforcement. Under that Act and under federal law sometimes a state has to determine which of several orders will be the "controlling order." This bill clarifies that if CSRU is administratively modifying a support order, and if it is necessary to determine the controlling order, the unit can make that determination subject to court ratification. This will prevent having to file two separate actions: one to determine the controlling order and one to file the modification.

SENATE FILE 2313

AN ACT

RELATING TO CHILD SUPPORT, PROVIDING PENALTIES, AND  
PROVIDING EFFECTIVE DATES.

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

DIVISION I

STATE DISBURSEMENT UNIT

Section 1. Section 236.10, Code Supplement 1997, is amended to read as follows:

236.10 CONFIDENTIALITY OF RECORDS.

The file in a domestic abuse case shall be sealed by the clerk of court when it is complete and after the time for appeal has expired. However, the clerk shall open the file upon application to and order of the court for good cause shown or upon request of the child support recovery unit. Support payment records, whether maintained by the clerk of the district court or the department of human services, are public records and may be released upon request. However, a payment record shall not include address or location information.

Sec. 2. Section 252B.9, subsection 2, paragraph a, Code Supplement 1997, is amended to read as follows:

a. Payment records of the collection services center which are maintained pursuant to chapter 598 are public records and may be released upon request. Payment records of the clerk of the district court, to which the department has access to meet the requirements of a state disbursement unit, are also public records and may be released upon request. A payment record shall not include address or location information.

Sec. 3. Section 252B.13A, Code Supplement 1997, is amended to read as follows:

252B.13A COLLECTION SERVICES CENTER.

1. The department shall establish within the unit a collection services center for the receipt and disbursement of support payments as defined in section 252D.16 or 598.1 as required for orders by section 252B.14. For purposes of this section, support payments do not include attorney fees, court costs, or property settlements. The center may also receive and disburse surcharges as provided in section 252B.23.

2. a. The collection services center shall meet the requirements for a state disbursement unit pursuant to 42 U.S.C. § 654B, section 252B.14, and this section by October 1, 1999.

b. Prior to October 1, 1999, the department and the judicial department shall enter into a cooperative agreement for implementation of the state disbursement unit requirement. The agreement shall include, but is not limited to, provisions for all of the following:

(1) Coordination with the state case registry created in section 252B.24.

(2) The receipt and disbursement of income withholding payments for orders not receiving services from the unit pursuant to section 252B.14, subsection 4.

(3) The transmission of information, orders, and documents, and access to information.

(4) Furnishing, upon request, timely information on the current status of support payments as provided in 42 U.S.C. § 654B(b)(4), in a manner consistent with state law.

(5) The notification of payors of income to direct income withholding payments to the collection services center as provided in section 252B.14, subsection 4.

Sec. 4. Section 252B.14, Code Supplement 1997, is amended to read as follows:

252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES CENTER -- CLERK OF THE DISTRICT COURT.

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

2. For support orders being enforced by the child support recovery unit, support payments made pursuant to the order shall be directed to and disbursed by the collection services center.

3. For-a With the exception of support order-as payments to which subsection 2 does-not-apply or 4 applies, support payments made pursuant to the an order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed. The clerk of the district court may require the obligor to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

4. By October 1, 1999, for a support order to which subsection 2 does not apply, regardless of the terms of the support order directing or redirecting the place of payment, support payments made through income withholding by a payor of income as provided in chapter 252D shall be directed to and disbursed by the collection services center. The judicial department and the department shall develop and implement a plan to notify payors of income of this requirement and the effective date of the requirement applicable to the respective payor of income.

5. If the collection services center is receiving and disbursing payments pursuant to a support order, but the unit is not providing other services under Title IV-D of the federal Social Security Act, or if the order is not being enforced by the unit, the parties to that order are not considered to be receiving services under this chapter.

4+ 6. Payments to persons other than the clerk of the district court or the collection services center do not satisfy the support obligations created by a support order or judgment, except as provided for in sections 598.22 and 598.22A.

Sec. 5. Section 252B.15, Code 1997, is amended to read as follows:

252B.15 PROCESSING AND DISBURSEMENT OF SUPPORT PAYMENTS.

1. The collection services center shall notify the clerk of the district court of any order for which the child support recovery unit is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. Unless the agreement developed pursuant to section 252B.13A otherwise provides, by October 1, 1999, the clerk of the district court shall forward any support payment made and any support payment information provided through income withholding pursuant to chapter 252D, to the collection services center. The collection services center shall process and disburse the payment in accordance with federal requirements.

2. If Unless otherwise provided under federal law, if it is possible to identify the support order to which a payment is to be applied and if sufficient information is provided to identify the obligee, a payment received by the collection services center or the clerk of the district court shall be disbursed to the appropriate individual or office within two working days in accordance with section 598.22.

Sec. 6. Section 252B.16, subsection 3, Code 1997, is amended to read as follows:

3. Once the responsibility for receiving and disbursing support payments has been transferred from a clerk of the district court to the collection services center, the responsibility shall remain with the collection services center even if the child support recovery unit is no longer providing enforcement services, unless redirected by court order. However, the responsibility for receiving and disbursing income withholding payments shall not be redirected to a clerk of the district court.

Sec. 7. Section 252D.1, Code Supplement 1997, is amended to read as follows:

252D.1 DELINQUENT SUPPORT PAYMENTS.

If support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of a foreign jurisdiction, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, the child support recovery unit may enter an ex parte order or, upon application of a person entitled to receive the support payments, the district court may enter an ex parte order, notifying the person whose income is to be withheld, of the delinquent amount, of the amount of income to be withheld, and of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of specified sums to be deducted from the delinquent person's income as defined in section 252D.16 sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center. Beginning October 1, 1999, all income withholding payments shall be paid to the collection services center. Notification of income withholding shall be provided to the obligor and to the payor of income pursuant to section 252D.17.

Sec. 8. Section 252D.17, subsections 5, 6, and 8, Code Supplement 1997, are amended to read as follows:

5. The payor shall send the amounts withheld to the collection services center or the clerk of the district court pursuant to section 252B.14 within seven business days of the date the obligor is paid. "Business day" means a day on which state offices are open for regular business.

6. The payor may combine amounts withheld from the obligors' income in a single payment to the clerk of the district court or to the collection services center, as appropriate. Whether combined or separate, payments shall be identified by the name of the obligor, account number, amount, and, until October 1, 1999, the date withheld. If payments for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

8. If the payor knowingly fails to withhold income or to pay the amounts withheld to the collection services center or the clerk of court in accordance with the provisions of the order or, the notice of the order, or the notification of payors of income provisions established in section 252B.13A, the payor commits a simple misdemeanor and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor.

Sec. 9. Section 252D.18A, subsection 4, Code Supplement 1997, is amended to read as follows:

4. The payor shall identify and report payments by the obligor's name, account number, amount, and date withheld pursuant to section 252D.17. If until October 1, 1999, if payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified. Beginning October 1, 1999, if payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified only if the payor is directed to do so by the child support recovery unit.



Sec. 10. Section 252D.20, Code 1997, is amended to read as follows:

252D.20 ADMINISTRATION OF INCOME WITHHOLDING PROCEDURES.

The child support recovery unit is designated as the entity of the state to administer income withholding in accordance with the procedures specified for keeping adequate records to document, track, and monitor support payments on cases subject to Title IV-D of the federal Social Security Act. The Until October 1, 1999, the clerks of the district court are designated as the entities for administering income withholding on cases which are not subject to Title IV-D. Beginning October 1, 1999, the collection services center is designated as the entity for administering income withholding for cases which are not subject to Title IV-D. The collection services center's responsibilities for administering income withholding in cases not subject to Title IV-D are limited to the receipt, recording, and disbursement of income withholding payments and to responding to requests for information on the current status of support payments pursuant to section 252B.13A. Notwithstanding section 622.53, in cases where the court or the child support recovery unit is enforcing a foreign judgment through income withholding, a certified copy of the underlying judgment is sufficient proof of authenticity.

Sec. 11. Section 598.22, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

Except as otherwise provided in section 598.22A, this section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code. All orders or judgments entered under chapter 234, 252A, 252C, 252F, or 600B, or under this chapter or any other chapter which provide for temporary or permanent support payments shall direct the payment of those sums to the clerk of the district court or the collection services center in accordance with section 252B.14 for the use of the person for whom the payments have

been awarded. Beginning October 1, 1999, all income withholding payments shall be directed to the collection services center. Payments to persons other than the clerk of the district court and the collection services center do not satisfy the support obligations created by the orders or judgments, except as provided for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for tax refunds or rebates in section 602.8102, subsection 47, or for dependent benefits paid to the child support obligee as the result of disability benefits awarded to the child support obligor under the federal Social Security Act. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the order for income withholding or notice of the order for income withholding shall require the payment of such sums to the alternate payee in accordance with the federal Act.

Sec. 12. Section 598.22, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

An order or judgment entered by the court for temporary or permanent support or for income withholding shall be filed with the clerk. The orders have the same force and effect as judgments when entered in the judgment docket and lien index and are records open to the public. The Unless otherwise provided by federal law, if it is possible to identify the support order to which a payment is to be applied, and if sufficient information identifying the obligee is provided, the clerk or the collection services center, as appropriate, shall disburse the payments received pursuant to the orders or judgments within two working days of the receipt of the payments. All moneys received or disbursed under this section shall be entered in records kept by the clerk, or the collection services center, as appropriate, which shall be available to the public. The clerk or the collection services center shall not enter any moneys paid in the record book if not paid directly to the clerk or the center, as appropriate, except as provided for trusts and federal social security

disability payments in this section, and for tax refunds or rebates in section 602.8102, subsection 47.

Sec. 13. Section 598.26, subsection 1, Code 1997, is amended to read as follows:

1. Until a decree of dissolution has been entered, the record and evidence shall be closed to all but the court, its officers, and the child support recovery unit of the department of human services pursuant to section 252B.9. However, the payment records of a temporary support order, whether maintained by the clerk of the district court or the department of human services, are public records and may be released upon request. Payment records shall not include address or location information. No other person shall permit a copy of any of the testimony, or pleading, or the substance thereof, to be made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the rules of civil procedure.

Sec. 14. Section 602.8102, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 47C. Perform duties relating to implementation and operation of requirements for the collection services center pursuant to section 252B.13A, subsection 2.

#### DIVISION II

##### STATE CASE REGISTRY

Sec. 15. NEW SECTION. 252B.24 STATE CASE REGISTRY.

1. Beginning October 1, 1998, the unit shall operate a state case registry to the extent determined by applicable time frames and other provisions of 42 U.S.C. § 654A(e) and this section. The unit and the judicial department shall enter into a cooperative agreement for the establishment and operation of the registry by the unit. The state case registry shall include records with respect to all of the following:

a. Unless prohibited by federal law, each case for which services are provided under this chapter.

b. Each order for support, as defined in section 252D.16 or 598.1, which meets at least one of the following criteria:

(1) The support order is established or modified in this state on or after October 1, 1998.

(2) The income of the obligor is subject to income withholding under chapter 252D, including any support order for which the district court enters an ex parte order under chapter 252D on or after October 1, 1998.

2. The clerk of the district court shall provide the unit with any information, orders, or documents requested by the unit to establish or operate the state case registry, which are specified in the agreement described in subsection 1, within the time frames specified in that agreement. The agreement shall include but is not limited to provisions to provide for all of the following:

a. Provision to the unit of information, orders, and documents necessary for the unit to meet requirements described in 42 U.S.C. § 654A(e) and this section.

b. Provision to the unit of information filed with the clerk of the district court by a party under section 598.22B, and the social security number of a child filed with the clerk of the district court under section 602.6111.

c. Use of automation, as appropriate, to meet the requirements described in 42 U.S.C. § 654A(e) and this section.

3. The records of the state case registry are confidential records pursuant to chapter 22 and may only be disclosed or used as provided in section 252B.9.

Sec. 16. Section 598.22B, Code Supplement 1997, is amended to read as follows:

598.22B INFORMATION REQUIRED IN ORDER OR JUDGMENT.

This section applies to all initial or modified orders for paternity or support entered under this chapter, chapter 234, 252A, 252C, 252F, 252H, 252K, or 600B, or under any other

chapter, and any subsequent order to enforce such support orders.

1. All such orders or judgments shall direct each party to file with the clerk of court or the child support recovery unit, as appropriate, upon entry of the order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of the party's employer. The order shall also include a provision that the information filed will be disclosed and used pursuant to this section. The party shall file the information with the clerk of court, or, if all support payments are to be directed to the collection services center as provided in sections section 252B.14, subsection 2, and section 252B.16, with the child support recovery unit.

2. All such orders or judgments shall include a statement that in any subsequent child support action initiated by the child support recovery unit or between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the unit or the court may shall deem due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the clerk of court or unit pursuant to subsection 1.

3. a. Information filed pursuant to subsection 1 shall not be a public record.

b. Information filed with the clerk of court pursuant to subsection 1 shall be available to the child support recovery unit, upon request. Beginning October 1, 1998, information filed with the clerk of court pursuant to subsection 1 shall be provided by the clerk of court to the child support recovery unit pursuant to section 252B.24.

c. Information filed with the clerk of court shall be available, upon request, to a party unless the party filing

the information also files an affidavit alleging the party has reason to believe that release of the information may result in physical or emotional harm to the affiant or child.

However, even if an affidavit has been filed, any information provided by the clerk of court to the child support recovery unit shall be disclosed by the unit as provided in section 252B.9.

d. ~~if the child support recovery unit is providing services pursuant to chapter 252B, information filed with~~ Information provided to the unit shall only be disclosed as provided in section 252B.9.

Sec. 17. Section 602.6111, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Beginning October 1, 1998, a party, except the child support recovery unit, filing a petition, complaint, answer, appearance, first motion, or any document with the clerk of district court to establish or modify an order for child support under chapter 236, 252A, 252K, 598, or 600B shall provide the clerk of the district court with the social security number of the child. The clerk of the district court shall keep the social security number of the child confidential, except the clerk shall provide the number to the child support recovery unit to be included in the records of the state case registry created under section 252B.24.

Sec. 18. Section 602.8102, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 47B. Perform the duties relating to establishment and operation of a state case registry pursuant to section 252B.24.

DIVISION III  
NEW HIRE REPORTING

Sec. 19. Section 84A.5, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The department shall provide access to information and documents necessary for employers and payors

of income, as defined in sections 252D.16 and 252G.1, to comply with child support reporting and payment requirements. Access to the information and documents shall be provided at the central location of the department of workforce development and at each workforce development center.

Sec. 20. Section 252B.9, subsection 3, paragraph c, Code Supplement 1997, is amended to read as follows:

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

Sec. 21. Section 252G.3, subsections 1 and 2, Code Supplement 1997, are amended to read as follows:

1. Beginning January 1, 1994, an employer who hires or rehires an employee on or after January 1, 1994, shall report the hiring or rehiring of the employee to the centralized employee registry within fifteen in accordance with one of the following time frames:

a. Within fifteen days of the hiring or rehiring of the employee. Employers shall report employees who, on the date of hire or rehire, are eighteen years of age or older, and may report employees who, on the date of hire or rehire, are under eighteen years of age. Only employees who are reasonably expected to earn at least one dollar in compensation for any day on which the employee works shall be reported.

b. If the employer is transmitting hire and rehire reports magnetically or electronically, the employer may report through transmissions which are not less than twelve nor more than sixteen days apart.

1A. The report submitted shall contain all of the following:

a. The employer's name, address, and federal identification number.

b. The employee's name, address, and social security number, ~~and date of birth.~~

c. Information regarding whether the employer has employee dependent health care coverage available and the appropriate date on which the employee may qualify for the coverage.

d. The address to which income withholding orders or the notices of orders and garnishments should be sent.

e. The employee's date of birth.

2. Employers required to report may report the information required under subsection 1A by any of the following means:

a. By mailing a copy of the employee's Iowa employee's withholding allowance certificate to the registry.

b. By submitting electronic media in a format approved by the unit in advance.

c. By submitting a fax transmission of the employee's Iowa employee's withholding allowance certificate to the registry.

d. By any other means authorized by the unit in advance if the means will result in timely reporting.

e. By submitting both of the following:

(1) For the information in subsection 1A, paragraphs "a" and "b", by transmitting by first class mail, magnetically or electronically, a federal W-4 form, or, at the option of the employer, an equivalent form.

(2) By reporting the other information required in subsection 1A by any of the means provided in paragraph "a", "b", "c", or "d" of this subsection.

Sec. 22. Section 252G.5, Code 1997, is amended to read as follows:

252G.5 ACCESS TO CENTRALIZED EMPLOYEE REGISTRY.

The records of the centralized employee registry are confidential records pursuant to section sections 22.7 and 252B.9, and may be accessed only by state agencies as provided in this section and section 252B.9. When a state agency accesses information in the registry, the agency may use the information to update the agency's own records. Access to and use of the information contained in the registry shall be limited to the following:

1. The unit for administration of the child support enforcement program, including but not limited to activities related to establishment and enforcement of child and medical support obligations through administrative or judicial processes, and other services authorized pursuant to chapter 252B.

2. State agencies which utilize income information for the determination of eligibility or calculation of payments for benefit or entitlement payments unless prohibited under federal law.

3. State agencies which utilize income information for the recoupment of debts to the state unless prohibited under federal law.

DIVISION IV

CONFIDENTIALITY AND DISCLOSURE

Sec. 23. Section 252B.9, subsection 1, paragraph h, Code Supplement 1997, is amended to read as follows:

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

Sec. 24. Section 252B.9, subsection 3, paragraph d, Code Supplement 1997, is amended by striking the paragraph and inserting in lieu thereof the following:

d. The unit may release information under section 252B.9A to meet the requirements of Title IV-D of the federal Social Security Act for parent locator services.

Sec. 25. Section 252B.9, subsection 3, paragraph f, Code Supplement 1997, is amended to read as follows:

f. Information may be released to courts having jurisdiction in support ~~or abandonment~~ proceedings. If a court issues an order, which is not entered under section 252B.9A, directing the unit to disclose confidential information, the unit may file a motion to quash pursuant to this chapter, Title IV-D of the federal Social Security Act, or other applicable law.

Sec. 26. Section 252B.9, subsection 3, Code Supplement 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. If the unit receives notification under this paragraph, the unit shall notify the federal parent locator service as required by federal law that there is reasonable evidence of domestic violence or child abuse against a party or a child and that the disclosure of information could be harmful to the party or the child. The notification to the federal parent locator service shall be known as notification of a disclosure risk indicator. For purposes of this paragraph, the unit shall notify the federal parent locator service of a disclosure risk indicator only if at least one of the following applies:

(1) The unit receives notification that the department, or comparable agency of another state, has made a finding of good cause or other exception as provided in section 252B.3, or comparable law of another state.

(2) The unit receives and, through automation, matches notification from the department of public safety or the unit receives notification from a court of this or another state, that a court has issued a protective order or no contact order against a party with respect to another party or child.

(3) The unit receives notification that a court has dismissed a petition for specified confidential information pursuant to section 252B.9A.

(4) The unit receives notification that a tribunal has issued an order under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, that the address or other identifying information of a party or child not be disclosed.

(5) The unit receives and, through automation, matches notification from the division of child and family services of the department, or the unit receives notification from a comparable agency of another state, of a founded allegation of child abuse, or a comparable finding under the law of the other state.

(6) The unit receives notification that an individual has an exemption from cooperation with child support enforcement under a family investment program safety plan which addresses family or domestic violence.

(7) The unit receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, safety plan, or founded allegation referred to in subparagraphs (1) through (6) of this paragraph.

Sec. 27. NEW SECTION. 252B.9A DISCLOSURE OF CONFIDENTIAL INFORMATION -- AUTHORIZED PERSON -- COURT.

1. A person, except a court or government agency, who is an authorized person to receive specified confidential information under 42 U.S.C. § 653, may submit a written request to the unit for disclosure of specified confidential information regarding a nonrequesting party. The written request shall comply with federal law and regulations and shall include a sworn statement attesting to the reason why the requester is an authorized person under 42 U.S.C. § 653, including that the requester would use the confidential information only for purposes permitted in that section.

2. Upon receipt of a request from an authorized person which meets all of the requirements under subsection 1, the unit shall search available records as permitted by law or shall request the information from the federal parent locator service as provided in 42 U.S.C. § 653.

a. If the unit locates the specified confidential information, the unit shall disclose the information to the extent permitted under federal law, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. § 653(b)(2).

(2) The unit has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph "i", and has not removed that notification.

(3) The unit receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph "i", within twenty days of sending a notice of the request to the subject of the request by regular mail.

b. If the unit locates the specified confidential information, but the unit is prohibited from disclosing confidential information under paragraph "a", the unit shall deny the request and notify the requester of the denial in writing. Upon receipt of a written notice from the unit denying the request, the requester may file a petition in district court for an order directing the unit to release the requested information to the court as provided in subsection 3.

3. A person may file a petition in district court for disclosure of specified confidential information. The petition shall request that the court direct the unit to release specified confidential information to the court, that the court make a determination of harm if appropriate, and that the court release specified confidential information to the petitioner.

a. The petition shall include a sworn statement attesting to the intended use of the information by the petitioner as allowed by federal law. Such statement may specify any of the following intended uses:

(1) To establish parentage, or to establish, set the amount of, modify, or enforce a child support obligation.

(2) To make or enforce a child custody or visitation determination or order.

(3) To carry out the duty or authority of the petitioner to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

b. Upon the filing of a petition, the court shall enter an order directing the unit to release to the court within thirty days specified confidential information which the unit would be permitted to release under 42 U.S.C. § 653 and 42 U.S.C. § 663, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. § 653(b)(2).

(2) The unit has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph "i", and has not removed that notification.

(3) The unit receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph "i", within twenty days of sending notice of the order to the subject of the request by regular mail. The unit shall include in the notice to the subject of the request a copy of the court order issued under this paragraph.

c. Upon receipt of the order, the unit shall comply as follows:

(1) If the unit has the specified confidential information, and none of the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph "b" applies, the unit shall file the confidential information with the court along with a statement that the unit has not received any notice that the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph "b" apply. The unit shall be granted at least thirty days to respond to the order. The court may extend the time for the

unit to comply. Upon receipt by the court of the confidential information under this subparagraph, the court may order the release of the information to the petitioner.

(2) If the unit has the specified confidential information, and the domestic violence, child abuse, or disclosure risk indicator provision of paragraph "b" applies, the unit shall file with the court a statement that the domestic violence, child abuse, or disclosure risk indicator provision of paragraph "b" applies, along with any information the unit has received related to the domestic violence, child abuse, or disclosure risk indicator. The unit shall be granted at least thirty days to respond to the order. The court may extend the time for the unit to comply. Upon receipt by the court of information from the unit under this subparagraph, the court shall make a finding whether disclosure of confidential information to any other person could be harmful to the nonrequesting party or child. In making the finding, the court shall consider any relevant information provided by the parent or child, any information provided by the unit or by a child support agency, any information provided by the petitioner, and any other relevant evidence. The unit or unit's attorney does not represent any individual person in this proceeding.

(a) If the court finds that disclosure of confidential information to any other person could be harmful to the nonrequesting party or child, the court shall dismiss the petition for disclosure and notify the unit to notify the federal parent locator service of a disclosure risk indicator.

(b) If the court does not find that disclosure of specified confidential information to any other person could be harmful to the nonrequesting party or child, the court shall notify the unit to file the specified confidential information with the court. Upon receipt by the court of the specified confidential information, the court may release the information to the petitioner and inform the unit to remove the disclosure risk indicator.

(3) If the unit does not have the specified confidential information and cannot obtain the information from the federal parent locator service, the unit shall comply with the order by notifying the court of the lack of information.

4. The confidential information which may be released by the unit to a party under subsection 2, or by the unit to the court under subsection 3, shall be limited by the federal Social Security Act and other applicable federal law, and the unit may use the sworn statement filed pursuant to subsections 1 or 3 in applying federal law. Any information filed with the court by the unit, when certified over the signature of a designated employee, shall be considered to be satisfactorily identified and shall be admitted as evidence, without requiring third-party foundation testimony. Additional proof of the official character of the person certifying the document or the authenticity of the person's signature shall not be required.

5. When making a request for confidential information under this section, a party or petitioner shall indicate the specific information requested.

6. For purposes of this section, "party" means party as defined in section 252B.9, subsection 3.

7. The unit may adopt rules pursuant to chapter 17A to prescribe provisions in addition to or in lieu of the provisions of this section to comply with federal requirements for parent locator services or the safeguarding of information.

#### DIVISION V

##### VOLUNTARY PATERNITY AFFIDAVITS AND RECISION

Sec. 28. Section 252A.3A, subsection 3, paragraph a, Code Supplement 1997, is amended to read as follows:

a. Prior to or at the time of completion of an affidavit of paternity, written and oral information about paternity establishment, developed by the child support recovery unit created in section 252B.2, shall be provided to the mother and putative father. Video or audio equipment may be used to provide oral information.

Sec. 29. Section 252A.3A, subsection 9, paragraph a, subparagraph (1), Code Supplement 1997, is amended to read as follows:

(1) Written and oral information about establishment of paternity pursuant to subsection 3. Video or audio equipment may be used to provide oral information.

Sec. 30. Section 252A.3A, subsection 11, paragraph a, Code Supplement 1997, is amended to read as follows:

a. Written and oral information about the establishment of paternity pursuant to subsection 3. Video or audio equipment may be used to provide oral information.

Sec. 31. Section 252A.3A, subsection 12, paragraph a, subparagraph (2), Code Supplement 1997, is amended to read as follows:

(2) ~~Twenty-days-after-the-service-of-the-notice-or petition-initiating~~ Entry of a court order pursuant to a proceeding in this state to which the signatory is a party relating to the child, including a proceeding to establish a support order under this chapter, chapter 252C, 252F, 598, or 600B or other law of this state.

#### DIVISION VI

##### ENFORCEMENT OF ORDERS FOR HEALTH CARE COVERAGE

Sec. 32. Section 252E.2, subsection 2, Code Supplement 1997, is amended to read as follows:

2. An insurer who is subject to the federal Employee Retirement Income Security Act, as codified in 29 U.S.C. § 1169, shall provide benefits in accordance with that section which meet the requirements of a qualified medical child support order. For the purposes of this subsection "qualified medical child support order" means and includes a medical child support order as defined in 29 U.S.C. § 1169, or a child support order which creates or recognizes the existence of a child's right to, or assigns to a child the right to, receive benefits for which a participant or child is eligible under a group health plan or a notice of such an order issued by the child support recovery unit, and which specifies the following:



a. The name and the last known mailing address of the participant and the name and mailing address of each child covered by the order except that, to the extent provided in the order, the name and mailing address of an official of the department may be substituted for the mailing address of the child.

b. A reasonable description of the type of coverage to be provided ~~by the plan~~ to each child, or the manner in which the type of coverage is to be determined.

c. The period during which the coverage applies.

~~d. -- Each plan to which the order applies.~~

#### DIVISION VII

##### DEFINITION OF "ACCOUNT"

Sec. 33. Section 252I.1, subsection 1, Code Supplement 1997, is amended to read as follows:

1. "Account" means "account" as defined in section 524.103, "share account or shares" as defined in section 534.102, the savings or deposits of a member received or being held by a credit union, or certificates of deposit. "Account" also includes deposits held by an agent, a broker-dealer, or an issuer as defined in section 502.102 and money-market mutual fund accounts and "account" as defined in 42 U.S.C. § 666(a)(17). However, "account" does not include amounts held by a financial institution as collateral for loans extended by the financial institution.

#### DIVISION VIII

##### PASSPORT SANCTION

Sec. 34. Section 252B.5, subsection 11, Code Supplement 1997, is amended to read as follows:

11. a. ~~Effective October 17, 1997,~~ Comply with federal procedures to periodically certify to the secretary of the United States department of health and human services, a list of the names of obligors determined by the unit to owe delinquent child support, under a support order as defined in section 252J.1, in excess of five thousand dollars. The determination certification of the delinquent amount owed may

be based upon one or more support orders being enforced by the unit if the delinquent support owed exceeds five thousand dollars. The determination certification shall include any amounts which are delinquent pursuant to the periodic payment plan when a modified order has been retroactively applied. The certification shall be in a format and shall include any supporting documentation required by the secretary.

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

(1) ~~At least thirty days prior to provision of certification to the secretary, the unit~~ The obligor shall send be sent a notice by regular mail ~~to the last known address of the obligor in accordance with federal law and regulations and the notice shall remain in effect until support delinquencies have been paid in full.~~ The notice shall include all of the following:

(a) ~~A statement that the unit has determined that regarding the amount of delinquent support owed by the obligor owes delinquent child support in excess of five thousand dollars.~~

(b) A statement providing information that upon ~~certification by the unit to the secretary, the secretary will transmit the certification to~~ if the delinquency is in excess of five thousand dollars, the United States secretary of state ~~for denial, revocation, restriction, or limitation of~~ may apply a passport sanction by revoking, restricting, limiting, or refusing to issue a passport as provided in 42 U.S.C. § 652(k).

(c) Information regarding the procedures for challenging the determination certification by the unit.

(2) (a) A challenge shall be based upon mistake of fact. For the purposes of this subsection, "mistake of fact" means a mistake in the identity of the obligor or a mistake in the amount of the delinquent child support owed if the amount did not exceed five thousand dollars on the date of the unit's decision on the challenge.

(2)---(a) If the obligor chooses to challenge the determination certification, the obligor shall submit the challenge in writing to notify the unit, to be received by the unit within twenty days of the date of the time period specified in the notice to the obligor. The obligor shall include any relevant information in with the written challenge.

(b) Upon timely receipt of the written challenge, the unit shall review the determination certification for a mistake of fact, or refer the challenge for review to the child support agency in the state chosen by the obligor as provided by federal law.

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

(i) If the unit determines that a mistake of fact exists, the unit shall not certify the name of the obligor to the secretary send notification in accordance with federal procedures withdrawing the certification for passport sanction.

(ii) If the unit determines that a mistake of fact does not exist, the unit shall certify the name of the obligor to the secretary no earlier than obligor may contest the determination within ten days following the issuance of the decision, unless, within ten days of the issuance of the decision, the obligor requests by submitting a written request for a contested case proceeding pursuant to chapter 17A or makes a payment for child support so that the amount of delinquent child support no longer exceeds five thousand dollars.

(3) Following issuance of a final decision under chapter 17A that no mistake of fact exists, the obligor may request a hearing before the district court in the county where one or more of the support orders upon which the determination is based is filed pursuant to chapter 17A. To request a hearing

the obligor shall file a written application with the court contesting the decision and shall send a copy of the application to the unit by regular mail---Notwithstanding the time specifications of section 17A.19, an application for a hearing shall be filed with the court no later than ten days after issuance of the final decision.---The clerk of the district court shall schedule a hearing and shall mail a copy of the order scheduling the hearing to the obligor and to the unit. The unit department shall certify transmit a copy of its written decision indicating the date of issuance to the court prior to the hearing record to the district court pursuant to chapter 17A. The hearing shall be held within thirty days of the filing of the application.---The filing of an application for a hearing shall stay the certification by the unit to the secretary.---However, if the obligor fails to appear at the scheduled hearing, the stay shall be automatically lifted and the unit shall certify the name of the obligor to the secretary. The scope of the review by the district court shall be limited to demonstration of a mistake of fact. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this subsection.

c. Following certification to the secretary, if the unit determines that an obligor no longer owes delinquent child support in excess of five thousand dollars, the unit shall notify the secretary of the change or shall provide information to the secretary and notice as the secretary requires to withdraw the certification for passport sanction.

## DIVISION IX

## DETERMINATION OF CONTROLLING ORDER

Sec. 35. Section 252H.2, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "Determination of controlling order" means the process of identifying a child support order which must be recognized pursuant to section 252K.207 and 28 U.S.C. § 1738B, when more than one state has issued a support order

for the same child and the same obligor. Registration of a foreign order is not necessary for a court or the unit to make a determination of controlling order.

Sec. 36. Section 252H.3, subsection 1, Code Supplement 1997, is amended to read as follows:

1. Any action initiated under this chapter, including any court hearing resulting from an action, shall be limited in scope to the adjustment or modification of the child or medical support or cost-of-living alteration of the child support provisions of a support order. A determination of a controlling order is within the scope of this chapter.

Sec. 37. Section 252H.8, subsection 4, Code Supplement 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. A certified copy of each order, issued by another state, considered in determining the controlling order.

Sec. 38. Section 252H.9, subsection 3, Code Supplement 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. If applicable, the order determined to be the controlling order.

Sec. 39. Section 252H.16, subsection 1, Code 1997, is amended to read as follows:

1. The unit shall conduct the review and determine whether an adjustment is appropriate. As necessary, the unit shall make a determination of the controlling order.

#### DIVISION X

##### INTENT -- RESPONSIBLE PARENTHOOD

Sec. 40. INTENT OF THE GENERAL ASSEMBLY -- RESPONSIBLE PARENTHOOD. It is the intent of the general assembly that the core principle upon which programs for children and families, including the child support program, shall be based, is the importance of the relationship between both parents and a child. It is also the intent of the general assembly to encourage family formation, optimally in the context of marriage.

Neither parent's commitment to this relationship ends with providing financial support, but includes the sharing of time and self. The parent-child relationship includes rights and responsibilities, and, if entered into with the fullest commitment, includes limitless rewards and constitutes the most effective means of providing a child with a model of what a mother, a father, and a family should be.

It is the intent of the general assembly that the department of human services cooperate with other state, local, and community-based agencies and organizations to develop individualized local approaches, while maximizing coordination of existing programs and services, to assist both parents in fragile families to make and maintain connections with their children.

It is also the intent of the general assembly to enhance employment opportunities for families, including those for noncustodial parents, to improve the ability of both parents to support their children. In doing so, the department of human services and the department of workforce development shall cooperate to assist both parents in obtaining and maintaining employment including through the mechanisms provided under the family investment program, the job opportunities and basic skills (JOBS) program, the welfare-to-work program, and the child support recovery program.

#### DIVISION XI

##### SATISFACTION OF ACCRUED SUPPORT DEBT

Sec. 41. Section 252B.3, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5. On or after July 1, 1999, the department shall implement a program for the satisfaction of accrued support debts, based upon timely payment by the obligor of both current support due and any payments due for accrued support debt under a periodic payment plan. The unit shall adopt rules pursuant to chapter 17A to establish the criteria and procedures for obtaining satisfaction under the program. The rules adopted under this subsection shall

specify the cases and amounts to which the program is applicable, and may provide for the establishment of the program as a pilot program.

Sec. 42. Section 598.22A, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Payment of accrued support debt due the department of human services shall be credited pursuant to section 252B.3, subsection 5.

#### DIVISION XII

##### ALTERNATIVES TO MEDIAN INCOME

Sec. 43. Section 252B.7A, subsection 1, paragraph d, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

By July 1, 1999, the department shall adopt rules for imputing income, whenever possible, based on the earning capacity of a parent who does not provide income information or for whom income information is not available. Until such time as the department adopts rules establishing a different standard for determining the income of a parent who does not provide income information or for whom income information is not available, the estimated state median income for a one-person family as published annually in the Federal Register for use by the federal office of community services, office of energy assistance, for the subsequent federal fiscal year.

#### DIVISION XIII

##### INCOME WITHHOLDING ARREARAGE RATES

Sec. 44. Section 252D.18, subsection 1, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. There has been a change in the rules adopted by the department pursuant to chapter 17A regarding the amount of income to be withheld to pay a delinquency.

Sec. 45. INCOME WITHHOLDING RATES.

1. Beginning July 1, 1998, the amount of income withheld for the payment of delinquent support, as determined by the child support recovery unit under chapter 252D, shall be decreased on a prospective basis from the current level of fifty percent of the current child support obligation.

2. The department of human services may adopt rules pursuant to section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement this section and the rules shall become effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later effective date is specified in the rules. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with the provision of this section shall also be published as notice of intended action as provided in section 17A.4.

3. The department of human services may modify the rules adopted under this section regarding the rate of withholding established for payment of delinquent support, based upon the results of implementation of this section including but not limited to the resulting impact on collections.

#### DIVISION XIV

##### SATISFACTION OF SUPPORT OWED TO PARENT

Sec. 46. Section 252B.20, subsection 2, paragraph b, Code Supplement 1997, is amended to read as follows:

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation and, if requested by the obligee, and if not prohibited by chapter 252K, satisfying the obligation of support due the obligee.

Sec. 47. Section 252B.20, subsections 3, 10, and 11, Code Supplement 1997, are amended to read as follows:

3. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order. The satisfaction of an obligation of support due the obligee shall be final upon the filing of the suspension order. A support obligation which is satisfied is not subject to the reinstatement provisions of this section.

10. This section does not provide for the suspension, ~~waiver, satisfaction,~~ or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section. However, if in the application for suspension, an obligee elects to satisfy an obligation of accrued support due the obligee, the suspension order may satisfy the obligation of accrued support due the obligee.

11. Nothing in this section shall prohibit or limit the unit or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

DIVISION XV

PASS THROUGH OF CHILD SUPPORT

Sec. 48. FEDERAL PERMISSION -- PASS THROUGH OF CHILD SUPPORT.

1. The department of human services shall seek permission from the United States department of health and human services for a statewide initiative to pass the full amount of child support collected, on behalf of family investment program participants, through to those families without being required to reimburse the federal government for the federal share of the child support collected. If the department of human services receives unconditional approval from the United States department of health and human services, the department shall submit an implementation proposal to the general assembly that provides for a net offset in family investment program benefits which is equivalent to the amount of child support passed through to the family.

2. The goals of the initiative shall include all of the following:

a. Encouraging payment of child support by providing a direct connection between the act of paying child support and the receipt of child support by the child.

b. Reinforcing the value of employment for family investment program participants by more clearly identifying

the actual level of income necessary to become independent from the receipt of benefits under the family investment program when child support is also being received.

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MARY E. KRAMER  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2313, Seventy-seventh General Assembly.

Approved May 6, 1998

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MARY PAT GUNDERSON  
Secretary of the Senate

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TERRY E. BRANSTAD  
Governor