

Senate Study Bill 2096

Bill Text

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1 1 DIVISION I
1 2 STATE DISBURSEMENT UNIT
1 3 Section 101. Section [236.10](#), Code Supplement 1997, is
1 4 amended to read as follows:
1 5 236.10 CONFIDENTIALITY OF RECORDS.
1 6 The file in a domestic abuse case shall be sealed by the
1 7 clerk of court when it is complete and after the time for
1 8 appeal has expired. However, the clerk shall open the file
1 9 upon application to and order of the court for good cause
1 10 shown or upon request of the child support recovery unit.
1 11 Support payment records, whether maintained by the clerk of
1 12 the district court or the department of human services, are
1 13 public records and may be released upon request. However, a
1 14 payment record shall not include address or location
1 15 information.
1 16 Sec. 102. Section [252B.9](#), subsection 2, paragraph a, Code
1 17 Supplement 1997, is amended to read as follows:
1 18 a. Payment records of the collection services center which
1 19 are maintained pursuant to chapter 598 are public records and
1 20 may be released upon request. Payment records of the clerk of
1 21 the district court, to which the department has access to meet
1 22 the requirements of a state disbursement unit, are also public
1 23 records and may be released upon request. A payment record
1 24 shall not include address or location information.
1 25 Sec. 103. Section [252B.13A](#), Code Supplement 1997, is
1 26 amended to read as follows:
1 27 252B.13A COLLECTION SERVICES CENTER.
1 28 1. The department shall establish within the unit a
1 29 collection services center for the receipt and disbursement of
1 30 support payments as defined in section 252D.16 or 598.1 as
1 31 required for orders by section 252B.14. For purposes of this
1 32 section, support payments do not include attorney fees, court
1 33 costs, or property settlements. The center may also receive
1 34 and disburse surcharges as provided in section 252B.23.
1 35 2. a. The collection services center shall meet the
2 1 requirements for a state disbursement unit pursuant to 42
2 2 U.S.C. } 654B, section 252B.14, and this section by October 1,
2 3 1999.
2 4 b. Prior to October 1, 1999, the department and the
2 5 judicial department shall enter into a cooperative agreement
2 6 for implementation of the state disbursement unit requirement.
2 7 The agreement shall include, but is not limited to, provisions
2 8 for all of the following:
2 9 (1) Coordination with the state case registry created in
2 10 section 252B.24.
2 11 (2) The receipt and disbursement of income withholding
2 12 payments for orders not receiving services from the unit
2 13 pursuant to section 252B.14, subsection 4.
2 14 (3) The transmission of information, orders, and
2 15 documents, and access to information.
2 16 (4) Furnishing, upon request, timely information on the
2 17 current status of support payments as provided in 42 U.S.C. }
2 18 654B(b)(4), in a manner consistent with state law.
2 19 (5) The notification of payors of income to direct income
2 20 withholding payments to the collection services center as
2 21 provided in section 252B.14, subsection 4.

2 22 Sec. 104. Section [252B.14](#), Code Supplement 1997, is
2 23 amended to read as follows:
2 24 252B.14 SUPPORT PAYMENTS COLLECTION SERVICES CENTER
2 25 CLERK OF THE DISTRICT COURT.
2 26 1. For the purposes of this section, "support order"
2 27 includes any order entered pursuant to chapter 234, 252A,
2 28 252C, 598, 600B, or any other support chapter or proceeding
2 29 which establishes support payments as defined in section
2 30 252D.16 or 598.1.
2 31 2. For support orders being enforced by the child support
2 32 recovery unit, support payments made pursuant to the order
2 33 shall be directed to and disbursed by the collection services
2 34 center.
2 35 3.

~~For a~~
- With the exception of support

~~order as~~
- payments

3 1 to which subsection 2

~~does not apply~~

- or 4 applies, support

3 2 payments made pursuant to

~~the~~

- an order shall be directed to

3 3 and disbursed by the clerk of the district court in the county
3 4 in which the order for support is filed. The clerk of the
3 5 district court may require the obligor to submit payments by
3 6 bank draft or money order if the obligor submits an
3 7 insufficient funds support payment to the clerk of the
3 8 district court.

3 9 4. By October 1, 1999, for a support order to which
3 10 subsection 2 does not apply, regardless of the terms of the
3 11 support order directing or redirecting the place of payment,
3 12 support payments made through income withholding by a payor of
3 13 income as provided in chapter 252D shall be directed to and
3 14 disbursed by the collection services center. The judicial
3 15 department and the department shall develop and implement a
3 16 plan to notify payors of income of this requirement and the
3 17 effective date of the requirement applicable to the respective
3 18 payor of income.

3 19 5. If the collection services center is receiving and
3 20 disbursing payments pursuant to a support order, but the unit
3 21 is not providing other services under Title IV-D of the
3 22 federal Social Security Act, or if the order is not being
3 23 enforced by the unit, the parties to that order are not
3 24 considered to be receiving services under this chapter.
3 25

~~4.~~

- 6. Payments to persons other than the clerk of the
3 26 district court or the collection services center do not
3 27 satisfy the support obligations created by a support order or
3 28 judgment, except as provided for in sections 598.22 and
3 29 598.22A.

3 30 Sec. 105. Section [252B.15](#), Code 1997, is amended to read
3 31 as follows:

3 32 252B.15 PROCESSING AND DISBURSEMENT OF SUPPORT PAYMENTS.

3 33 1. The collection services center shall notify the clerk
3 34 of the district court of any order for which the child support
3 35 recovery unit is providing enforcement services. The clerk of
4 1 the district court shall forward any support payment made
4 2 pursuant to the order, along with any support payment
4 3 information, to the collection services center. Unless the

4 4 agreement developed pursuant to section 252B.13A otherwise
4 5 provides, by October 1, 1999, the clerk of the district court
4 6 shall forward any support payment made and any support payment
4 7 information provided through income withholding pursuant to
4 8 chapter 252D, to the collection services center. The
4 9 collection services center shall process and disburse the
4 10 payment in accordance with federal requirements.
4 11 2.

— If

- Unless otherwise provided under federal law, if it

4 12 is possible to identify the support order to which a payment
4 13 is to be applied and if sufficient information is provided to
4 14 identify the obligee, a payment received by the collection
4 15 services center or the clerk of the district court shall be
4 16 disbursed to the appropriate individual or office within two
4 17 working days in accordance with section 598.22.

4 18 Sec. 106. Section 252B.16, subsection 3, Code 1997, is
4 19 amended to read as follows:

4 20 3. Once the responsibility for receiving and disbursing
4 21 support payments has been transferred from a clerk of the
4 22 district court to the collection services center, the
4 23 responsibility shall remain with the collection services
4 24 center even if the child support recovery unit is no longer
4 25 providing enforcement services, unless redirected by court
4 26 order. However, the responsibility for receiving and
4 27 disbursing income withholding payments shall not be redirected
4 28 to a clerk of the district court.

4 29 Sec. 107. Section 252D.1, Code Supplement 1997, is amended
4 30 to read as follows:

4 31 252D.1 DELINQUENT SUPPORT PAYMENTS.

4 32 If support payments ordered under chapter 232, 234, 252A,
4 33 252C, 252D, 252E, 252F, 598, 600B, or any other applicable
4 34 chapter, or under a comparable statute of a foreign
4 35 jurisdiction, as certified to the child support recovery unit
5 1 established in section 252B.2, are not paid to the clerk of
5 2 the district court or the collection services center pursuant
5 3 to section 598.22 and become delinquent in an amount equal to
5 4 the payment for one month, the child support recovery unit may
5 5 enter an ex parte order or, upon application of a person
5 6 entitled to receive the support payments, the district court
5 7 may enter an ex parte order, notifying the person whose income
5 8 is to be withheld, of the delinquent amount, of the amount of
5 9 income to be withheld, and of the procedure to file a motion
5 10 to quash the order for income withholding, and ordering the
5 11 withholding of specified sums to be deducted from the
5 12 delinquent person's income as defined in section 252D.16
5 13 sufficient to pay the support obligation and, except as
5 14 provided in section 598.22, requiring the payment of such sums
5 15 to the clerk of the district court or the collection services
5 16 center. Beginning October 1, 1999, all income withholding
5 17 payments shall be paid to the collection services center.
5 18 Notification of income withholding shall be provided to the
5 19 obligor and to the payor of income pursuant to section
5 20 252D.17.

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

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

5 28 6. The payor may combine amounts withheld from the
5 29 obligors' income in a single payment to the clerk of the
5 30 district court or to the collection services center, as
5 31 appropriate. Whether combined or separate, payments shall be
5 32 identified by the name of the obligor, account number, amount,

5 33 and, until October 1, 1999, the date withheld. If payments
5 34 for multiple obligors are combined, the portion of the payment
5 35 attributable to each obligor shall be specifically identified.
6 1 8. If the payor knowingly fails to withhold income or to
6 2 pay the amounts withheld to the collection services center or
6 3 the clerk of court in accordance with the provisions of the
6 4 order

~~or~~

~~the notice of the order, or the notification of~~

6 5 payors of income provisions established in section 252B.13A,
6 6 the payor commits a simple misdemeanor and is liable for the
6 7 accumulated amount which should have been withheld, together
6 8 with costs, interest, and reasonable attorney fees related to
6 9 the collection of the amounts due from the payor.

6 10 Sec. 109. Section [252D.18A](#), subsection 4, Code Supplement
6 11 1997, is amended to read as follows:

6 12 4. The payor shall identify and report payments by the
6 13 obligor's name, account number, amount, and date withheld
6 14 pursuant to section 252D.17.

~~If~~

~~Until October 1, 1999, if~~

6 15 payments for multiple obligees are combined, the portion of
6 16 the payment attributable to each obligee shall be specifically
6 17 identified. Beginning October 1, 1999, if payments for
6 18 multiple obligees are combined, the portion of the payment
6 19 attributable to each obligee shall be specifically identified
6 20 only if the payor is directed to do so by the child support
6 21 recovery unit.

6 22 Sec. 110. Section [252D.20](#), Code 1997, is amended to read
6 23 as follows:

6 24 252D.20 ADMINISTRATION OF INCOME WITHHOLDING PROCEDURES.

6 25 The child support recovery unit is designated as the entity
6 26 of the state to administer income withholding in accordance
6 27 with the procedures specified for keeping adequate records to
6 28 document, track, and monitor support payments on cases subject
6 29 to Title IV-D of the federal Social Security Act.

~~The~~

~~Until~~

6 30 October 1, 1999, the clerks of the district court are
6 31 designated as the entities for administering income
6 32 withholding on cases which are not subject to Title IV-D.
6 33 Beginning October 1, 1999, the collection services center is
6 34 designated as the entity for administering income withholding
6 35 for cases which are not subject to Title IV-D. The collection
7 1 services center's responsibilities for administering income
7 2 withholding in cases not subject to Title IV-D are limited to
7 3 the receipt, recording, and disbursement of income withholding
7 4 payments and to responding to requests for information on the
7 5 current status of support payments pursuant to section
7 6 252B.13A. Notwithstanding section 622.53, in cases where the
7 7 court or the child support recovery unit is enforcing a
7 8 foreign judgment through income withholding, a certified copy
7 9 of the underlying judgment is sufficient proof of
7 10 authenticity.

7 11 Sec. 111. Section [598.22](#), unnumbered paragraph 1, Code
7 12 Supplement 1997, is amended to read as follows:

7 13 Except as otherwise provided in section 598.22A, this
7 14 section applies to all initial or modified orders for support
7 15 entered under this chapter, chapter 234, 252A, 252C, 252F,
7 16 600B, or any other chapter of the Code. All orders or
7 17 judgments entered under chapter 234, 252A, 252C, 252F, or
7 18 600B, or under this chapter or any other chapter which provide
7 19 for temporary or permanent support payments shall direct the
7 20 payment of those sums to the clerk of the district court or

7 21 the collection services center in accordance with section
7 22 252B.14 for the use of the person for whom the payments have
7 23 been awarded. Beginning October 1, 1999, all income
7 24 withholding payments shall be directed to the collection
7 25 services center. Payments to persons other than the clerk of
7 26 the district court and the collection services center do not
7 27 satisfy the support obligations created by the orders or
7 28 judgments, except as provided for trusts governed by the
7 29 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
7 30 tax refunds or rebates in section 602.8102, subsection 47, or
7 31 for dependent benefits paid to the child support obligee as
7 32 the result of disability benefits awarded to the child support
7 33 obligor under the federal Social Security Act. For trusts
7 34 governed by the federal Retirement Equity Act of 1984, Pub. L.
7 35 No. 98-397, the order for income withholding or notice of the
8 1 order for income withholding shall require the payment of such
8 2 sums to the alternate payee in accordance with the federal
8 3 Act.

8 4 Sec. 112. Section 598.22, unnumbered paragraph 3, Code
8 5 Supplement 1997, is amended to read as follows:

8 6 An order or judgment entered by the court for temporary or
8 7 permanent support or for income withholding shall be filed
8 8 with the clerk. The orders have the same force and effect as
8 9 judgments when entered in the judgment docket and lien index
8 10 and are records open to the public.

~~The~~

- Unless otherwise

8 11 provided by federal law, if it is possible to identify the
8 12 support order to which a payment is to be applied, and if
8 13 sufficient information identifying the obligee is provided,
8 14 the clerk or the collection services center, as appropriate,
8 15 shall disburse the payments received pursuant to the orders or
8 16 judgments within two working days of the receipt of the
8 17 payments. All moneys received or disbursed under this section
8 18 shall be entered in records kept by the clerk, or the
8 19 collection services center, as appropriate, which shall be
8 20 available to the public. The clerk or the collection services
8 21 center shall not enter any moneys paid in the record book if
8 22 not paid directly to the clerk or the center, as appropriate,
8 23 except as provided for trusts and federal social security
8 24 disability payments in this section, and for tax refunds or
8 25 rebates in section 602.8102, subsection 47.

8 26 Sec. 113. Section 598.26, subsection 1, Code 1997, is
8 27 amended to read as follows:

8 28 1. Until a decree of dissolution has been entered, the
8 29 record and evidence shall be closed to all but the court, its
8 30 officers, and the child support recovery unit of the
8 31 department of human services pursuant to section 252B.9.
8 32 However, the payment records of a temporary support order,
8 33 whether maintained by the clerk of the district court or the
8 34 department of human services, are public records and may be
8 35 released upon request. Payment records shall not include
9 1 address or location information. No other person shall permit
9 2 a copy of any of the testimony, or pleading, or the substance
9 3 thereof, to be made available to any person other than a party
9 4 to the action or a party's attorney. Nothing in this
9 5 subsection shall be construed to prohibit publication of the
9 6 original notice as provided by the rules of civil procedure.

9 7 Sec. 114. Section 602.8102, Code Supplement 1997, is
9 8 amended by adding the following new subsection:

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

9 13

9 14

9 15 Sec. 201. NEW SECTION. 252B.24 STATE CASE REGISTRY.
9 16 1. Beginning October 1, 1998, the unit shall operate a
9 17 state case registry to the extent determined by applicable
9 18 time frames and other provisions of 42 U.S.C. } 654A(e) and
9 19 this section. The unit and the judicial department shall
9 20 enter into a cooperative agreement for the establishment and
9 21 operation of the registry by the unit. The state case
9 22 registry shall include records with respect to all of the
9 23 following:

9 24 a. Unless prohibited by federal law, each case for which
9 25 services are provided under this chapter.

9 26 b. Each order for support, as defined in section 252D.16
9 27 or 598.1, which meets at least one of the following criteria:

9 28 (1) The support order is established or modified in this
9 29 state on or after October 1, 1998.

9 30 (2) The income of the obligor is subject to income
9 31 withholding under chapter 252D, including any support order
9 32 for which the district court enters an ex parte order under
9 33 chapter 252D on or after October 1, 1998.

9 34 2. The clerk of the district court shall provide the unit
9 35 with any information, orders, or documents requested by the
10 1 unit to establish or operate the state case registry, which
10 2 are specified in the agreement described in subsection 1,
10 3 within the time frames specified in that agreement. The
10 4 agreement shall include but is not limited to provisions to
10 5 provide for all of the following:

10 6 a. Provision to the unit of information, orders, and
10 7 documents necessary for the unit to meet requirements
10 8 described in 42 U.S.C. } 654A(e) and this section.

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

10 13 c. Use of automation, as appropriate, to meet the
10 14 requirements described in 42 U.S.C. } 654A(e) and this
10 15 section.

10 16 3. The records of the state case registry are confidential
10 17 records pursuant to chapter 22 and may only be disclosed or
10 18 used as provided in section 252B.9.

10 19 Sec. 202. Section 598.22B, Code Supplement 1997, is
10 20 amended to read as follows:

10 21 598.22B INFORMATION REQUIRED IN ORDER OR JUDGMENT.

10 22 This section applies to all initial or modified orders for
10 23 paternity or support entered under this chapter, chapter 234,
10 24 252A, 252C, 252F, 252H, 252K, or 600B, or under any other
10 25 chapter, and any subsequent order to enforce such support
10 26 orders.

10 27 1. All such orders or judgments shall direct each party to
10 28 file with the clerk of court or the child support recovery
10 29 unit, as appropriate, upon entry of the order, and to update
10 30 as appropriate, information on location and identity of the
10 31 party, including social security number, residential and
10 32 mailing addresses, telephone number, driver's license number,
10 33 and name, address, and telephone number of the party's
10 34 employer. The order shall also include a provision that the
10 35 information filed will be disclosed and used pursuant to this
11 1 section. The party shall file the information with the clerk
11 2 of court, or, if all support payments are to be directed to
11 3 the collection services center as provided in

~~sections~~

~~section~~

11 4 252B.14, subsection 2, and section 252B.16, with the child
11 5 support recovery unit.

11 6 2. All such orders or judgments shall include a statement
11 7 that in any subsequent child support action initiated by the
11 8 child support recovery unit or between the parties, upon

11 9 sufficient showing that diligent effort has been made to
11 10 ascertain the location of such a party, the unit or the court
11 11

~~may~~

- shall deem due process requirements for notice and service
11 12 of process to be met with respect to the party, upon delivery
11 13 of written notice to the most recent residential or employer
11 14 address filed with the clerk of court or unit pursuant to
11 15 subsection 1.

11 16 3. a. Information filed pursuant to subsection 1 shall
11 17 not be a public record.

11 18 b. Information filed with the clerk of court pursuant to
11 19 subsection 1 shall be available to the child support recovery
11 20 unit, upon request. Beginning October 1, 1998, information
11 21 filed with the clerk of court pursuant to subsection 1 shall
11 22 be provided by the clerk of court to the child support
11 23 recovery unit pursuant to section 252B.24.

11 24 c. Information filed with the clerk of court shall be
11 25 available, upon request, to a party unless the party filing
11 26 the information also files an affidavit alleging the party has
11 27 reason to believe that release of the information may result
11 28 in physical or emotional harm to the affiant or child.
11 29 However, even if an affidavit has been filed, any information
11 30 provided by the clerk of court to the child support recovery
11 31 unit shall be disclosed by the unit as provided in section
11 32 252B.9.

11 33 d.

~~If the child support recovery unit is providing~~

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11 34

~~services pursuant to chapter 252B, information filed with~~

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11 35 Information provided to the unit shall only be disclosed as
12 1 provided in section 252B.9.

12 2 Sec. 203. Section [602.6111](#), Code 1997, is amended by
12 3 adding the following new subsection:

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

12 16 Sec. 204. Section [602.8102](#), Code Supplement 1997, is
12 17 amended by adding the following new subsection:

12 18 NEW SUBSECTION. 47B. Perform the duties relating to
12 19 establishment and operation of a state case registry pursuant
12 20 to section 252B.24.

12 21 DIVISION III

12 22 NEW HIRE REPORTING

12 23 Sec. 301. Section [252B.9](#), subsection 3, paragraph c, Code
12 24 Supplement 1997, is amended to read as follows:

12 25 c. The unit may release or disclose information as
12 26 necessary to provide services under section 252B.5, as
12 27 provided by chapter 252G, as provided by Title IV-D of the
12 28 federal Social Security Act, as amended, or as required by
12 29 federal law.

12 30 Sec. 302. Section [252G.3](#), subsections 1 and 2, Code
12 31 Supplement 1997, are amended to read as follows:

12 32 1. Beginning January 1, 1994, an employer who hires or
12 33 rehires an employee on or after January 1, 1994, shall report
12 34 the hiring or rehiring of the employee to the centralized
12 35 employee registry

~~within fifteen~~

~~in accordance with one of the~~

13 1 following time frames:

13 2 a. Within fifteen days of the hiring or rehiring of the
13 3 employee.

~~Employers shall report employees who, on the date~~

13 4

~~of hire or rehire, are eighteen years of age or older, and may~~

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~~report employees who, on the date of hire or rehire, are under~~

13 6

~~eighteen years of age. Only employees who are reasonably~~

13 7

~~expected to earn at least one dollar in compensation for any~~

13 8

~~day on which the employee works shall be reported.~~

13 9 b. If the employer is transmitting hire and rehire reports
13 10 magnetically or electronically, the employer may report
13 11 through transmissions which are not less than twelve nor more
13 12 than sixteen days apart.

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

13 15 a. The employer's name, address, and federal
13 16 identification number.

13 17 b. The employee's name, address, and social security
13 18 number

~~, and date of birth~~

13 19 c. Information regarding whether the employer has employee
13 20 dependent health care coverage available and the appropriate
13 21 date on which the employee may qualify for the coverage.

13 22 d. The address to which income withholding orders or the
13 23 notices of orders and garnishments should be sent.

13 24 e. The employee's date of birth.

13 25 2. Employers required to report may report the information
13 26 required under subsection

~~1~~

~~1A~~ by any of the following means:

13 27 a. By mailing a copy of the employee's Iowa employee's
13 28 withholding allowance certificate to the registry.

13 29 b. By submitting electronic media in a format approved by
13 30 the unit in advance.

13 31 c. By submitting a fax transmission of the employee's Iowa
13 32 employee's withholding allowance certificate to the registry.

13 33 d. By any other means authorized by the unit in advance if
13 34 the means will result in timely reporting.

13 35 e. By submitting both of the following:

14 1 (1) For the information in subsection 1A, paragraphs "a"

14 2 and "b", by transmitting by first class mail, magnetically or
14 3 electronically, a federal W-4 form, or, at the option of the
14 4 employer, an equivalent form.

14 5 (2) By reporting the other information required in
14 6 subsection 1A by any of the means provided in paragraph "a",
14 7 "b", "c", or "d" of this subsection.

14 8 Sec. 303. Section 252G.5, Code 1997, is amended to read as
14 9 follows:

14 10 252G.5 ACCESS TO CENTRALIZED EMPLOYEE REGISTRY.

14 11 The records of the centralized employee registry are
14 12 confidential records pursuant to

~~section~~

~~sections 22.7 and~~

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

14 19 1. The unit for administration of the child support
14 20 enforcement program, including but not limited to activities
14 21 related to establishment and enforcement of child and medical
14 22 support obligations through administrative or judicial
14 23 processes, and other services authorized pursuant to chapter
14 24 252B.

14 25 2. State agencies which utilize income information for the
14 26 determination of eligibility or calculation of payments for
14 27 benefit or entitlement payments unless prohibited under
14 28 federal law.

14 29 3. State agencies which utilize income information for the
14 30 recoupment of debts to the state unless prohibited under
14 31 federal law.

DIVISION IV

CONFIDENTIALITY AND DISCLOSURE

14 32
14 33 Sec. 401. Section 252B.9, subsection 1, paragraph h, Code
14 34 Supplement 1997, is amended to read as follows:

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

15 16 Sec. 402. Section 252B.9, subsection 3, paragraph d, Code
15 17 Supplement 1997, is amended by striking the paragraph and
15 18 inserting in lieu thereof the following:

15 19 d. The unit may release information under section 252B.9A
15 20 to meet the requirements of Title IV-D of the federal Social
15 21 Security Act for parent locator services.

15 22 Sec. 403. Section 252B.9, subsection 3, paragraph f, Code
15 23 Supplement 1997, is amended to read as follows:

15 24 f. Information may be released to courts having
15 25 jurisdiction in support

~~or abandonment~~

~~proceedings. If a~~

15 26 court issues an order, which is not entered under section
15 27 252B.9A, directing the unit to disclose confidential

15 28 information, the unit may file a motion to quash pursuant to
15 29 this chapter, Title IV-D of the federal Social Security Act,
15 30 or other applicable law.

15 31 Sec. 404. Section 252B.9, subsection 3, Code Supplement
15 32 1997, is amended by adding the following new paragraph:

15 33 NEW PARAGRAPH. i. If the unit receives notification under
15 34 this paragraph, the unit shall notify the federal parent
15 35 locator service as required by federal law that there is
16 1 reasonable evidence of domestic violence or child abuse
16 2 against a party or a child and that the disclosure of
16 3 information could be harmful to the party or the child. The
16 4 notification to the federal parent locator service shall be
16 5 known as notification of a disclosure risk indicator. For
16 6 purposes of this paragraph, the unit shall notify the federal
16 7 parent locator service of a disclosure risk indicator only if
16 8 at least one of the following applies:

16 9 (1) The unit receives notification that the department, or
16 10 comparable agency of another state, has made a finding of good
16 11 cause or other exception as provided in section 252B.3, or
16 12 comparable law of another state.

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

16 18 (3) The unit receives notification that a court has
16 19 dismissed a petition for specified confidential information
16 20 pursuant to section 252B.9A.

16 21 (4) The unit receives notification that a tribunal has
16 22 issued an order under chapter 252K, the uniform interstate
16 23 family support Act, or the comparable law of another state,
16 24 that the address or other identifying information of a party
16 25 or child not be disclosed.

16 26 (5) The unit receives and, through automation, matches
16 27 notification from the division of child and family services of
16 28 the department, or the unit receives notification from a
16 29 comparable agency of another state, of a founded allegation of
16 30 child abuse, or a comparable finding under the law of the
16 31 other state.

16 32 (6) The unit receives notification, as the result of a
16 33 request under section 252B.9A, of the existence of any
16 34 finding, order, or founded allegation referred to in
16 35 subparagraphs (1) through (5) of this paragraph.

17 1 The unit shall remove any disclosure risk indicator if the
17 2 unit receives notification that the finding, order, or founded
17 3 allegation is no longer in effect.

17 4 Sec. 405. NEW SECTION. 252B.9A DISCLOSURE OF
17 5 CONFIDENTIAL INFORMATION AUTHORIZED PERSON COURT.

17 6 1. A person, except a court or government agency, who is
17 7 an authorized person to receive specified confidential
17 8 information under 42 U.S.C. } 653, may submit a written
17 9 request to the unit for disclosure of specified confidential
17 10 information regarding a nonrequesting party. The written
17 11 request shall comply with federal law and regulations and
17 12 shall include a sworn statement attesting to the reason why
17 13 the requester is an authorized person under 42 U.S.C. } 653,
17 14 including that the requester would use the confidential
17 15 information only for purposes permitted in that section.

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

17 21 a. If the unit locates the specified confidential
17 22 information, the unit shall disclose the information to the
17 23 extent permitted under federal law, unless one of the
17 24 following applies:

17 25 (1) There is a notice from the federal parent locator
17 26 service that there is reasonable evidence of domestic violence
17 27 or child abuse pursuant to 42 U.S.C. } 653(b)(2).

17 28 (2) The unit has notified the federal parent locator
17 29 service of a disclosure risk indicator as provided in section
17 30 252B.9, subsection 3, paragraph "i", and has not removed that
17 31 notification.

17 32 (3) The unit receives notice of a basis for a disclosure
17 33 risk indicator listed in section 252B.9, subsection 3,
17 34 paragraph "i", within twenty days of sending a notice of the
17 35 request to the subject of the request by regular mail.

18 1 b. If the unit locates the specified confidential
18 2 information, but the unit is prohibited from disclosing
18 3 confidential information under paragraph "a", the unit shall
18 4 deny the request and notify the requester of the denial in
18 5 writing. Upon receipt of a written notice from the unit
18 6 denying the request, the requester may file a petition in
18 7 district court for an order directing the unit to release the
18 8 requested information to the court as provided in subsection
18 9 3.

18 10 3. A person may file a petition in district court for
18 11 disclosure of specified confidential information. The
18 12 petition shall request that the court direct the unit to
18 13 release specified confidential information to the court, that
18 14 the court make a determination of harm if appropriate, and
18 15 that the court release specified confidential information to
18 16 the petitioner.

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

18 21 (1) To establish parentage, or to establish, set the
18 22 amount of, modify, or enforce a child support obligation.

18 23 (2) To make or enforce a child custody or visitation
18 24 determination or order.

18 25 (3) To carry out the duty or authority of the petitioner
18 26 to investigate, enforce, or bring a prosecution with respect
18 27 to the unlawful taking or restraint of a child.

18 28 b. Upon the filing of a petition, the court shall enter an
18 29 order directing the unit to release to the court within thirty
18 30 days specified confidential information which the unit would
18 31 be permitted to release under 42 U.S.C. } 653 and 42 U.S.C. }
18 32 663, unless one of the following applies:

18 33 (1) There is a notice from the federal parent locator
18 34 service that there is reasonable evidence of domestic violence
18 35 or child abuse pursuant to 42 U.S.C. } 653(b)(2).

19 1 (2) The unit has notified the federal parent locator
19 2 service of a disclosure risk indicator as provided in section
19 3 252B.9, subsection 3, paragraph "i", and has not removed that
19 4 notification.

19 5 (3) The unit receives notice of a basis for a disclosure
19 6 risk indicator listed in section 252B.9, subsection 3,
19 7 paragraph "i", within twenty days of sending notice of the
19 8 order to the subject of the request by regular mail. The unit
19 9 shall include in the notice to the subject of the request a
19 10 copy of the court order issued under this paragraph.

19 11 c. Upon receipt of the order, the unit shall comply as
19 12 follows:

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

19 22 unit to comply. Upon receipt by the court of the confidential
19 23 information under this subparagraph, the court may order the
19 24 release of the information to the petitioner.

19 25 (2) If the unit has the specified confidential
19 26 information, and the domestic violence, child abuse, or
19 27 disclosure risk indicator provision of paragraph "b" applies,
19 28 the unit shall file with the court a statement that the
19 29 domestic violence, child abuse, or disclosure risk indicator
19 30 provision of paragraph "b" applies, along with any information
19 31 the unit has received related to the domestic violence, child
19 32 abuse, or disclosure risk indicator. The unit shall be
19 33 granted at least thirty days to respond to the order. The
19 34 court may extend the time for the unit to comply. Upon
19 35 receipt by the court of information from the unit under this
20 1 subparagraph, the court shall make a finding whether
20 2 disclosure of confidential information to any other person
20 3 could be harmful to the nonrequesting party or child. In
20 4 making the finding, the court shall consider any relevant
20 5 information provided by the parent or child, any information
20 6 provided by the unit or by a child support agency, any
20 7 information provided by the petitioner, and any other relevant
20 8 evidence. The unit or unit's attorney does not represent any
20 9 individual person in this proceeding.

20 10 (a) If the court finds that disclosure of confidential
20 11 information to any other person could be harmful to the
20 12 nonrequesting party or child, the court shall dismiss the
20 13 petition for disclosure and notify the unit to notify the
20 14 federal parent locator service of a disclosure risk indicator.

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

20 22 (3) If the unit does not have the specified confidential
20 23 information and cannot obtain the information from the federal
20 24 parent locator service, the unit shall comply with the order
20 25 by notifying the court of the lack of information.

20 26 4. The confidential information which may be released by
20 27 the unit to a party under subsection 2, or by the unit to the
20 28 court under subsection 3, shall be limited by the federal
20 29 Social Security Act and other applicable federal law, and the
20 30 unit may use the sworn statement filed pursuant to subsections
20 31 1 or 3 in applying federal law. Any information filed with
20 32 the court by the unit, when certified over the signature of a
20 33 designated employee, shall be considered to be satisfactorily
20 34 identified and shall be admitted as evidence, without
20 35 requiring third-party foundation testimony. Additional proof
21 1 of the official character of the person certifying the
21 2 document or the authenticity of the person's signature shall
21 3 not be required.

21 4 5. When making a request for confidential information
21 5 under this section, a party or petitioner shall indicate the
21 6 specific information requested.

21 7 6. For purposes of this section, "party" means party as
21 8 defined in section 252B.9, subsection 3.

21 9 7. The unit may adopt rules pursuant to chapter 17A to
21 10 prescribe provisions in addition to or in lieu of the
21 11 provisions of this section to comply with federal requirements
21 12 for parent locator services or the safeguarding of
21 13 information.

21 14 DIVISION V

21 15 VOLUNTARY PATERNITY AFFIDAVITS AND RECISION

21 16 Sec. 501. Section [252A.3A](#), subsection 3, paragraph a, Code
21 17 Supplement 1997, is amended to read as follows:

21 18 a. Prior to or at the time of completion of an affidavit

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

21 24 Sec. 502. Section 252A.3A, subsection 9, paragraph a,
21 25 subparagraph (1), Code Supplement 1997, is amended to read as
21 26 follows:

21 27 (1) Written and oral information about establishment of
21 28 paternity pursuant to subsection 3. Video or audio equipment
21 29 may be used to provide oral information.

21 30 Sec. 503. Section 252A.3A, subsection 11, paragraph a,
21 31 Code Supplement 1997, is amended to read as follows:

21 32 a. Written and oral information about the establishment of
21 33 paternity pursuant to subsection 3. Video or audio equipment
21 34 may be used to provide oral information.

21 35 Sec. 504. Section 252A.3A, subsection 12, paragraph a,
22 1 subparagraph (2), Code Supplement 1997, is amended to read as
22 2 follows:

22 3 (2)

~~Twenty days after the service of the notice or~~

22 4

~~petition initiating~~

~~Entry of a court order pursuant to a~~

22 5 proceeding in this state to which the signatory is a party
22 6 relating to the child, including a proceeding to establish a
22 7 support order under this chapter, chapter 252C, 252F, 598, or
22 8 600B or other law of this state.

22 9 DIVISION VI

22 10 ENFORCEMENT OF ORDERS FOR HEALTH CARE COVERAGE

22 11 Sec. 601. Section 252E.1, subsection 10, Code Supplement
22 12 1997, is amended to read as follows:

22 13 10. "Order" means a support order entered pursuant to
22 14 chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any
22 15 other support chapter, or pursuant to a comparable statute of
22 16 a foreign jurisdiction, or a notice of an order, or an ex
22 17 parte order entered pursuant to section 252E.4.

22 18 Sec. 602. Section 252E.2, subsection 2, Code Supplement
22 19 1997, is amended to read as follows:

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

22 33 a. The name and the last known mailing address of the
22 34 participant and the name and mailing address of each child
22 35 covered by the order except that, to the extent provided in
23 1 the order, the name and mailing address of an official of the
23 2 department may be substituted for the mailing address of the
23 3 child.

23 4 b. A reasonable description of the type of coverage to be
23 5 provided

~~by the plan~~

~~to each child, or the manner in which the~~
23 6 type of coverage is to be determined.

23 7 c. The period during which the coverage applies.
23 8

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

23 9 DIVISION VII
23 10 DEFINITION OF "ACCOUNT"
23 11 Sec. 701. Section [252I.1](#), subsection 1, Code Supplement
23 12 1997, is amended to read as follows:
23 13 1. "Account" means "account" as defined in section
23 14 524.103, "share account or shares" as defined in section
23 15 534.102, the savings or deposits of a member received or being
23 16 held by a credit union, or certificates of deposit. "Account"
23 17 also includes deposits held by an agent, a broker-dealer, or
23 18 an issuer as defined in section 502.102 and money-market
23 19 mutual fund accounts and "account" as defined in 42 U.S.C. }
23 20 666(a)(17). However, "account" does not include amounts held
23 21 by a financial institution as collateral for loans extended by
23 22 the financial institution.

23 23 DIVISION VIII
23 24 PASSPORT SANCTION
23 25 Sec. 801. Section [252B.5](#), subsection 11, Code Supplement
23 26 1997, is amended to read as follows:
23 27 11. a.

~~Effective October 1, 1997,~~

~~Comply with federal~~
23 28 ~~procedures to~~ periodically certify to the secretary of the
23 29 United States department of health and human services, a list
23 30 of the names of obligors determined by the unit to owe
23 31 delinquent

~~child~~
- support, under a support order as defined in
23 32 section 252J.1, in excess of five thousand dollars. The
23 33

~~determination~~
- ~~certification~~ of the delinquent amount owed may
23 34 be based upon one or more support orders being enforced by the
23 35 unit if the delinquent support owed exceeds five thousand
24 1 dollars. The

~~determination~~
- ~~certification~~ shall include any
24 2 amounts which are delinquent pursuant to the periodic payment
24 3 plan when a modified order has been retroactively applied.
24 4 The certification shall be in a format and shall include any
24 5 supporting documentation required by the secretary.
24 6 b. All of the following shall apply to an action initiated
24 7 by the unit under this subsection:
24 8 (1)

~~At least thirty days prior to provision of~~

24 9
~~certification to the secretary, the unit~~
- ~~The obligor~~ shall
24 10

~~send~~
- ~~be sent a~~ notice by regular mail

~~to the last known~~

24 11

~~address of the obligor~~
- in accordance with federal law and
24 12 regulations and the notice shall remain in effect until
24 13 support delinquencies have been paid in full. The notice
24 14 shall include all of the following:
24 15 (a) A statement
.
~~that the unit has determined that~~
-
24 16 regarding the amount of delinquent support owed by the obligor
24 17
.
~~owes delinquent child support in excess of five thousand~~
-
24 18
.
~~dollars~~
-
24 19 (b) A statement providing information that
.
~~upon~~
-
24 20
.
~~certification by the unit to the secretary, the secretary will~~
-
24 21
.
~~transmit the certification to~~
- if the delinquency is in excess
24 22 of five thousand dollars, the United States secretary of state
24 23
.
~~for denial, revocation, restriction, or limitation of~~
- may
24 24 apply a passport sanction by revoking, restricting, limiting,
24 25 or refusing to issue a passport as provided in 42 U.S.C. }
24 26 652(k).
24 27 (c) Information regarding the procedures for challenging
24 28 the
.
~~determination~~
- certification by the unit
.
-
-
24 29 (2) (a) A challenge shall be based upon mistake of fact.
24 30 For the purposes of this subsection, "mistake of fact" means a
24 31 mistake in the identity of the obligor or a mistake in the
24 32 amount of the delinquent child support owed if the amount did
24 33 not exceed five thousand dollars on the date of the unit's
24 34 decision on the challenge.
24 35
.
~~(2) (a)~~
- If the obligor chooses to challenge the
25 1
.
~~determination~~
- certification, the obligor shall
.
~~submit the~~
-
25 2
.
~~challenge in writing to~~

- notify the unit

~~-, to be received by the~~

25 3

~~unit~~

- within

~~twenty days of the date of~~

~~the time period~~

25 4 specified in the notice to the obligor. The obligor shall

25 5 include any relevant information

~~in~~

- with the

~~written~~

25 6 challenge.

25 7 (b) Upon timely receipt of the

~~written~~

- challenge, the unit

25 8 shall review the

~~determination~~

- certification for a mistake of

25 9 fact, or refer the challenge for review to the child support

25 10 agency in the state chosen by the obligor as provided by

25 11 federal law.

25 12 (c) Following the unit's review of the

~~determination~~

25 13 certification, the unit shall send a written decision to the

25 14 obligor within ten days of timely receipt of the

~~written~~

25 15 challenge.

25 16 (i) If the unit determines that a mistake of fact exists,

25 17 the unit shall

~~not certify the name of the obligor to the~~

25 18

~~secretary~~

- send notification in accordance with federal

25 19 procedures withdrawing the certification for passport

25 20 sanction.

25 21 (ii) If the unit determines that a mistake of fact does

25 22 not exist, the

~~unit shall certify the name of the obligor to~~

25 23

~~the secretary no earlier than~~

- obligor may contest the

25 24 determination within ten days following the issuance of the

25 25 decision

~~-, unless, within ten days of the issuance of the~~

25 26

~~decision, the obligor requests
by submitting a written request
25 27 for a contested case proceeding pursuant to chapter 17A~~

~~or~~

~~25 28~~

~~makes a payment for child support so that the amount of~~

~~25 29~~

~~delinquent child support no longer exceeds five thousand~~

~~25 30~~

~~dollars~~

~~25 31 (3) Following issuance of a final decision under chapter
25 32 17A that no mistake of fact exists, the obligor may request a
25 33 hearing before the district court~~

~~in the county where one or~~

~~25 34~~

~~more of the support orders upon which the determination is~~

~~25 35~~

~~based is filed~~

~~pursuant to chapter 17A.~~

~~To request a hearing,~~

~~26 1~~

~~the obligor shall file a written application with the court~~

~~26 2~~

~~contesting the decision and shall send a copy of the~~

~~26 3~~

~~application to the unit by regular mail. Notwithstanding the~~

~~26 4~~

~~time specifications of section 17A.19, an application for a~~

~~26 5~~

~~hearing shall be filed with the court no later than ten days~~

~~26 6~~

~~after issuance of the final decision. The clerk of the~~

~~26 7~~

~~district court shall schedule a hearing and shall mail a copy~~

~~26 8~~

~~of the order scheduling the hearing to the obligor and to the~~

26 9

~~unit.~~

~~The~~

~~unit~~

~~department shall~~

~~certify~~

~~transmit a copy of~~

26 10 its

~~written decision indicating the date of issuance to the~~

26 11

~~court prior to the hearing~~

~~record to the district court~~

26 12 pursuant to chapter 17A.

~~The hearing shall be held within~~

26 13

~~thirty days of the filing of the application. The filing of~~

26 14

~~an application for a hearing shall stay the certification by~~

26 15

~~the unit to the secretary. However, if the obligor fails to~~

26 16

~~appear at the scheduled hearing, the stay shall be~~

26 17

~~automatically lifted and the unit shall certify the name of~~

26 18

~~the obligor to the secretary.~~

~~The scope of the review by the~~

26 19 district court shall be limited to demonstration of a mistake

26 20 of fact. Issues related to visitation, custody, or other

26 21 provisions not related to the support provisions of a support

26 22 order are not grounds for a hearing under this subsection.

26 23 c. Following certification to the secretary, if the unit

26 24 determines that an obligor no longer owes delinquent

~~child~~

26 25 support in excess of five thousand dollars, the unit shall

26 26

~~notify the secretary of the change or shall~~

~~provide~~

26 27 information

~~to the secretary~~

~~and notice as the secretary~~

26 28 requires to withdraw the certification for passport sanction.

26 29

26 30 DETERMINATION OF CONTROLLING ORDER
26 31 Sec. 901. Section [252H.2](#), Code Supplement 1997, is amended
26 32 by adding the following new subsection:
26 33 NEW SUBSECTION. 6A. "Determination of controlling order"
26 34 means the process of identifying a child support order which
26 35 must be recognized pursuant to section 252K.207 and 28 U.S.C.
27 1 } 1738B, when more than one state has issued a support order
27 2 for the same child and the same obligor. Registration of a
27 3 foreign order is not necessary for a court or the unit to make
27 4 a determination of controlling order.
27 5 Sec. 902. Section [252H.3](#), subsection 1, Code Supplement
27 6 1997, is amended to read as follows:
27 7 1. Any action initiated under this chapter, including any
27 8 court hearing resulting from an action, shall be limited in
27 9 scope to the adjustment or modification of the child or
27 10 medical support or cost-of-living alteration of the child
27 11 support provisions of a support order. A determination of a
27 12 controlling order is within the scope of this chapter.
27 13 Sec. 903. Section [252H.8](#), subsection 4, Code Supplement
27 14 1997, is amended by adding the following new paragraph:
27 15 NEW PARAGRAPH. h. A certified copy of each order, issued
27 16 by another state, considered in determining the controlling
27 17 order.
27 18 Sec. 904. Section [252H.9](#), subsection 3, Code Supplement
27 19 1997, is amended by adding the following new paragraph:
27 20 NEW PARAGRAPH. g. If applicable, the order determined to
27 21 be the controlling order.
27 22 Sec. 905. Section [252H.16](#), subsection 1, Code 1997, is
27 23 amended to read as follows:
27 24 1. The unit shall conduct the review and determine whether
27 25 an adjustment is appropriate. As necessary, the unit shall
27 26 make a determination of the controlling order.

27 27 EXPLANATION

27 28 This bill includes sections to comply with federal
27 29 requirements in the federal Personal Responsibility and Work
27 30 Opportunity Reconciliation Act of 1996, subsequent technical
27 31 amendments made to the Act in 1997, and other technical
27 32 changes.

27 33 DIVISION I.

27 34 State disbursement unit (SDU). The federal Act requires
27 35 states to provide a single location for employers to submit
28 1 income withholding payments by October 1, 1999. Under the
28 2 bill, employers will send all income withholding payments to
28 3 one SDU which is responsible for receiving, recording, and
28 4 disbursing these payments.

28 5 DIVISION II.

28 6 State case registry (SCR). This division of the bill
28 7 provides for compliance with a federal mandate which is
28 8 effective October 1, 1998. The CSRU must operate a state case
28 9 registry which includes all IV-D cases with or without orders
28 10 in place and all other orders for support established or
28 11 modified in Iowa on or after October 1, 1998. The Iowa SCR
28 12 will also include all non-IV-D orders under which an obligor
28 13 is subject to income withholding.

28 14 The federal Act requires that certain SCR data from Iowa be
28 15 transmitted to the federal case registry of child support
28 16 orders.

28 17 DIVISION III.

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

28 27 electronically, and confidentiality requirements which conform
28 28 with the federal law.

28 29 DIVISION IV.

28 30 Confidentiality and disclosure. Federal legislation
28 31 enacted August 5, 1997, and November 19, 1997, made several
28 32 changes to the 1996 federal Act regarding who has access to
28 33 federal parent locator service (FPLS) and CSRU confidential
28 34 information and the safeguards which must be in place. These
28 35 changes require amendments to legislation enacted by the
29 1 general assembly in 1997. One of the new federal requirements
29 2 is to notify FPLS if confidential information should be
29 3 protected because there is a protective order or reasonable
29 4 evidence of domestic violence or child abuse. This bill lists
29 5 the criteria used by CSRU to determine if FPLS should be
29 6 notified. The notification is called notification of a
29 7 "disclosure risk indicator". Another federal requirement is
29 8 that CSRU operate a parent locator service to provide
29 9 confidential information to persons authorized under federal
29 10 law to receive the information for specific purposes, subject
29 11 to safeguards. This bill includes a process for an authorized
29 12 person to file a written request for the information with
29 13 CSRU. CSRU will determine if a disclosure risk indicator
29 14 exists and send a notice of the request for information to the
29 15 nonrequesting party. If no protective order or other
29 16 disclosure risk indicator exists, CSRU will release the
29 17 information. Since a court is also an "authorized person"
29 18 under federal law to receive confidential information subject
29 19 to safeguards, this proposal includes a second process for the
29 20 courts. A person may petition a court to begin this process.
29 21 The court will then issue an order to CSRU to disclose the
29 22 confidential information to the court, unless a protective
29 23 order or other disclosure risk indicator exists. CSRU will
29 24 also send a notice of the request for information to the
29 25 nonrequesting party. If CSRU identifies a disclosure risk
29 26 indicator, the unit will notify the court, and the court will
29 27 then make a determination whether disclosure of the
29 28 confidential information would be harmful to the other party
29 29 or child. If the court does not find that further disclosure
29 30 would be harmful, the court will notify CSRU to release the
29 31 information to the court for disclosure to the petitioner.

29 32 DIVISION V.

29 33 Voluntary paternity affidavits and rescissions. Federal
29 34 legislation enacted in August 1997, which included a technical
29 35 amendment to the 1996 federal Act, allows oral information
30 1 about the voluntary paternity affidavit process to be provided
30 2 by video or audio tapes or similar means. This bill also
30 3 includes a technical correction of the time allowed to rescind
30 4 an affidavit. Clarification from the federal office of child
30 5 support enforcement provides an affidavit may be rescinded
30 6 within the earlier of 60 days or the issuance of a court order
30 7 relating to the child.

30 8 DIVISION VI.

30 9 Technical amendments related to enforcement of orders for
30 10 health care coverage. Federal legislation enacted August 5,
30 11 1997, includes several amendments to the federal law which
30 12 controls health care coverage benefits for self-funded Iowa
30 13 employers. This bill amends chapter 252E to conform the
30 14 definition of a "qualified medical child support order"
30 15 (QMCSO) to the new federal definition. It also clarifies that
30 16 CSRU may send a notice of the order to the employer, and is
30 17 not required to send a photocopy of the order. This is
30 18 similar to the income withholding process.

30 19 DIVISION VII.

30 20 Definition of "account". The bill redefines "account" to
30 21 comply with the federal definition.

30 22 DIVISION VIII.

30 23 Passport sanction. The federal Act included a requirement

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

30 34 DIVISION IX.

30 35 Determination of controlling order. In 1997, the Uniform
31 1 Interstate Family Support Act (UIFSA) was enacted in Iowa
31 2 which, in part, provided a "one-order" system to facilitate
31 3 interstate child support enforcement. Under that Act and
31 4 under federal law, sometimes a state has to determine which of
31 5 several orders will be the "controlling order". The bill
31 6 clarifies that if CSRU is administratively modifying a support
31 7 order, and if it is necessary to determine the controlling
31 8 order, the unit can make that determination subject to court
31 9 ratification. This will prevent having to file two separate
31 10 actions: one to determine the controlling order and one to
31 11 file the modification.

31 12 LSB 3200DP 77

31 13 pf/sc/14.1