

MAR 11 1999

HUMAN RESOURCES

HOUSE FILE
BY FALLON

628

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for a deviation from the child support
2 guidelines when both parents are awarded joint physical care,
3 and making a conforming change relating to the amount to be
4 collected by the child support recovery unit.

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

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HF 628

1 Section 1. Section 252C.2, subsection 2, unnumbered
2 paragraph 1, Code 1999, is amended to read as follows:

3 The payment of public assistance to or for the benefit of a
4 dependent child or a dependent child's caretaker creates a
5 support debt due and owing to the department by the
6 responsible person in an amount equal to the public assistance
7 payment, except that the support debt is limited to the amount
8 of a support obligation established by court order or by the
9 administrator. If the support obligation reflects the award
10 of physical care to both the custodial parent and the
11 responsible person, the support debt due and owing to the
12 department shall be apportioned between the responsible person
13 and the custodial parent as provided in the order, and shall
14 be limited to the amount of the combined support obligations
15 of the responsible person and the custodial parent established
16 under the order. The administrator may establish a support
17 debt as to amounts accrued and accruing pursuant to section
18 598.21, subsection 4. However, when establishing a support
19 obligation against a responsible person, no debt shall be
20 created for the period during which the responsible person is
21 a recipient on the person's own behalf of public assistance
22 for the benefit of the dependent child or the dependent
23 child's caretaker, if any of the following conditions exist:
24 a. The parents have reconciled and are cohabiting, and the
25 child for whom support would otherwise be sought is living in
26 the same residence as the parents.
27 b. The child is living with the parent from whom support
28 would otherwise be sought.

29 Sec. 2. Section 598.21, Code 1999, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 4C. If the court awards joint physical
32 care to both parents, the court shall deviate from the uniform
33 child support guidelines and shall enter an order which
34 establishes the support obligation of each parent to reflect
35 the proportionate physical care responsibility of each parent.

EXPLANATION

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This bill provides that the court shall deviate from the child support guidelines if both parents are awarded joint physical care. The child support amount established is to reflect the proportionate physical care responsibility of each parent.

The bill also provides that if the support has been assigned to the state, the amount of the support debt is to be apportioned between the parents to reflect the order, and the support debt owed is limited to the combined support obligation of both the responsible person and the custodial parent and is limited to the amount established by the court.