

House File 773

Bill Text

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1 1 HOUSE FILE 773
1 2
1 3 AN ACT
1 4 RELATING TO CHILD SUPPORT ENFORCEMENT, INCLUDING CHILD SUPPORT
1 5 RECOVERY IN INSTANCES OF GUARDIANSHIPS, INCOME WITHHOLDING,
1 6 AND PAYMENTS TO FINANCIAL INSTITUTIONS FOR RECORD MATCHES.
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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 10 Section 1. Section [234.39](#), Code 1999, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 5. If the department makes a subsidized
1 13 guardianship payment for a child, the payment shall be
1 14 considered a foster care payment for purposes of child support
1 15 recovery. All provisions of this and other sections, and of
1 16 rules and orders adopted or entered pursuant to those
1 17 sections, including for the establishment of a paternity or
1 18 support order, for the amount of a support obligation, for the
1 19 modification or adjustment of a support obligation, for the
1 20 assignment of support, and for enforcement shall apply as if
1 21 the child were receiving foster care services, or were in
1 22 foster care placement, or as if foster care funds were being
1 23 expended for the child. This subsection shall apply
1 24 regardless of the date of placement in foster care or
1 25 subsidized guardianship or the date of entry of an order, and
1 26 foster care and subsidized guardianship shall be considered
1 27 the same for purposes of child support recovery.
1 28 Sec. 2. Section [252D.23](#), Code 1999, is amended to read as
1 29 follows:
1 30 252D.23 FILING OF WITHHOLDING ORDER ORDER EFFECTIVE AS
1 31 DISTRICT COURT ORDER.
1 32 An income withholding order entered by the child support
1 33 recovery unit pursuant to this chapter shall be filed with the
1 34 clerk of the district court. In lieu of any signature on the
1 35 order which may otherwise be required by law or rule, the
2 1 order shall have affixed the name and address of the
2 2 appropriate child support office. For the purposes of
2 3 demonstrating compliance by the payor of income, the copy of
2 4 the withholding order or the notice of the order received,
2 5 whether or not the copy of the order is file-stamped, shall
2 6 have all the force, effect, and attributes of a docketed order
2 7 of the district court including, but not limited to,
2 8 availability of contempt of court proceedings against a payor
2 9 of income for noncompliance. However, any information
2 10 contained in the income withholding order or the notice of the
2 11 order related to the amount of the accruing or accrued support
2 12 obligation which does not reflect the correct amount of
2 13 support due does not modify the underlying support judgment.
2 14 Sec. 3. Section [252I.4](#), subsection 3, Code 1999, is
2 15 amended to read as follows:
2 16 3. The unit may pay a reasonable fee to a financial
2 17 institution for conducting the data match required in
2 18 subsection 2, not to exceed the lower of either one hundred
2 19 fifty dollars for each quarterly data match or the actual
2 20 costs incurred by the financial institution for each quarterly
2 21 data match. However, the unit may also adopt rules pursuant

2 22 to chapter 17A to specify a fee amount for each quarterly data
2 23 match based upon the estimated state share of funds collected
2 24 under this chapter, which, when adopted, shall be applied in
2 25 lieu of the one hundred fifty dollar fee under this
2 26 subsection. In addition, the unit may pay a reasonable fee to
2 27 a financial institution for automation programming development
2 28 performed in order to conduct the data match required in
2 29 subsection 2, not to exceed the lower of either five hundred
2 30 dollars or the actual costs incurred by the financial
2 31 institution. The unit may use the state share of funds
2 32 collected under this chapter to pay the fees to financial
2 33 institutions under this subsection. For state fiscal years
2 34 beginning July 1, 1999, and July 1, 2000, the unit may use up
2 35 to one hundred percent of the state share of such funds. For
3 1 state fiscal years beginning on or after July 1, 2001, the
3 2 unit may use up to fifty percent of the state share of such
3 3 funds. Notwithstanding any other provision of law to the
3 4 contrary, a financial institution shall have until a date
3 5 provided in the agreement in subsection 2 to submit its claim
3 6 for a fee under this subsection. If the unit does not have
3 7 sufficient funds available under this subsection for payment
3 8 of fees under this subsection, the cost may be carried forward
3 9 to a future year. The unit may also use funds from an amount
3 10 assessed a child support agency of another state, as defined
3 11 in section 252H.2, to conduct a data match requested by that
3 12 child support agency as provided in 42 U.S.C. } 666(a)(14) to
3 13 pay fees to financial institutions under this subsection.

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BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

3 25 I hereby certify that this bill originated in the House and
3 26 is known as House File 773, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON
Chief Clerk of the House

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3 32 Approved _____, 1999

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4 1 THOMAS J. VILSACK
4 2 Governor