

JAN 16 2004
HUMAN RESOURCES

HOUSE FILE 2046
BY STRUYK

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

A BILL FOR

1 An Act relating to the recovery of service of process fees from
2 an obligor in nonassistance child support cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2046

1 Section 1. Section 252B.4, subsection 4, Code 2003, is
2 amended to read as follows:

3 4. ~~An~~ Any application fee or service of process fees paid
4 by a recipient of services ~~pursuant to subsection 4~~ may be
5 recovered by the unit from the person responsible for payment
6 of support and, if recovered, shall be used to reimburse the
7 recipient of services.

8 a. The fee fees shall be an automatic judgment against the
9 person responsible to pay support.

10 b. This subsection shall serve as constructive notice that
11 the ~~fee is~~ fees are a debt due and owing, ~~is an~~ are automatic
12 judgment judgments against the person responsible for support,
13 and ~~is~~ are assessed as the ~~fee is~~ fees are paid by a recipient
14 of services. The fee fees may be collected in addition to any
15 support payments or support judgment ordered, and no further
16 notice or hearing is required prior to collecting the fee
17 fees.

18 c. Notwithstanding any provision to the contrary, the unit
19 may collect the fee fees through any legal means by which
20 support payments may be collected, including but not limited
21 to income withholding under chapter 252D or income tax refund
22 offsets, unless prohibited under federal law.

23 d. The unit is not required to file these judgments with
24 the clerk of the district court, but shall maintain an
25 accurate accounting of the fee fees assessed, the amount of
26 the fee fees, and the recovery of the fee fees.

27 e. Support payments collected shall not be applied to the
28 recovery of the fee fees until all other support obligations
29 under the support order being enforced, which have accrued
30 through the end of the current calendar month, have been paid
31 or satisfied in full.

32 f. This subsection applies to application fees that become
33 due on or after July 1, 1992, and to service of process fees
34 that become due on or after July 1, 2004.

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EXPLANATION

1 This bill provides that in addition to recovery of the
2 application fee paid by a recipient of child support services
3 in nonassistance cases from the person responsible for the
4 payment of child support, the fee paid by the recipient for
5 service of process may also be recovered from the person
6 responsible for payment of child support. Nonassistance cases
7 are those cases involving individuals not otherwise eligible
8 for child support recovery unit services as public assistance
9 recipients.

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