

MAR 9 2004
Place On Calendar

HOUSE FILE **2528**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2295)

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

A BILL FOR

1 An Act relating to consideration of a juvenile court order by the
2 district court in a custody proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2528

HOUSE FILE 2528

H-8277

1 Amend House File 2528 as follows:
2 1. Page 1, by striking lines 1 through 16.
By BODDICKER of Cedar

H-8277 FILED MARCH 22, 2004

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1 Section 1. Section 232.4, Code 2003, is amended to read as
2 follows:

3 232.4 JURISDICTION -- SUPPORT OBLIGATION.

4 1. Notwithstanding any other provision of this chapter,
5 and for the purposes of establishing a parental liability
6 obligation for a child under the jurisdiction of the juvenile
7 court, a support obligation shall be established pursuant to
8 section 234.39.

9 2. Notwithstanding any provision of the Code to the
10 contrary, if a support order has been entered under chapter
11 234, 252A, 252C, 252F, 598, or 600B, or any other chapter of
12 the Code, and the juvenile court removes a child from the
13 custody of the custodial parent, the juvenile court may
14 suspend any support payments ordered paid to the custodial
15 parent for the time period that the child is not in the
16 custody of the custodial parent.

17 Sec. 2. Section 598.21, subsection 8, Code Supplement
18 2003, is amended by adding the following new paragraph:

19 NEW PARAGRAPH. jj. Entry of a dispositional order in
20 juvenile court pursuant to chapter 232 placing custody or
21 physical care of a child with a party who is obligated to pay
22 support for a child.

23 EXPLANATION

24 This bill relates to juvenile court jurisdiction over child
25 support orders.

26 If a child support order has been entered pursuant to Code
27 chapter 252A, 252C, 252F, 598, or 600B, the bill provides that
28 the juvenile court may suspend support payments to be paid
29 pursuant to such an order if the juvenile court removes the
30 child from the custody of the custodial parent.

31 The bill allows the district court to consider a juvenile
32 court custody order pursuant to Code chapter 232 when
33 modifying custody or support orders pursuant to Code chapter
34 598.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2528 - Child Custody Orders, Authority (LSB 5260 HV)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 2528 relates to the consideration of a Juvenile Court order by the District Court in a custody proceeding. House File 2528 allows Juvenile Court authority to suspend child support payments if the Juvenile Court removes the child from custody of the custodial parent, and child support payments could be suspended for the time the child is not in custody.

Assumptions

1. House File 2528 may result in additional hearings for child support custody, but there is insufficient information to determine the number of hearings. This Bill will also impose additional duties on the Clerks of Court for providing notices and filing orders. This additional cost per case is estimated to range from \$50 to \$200.
2. House File 2528 could result in the loss of federal funding and incentives if the federal Office of Child Support Enforcement determines Iowa's State Plan no longer conforms to Title IV-D requirements of the Social Security Act. This includes a 90.0% federal match on paternity testing, a 66.0% federal match on other expenditures, and performance incentive payments. The approximate loss of Title IV-D funding is \$34.0 million annually. The federal Temporary Assistance to Needy Families (TANF) block grant funding is also contingent on the approval of Iowa's State Plan.
3. There are approximately 166,000 children under the age of 18 who currently receive child support payments and services from the Child Support Recovery Unit in the Department of Human Services. The number of children who may be removed from custodial parents and for whom the Juvenile Court would suspend support under this Bill is unknown.
4. Federal law prohibits retroactive modification of child support. Iowa law includes that prohibition under Section 598.21(8), Code of Iowa. House File 2528 notwithstanding this prohibition. If Juvenile Courts retroactively eliminate support due on existing cases on July 1, 2004, it will conflict with federal law (42 USC 666(a)(9)).

Fiscal Impact

The fiscal impact for HF 2528 cannot be determined.

State General Fund

The cost to the Judicial Branch would be an additional \$50 to \$200 per case, however, the number of cases is unknown. Therefore, the total cost of HF 2528 cannot be determined.

Federal Funds

House File 2528 may result in a loss of Title IV-D federal funds totaling approximately \$34.0 million annually.

Local Government Funding

House File 2528 may increase the amount of notices served by county sheriffs and may result in the discontinuation of county contracts with county attorneys for Juvenile Court proceedings. The impact on local governments cannot be determined due to insufficient information.

Sources

Judicial Branch
Department of Human Services

Dennis C Prouty

March 22, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

(SUCCESSOR TO HF 2295)

(As Amended and Passed by the House March 23, 2004)

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

A BILL FOR

1 An Act relating to consideration of a juvenile court order by the
2 district court in a custody proceeding.

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

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Deleted Language *

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* 1 Section 1. Section 598.21, subsection 8, Code Supplement
2 2003, is amended by adding the following new paragraph:
3 NEW PARAGRAPH. jj. Entry of a dispositional order in
4 juvenile court pursuant to chapter 232 placing custody or
5 physical care of a child with a party who is obligated to pay
6 support for a child.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2528 - Child Custody Orders, Authority (LSB 5260 HV.1)
Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)
Fiscal Note Version – As Amended and Passed by the House

Description

House File 2528, as amended and passed by the House, relates to a Juvenile Court order by the District Court in a custody proceeding. The amendment removed language that allowed Juvenile Court authority to suspend child support payments if the Juvenile Court removed the child from custody of the custodial parent. Child support payments could be suspended for the time the child is not in the custody of the custodial parent.

Assumptions

1. Will have a minimal impact on the Clerk of Court.
2. Removed the provision allowing child custody support payments to be suspended in Juvenile Court.
3. Federal funding would not be reduced by \$34.0 million annually.

Fiscal Impact

The General Fund fiscal impact for HF 2528, as amended and passed by the House, is expected to be minimal.

Federal funding would not be reduced by \$34.0 million annually under HF 2528 as amended and passed by the House.

House File 2528, as amended and passed by the House, is not expected to have any fiscal impact on local governments.

Sources

Judicial Branch
Department of Human Services

Dennis C Prouty

March 30, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

physical care of a child with a party who is obligated to pay support for a child.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

HOUSE FILE 2528

AN ACT

RELATING TO CONSIDERATION OF A JUVENILE COURT ORDER BY THE DISTRICT COURT IN A CUSTODY PROCEEDING.

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

Section 1. Section 598.21, subsection 8, Code Supplement 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. jj. Entry of a dispositional order in juvenile court pursuant to chapter 232 placing custody or

I hereby certify that this bill originated in the House and is known as House File 2528, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor