

MAR 1 2005

Place On Calendar

HOUSE FILE 477

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 105)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to child support recovery and nullifying related
2 administrative rules.

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

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HF 477

1 Section 1. NEW SECTION. 252B.25 CONTEMPT -- COMBINING
2 ACTIONS.

3 Notwithstanding any provision of law to the contrary, if an
4 obligor has been ordered to provide support in more than one
5 order, the unit may bring a single action for contempt to
6 enforce the multiple orders. The unit shall file the action
7 in the district court of a county where at least one of the
8 support orders was entered or registered. For the purposes of
9 this section, the district court where the unit files the
10 action shall have jurisdiction and authority over all other
11 support orders for the obligor entered or registered by a
12 court of this state and affected under this section.

13 Sec. 2. NEW SECTION. 252B.26 SERVICE OF PROCESS.

14 Notwithstanding any provision of law to the contrary, the
15 unit may serve a petition, notice, or rule to show cause under
16 chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified
17 in each chapter, or by certified mail. Return acknowledgement
18 is required to prove service by certified mail, rules of civil
19 procedure 1.303(5) and 1.308(5) shall not apply, and the
20 return acknowledgment shall be filed with the clerk of court.

21 Sec. 3. Section 252D.3, Code 2005, is amended to read as
22 follows:

23 252D.3 NOTICE OF INCOME WITHHOLDING.

24 All orders for support entered on or after July 1, 1984,
25 shall notify the person ordered to pay support of the
26 mandatory withholding of income required under section 252D.1.
27 ~~However, for orders for support entered before July 1, 1984,~~
28 ~~the clerk of the district court, the child support recovery~~
29 ~~unit, or the person entitled by the order to receive the~~
30 ~~support payments, shall notify each person ordered to pay~~
31 ~~support under such orders of the mandatory withholding of~~
32 ~~income required under section 252D.1. The notice shall be~~
33 ~~sent by certified mail to the person's last known address or~~
34 ~~the person shall be personally served with the notice in the~~
35 ~~manner provided for service of an original notice at least~~

1 ~~fifteen-days-prior-to-the-ordering-of-income-withholding-under~~
2 ~~section-252D-1.--A-person-ordered-to-pay-support-may-waive-the~~
3 ~~right-to-receive-the-notice-at-any-time.~~ However, this
4 subchapter is sufficient notice of implementation of mandatory
5 withholding of income under section 252D.1 without any further
6 notice.

7 Sec. 4. Section 252D.10, Code 2005, is amended to read as
8 follows:

9 252D.10 NOTICE OF IMMEDIATE INCOME WITHHOLDING.

10 ~~The-notice-requirements-of-section-252D-3-do-not-apply-to~~
11 ~~this-subchapter.~~ An order for support entered after November
12 1, 1990, shall contain the notice of immediate income
13 withholding. However, this subchapter is sufficient notice
14 for implementation of immediate income withholding without any
15 further notice.

16 Sec. 5. Section 252D.16, subsection 1, paragraph b, Code
17 2005, is amended to read as follows:

18 b. A sole payment or lump sum as provided in section
19 252D.18C, including but not limited to payment from an estate
20 including inheritance, or payment for personal injury or
21 property damage.

22 Sec. 6. Section 252D.24, subsection 2, Code 2005, is
23 amended by striking the subsection.

24 Sec. 7. Section 252I.3, Code 2005, is amended to read as
25 follows:

26 252I.3 INITIAL NOTICE TO OBLIGOR.

27 ~~The-unit-may-proceed-under-this-chapter-only-if-notice-has~~
28 ~~been-provided-to-the-obligor-in-one-of-the-following-manners:~~

29 ~~1.--The-obligor-is-provided-notice-of-the-provisions-of~~
30 ~~this-chapter-in-the-court-order-establishing-the-support~~
31 ~~obligation.~~ The unit or district court may include language
32 in any new or modified support order issued on or after July
33 1, 1994, notifying the obligor that the obligor is subject to
34 the provisions of this chapter. However, this chapter is
35 sufficient notice for implementation of administrative levy

1 provisions without further notice of the provisions of this
2 chapter.

3 ~~2.--The unit may send a notice by regular mail to the last~~
4 ~~known address of the obligor, notifying the obligor that the~~
5 ~~obligor is subject to the provisions of this chapter, with~~
6 ~~proof of service completed according to rule of civil~~
7 ~~procedure 1-442.~~

8 Sec. 8. Section 252I.5, subsection 1, Code 2005, is
9 amended to read as follows:

10 1. If an obligor is subject to this chapter under section
11 252I.2, the unit may initiate an administrative action to levy
12 against the accounts of the obligor. ~~If notice has previously~~
13 ~~been provided pursuant to section 252I.3, further notice is~~
14 ~~not required.~~

15 Sec. 9. Section 252J.3, unnumbered paragraph 1, Code 2005,
16 is amended to read as follows:

17 The unit shall proceed in accordance with this chapter only
18 if the unit sends a notice is served on to the individual in
19 ~~accordance with rule of civil procedure 1-305 or notice is~~
20 ~~sent by certified mail addressed to the individual's last~~
21 ~~known address and served upon any person who may accept~~
22 ~~service under rule of civil procedure 1-305.--Return~~
23 ~~acknowledgment is required to prove service by certified by~~
24 regular mail to the last known address of the individual. The
25 notice shall include all of the following:

26 Sec. 10. Section 252J.3, subsections 4 and 5, Code 2005,
27 are amended to read as follows:

28 4. A statement that if, within twenty days of **service**
29 mailing of the notice on to the individual, the individual
30 fails to contact the unit to schedule a conference, the unit
31 shall issue a certificate of noncompliance, bearing the
32 individual's name, social security number and unit case
33 number, to any appropriate licensing authority, certifying
34 that the obligor is not in compliance with a support order or
35 an individual has not complied with a subpoena or warrant.

1 5. A statement that in order to stay the issuance of a
2 certificate of noncompliance the request for a conference
3 shall be in writing and shall be received by the unit within
4 twenty days of service mailing of the notice on to the
5 individual.

6 Sec. 11. Section 252J.4, subsections 1, 2, and 6, Code
7 2005, are amended to read as follows:

8 1. The individual may schedule a conference with the unit
9 following service mailing of the notice pursuant to section
10 252J.3, or at any time after service of notice of suspension,
11 revocation, denial of issuance, or nonrenewal of a license
12 from a licensing authority, to challenge the unit's actions
13 under this chapter.

14 2. The request for a conference shall be made to the unit,
15 in writing, and, if requested after service mailing of a the
16 notice pursuant to section 252J.3, shall be received by the
17 unit within twenty days following service mailing of the
18 notice.

19 6. If the individual does not timely request a conference
20 or does not comply with a subpoena or warrant or if the
21 obligor does not pay the total amount of delinquent support
22 owed within twenty days of service mailing of the notice
23 pursuant to section 252J.3, the unit shall issue a certificate
24 of noncompliance.

25 Sec. 12. Section 252J.6, subsection 1, unnumbered
26 paragraph 1, Code 2005, is amended to read as follows:

27 If an obligor is not in compliance with a support order or
28 the individual is not in compliance with a subpoena or warrant
29 pursuant to section 252J.2, the unit notifies mails a notice
30 to the individual pursuant to section 252J.3, and the
31 individual requests a conference pursuant to section 252J.4,
32 the unit shall issue a written decision if any of the
33 following conditions exists:

34 Sec. 13. Section 600.16A, subsection 5, Code 2005, is
35 amended to read as follows:

1 5. Notwithstanding subsection 2, a termination of parental
2 rights order issued pursuant to this chapter, section 600A.9
3 may, or any other chapter shall be disclosed to the child
4 support recovery unit, upon request, without court order.

5 Sec. 14. NULLIFICATION OF RULES. The following rules are
6 nullified:

- 7 1. 441 IAC 98.22.
- 8 2. 441 IAC 98.23.
- 9 3. 441 IAC 98.33.
- 10 4. 441 IAC 98.92.

11 EXPLANATION

12 This bill relates to child support provisions.

13 The bill adds new Code section 252B.25, which provides that
14 notwithstanding any provision of law to the contrary, if an
15 obligor has been ordered to provide support in more than one
16 order and has not complied with more than one order, the child
17 support recovery unit may bring a single action for contempt
18 to enforce these multiple orders. The action for contempt is
19 to be filed in the district court in a county where at least
20 one of the support orders was entered or registered. The bill
21 provides that the district court where the unit files the
22 action has jurisdiction and authority over all other support
23 orders for the obligor entered or registered by a court of the
24 state and affected under the new provision.

25 The bill also adds new Code section 252B.26, authorizing
26 the unit, notwithstanding any provision of law to the
27 contrary, to serve a petition, notice, or rule to show cause
28 as provided in each chapter specified (Code chapter 252A,
29 252C, 252F, 252H, 252K, 598, or 665), or by certified mail.
30 The bill requires return acknowledgement to prove service by
31 certified mail. The bill provides that rule of civil
32 procedure 1.303(5) relating to the time limit for a party
33 served by mail to file a motion or answer and rule of civil
34 procedure 1.308(5) requiring proof of mailing to be by
35 affidavit and a duplicate copy of the papers referred to in

1 the affidavit to be filed with the court do not apply. The
2 bill also provides that the return acknowledgment to prove
3 service by certified mail is to be filed with the clerk of
4 court.

5 The provisions in the bill amending Code sections 252D.3
6 and 252D.24, subsection 2, provide for the elimination of one
7 of the notices regarding income withholding that are currently
8 sent to the obligor. The notice eliminated is the notice
9 which is sent by certified mail to the obligor after a child
10 support order is entered and before an income withholding
11 order is entered. The federal law requiring prior notice of
12 income withholding was repealed. The conforming provisions
13 nullifying 441 IAC 98.22, 441 IAC 98.23, and 441 IAC 98.33
14 eliminate this notice requirement in the rules for mandatory
15 and immediate income withholding and also eliminate the
16 requirement that a file-stamped copy of the order be
17 maintained in the clerk of court's and the unit's files. The
18 rules provision regarding the filing of the income withholding
19 order with the clerk of court which is eliminated by such
20 nullification is maintained in Code section 252D.23.

21 The provision in the bill amending Code section 252D.16,
22 subsection 1, specifies that, for the purpose of attachment to
23 pay support, "income" and specifically lump sum payments,
24 include payment from an estate including inheritance, or
25 payment for personal injury or property damage.

26 The provisions in the bill amending Code sections 252I.3
27 and 252I.5, and the provision nullifying 441 IAC 98.92,
28 eliminate one of the notices to obligors regarding
29 administrative levy of an account at a financial institution.

30 The provisions amending Code sections 252J.3, 252J.4, and
31 252J.6 require the unit to send a notice of potential license
32 sanction to an obligor by regular mail instead of serving the
33 obligor by certified mail.

34 The bill amends Code section 600.16A to require that a
35 termination of parental rights order issued pursuant to any

1 Code chapter be disclosed to the child support recovery unit,
2 upon request, without a court order. Current law specifies
3 that an order issued under Code section 600A.9 or Code chapter
4 232 as provided pursuant to Code section 232.147, by the
5 juvenile court, may be disclosed to the unit, but does not
6 specify that an order issued under Code chapter 600 or any
7 other chapter may also be disclosed to the unit.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 477 - Child Support (LSB 1057 HV)

Analyst: Jennifer Vermeer (Phone: (515) 281-4611) (jennifer.vermeer@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 477 amends various provisions related to child support recoveries. The provisions streamline operations of the Child Support Recovery Unit by reducing the number of notices sent to obligors, allowing the use of certified mail, and allowing the use of a single action against an obligor who has not complied with multiple orders.

Assumptions

1. There will be increased administrative costs to implement the requirements of the Bill of \$16,000 in FY 2006.
2. There will be a savings in office supplies and postage costs of \$48,000 in FY 2006 and \$64,000 in FY 2007.
3. There will be a savings in the costs for process servers of \$35,000 in FY 2006 and \$111,000 in FY 2007.
4. There will be a decrease in requests to Sheriffs to serve notices.
5. Clerks of Court will experience a decline in the number of transactions from the Child Support Recovery Unit

Fiscal Impact

The estimated fiscal impact is a net savings of \$67,000 State funds in FY 2006 and \$111,000 in FY 2007.

Source

Department of Human Services

/s/ Holly M. Lyons

March 7, 2005

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.

*Shanzou
Lukan
Berry*

Succeeded By: **HSB 105**
0477 HUMAN RESOURCES

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

A BILL FOR

1 An Act relating to child support recovery and nullifying related
2 administrative rules.

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

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1 Section 1. NEW SECTION. 252B.25 CONTEMPT -- COMBINING
2 ACTIONS.

3 Notwithstanding any provision of law to the contrary, if an
4 obligor has been ordered to provide support in more than one
5 order, the unit may bring a single action for contempt to
6 enforce the multiple orders. The unit shall file the action
7 in the district court of a county where at least one of the
8 support orders was entered or registered. For the purposes of
9 this section, the district court where the unit files the
10 action shall have jurisdiction and authority over all other
11 support orders for the obligor entered or registered by a
12 court of this state and affected under this section.

13 Sec. 2. NEW SECTION. 252B.26 SERVICE OF PROCESS.

14 Notwithstanding any provision of law to the contrary, the
15 unit may serve a petition, notice, or rule to show cause under
16 chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified
17 in each chapter, or by certified mail. Return acknowledgement
18 is required to prove service by certified mail, rules of civil
19 procedure 1.303(5) and 1.308(5) shall not apply, and the
20 return acknowledgment shall be filed with the clerk of court.

21 Sec. 3. Section 252D.3, Code 2005, is amended to read as
22 follows:

23 252D.3 NOTICE OF INCOME WITHHOLDING.

24 All orders for support entered on or after July 1, 1984,
25 shall notify the person ordered to pay support of the
26 mandatory withholding of income required under section 252D.1.

27 ~~However, for orders for support entered before July 1, 1984,~~
28 ~~the clerk of the district court, the child support recovery~~
29 ~~unit, or the person entitled by the order to receive the~~
30 ~~support payments, shall notify each person ordered to pay~~
31 ~~support under such orders of the mandatory withholding of~~
32 ~~income required under section 252D.1. The notice shall be~~
33 ~~sent by certified mail to the person's last known address or~~
34 ~~the person shall be personally served with the notice in the~~
35 ~~manner provided for service of an original notice at least~~

1 ~~fifteen days prior to the ordering of income withholding under~~
2 ~~section 252D.1.---A person ordered to pay support may waive the~~
3 ~~right to receive the notice at any time. However, this~~
4 subchapter is sufficient notice of implementation of mandatory
5 withholding of income under section 252D.1 without any further
6 notice.

7 Sec. 4. Section 252D.10, Code 2005, is amended to read as
8 follows:

9 252D.10 NOTICE OF IMMEDIATE INCOME WITHHOLDING.

10 ~~The notice requirements of section 252D.3 do not apply to~~
11 ~~this subchapter.~~ An order for support entered after November
12 1, 1990, shall contain the notice of immediate income
13 withholding. However, this subchapter is sufficient notice
14 for implementation of immediate income withholding without any
15 further notice.

16 Sec. 5. Section 252D.16, subsection 1, paragraph b, Code
17 2005, is amended to read as follows:

18 b. A sole payment or lump sum as provided in section
19 252D.18C, including but not limited to payment from an estate
20 including inheritance, or payment for personal injury or
21 property damage.

22 Sec. 6. Section 252D.24, subsection 2, Code 2005, is
23 amended by striking the subsection.

24 Sec. 7. Section 252I.3, Code 2005, is amended to read as
25 follows:

26 252I.3 INITIAL NOTICE TO OBLIGOR.

27 ~~The unit may proceed under this chapter only if notice has~~
28 ~~been provided to the obligor in one of the following manners:~~

29 ~~1.---The obligor is provided notice of the provisions of~~
30 ~~this chapter in the court order establishing the support~~
31 ~~obligation.~~ The unit or district court may include language
32 in any new or modified support order issued on or after July
33 1, 1994, notifying the obligor that the obligor is subject to
34 the provisions of this chapter. However, this chapter is
35 sufficient notice for implementation of administrative levy

1 provisions without further notice of the provisions of this
2 chapter.

3 ~~2.--The unit may send a notice by regular mail to the last~~
4 ~~known address of the obligor, notifying the obligor that the~~
5 ~~obligor is subject to the provisions of this chapter, with~~
6 ~~proof of service completed according to rule of civil~~
7 ~~procedure 1:442.~~

8 Sec. 8. Section 252I.5, subsection 1, Code 2005, is
9 amended to read as follows:

10 1. If an obligor is subject to this chapter under section
11 252I.2, the unit may initiate an administrative action to levy
12 against the accounts of the obligor. ~~if notice has previously~~
13 ~~been provided pursuant to section 252I.3, further notice is~~
14 ~~not required.~~

15 Sec. 9. Section 252J.3, unnumbered paragraph 1, Code 2005,
16 is amended to read as follows:

17 The unit shall proceed in accordance with this chapter only
18 if the unit sends a notice is served on to the individual in
19 ~~accordance with rule of civil procedure 1:305 or notice is~~
20 ~~sent by certified mail addressed to the individual's last~~
21 ~~known address and served upon any person who may accept~~
22 ~~service under rule of civil procedure 1:305.--Return~~
23 ~~acknowledgment is required to prove service by certified by~~
24 regular mail to the last known address of the individual. The
25 notice shall include all of the following:

26 Sec. 10. Section 252J.3, subsections 4 and 5, Code 2005,
27 are amended to read as follows:

28 4. A statement that if, within twenty days of service
29 mailing of the notice on to the individual, the individual
30 fails to contact the unit to schedule a conference, the unit
31 shall issue a certificate of noncompliance, bearing the
32 individual's name, social security number and unit case
33 number, to any appropriate licensing authority, certifying
34 that the obligor is not in compliance with a support order or
35 an individual has not complied with a subpoena or warrant.

1 5. A statement that in order to stay the issuance of a
2 certificate of noncompliance the request for a conference
3 shall be in writing and shall be received by the unit within
4 twenty days of service mailing of the notice on to the
5 individual.

6 Sec. 11. Section 252J.4, subsections 1, 2, and 6, Code
7 2005, are amended to read as follows:

8 1. The individual may schedule a conference with the unit
9 following service mailing of the notice pursuant to section
10 252J.3, or at any time after service of notice of suspension,
11 revocation, denial of issuance, or nonrenewal of a license
12 from a licensing authority, to challenge the unit's actions
13 under this chapter.

14 2. The request for a conference shall be made to the unit,
15 in writing, and, if requested after service mailing of a the
16 notice pursuant to section 252J.3, shall be received by the
17 unit within twenty days following service mailing of the
18 notice.

19 6. If the individual does not timely request a conference
20 or does not comply with a subpoena or warrant or if the
21 obligor does not pay the total amount of delinquent support
22 owed within twenty days of service mailing of the notice
23 pursuant to section 252J.3, the unit shall issue a certificate
24 of noncompliance.

25 Sec. 12. Section 252J.6, subsection 1, unnumbered
26 paragraph 1, Code 2005, is amended to read as follows:

27 If an obligor is not in compliance with a support order or
28 the individual is not in compliance with a subpoena or warrant
29 pursuant to section 252J.2, the unit notifies mails a notice
30 to the individual pursuant to section 252J.3, and the
31 individual requests a conference pursuant to section 252J.4,
32 the unit shall issue a written decision if any of the
33 following conditions exists:

34 Sec. 13. Section 600.16A, subsection 5, Code 2005, is
35 amended to read as follows:

1 5. Notwithstanding subsection 2, a termination of parental
2 rights order issued pursuant to this chapter, section 600A.9
3 may, or any other chapter shall be disclosed to the child
4 support recovery unit, upon request, without court order.

5 Sec. 14. NULLIFICATION OF RULES. The following rules are
6 nullified:

- 7 1. 441 IAC 98.22.
- 8 2. 441 IAC 98.23.
- 9 3. 441 IAC 98.33.
- 10 4. 441 IAC 98.92.

11 EXPLANATION

12 This bill relates to child support provisions.

13 The bill adds new Code section 252B.25, which provides that
14 notwithstanding any provision of law to the contrary, if an
15 obligor has been ordered to provide support in more than one
16 order and has not complied with more than one order, the child
17 support recovery unit may bring a single action for contempt
18 to enforce these multiple orders. The action for contempt is
19 to be filed in the district court in a county where at least
20 one of the support orders was entered or registered. The bill
21 provides that the district court where the unit files the
22 action has jurisdiction and authority over all other support
23 orders for the obligor entered or registered by a court of the
24 state and affected under the new provision.

25 The bill also adds new Code section 252B.26, authorizing
26 the unit, notwithstanding any provision of law to the
27 contrary, to serve a petition, notice, or rule to show cause
28 as provided in each chapter specified (Code chapter 252A,
29 252C, 252F, 252H, 252K, 598, or 665), or by certified mail.
30 The bill requires return acknowledgement to prove service by
31 certified mail. The bill provides that rule of civil
32 procedure 1.303(5) relating to the time limit for a party
33 served by mail to file a motion or answer and rule of civil
34 procedure 1.308(5) requiring proof of mailing to be by
35 affidavit and a duplicate copy of the papers referred to in

1 the affidavit to be filed with the court do not apply. The
2 bill also provides that the return acknowledgment to prove
3 service by certified mail is to be filed with the clerk of
4 court.

5 The provisions in the bill amending Code sections 252D.3
6 and 252D.24, subsection 2, provide for the elimination of one
7 of the notices regarding income withholding that are currently
8 sent to the obligor. The notice eliminated is the notice
9 which is sent by certified mail to the obligor after a child
10 support order is entered and before an income withholding
11 order is entered. The federal law requiring prior notice of
12 income withholding was repealed. The conforming provisions
13 nullifying 441 IAC 98.22, 441 IAC 98.23, and 441 IAC 98.33
14 eliminate this notice requirement in the rules for mandatory
15 and immediate income withholding and also eliminate the
16 requirement that a file-stamped copy of the order be
17 maintained in the clerk of court's and the unit's files. The
18 rules provision regarding the filing of the income withholding
19 order with the clerk of court which is eliminated by such
20 nullification is maintained in Code section 252D.23.

21 The provision in the bill amending Code section 252D.16,
22 subsection 1, specifies that, for the purpose of attachment to
23 pay support, "income" and specifically lump sum payments,
24 include payment from an estate including inheritance, or
25 payment for personal injury or property damage.

26 The provisions in the bill amending Code sections 252I.3
27 and 252I.5, and the provision nullifying 441 IAC 98.92,
28 eliminate one of the notices to obligors regarding
29 administrative levy of an account at a financial institution.

30 The provisions amending Code sections 252J.3, 252J.4, and
31 252J.6 require the unit to send a notice of potential license
32 sanction to an obligor by regular mail instead of serving the
33 obligor by certified mail.

34 The bill amends Code section 600.16A to require that a
35 termination of parental rights order issued pursuant to any

1 Code chapter be disclosed to the child support recovery unit,
2 upon request, without a court order. Current law specifies
3 that an order issued under Code section 600A.9 or Code chapter
4 232 as provided pursuant to Code section 232.147, by the
5 juvenile court, may be disclosed to the unit, but does not
6 specify that an order issued under Code chapter 600 or any
7 other chapter may also be disclosed to the unit.

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STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

TO: Members of the General Assembly

FROM: Kate Walton, Legislative Liaison

DATE: January 18, 2005

The Iowa Department of Human Services (DHS) is proposing to make cost savings adjustments in the child support program and to clarify current law to be consistent with federal requirements.

- Sec. 1 amends Chapter 252B to add a section which would allow the Child Support Recovery Unit (CSRU) to file one contempt of court action for all of a parent's delinquent child support orders and allow one judge to hear the contempt request regardless of how many different counties the support orders have been filed in.
- Sec. 2 amends Chapter 252B to change the process for notifying a parent of legal action to obtain, modify or register a court order, or to begin a contempt action. The change would allow CSRU to serve the initial papers by certified mail and require a return acknowledgement rather than delivery by a sheriff or private process server. If a return acknowledgement is not received CSRU would still have a sheriff or process server deliver the papers.
- Secs. 3, 4 and 6 amend Chapter 252D to eliminate one of the notices sent to an obligor regarding income withholding. This is the notice currently sent after the court order and before the income withholding order is entered. Federal law in this area was repealed. The obligor would still be sent the support order, the income withholding order and a copy of the form sent to each employer. Sec. 14 nullifies administrative rules referring to this notice. Sec. 14 also nullifies a rule which requires CSRU to maintain a duplicate copy of an income withholding order with the clerk of court's file stamp. The clerk of court still retains the original.
- Sec. 5 amends Code section 252D.16 to clarify that a portion of a lump sum payment, such as payment for property damage, personal injury or inheritance may be attached by income withholding to pay court ordered child support. Currently CSRU uses the court's garnishment procedures. Federal law requires administrative procedures also be available to attach lump sum judgments and settlements.
- Secs. 7 and 8 amend sections 252I.3 and 252I.5 to eliminate one of the notices CSRU currently sends to obligors regarding an administrative levy of an account at a financial institution. The obligor will still be sent a notice when a financial institution has been told to attach a portion of the funds in an account, along with instructions on how to contest a levy. Sec. 14(4) nullifies the administrative rule which refers to this notice.
- Secs. 9 – 12 amend Chapter 252J to require CSRU to send a notice of potential license sanction to an obligor by regular mail instead of serving by certified mail, a sheriff or private process server. CSRU will continue to also notify the obligor if it refers the name to a licensing agency, and the licensing agency will send a third notice to the obligor.
- Sec. 13 amends code section 600.16A to clarify that the clerk of court or clerk of the juvenile court shall release to the CSRU a copy of a court order terminating parental rights. This change clarifies the statute to comply with a federal mandate.

If you have any questions or concerns, you may contact me at 281-4387 or at kw Walton@dhs.state.ia.us.