

MAR 2 2005
Place On Calendar

HOUSE FILE 531
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 97)

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

A BILL FOR

1 An Act relating to the suspension of a child support obligation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 531

1 Section 1. Section 252B.20, subsection 1, paragraphs a, c,
2 and d, Code 2005, are amended to read as follows:

3 a. The parents have reconciled and are cohabiting, and the
4 child for whom support is ordered is living in the same
5 residence as the parents, or the child is currently residing
6 with the parent who is ordered to pay support. If the basis
7 for suspension under this paragraph applies to at least one
8 but not all of the children for whom support is ordered, the
9 condition of this paragraph is met only if the support order
10 includes a step change.

11 c. The parents have signed a notarized affidavit attesting
12 to the conditions under paragraphs "a" and "b", have consented
13 to suspension of the support order or obligation, and have
14 submitted the affidavit to the unit.

15 d. No prior request for suspension has been filed with the
16 unit during the two-year period preceding the request, unless
17 the request was filed during the two-year period preceding
18 July 1, 2005, the unit denied the request because the
19 suspension did not apply to all children for whom support is
20 ordered, and the parents jointly file a request on or after
21 July 1, 2005.

22 Sec. 2. Section 252B.20, subsection 2, paragraph b, Code
23 2005, is amended to read as follows:

24 b. Approve the request and prepare an order which shall be
25 submitted, along with the affidavit, to a judge of a district
26 court for approval, suspending the accruing support obligation
27 and, if requested by the obligee, and if not prohibited by
28 chapter 252K, satisfying the obligation of support due the
29 obligee. If the basis for suspension applies to at least one
30 but not all of the children for whom support is ordered and
31 the support order includes a step change, the unit shall
32 prepare an order suspending the accruing support obligation
33 for each child to whom the basis for suspension applies.

34 Sec. 3. Section 252B.20, subsection 5, unnumbered
35 paragraph 1, Code 2005, is amended to read as follows:

1 During the six-month period the unit may request that the
2 court reinstate the accruing support order or obligation if
3 any of the following conditions exist:

4 Sec. 4. Section 252B.20, Code 2005, is amended by adding
5 the following new subsections:

6 NEW SUBSECTION. 5A. If a condition under subsection 5
7 exists, the unit may request that the court reinstate an
8 accruing support obligation as follows:

9 a. If the basis for the suspension no longer applies to
10 any of the children for whom an accruing support obligation
11 was suspended, the unit shall request that the court reinstate
12 the accruing support obligations for all of the children.

13 b. If the basis for the suspension continues to apply to
14 at least one but not all of the children for whom an accruing
15 support obligation was suspended and if the support order
16 includes a step change, the unit shall request that the court
17 reinstate the accruing support obligation for each child for
18 whom the basis for the suspension no longer applies.

19 NEW SUBSECTION. 12. For the purposes of chapter 252H
20 regarding the criteria for a review under subchapter II of
21 that chapter or for a cost-of-living alteration under
22 subchapter IV of that chapter, if a support obligation is
23 terminated or reinstated under this section, such termination
24 or reinstatement shall not be considered a modification of the
25 support order.

26 NEW SUBSECTION. 13. As used in this section, unless the
27 context otherwise requires, "step change" means a change
28 designated in a support order specifying the amount of the
29 child support obligation as the number of children entitled to
30 support under the order changes.

31 EXPLANATION

32 This bill provides for the suspension of a support
33 obligation when fewer than all of the children for whom
34 support is ordered are living in the same residence as both
35 the parents or when fewer than all of the children for whom

1 support is ordered are currently residing with the parent who
2 is ordered to pay support, if the parents agree and the child
3 support order already specifies what the child support
4 obligation would be if the number of children entitled to
5 support under the order changes. The bill also allows for
6 reinstatement of the support obligation under specified
7 circumstances. The bill provides that under the review and
8 adjustment and cost-of-living alteration provisions of Code
9 chapter 252H, if a support obligation is terminated or
10 reinstated under the suspension provisions, the termination or
11 reinstatement is not considered a modification of the support
12 order.

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Lukan
Granzow
Berry

Succeeded by
SF 0531

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

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

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9 condition of this paragraph is met only if the support order
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12 to the conditions under paragraphs "a" and "b", have consented
13 to suspension of the support order or obligation, and have
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ASB 97

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 7, 2005

The Iowa Department of Human Services (DHS) is proposing legislation which would amend section 252B.20 for the suspension of child support obligations.

Over ten years ago the Iowa Legislature, acknowledging that sometimes divorced or separated parents have their children move from one parent to the other, gave the Child Support Recovery Unit (the Unit) authority to help parents suspend and terminate their child support orders when they agree this has happened. In this bill, the Unit is asking the Legislature to approve an extension of this service to parents who have agreed only some of the children have moved, as long as the court's child support order already tells the parents how much lower the child support will be.

Currently, if both parents agree, section 252B.20 allows the Unit to help parents suspend and terminate child support orders for children who have gone to live with the other parent. Department rules now require that all the children must have gone to live with the parent who was ordered to pay support for the Unit to assist with the termination. The proposed amendment would require the Unit to also help parents terminate support when fewer than all the children have gone to live with the parent ordered to pay support. The Unit could help as long as the parents agree and the child support order already states what the lower support amount will be for that parent to pay for fewer children. In addition, the amendment would allow reinstatement of support if the children move back with the custodial parent.

In 252B.20, the Legislature authorized the Unit to use a streamlined court process to help these parents when they both agree. The same efficient, streamlined process can be used under this expansion because the parents will not have to provide and document financial information, and the Unit will not have to apply the Supreme Court's guidelines, recalculate the amount of child support, notify the parents of the new calculation, and delay during a waiting period for an objection to the new calculation.

Although federal law allows the Unit to help parents modify an order to terminate child support if a child moves, it is not a federally mandated service. Proposing an amendment to the statutes rather than to the rules, gives the Legislature the opportunity to provide input on the Unit expanding its state-mandated services.

As a final point of explanation, when a child moves, the Unit already assists the parent who formerly paid support obtain an order for child support from the other parent if the child is on public assistance, or if the parent applies for the Unit's services. Therefore, the statute does not need to be changed to provide this service.

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

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