

House Study Bill 69

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

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

A BILL FOR

1 An Act relating to family law provisions including dissolution of
2 marriage and domestic relations, termination of parental
3 rights proceedings, and postsecondary education subsidy
4 provisions, providing an effective date, and providing for
5 retroactive applicability.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1075HC 81
8 pf/sh/8

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1 1 Section 1. Section 234.39, subsections 1 and 2, Code 2005,
1 2 are amended to read as follows:
1 3 1. For an individual to whom section 234.35, subsection 1,
1 4 is applicable, a dispositional order of the juvenile court
1 5 requiring the provision of foster care, or an administrative
1 6 order entered pursuant to chapter 252C, or any order
1 7 establishing paternity and support for a child in foster care,
1 8 shall establish, after notice and a reasonable opportunity to
1 9 be heard is provided to a parent or guardian, the amount of
1 10 the parent's or guardian's support obligation for the cost of
1 11 foster care provided by the department. The amount of the
1 12 parent's or guardian's support obligation and the amount of
1 13 support debt accrued and accruing shall be established in
1 14 accordance with the child support guidelines prescribed under
1 15 section ~~598.21, subsection 4~~ 598.21B. However, the court, or
1 16 the department of human services in establishing support by
1 17 administrative order, may deviate from the prescribed
1 18 obligation after considering a recommendation by the
1 19 department for expenses related to goals and objectives of a
1 20 case permanency plan as defined under section 237.15, and upon
1 21 written findings of fact which specify the reason for
1 22 deviation and the prescribed guidelines amount. Any order for
1 23 support shall direct the payment of the support obligation to
1 24 the collection services center for the use of the department's
1 25 foster care recovery unit. The order shall be filed with the
1 26 clerk of the district court in which the responsible parent or
1 27 guardian resides and has the same force and effect as a
1 28 judgment when entered in the judgment docket and lien index.
1 29 The collection services center shall disburse the payments
1 30 pursuant to the order and record the disbursements. If
1 31 payments are not made as ordered, the child support recovery
1 32 unit may certify a default to the court and the court may, on
1 33 its own motion, proceed under section 598.22 or 598.23 or the
1 34 child support recovery unit may enforce the judgment as
1 35 allowed by law. An order entered under this subsection may be
2 1 modified only in accordance with the guidelines prescribed
2 2 under section ~~598.21, subsection 8~~ 598.21C, or under chapter
2 3 252H.
2 4 2. For an individual who is served by the department of
2 5 human services under section 234.35, and is not subject to a
2 6 dispositional order of the juvenile court requiring the
2 7 provision of foster care, the department shall determine the
2 8 obligation of the individual's parent or guardian pursuant to
2 9 chapter 252C and in accordance with the child support
2 10 guidelines prescribed under section ~~598.21, subsection 4~~
2 11 598.21B. However, the department may adjust the prescribed
2 12 obligation for expenses related to goals and objectives of a
2 13 case permanency plan as defined under section 237.15. An
2 14 obligation determined under this subsection may be modified
2 15 only in accordance with conditions under section ~~598.21,~~

2 16 subsection 8 ~~598.21C~~, or under chapter 252H.

2 17 Sec. 2. Section 252A.3, subsections 1 and 2, Code 2005,
2 18 are amended to read as follows:

2 19 1. A spouse is liable for the support of the other spouse
2 20 and any child or children under eighteen years of age and any
2 21 other dependent. The court shall establish the respondent's
2 22 monthly support payment and the amount of the support debt
2 23 accrued and accruing pursuant to section ~~598.21~~ 598.21A,
2 24 ~~598.21B~~, or ~~598.21F~~, as applicable.

2 25 2. A parent is liable for the support of the parent's
2 26 child or children under eighteen years of age, whenever the
2 27 other parent of such child or children is dead, or cannot be
2 28 found, or is incapable of supporting the child or children,
2 29 and, if the liable parent is possessed of sufficient means or
2 30 able to earn the means. The court having jurisdiction of the
2 31 respondent in a proceeding instituted under this chapter shall
2 32 establish the respondent's monthly support payment and the
2 33 amount of the support debt accrued and accruing pursuant to
2 34 section ~~598.21~~, ~~subsection 4~~ 598.21B. The support obligation
2 35 shall include support of a parent's child between the ages of
3 1 eighteen and nineteen years if the child is engaged full-time
3 2 in completing high school graduation or equivalency
3 3 requirements in a manner which is reasonably expected to
3 4 result in completion of the requirements prior to the person
3 5 reaching nineteen years of age. The court may also order a
3 6 postsecondary education subsidy pursuant to section 598.21F.

3 7 Sec. 3. Section 252A.3, Code 2005, is amended by adding
3 8 the following new subsection:

3 9 NEW SUBSECTION. 8A. If paternity of a child born out of
3 10 wedlock is established as provided in subsection 8, the court
3 11 shall establish the respondent's monthly support payment and
3 12 the amount of the support debt accrued and accruing pursuant
3 13 to section 598.21B. The support obligation shall include
3 14 support of the child between the ages of eighteen and nineteen
3 15 years if the child is engaged full-time in completing high
3 16 school graduation or equivalency requirements in a manner
3 17 which is reasonably expected to result in completion of the
3 18 requirements prior to the person reaching nineteen years of
3 19 age. The court may also order a postsecondary education
3 20 subsidy pursuant to section 598.21F.

3 21 Sec. 4. Section 252A.6, subsection 4, Code 2005, is
3 22 amended to read as follows:

3 23 4. If the respondent appears at the hearing and fails to
3 24 answer the petition or admits the allegations of the petition,
3 25 or if, after a hearing, the court has found and determined
3 26 that the prayer of the petitioner, or any part of the prayer,
3 27 is supported by the evidence adduced in the proceeding, and
3 28 that the dependent is in need of and entitled to support from
3 29 a party, the court shall make and enter an order directing a
3 30 party to furnish support for the dependent and to pay a sum as
3 31 the court determines pursuant to section ~~598.21~~ 598.21A,
3 32 ~~598.21B~~, or ~~598.21F~~, as applicable. Upon entry of an order
3 33 for support or upon failure of a person to make payments
3 34 pursuant to an order for support, the court may require a
3 35 party to provide security, a bond, or other guarantee which
4 1 the court determines is satisfactory to secure the payment of
4 2 the support. Upon the party's failure to pay the support
4 3 under the order, the court may declare the security, bond, or
4 4 other guarantee forfeited.

4 5 Sec. 5. Section 252A.6A, subsection 1, paragraph b, Code
4 6 2005, is amended to read as follows:

4 7 b. If the respondent, after being served with notice as
4 8 required under section 252A.6, fails to timely respond to the
4 9 notice, or to appear for blood or genetic tests pursuant to a
4 10 court or administrative order, or to appear at a scheduled
4 11 hearing after being provided notice of the hearing, the court
4 12 shall find the respondent in default, and shall enter an order
4 13 establishing paternity and establishing the monthly child
4 14 support payment and the amount of the support debt accrued and
4 15 accruing pursuant to section ~~598.21~~, ~~subsection 4~~ 598.21B, or
4 16 medical support pursuant to chapter 252E, or both.

4 17 Sec. 6. Section 252A.6A, subsection 2, paragraph a,
4 18 subparagraph (2), Code 2005, is amended to read as follows:

4 19 (2) If the court determines that the prior determination
4 20 of paternity should not be overcome, pursuant to section
4 21 600B.41A, and that the party has a duty to provide support,
4 22 the court shall enter an order establishing the monthly child
4 23 support payment and the amount of the support debt accrued and
4 24 accruing pursuant to section ~~598.21~~, ~~subsection 4~~ 598.21B, or
4 25 medical support pursuant to chapter 252E, or both.

4 26 Sec. 7. Section 252A.6A, subsection 3, Code 2005, is

4 27 amended to read as follows:

4 28 3. If the expert analyzing the blood or genetic test
4 29 concludes that the test results demonstrate that the putative
4 30 father is not excluded and that the probability of the
4 31 putative father's paternity is ninety-nine percent or higher
4 32 and if the test results have not been challenged, the court,
4 33 upon motion by a party, shall enter a temporary order for
4 34 child support to be paid pursuant to section ~~598.21,~~
~~4 35 subsection 4 598.21B~~. The court shall require temporary
5 1 support to be paid to the clerk of court or to the collection
5 2 services center. If the court subsequently determines the
5 3 putative father is not the father, the court shall terminate
5 4 the temporary support order. All support obligations which
5 5 came due prior to the order terminating temporary support are
5 6 unaffected by this action and remain a judgment subject to
5 7 enforcement.

5 8 Sec. 8. Section 252B.5, subsection 4, Code 2005, is
5 9 amended to read as follows:

5 10 4. Assistance to set off against a debtor's income tax
5 11 refund or rebate any support debt, which is assigned to the
5 12 department of human services or which the child support
5 13 recovery unit is attempting to collect on behalf of any
5 14 individual not eligible as a public assistance recipient,
5 15 which has accrued through written contract, subrogation, or
5 16 court judgment, and which is in the form of a liquidated sum
5 17 due and owing for the care, support, or maintenance of a
5 18 child. Unless the periodic payment plan provisions for a
5 19 retroactive modification pursuant to section ~~598.21,~~
~~5 20 subsection 8, 598.21C~~ apply, the entire amount of a judgment
5 21 for accrued support, notwithstanding compliance with a
5 22 periodic payment plan or regardless of the date of entry of
5 23 the judgment, is due and owing as of the date of entry of the
5 24 judgment and is delinquent for the purposes of setoff,
5 25 including for setoff against a debtor's federal income tax
5 26 refund or other federal nontax payment. The department of
5 27 human services shall adopt rules pursuant to chapter 17A
5 28 necessary to assist the department of administrative services
5 29 in the implementation of the child support setoff as
5 30 established under section 8A.504.

5 31 Sec. 9. Section 252B.5, subsection 7, unnumbered paragraph
5 32 1, Code 2005, is amended to read as follows:

5 33 At the request of either parent who is subject to the order
5 34 of support or upon its own initiation, review the amount of
5 35 the support award in accordance with the guidelines
6 1 established pursuant to section ~~598.21, subsection 4 598.21B,~~
6 2 and Title IV=D of the federal Social Security Act, as amended,
6 3 and take action to initiate modification proceedings if the
6 4 criteria established pursuant to this section are met.
6 5 However, a review of a support award is not required if the
6 6 child support recovery unit determines that such a review
6 7 would not be in the best interest of the child and neither
6 8 parent has requested such review.

6 9 Sec. 10. Section 252B.6, subsection 3, Code 2005, is
6 10 amended to read as follows:

6 11 3. Appear on behalf of the state for the purpose of
6 12 facilitating the modification of support awards consistent
6 13 with guidelines established pursuant to section ~~598.21,~~
~~6 14 subsection 4 598.21B,~~ and Title IV=D of the federal Social
6 15 Security Act. The unit shall not otherwise participate in the
6 16 proceeding.

6 17 Sec. 11. Section 252B.9, subsection 1, paragraph b, Code
6 18 2005, is amended to read as follows:

6 19 b. Parents of a child on whose behalf support enforcement
6 20 services are provided shall provide information regarding
6 21 income, resources, financial circumstances, and property
6 22 holdings to the department for the purpose of establishment,
6 23 modification, or enforcement of a support obligation. The
6 24 department may provide the information to parents of a child
6 25 as needed to implement the requirements of section ~~598.21,~~
~~6 26 subsection 4 598.21B,~~ notwithstanding any provisions of law
6 27 making this information confidential.

6 28 Sec. 12. Section 252C.2, subsection 2, unnumbered
6 29 paragraph 1, Code 2005, is amended to read as follows:

6 30 The payment of public assistance to or for the benefit of a
6 31 dependent child or a dependent child's caretaker creates a
6 32 support debt due and owing to the department by the
6 33 responsible person in an amount equal to the public assistance
6 34 payment, except that the support debt is limited to the amount
6 35 of a support obligation established by court order or by the
7 1 administrator. The administrator may establish a support debt
7 2 as to amounts accrued and accruing pursuant to section ~~598.21,~~

~~7 3 subsection 4 598.21B.~~ However, when establishing a support
7 4 obligation against a responsible person, no debt shall be
7 5 created for the period during which the responsible person is
7 6 a recipient on the person's own behalf of public assistance
7 7 for the benefit of the dependent child or the dependent
7 8 child's caretaker, if any of the following conditions exist:
7 9 Sec. 13. Section 252C.2, subsection 3, Code 2005, is
7 10 amended to read as follows:

7 11 3. The provision of child support collection or paternity
7 12 determination services under chapter 252B to an individual,
7 13 even though the individual is ineligible for public
7 14 assistance, creates a support debt due and owing to the
7 15 individual or the individual's child or ward by the
7 16 responsible person in the amount of a support obligation
7 17 established by court order or by the administrator. The
7 18 administrator may establish a support debt in favor of the
7 19 individual or the individual's child or ward and against the
7 20 responsible person, both as to amounts accrued and accruing,
7 21 pursuant to section ~~598.21, subsection 4 598.21B.~~

7 22 Sec. 14. Section 252C.3, subsection 1, paragraph a, Code
7 23 2005, is amended to read as follows:

7 24 a. A statement that the support obligation will be set
7 25 pursuant to the child support guidelines established pursuant
7 26 to section ~~598.21, subsection 4 598.21B,~~ and the criteria
7 27 established pursuant to section 252B.7A, and that the
7 28 responsible person is required to provide medical support in
7 29 accordance with chapter 252E.

7 30 Sec. 15. Section 252C.4, subsection 4, Code 2005, is
7 31 amended to read as follows:

7 32 4. The court shall establish the monthly child support
7 33 payment and the amount of the support debt accrued and
7 34 accruing pursuant to section ~~598.21, subsection 4 598.21B,~~ or
7 35 medical support pursuant to chapter 252E, or both.

8 1 Sec. 16. Section 252C.4, subsection 7, paragraph a,
8 2 subparagraph (2), Code 2005, is amended to read as follows:

8 3 (2) If the court determines that the prior determination
8 4 of paternity should not be overcome pursuant to section
8 5 600B.41A, and that the responsible person has a duty to
8 6 provide support, the court shall enter an order establishing
8 7 the monthly child support payment and the amount of the
8 8 support debt accrued and accruing pursuant to section ~~598.21,~~
8 9 ~~subsection 4 598.21B,~~ or medical support pursuant to chapter
8 10 252E, or both.

8 11 Sec. 17. Section 252F.3, subsection 1, paragraphs c and e,
8 12 Code 2005, are amended to read as follows:

8 13 c. A statement that if paternity is established, the
8 14 amount of the putative father's monthly support obligation and
8 15 the amount of the support debt accrued and accruing will be
8 16 established in accordance with the guidelines established in
8 17 section ~~598.21, subsection 4 598.21B,~~ and the criteria
8 18 established pursuant to section 252B.7A.

8 19 e. A written explanation of the procedures for determining
8 20 the child support obligation and a request for financial or
8 21 income information as necessary for application of the child
8 22 support guidelines established pursuant to section ~~598.21,~~
8 23 ~~subsection 4 598.21B.~~

8 24 Sec. 18. Section 252F.4, subsections 1 through 4, Code
8 25 2005, are amended to read as follows:

8 26 1. If the putative father fails to respond to the initial
8 27 notice within twenty days after the date of service of the
8 28 notice or fails to appear at a conference pursuant to section
8 29 252F.3 on the scheduled date of the conference, and paternity
8 30 has not been contested and the putative father fails to timely
8 31 request a court hearing on the issue of support, the
8 32 administrator shall enter an order against the putative
8 33 father, declaring the putative father to be the legal father
8 34 of the child or children involved and assessing any accrued
8 35 and accruing child support obligation pursuant to the
9 1 guidelines established under section ~~598.21, subsection 4~~
9 2 ~~598.21B,~~ and medical support pursuant to chapter 252E, against
9 3 the father.

9 4 2. If paternity is contested pursuant to section 252F.3,
9 5 subsection 6, and the party contesting paternity fails to
9 6 appear for a paternity test and fails to request a
9 7 rescheduling pursuant to section 252F.3, or fails to appear
9 8 for both the initial and the rescheduled paternity tests and
9 9 the putative father fails to timely request a court hearing on
9 10 the issue of support, the administrator shall enter an order
9 11 against the putative father declaring the putative father to
9 12 be the legal father of the child or children involved and
9 13 assessing any accrued and accruing child support obligation

9 14 pursuant to the guidelines established under section ~~598.21,~~
9 15 ~~subsection 4 598.21B,~~ and medical support pursuant to chapter
9 16 252E, against the father.

9 17 3. If the putative father appears at a conference pursuant
9 18 to section 252F.3, and paternity is not contested, and the
9 19 putative father fails to timely request a court hearing on the
9 20 issue of support, the administrator shall enter an order
9 21 against the putative father after the second notice has been
9 22 sent declaring the putative father to be the legal father of
9 23 the child or children involved and assessing any accrued and
9 24 accruing child support obligation pursuant to the guidelines
9 25 established under section ~~598.21, subsection 4 598.21B,~~ and
9 26 medical support pursuant to chapter 252E against the father.

9 27 4. If paternity was contested and paternity testing was
9 28 performed and the putative father was not excluded, if the
9 29 test results indicate that the probability of the putative
9 30 father's paternity is ninety-five percent or greater, if the
9 31 test results are not timely challenged, and if the putative
9 32 father fails to timely request a court hearing on the issue of
9 33 support, the administrator shall enter an order against the
9 34 putative father declaring the putative father to be the legal
9 35 father of the child or children involved and assessing any
10 1 accruing and accruing child support obligation pursuant to the
10 2 guidelines established under section ~~598.21, subsection 4~~
10 3 ~~598.21B,~~ and medical support pursuant to chapter 252E, against
10 4 the father.

10 5 Sec. 19. Section 252F.5, subsection 6, Code 2005, is
10 6 amended to read as follows:

10 7 6. If the court determines that the putative father is the
10 8 legal father, the court shall establish the amount of the
10 9 accrued and accruing child support pursuant to the guidelines
10 10 established under section ~~598.21, subsection 4 598.21B,~~ and
10 11 shall establish medical support pursuant to chapter 252E.

10 12 Sec. 20. Section 252H.2, subsection 2, paragraph a, Code
10 13 2005, is amended to read as follows:

10 14 a. A change in the amount of child support based upon an
10 15 application of the child support guidelines established
10 16 pursuant to section ~~598.21, subsection 4 598.21B.~~

10 17 Sec. 21. Section 252H.6, Code 2005, is amended to read as
10 18 follows:

10 19 252H.6 COLLECTION OF INFORMATION.

10 20 The unit may request, obtain, and validate information
10 21 concerning the financial circumstances of the parents of a
10 22 child as necessary to determine the appropriate amount of
10 23 support pursuant to the guidelines established in section
10 24 ~~598.21, subsection 4 598.21B,~~ including but not limited to
10 25 those sources and procedures described in sections 252B.7A and
10 26 252B.9. The collection of information does not constitute a
10 27 review conducted pursuant to section 252H.16.

10 28 Sec. 22. Section 252H.8, subsection 4, paragraph g, Code
10 29 2005, is amended to read as follows:

10 30 g. Copies of any computation worksheet prepared by the
10 31 unit to determine the amount of support calculated using the
10 32 mandatory child support guidelines established under section
10 33 ~~598.21, subsection 4 598.21B,~~ and, if appropriate and the
10 34 social security disability provisions of sections 598.22 and
10 35 598.22C apply, a determination of the amount of delinquent
11 1 support due.

11 2 Sec. 23. Section 252H.8, subsection 10, Code 2005, is
11 3 amended to read as follows:

11 4 10. The court shall establish the amount of child support
11 5 pursuant to section ~~598.21, subsection 4 598.21B,~~ or medical
11 6 support pursuant to chapter 252E, or both.

11 7 Sec. 24. Section 252H.9, subsection 2, Code 2005, is
11 8 amended to read as follows:

11 9 2. For orders to which subchapter II or III is applicable,
11 10 the unit shall determine the appropriate amount of the child
11 11 support obligation using the current child support guidelines
11 12 established pursuant to section ~~598.21, subsection 4 598.21B,~~
11 13 and the criteria established pursuant to section 252B.7A and
11 14 shall determine the provisions for medical support pursuant to
11 15 chapter 252E.

11 16 Sec. 25. Section 252H.10, unnumbered paragraph 1, Code
11 17 2005, is amended to read as follows:

11 18 Pursuant to section ~~598.21, subsection 8 598.21C,~~ any
11 19 administrative or court order resulting from an action
11 20 initiated under this chapter may be made retroactive only to
11 21 the date that all parties were successfully served the notice
11 22 required under section 252H.15 or section 252H.19, as
11 23 applicable.

11 24 Sec. 26. Section 252H.15, subsection 3, paragraphs c and

11 25 e, Code 2005, are amended to read as follows:
11 26 c. An explanation of the procedures for determining child
11 27 support and a request for financial or income information as
11 28 necessary for application of the child support guidelines
11 29 established pursuant to section ~~598.21, subsection 4~~ 598.21B.
11 30 e. Criteria for determining appropriateness of an
11 31 adjustment and a statement that the unit will use the child
11 32 support guidelines established pursuant to section ~~598.21,~~
~~11 33 subsection 4~~ 598.21B, and the provisions for medical support
11 34 pursuant to chapter 252E to adjust the order.

11 35 Sec. 27. Section 252H.18A, subsection 3, Code 2005, is
12 1 amended to read as follows:

12 2 3. Notwithstanding section ~~598.21, subsections 8 and 9~~
12 3 ~~598.21C~~, for purposes of this section, a substantial change in
12 4 circumstances means there has been a change of fifty percent
12 5 or more in the income of a parent, and the change is due to
12 6 financial circumstances which have existed for a minimum
12 7 period of three months and can reasonably be expected to exist
12 8 for an additional three months.

12 9 Sec. 28. Section 252H.19, subsection 2, paragraph c, Code
12 10 2005, is amended to read as follows:

12 11 c. An explanation of the procedures for determining child
12 12 support and a request for financial or income information as
12 13 necessary for application of the child support guidelines
12 14 established pursuant to section ~~598.21, subsection 4~~ 598.21B.

12 15 Sec. 29. Section 252H.21, subsection 2, paragraph a, Code
12 16 2005, is amended to read as follows:

12 17 a. To the extent permitted under 42 U.S.C. }
12 18 666(a)(10)(A)(i)(II), the cost-of-living alteration shall be
12 19 an exception to any requirement under law for the application
12 20 of the child support guidelines established pursuant to
12 21 section ~~598.21, subsection 4~~ 598.21B, including but not
12 22 limited to any requirement in this chapter or chapter 234,
12 23 252A, 252B, 252C, 252F, 598, or 600B.

12 24 Sec. 30. Section 598.5, Code 2005, is amended to read as
12 25 follows:

12 26 598.5 CONTENTS OF PETITION == VERIFICATION == EVIDENCE.

12 27 1. The petition for dissolution of marriage shall:

12 28 ~~1-~~ a. State the name, birth date, address and county of
12 29 residence of the petitioner and the name and address of the
12 30 petitioner's attorney.

12 31 ~~2-~~ b. State the place and date of marriage of the
12 32 parties.

12 33 ~~3-~~ c. State the name, birth date, address and county of
12 34 residence, if known, of the respondent.

12 35 ~~4-~~ d. State the name and age of each minor child by date
13 1 of birth whose welfare may be affected by the controversy.

13 2 ~~5-~~ e. State whether or not a separate action for
13 3 dissolution of marriage or child support has been commenced
13 4 and whether such action is pending in any court in this state
13 5 or elsewhere. State whether the entry of an order would
13 6 violate 28 U.S.C. } 1738B. If there is an existing child
13 7 support order, the party shall disclose identifying
13 8 information regarding the order.

13 9 ~~6-~~ f. Allege that the petition has been filed in good
13 10 faith and for the purposes set forth therein.

13 11 ~~7-~~ g. Allege that there has been a breakdown of the
13 12 marriage relationship to the extent that the legitimate
13 13 objects of matrimony have been destroyed and there remains no
13 14 reasonable likelihood that the marriage can be preserved.

13 15 ~~8-~~ h. Set forth any application for temporary support of
13 16 the petitioner and any children without enumerating the
13 17 amounts thereof.

13 18 ~~9-~~ i. Set forth any application for permanent alimony or
13 19 support, child custody, or disposition of property, as well as
13 20 attorneys' fees and suit money, without enumerating the
13 21 amounts thereof.

13 22 ~~10-~~ j. State whether the appointment of a conciliator
13 23 pursuant to section 598.16 may preserve the marriage.

13 24 ~~k. Except where the respondent is a resident of this state~~
13 25 ~~and is served by personal service, state that the petitioner~~
13 26 ~~has been for the last year a resident of the state, specifying~~
13 27 ~~the county in which the petitioner has resided and the length~~
13 28 ~~of such residence in the state after deducting all absences~~
13 29 ~~from the state, and that the maintenance of the residence has~~
13 30 ~~been in good faith and not for the purpose of obtaining a~~
13 31 ~~dissolution of marriage only.~~

13 32 ~~2. The petition shall be verified by the petitioner.~~

13 33 ~~3. The allegations of the petition shall be established by~~
13 34 ~~competent evidence.~~

13 35 Sec. 31. Section 598.7, Code 2005, is amended by striking

14 1 the section and inserting in lieu thereof the following:

14 2 598.7 MEDIATION.

14 3 1. The district court may, on its own motion or on the
14 4 motion of any party, order the parties to participate in
14 5 mediation in any dissolution of marriage action or other
14 6 domestic relations action. Mediation performed under this
14 7 section shall comply with the provisions of chapter 679C. The
14 8 provisions of this section shall not apply if the action
14 9 involves a child support or medical support obligation
14 10 enforced by the child support recovery unit. The provisions
14 11 of this section shall not apply to actions which involve
14 12 domestic abuse pursuant to chapter 236. The provisions of
14 13 this section shall not affect a judicial district's or court's
14 14 authority to order settlement conferences pursuant to rules of
14 15 civil procedure. The court shall, on application of a party,
14 16 grant a waiver from any court-ordered mediation under this
14 17 section if the party demonstrates that a history of domestic
14 18 abuse exists as specified in section 598.41, subsection 3,
14 19 paragraph "j".

14 20 2. The supreme court shall establish a dispute resolution
14 21 program in family law cases that includes the opportunities
14 22 for mediation and settlement conferences. Any judicial
14 23 district may implement such a dispute resolution program,
14 24 subject to the rules prescribed by the supreme court.

14 25 3. The supreme court shall prescribe rules for the
14 26 mediation program, including the circumstances under which the
14 27 district court may order participation in mediation.

14 28 4. Any dispute resolution program shall comply with all of
14 29 the following standards:

14 30 a. Participation in mediation shall include attendance at
14 31 a mediation session with the mediator and the parties to the
14 32 action, listening to the mediator's explanation of the
14 33 mediation process, presentation of one party's view of the
14 34 case, and listening to the response of the other party.
14 35 Participation in mediation does not require that the parties
15 1 reach an agreement.

15 2 b. The parties may choose the mediator, or the court shall
15 3 appoint a mediator. A court-appointed mediator shall meet the
15 4 qualifications established by the supreme court.

15 5 c. Parties to the mediation have the right to advice and
15 6 presence of counsel at all times.

15 7 d. The parties to the mediation shall present any
15 8 agreement reached through the mediation to their attorneys, if
15 9 any. A mediation agreement reached by the parties shall not
15 10 be enforceable until approved by the court.

15 11 e. The costs of mediation shall be borne by the parties,
15 12 as agreed to by the parties, or as ordered by the court, and
15 13 may be taxed as court costs. Mediation shall be provided on a
15 14 sliding fee scale for parties who are determined to be
15 15 indigent pursuant to section 815.9.

15 16 5. The supreme court shall prescribe qualifications for
15 17 mediators under this section. The qualifications shall include
15 18 but are not limited to the ethical standards to be observed by
15 19 mediators. The qualifications shall not include a requirement
15 20 that the mediator be licensed to practice any particular
15 21 profession.

15 22 Sec. 32. NEW SECTION. 598.10 TEMPORARY ORDERS.

15 23 1. a. The court may order either party to pay the clerk a
15 24 sum of money for the separate support and maintenance of the
15 25 other party and the children and to enable such party to
15 26 prosecute or defend the action. The court may on its own
15 27 motion and shall upon application of either party or an
15 28 attorney or guardian ad litem appointed under section 598.12
15 29 determine the temporary custody of any minor child whose
15 30 welfare may be affected by the filing of the petition for
15 31 dissolution.

15 32 b. In order to encourage compliance with a visitation
15 33 order, a temporary order for custody shall provide for a
15 34 minimum visitation schedule with the noncustodial parent,
15 35 unless the court determines that such visitation is not in the
16 1 best interest of the child.

16 2 2. The court may make such an order when a claim for
16 3 temporary support is made by the petitioner in the petition,
16 4 or upon application of either party, after service of the
16 5 original notice and when no application is made in the
16 6 petition; however, no such order shall be entered until at
16 7 least five days' notice of hearing, and opportunity to be
16 8 heard, is given the other party. Appearance by an attorney or
16 9 the respondent for such hearing shall be deemed a special
16 10 appearance for the purpose of such hearing only and not a
16 11 general appearance. An order entered pursuant to this section

16 12 shall contain the names, birth dates, addresses, and counties
16 13 of residence of the petitioner and respondent.

16 14 Sec. 33. Section 598.11, Code 2005, is amended by striking
16 15 the section and inserting in lieu thereof the following:

16 16 598.11 HOW TEMPORARY ORDER MADE == CHANGES == RETROACTIVE
16 17 MODIFICATION.

16 18 1. In making temporary orders, the court shall take into
16 19 consideration the age of the applicant, the physical and
16 20 pecuniary condition of the parties, and other matters as are
16 21 pertinent, which may be shown by affidavits, as the court may
16 22 direct. The hearing on the application shall be limited to
16 23 matters set forth in the application, the affidavits of the
16 24 parties, and the required statements of income. The court
16 25 shall not hear any other matter relating to the petition,
16 26 respondent's answer, or any pleadings connected with the
16 27 petition or answer.

16 28 2. Subject to 28 U.S.C. } 1738B, after notice and hearing
16 29 subsequent changes in temporary orders may be made by the
16 30 court on application of either party demonstrating a
16 31 substantial change in the circumstances occurring subsequent
16 32 to the issuance of such order. If the order is not so
16 33 modified it shall continue in force and effect until the
16 34 action is dismissed or a decree is entered dissolving the
16 35 marriage.

17 1 3. An order for temporary support may be retroactively
17 2 modified only from three months after notice of hearing for
17 3 temporary support pursuant to section 598.10 or from three
17 4 months after notice of hearing for modification of a temporary
17 5 order for support pursuant to this section. The three-month
17 6 limitation applies to modification actions pending on or after
17 7 July 1, 1997.

17 8 Sec. 34. Section 598.12, Code 2005, is amended to read as
17 9 follows:

17 10 598.12 ATTORNEY OR GUARDIAN AD LITEM FOR MINOR CHILD ==
17 11 INVESTIGATIONS.

17 12 1. The court may appoint an attorney to represent the
17 13 legal interests of the minor child or children of the parties.
17 14 The attorney shall be empowered to make independent
17 15 investigations and to cause witnesses to appear and testify
17 16 before the court on matters pertinent to the legal interests
17 17 of the children.

17 18 2. The court may appoint a guardian ad litem to represent
17 19 the best interests of the minor child or children of the
17 20 parties.

17 21 a. Unless otherwise enlarged or circumscribed by a court
17 22 or juvenile court having jurisdiction over the child or by
17 23 operation of law, the duties of a guardian ad litem with
17 24 respect to a child shall include all of the following:

17 25 (1) Conducting general in-person interviews with the
17 26 child, if the child's age is appropriate for the interview,
17 27 and interviewing each parent, guardian, or other person having
17 28 custody of the child, if authorized by the person's legal
17 29 counsel.

17 30 (2) Conducting interviews with the child, if the child's
17 31 age is appropriate for the interview, prior to any court=
17 32 ordered hearing.

17 33 (3) Visiting the home, residence, or both home and
17 34 residence of the child and any prospective home or residence
17 35 of the child, including visiting the home or residence or
18 1 prospective home or residence each time placement is changed.

18 2 (4) Interviewing any person providing medical, mental
18 3 health, social, educational, or other services to the child,
18 4 prior to any court-ordered hearing.

18 5 (5) Obtaining firsthand knowledge, if possible, of facts,
18 6 circumstances, and parties involved in the matter in which the
18 7 person is appointed guardian ad litem.

18 8 (6) Attending any hearings in the matter in which the
18 9 person is appointed guardian ad litem.

18 10 b. The order appointing the guardian ad litem shall grant
18 11 authorization to the guardian ad litem to interview any
18 12 relevant person and inspect and copy any records relevant to
18 13 the proceedings, if not prohibited by federal law. The order
18 14 shall specify that the guardian ad litem may interview any
18 15 person providing medical, mental health, social, educational,
18 16 or other services to the child; may attend any meeting with
18 17 the medical or mental health providers, service providers,
18 18 organizations, or educational institutions regarding the
18 19 child, if deemed necessary by the guardian ad litem; and may
18 20 inspect and copy any records relevant to the proceedings.

18 21 3. The same person may serve both as the child's legal
18 22 counsel and as guardian ad litem. However, the court may

18 23 appoint a separate guardian ad litem, if the same person
18 24 cannot properly represent the legal interests of the child as
18 25 legal counsel and also represent the best interests of the
18 26 child as guardian ad litem, or a separate guardian ad litem is
18 27 required to fulfill the requirements of subsection 2.

18 28 ~~2- 4.~~ The court may require that an appropriate agency
18 29 make an investigation of both parties regarding the home
18 30 conditions, parenting capabilities, and other matters
18 31 pertinent to the best interests of the child or children in a
18 32 dispute concerning custody of the child or children. The
18 33 investigation report completed by the appropriate agency shall
18 34 be submitted to the court and available to both parties. The
18 35 investigation report completed by the appropriate agency shall
19 1 be a part of the record unless otherwise ordered by the court.

19 2 ~~3- 5.~~ The court shall enter an order in favor of the
19 3 attorney, ~~the guardian ad litem,~~ or an appropriate agency for
19 4 fees and disbursements, and the amount shall be charged
19 5 against the party responsible for court costs unless the court
19 6 determines that the party responsible for costs is indigent,
19 7 in which event the fees shall be borne by the county.

19 8 Sec. 35. Section 598.14, Code 2005, is amended by striking
19 9 the section and inserting in lieu thereof the following:

19 10 598.14 ATTACHMENT.

19 11 The petition may be presented to the court for the
19 12 allowance of an order of attachment, which, by endorsement
19 13 thereon, may direct such attachment and fix the amount for
19 14 which it may issue, and the amount of the bond, if any, that
19 15 shall be given. Any property taken by virtue thereof shall be
19 16 held to satisfy the judgment or decree of the court, but may
19 17 be discharged or released as in other cases.

19 18 Sec. 36. Section 598.15, Code 2005, is amended by striking
19 19 the section and inserting in lieu thereof the following:

19 20 598.15 MANDATORY COURSE == PARTIES TO CERTAIN PROCEEDINGS.

19 21 1. The court shall order the parties to any action which
19 22 involves the issues of child custody or visitation to
19 23 participate in a court-approved course to educate and
19 24 sensitize the parties to the needs of any child or party
19 25 during and subsequent to the proceeding within forty-five days
19 26 of the service of notice and petition for the action or within
19 27 forty-five days of the service of notice and application for
19 28 modification of an order. Participation in the course may be
19 29 waived or delayed by the court for good cause including, but
19 30 not limited to, a default by any of the parties or a showing
19 31 that the parties have previously participated in a court=
19 32 approved course or its equivalent. Participation in the
19 33 course is not required if the proceeding involves termination
19 34 of parental rights of any of the parties. A final decree
19 35 shall not be granted or a final order shall not be entered
20 1 until the parties have complied with this section, unless
20 2 participation in the course is waived or delayed for good
20 3 cause or is otherwise not required under this subsection.

20 4 2. Each party shall be responsible for arranging for
20 5 participation in the course and for payment of the costs of
20 6 participation in the course.

20 7 3. Each party shall submit certification of completion of
20 8 the course to the court prior to the granting of a final
20 9 decree or the entry of an order, unless participation in the
20 10 course is waived or delayed for good cause or is otherwise not
20 11 required under subsection 1.

20 12 4. If participation in the court-approved course is waived
20 13 or delayed for good cause or is otherwise not required under
20 14 this section, the court may order that the parties receive the
20 15 information described in subsection 5 through an alternative
20 16 format.

20 17 5. Each judicial district shall certify approved courses
20 18 for parties required to participate in a course under this
20 19 section. Approved courses may include those provided by a
20 20 public or private entity. At a minimum and as appropriate, an
20 21 approved course shall include information relating to the
20 22 parents regarding divorce and its impact on the children and
20 23 family relationship, parenting skills for divorcing parents,
20 24 children's needs and coping techniques, and the financial
20 25 responsibilities of parents following divorce.

20 26 6. In addition to the provisions of this section relating
20 27 to the required participation in a court-approved course by
20 28 the parties to an action as described in subsection 1, the
20 29 court may require age-appropriate counseling for children who
20 30 are involved in a dissolution of marriage action. The
20 31 counseling may be provided by a public or private entity
20 32 approved by the court. The costs of the counseling shall be
20 33 taxed as court costs.

20 34 7. The supreme court may prescribe rules to implement this
20 35 section.

21 1 Sec. 37. Section 598.20, Code 2005, is amended to read as
21 2 follows:

21 3 598.20 FORFEITURE OF MARITAL RIGHTS.

21 4 When a dissolution of marriage is decreed the parties shall
21 5 forfeit all rights acquired by marriage which are not
21 6 specifically preserved in the decree. This provision shall
21 7 not obviate any of the provisions of section ~~598.21~~ 598.21,
21 8 ~~598.21A, 598.21B, 598.21C, 598.21D, 598.21E, or 598.21F.~~

21 9 Sec. 38. Section 598.21, Code 2005, is amended by striking
21 10 the section and inserting in lieu thereof the following:

21 11 598.21 ORDERS FOR DISPOSITION OF PROPERTY.

21 12 1. GENERAL PRINCIPLES. Upon every judgment of annulment,
21 13 dissolution, or separate maintenance, the court shall divide
21 14 the property of the parties and transfer the title of the
21 15 property accordingly, including ordering the parties to
21 16 execute a quitclaim deed or ordering a change of title for tax
21 17 purposes and delivery of the deed or change of title to the
21 18 county recorder of the county in which each parcel of real
21 19 estate is located.

21 20 2. DUTIES OF COUNTY RECORDER. The county recorder shall
21 21 record each quitclaim deed or change of title and shall
21 22 collect the fee specified in section 331.507, subsection 2,
21 23 paragraph "a", and the fee specified in section 331.604,
21 24 subsection 1.

21 25 3. DUTIES OF CLERK OF COURT. If the court orders a
21 26 transfer of title to real property, the clerk of court shall
21 27 issue a certificate under chapter 558 relative to each parcel
21 28 of real estate affected by the order and immediately deliver
21 29 the certificate for recording to the county recorder of the
21 30 county in which the real estate is located. Any fees assessed
21 31 shall be included as part of the court costs. The county
21 32 recorder shall deliver the certificates to the county auditor
21 33 as provided in section 558.58, subsection 1.

21 34 4. PROPERTY FOR CHILDREN. The court may protect and
21 35 promote the best interests of children of the parties by
22 1 setting aside a portion of the property of the parties in a
22 2 separate fund or conservatorship for the support, maintenance,
22 3 education, and general welfare of the minor children.

22 4 5. DIVISION OF PROPERTY. The court shall divide all
22 5 property, except inherited property or gifts received by one
22 6 party, equitably between the parties after considering all of
22 7 the following:

22 8 a. The length of the marriage.

22 9 b. The property brought to the marriage by each party.

22 10 c. The contribution of each party to the marriage, giving
22 11 appropriate economic value to each party's contribution in
22 12 homemaking and child care services.

22 13 d. The age and physical and emotional health of the
22 14 parties.

22 15 e. The contribution by one party to the education,
22 16 training, or increased earning power of the other.

22 17 f. The earning capacity of each party, including
22 18 educational background, training, employment skills, work
22 19 experience, length of absence from the job market, custodial
22 20 responsibilities for children, and the time and expense
22 21 necessary to acquire sufficient education or training to
22 22 enable the party to become self-supporting at a standard of
22 23 living reasonably comparable to that enjoyed during the
22 24 marriage.

22 25 g. The desirability of awarding the family home or the
22 26 right to live in the family home for a reasonable period to
22 27 the party having custody of the children, or if the parties
22 28 have joint legal custody, to the party having physical care of
22 29 the children.

22 30 h. The amount and duration of an order granting support
22 31 payments to either party pursuant to section 598.21A and
22 32 whether the property division should be in lieu of such
22 33 payments.

22 34 i. Other economic circumstances of each party, including
22 35 pension benefits, vested or unvested, and future interests.

23 1 j. The tax consequences to each party.

23 2 k. Any written agreement made by the parties concerning
23 3 property distribution.

23 4 l. The provisions of an antenuptial agreement.

23 5 m. Other factors the court may determine to be relevant in
23 6 an individual case.

23 7 6. INHERITED AND GIFTED PROPERTY. Property inherited by
23 8 either party or gifts received by either party prior to or
23 9 during the course of the marriage is the property of that

23 10 party and is not subject to a property division under this
23 11 section except upon a finding that refusal to divide the
23 12 property is inequitable to the other party or to the children
23 13 of the marriage.

23 14 7. NOT SUBJECT TO MODIFICATION. Property divisions made
23 15 under this chapter are not subject to modification.

23 16 8. NECESSARY CONTENT OF ORDER. Orders made pursuant to
23 17 this section need mention only those factors relevant to the
23 18 particular case for which the orders are made but shall
23 19 contain the names, birth dates, addresses, and counties of
23 20 residence of the petitioner and respondent.

23 21 Sec. 39. Section 598.21A, Code 2005, is amended by
23 22 striking the section and inserting in lieu thereof the
23 23 following:

23 24 598.21A ORDERS FOR SPOUSAL SUPPORT.

23 25 1. CRITERIA FOR DETERMINING SUPPORT. Upon every judgment
23 26 of annulment, dissolution, or separate maintenance, the court
23 27 may grant an order requiring support payments to either party
23 28 for a limited or indefinite length of time after considering
23 29 all of the following:

23 30 a. The length of the marriage.

23 31 b. The age and physical and emotional health of the
23 32 parties.

23 33 c. The distribution of property made pursuant to section
23 34 598.21.

23 35 d. The educational level of each party at the time of
24 1 marriage and at the time the action is commenced.

24 2 e. The earning capacity of the party seeking maintenance,
24 3 including educational background, training, employment skills,
24 4 work experience, length of absence from the job market,
24 5 responsibilities for children under either an award of custody
24 6 or physical care, and the time and expense necessary to
24 7 acquire sufficient education or training to enable the party
24 8 to find appropriate employment.

24 9 f. The feasibility of the party seeking maintenance
24 10 becoming self-supporting at a standard of living reasonably
24 11 comparable to that enjoyed during the marriage, and the length
24 12 of time necessary to achieve this goal.

24 13 g. The tax consequences to each party.

24 14 h. Any mutual agreement made by the parties concerning
24 15 financial or service contributions by one party with the
24 16 expectation of future reciprocation or compensation by the
24 17 other party.

24 18 i. The provisions of an antenuptial agreement.

24 19 j. Other factors the court may determine to be relevant in
24 20 an individual case.

24 21 2. NECESSARY CONTENT OF ORDER. Orders made pursuant to
24 22 this section need mention only those factors relevant to the
24 23 particular case for which the orders are made but shall
24 24 contain the names, birth dates, addresses, and counties of
24 25 residence of the petitioner and respondent.

24 26 Sec. 40. NEW SECTION. 598.21B ORDERS FOR CHILD SUPPORT
24 27 AND MEDICAL SUPPORT.

24 28 1. CUSTODY. The court may provide for joint custody of
24 29 the children by the parties pursuant to section 598.41. All
24 30 orders relating to custody of a child are subject to chapter
24 31 598B.

24 32 2. CHILD SUPPORT GUIDELINES.

24 33 a. The supreme court shall maintain uniform child support
24 34 guidelines and criteria and review the guidelines and criteria
24 35 at least once every four years, pursuant to the federal Family
25 1 Support Act of 1988, Pub. L. No. 100-485. The initial review
25 2 shall be performed within four years of October 12, 1989, and
25 3 subsequently within the four-year period of the most recent
25 4 review.

25 5 b. The guidelines prescribed by the supreme court shall
25 6 incorporate provisions for medical support as defined in
25 7 chapter 252E to be effective on or before January 1, 1991.

25 8 c. It is the intent of the general assembly that, to the
25 9 extent possible within the requirements of federal law, the
25 10 court and the child support recovery unit consider the
25 11 individual facts of each judgment or case in the application
25 12 of the guidelines and determine the support obligation
25 13 accordingly. It is also the intent of the general assembly
25 14 that in the supreme court's review of the guidelines, the
25 15 supreme court shall do both of the following:

25 16 (1) Emphasize the ability of a court to apply the
25 17 guidelines in a just and appropriate manner based upon the
25 18 individual facts of a judgment or case.

25 19 (2) In determining monthly child support payments,
25 20 consider other children for whom either parent is legally

25 21 responsible for support and other child support obligations
25 22 actually paid by either party pursuant to a court or
25 23 administrative order.

25 24 d. The guidelines prescribed by the supreme court shall be
25 25 used by the department of human services in determining child
25 26 support payments under sections 252C.2 and 252C.4. A
25 27 variation from the guidelines shall not be considered by the
25 28 department without a record or written finding, based on
25 29 stated reasons, that the guidelines would be unjust or
25 30 inappropriate as determined under criteria prescribed by the
25 31 supreme court.

25 32 3. CHILD SUPPORT ORDERS.

25 33 a. COURT'S AUTHORITY. Unless prohibited pursuant to 28
25 34 U.S.C. } 1738B, upon every judgment of annulment, dissolution,
25 35 or separate maintenance, the court may order either parent or
26 1 both parents to pay an amount reasonable and necessary for
26 2 supporting a child.

26 3 b. CALCULATING AMOUNT OF SUPPORT.

26 4 (1) In establishing the amount of support, consideration
26 5 shall be given to the responsibility of both parents to
26 6 support and provide for the welfare of the minor child and of
26 7 a child's need, whenever practicable, for a close relationship
26 8 with both parents.

26 9 (2) For purposes of calculating a support obligation under
26 10 this section, the income of the parent from whom support is
26 11 sought shall be used as the noncustodial parent income for
26 12 purposes of application of the guidelines, regardless of the
26 13 legal custody of the child.

26 14 (3) For the purposes of including a child's dependent
26 15 benefit in calculating a support obligation under this section
26 16 for a child whose parent has been awarded disability benefits
26 17 under the federal Social Security Act, the provisions of
26 18 section 598.22C shall apply.

26 19 c. REBUTTABLE PRESUMPTION IN FAVOR OF GUIDELINES. There
26 20 shall be a rebuttable presumption that the amount of child
26 21 support which would result from the application of the
26 22 guidelines prescribed by the supreme court is the correct
26 23 amount of child support to be awarded.

26 24 d. VARIATION FROM GUIDELINES. A variation from the
26 25 guidelines shall not be considered by a court without a record
26 26 or written finding, based on stated reasons, that the
26 27 guidelines would be unjust or inappropriate as determined
26 28 under the criteria prescribed by the supreme court.

26 29 e. SPECIAL CIRCUMSTANCES JUSTIFYING VARIATION FROM
26 30 GUIDELINES. Unless the special circumstances of the case
26 31 justify a deviation, the court or the child support recovery
26 32 unit shall establish a monthly child support payment of
26 33 twenty-five dollars for a parent who is nineteen years of age
26 34 or younger, who has not received a high school or high school
26 35 equivalency diploma, and to whom each of the following apply:

27 1 (1) The parent is attending a school or program described
27 2 as follows or has been identified as one of the following:

27 3 (a) The parent is in full-time attendance at an accredited
27 4 school and is pursuing a course of study leading to a high
27 5 school diploma.

27 6 (b) The parent is attending an instructional program
27 7 leading to a high school equivalency diploma.

27 8 (c) The parent is attending a vocational education program
27 9 approved pursuant to chapter 258.

27 10 (d) The parent has been identified by the director of
27 11 special education of the area education agency as a child
27 12 requiring special education as defined in section 256B.2.

27 13 (2) The parent provides proof of compliance with the
27 14 requirements of subparagraph (1) to the child support recovery
27 15 unit, if the unit is providing services under chapter 252B, or
27 16 if the unit is not providing services pursuant to chapter
27 17 252B, to the court as the court may direct. Failure to
27 18 provide proof of compliance under this subparagraph or proof
27 19 of compliance under section 598.21G is grounds for
27 20 modification of the support order using the uniform child
27 21 support guidelines and imputing an income to the parent equal
27 22 to a forty-hour work week at the state minimum wage, unless
27 23 the parent's education, experience, or actual earnings justify
27 24 a higher income.

27 25 f. SEPARATE FUND OR CONSERVATORSHIP FOR SUPPORT. The
27 26 court may protect and promote the best interests of a minor
27 27 child by setting aside a portion of the child support which
27 28 either party is ordered to pay in a separate fund or
27 29 conservatorship for the support, education, and welfare of the
27 30 child.

27 31 4. MEDICAL SUPPORT. The court shall order as child

27 32 medical support a health benefit plan as defined in chapter
27 33 252E if available to either parent at a reasonable cost. A
27 34 health benefit plan is considered reasonable in cost if it is
27 35 employment-related or other group health insurance, regardless
28 1 of the service delivery mechanism. The premium cost of the
28 2 health benefit plan may be considered by the court as a reason
28 3 for varying from the child support guidelines. If a health
28 4 benefit plan is not available at a reasonable cost, the court
28 5 may order any other provisions for medical support as defined
28 6 in chapter 252E.

28 7 5. NECESSARY CONTENT OF ORDER. Orders made pursuant to
28 8 this section need mention only those factors relevant to the
28 9 particular case for which the orders are made but shall
28 10 contain the names, birth dates, addresses, and counties of
28 11 residence of the petitioner and respondent.

28 12 Sec. 41. NEW SECTION. 598.21C MODIFICATION OF CHILD,
28 13 SPOUSAL, OR MEDICAL SUPPORT ORDERS.

28 14 1. CRITERIA FOR MODIFICATION. Subject to 28 U.S.C. }
28 15 1738B, the court may subsequently modify child, spousal, or
28 16 medical support orders when there is a substantial change in
28 17 circumstances. In determining whether there is a substantial
28 18 change in circumstances, the court shall consider the
28 19 following:

28 20 a. Changes in the employment, earning capacity, income, or
28 21 resources of a party.

28 22 b. Receipt by a party of an inheritance, pension, or other
28 23 gift.

28 24 c. Changes in the medical expenses of a party.

28 25 d. Changes in the number or needs of dependents of a
28 26 party.

28 27 e. Changes in the physical, mental, or emotional health of
28 28 a party.

28 29 f. Changes in the residence of a party.

28 30 g. Remarriage of a party.

28 31 h. Possible support of a party by another person.

28 32 i. Changes in the physical, emotional, or educational

28 33 needs of a child whose support is governed by the order.

28 34 j. Contempt by a party of existing orders of court.

28 35 k. Other factors the court determines to be relevant in an
29 1 individual case.

29 2 2. ADDITIONAL CRITERIA FOR MODIFICATION OF CHILD SUPPORT
29 3 ORDERS.

29 4 a. Subject to 28 U.S.C. } 1738B, but notwithstanding
29 5 subsection 1, a substantial change of circumstances exists
29 6 when the court order for child support varies by ten percent
29 7 or more from the amount which would be due pursuant to the
29 8 most current child support guidelines established pursuant to
29 9 section 598.21B or the obligor has access to a health benefit
29 10 plan, the current order for support does not contain
29 11 provisions for medical support, and the dependents are not
29 12 covered by a health benefit plan provided by the obligee,
29 13 excluding coverage pursuant to chapter 249A or a comparable
29 14 statute of a foreign jurisdiction.

29 15 b. This basis for modification is applicable to petitions
29 16 filed on or after July 1, 1992, notwithstanding whether the
29 17 guidelines prescribed by section 598.21B were used in
29 18 establishing the current amount of support. Upon application
29 19 for a modification of an order for child support for which
29 20 services are being received pursuant to chapter 252B, the
29 21 court shall set the amount of child support based upon the
29 22 most current child support guidelines established pursuant to
29 23 section 598.21B, including provisions for medical support
29 24 pursuant to chapter 252E. The child support recovery unit
29 25 shall, in submitting an application for modification,
29 26 adjustment, or alteration of an order for support, employ
29 27 additional criteria and procedures as provided in chapter 252H
29 28 and as established by rule.

29 29 3. APPLICABLE LAW. Unless otherwise provided pursuant to
29 30 28 U.S.C. } 1738B, a modification of a support order entered
29 31 under chapter 234, 252A, 252C, 600B, this chapter, or any
29 32 other support chapter or proceeding between parties to the
29 33 order is void unless the modification is approved by the
29 34 court, after proper notice and opportunity to be heard is
29 35 given to all parties to the order, and entered as an order of
30 1 the court. If support payments have been assigned to the
30 2 department of human services pursuant to section 234.39,
30 3 239B.6, or 252E.11, or if services are being provided pursuant
30 4 to chapter 252B, the department is a party to the support
30 5 order. Modifications of orders pertaining to child custody
30 6 shall be made pursuant to chapter 598B. If the petition for a
30 7 modification of an order pertaining to child custody asks

30 8 either for joint custody or that joint custody be modified to
30 9 an award of sole custody, the modification, if any, shall be
30 10 made pursuant to section 598.41.

30 11 4. RETROACTIVITY OF MODIFICATION. Judgments for child
30 12 support or child support awards entered pursuant to this
30 13 chapter, chapter 234, 252A, 252C, 252F, 600B, or any other
30 14 chapter of the Code which are subject to a modification
30 15 proceeding may be retroactively modified only from three
30 16 months after the date the notice of the pending petition for
30 17 modification is served on the opposing party. The three-month
30 18 limitation applies to a modification action pending on or
30 19 after July 1, 1997. The prohibition of retroactive
30 20 modification does not bar the child support recovery unit from
30 21 obtaining orders for accrued support for previous time
30 22 periods. Any retroactive modification which increases the
30 23 amount of child support or any order for accrued support under
30 24 this paragraph shall include a periodic payment plan. A
30 25 retroactive modification shall not be regarded as a
30 26 delinquency unless there are subsequent failures to make
30 27 payments in accordance with the periodic payment plan.

30 28 5. MODIFICATION OF PERIODIC DUE DATE. The periodic due
30 29 date established under a prior order for payment of child
30 30 support shall not be changed in any modified order under this
30 31 section, unless the court determines that good cause exists to
30 32 change the periodic due date. If the court determines that
30 33 good cause exists, the court shall include the rationale for
30 34 the change in the modified order and shall address the issue
30 35 of reconciliation of any payments due or made under a prior
31 1 order which would result in payment of the child support
31 2 obligation under both the prior and the modified orders.

31 3 6. MODIFICATION BY CHILD SUPPORT RECOVERY UNIT.
31 4 Notwithstanding any other provision of law to the contrary,
31 5 when an application for modification or adjustment of support
31 6 is submitted by the child support recovery unit, the sole
31 7 issues which may be considered by the court in that action are
31 8 the application of the guidelines in establishing the amount
31 9 of support pursuant to section 598.21B, and provision for
31 10 medical support under chapter 252E. When an application for a
31 11 cost-of-living alteration of support is submitted by the child
31 12 support recovery unit pursuant to section 252H.24, the sole
31 13 issue which may be considered by the court in the action is
31 14 the application of the cost-of-living alteration in
31 15 establishing the amount of child support. Issues related to
31 16 custody, visitation, or other provisions unrelated to support
31 17 shall be considered only under a separate application for
31 18 modification.

31 19 7. NECESSARY CONTENT OF ORDER. Orders made pursuant to
31 20 this section need mention only those factors relevant to the
31 21 particular case for which the orders are made but shall
31 22 contain the names, birth dates, addresses, and counties of
31 23 residence of the petitioner and respondent.

31 24 8. DUTY OF CLERK OF COURT. If the court modifies an
31 25 order, and the original decree was entered in another county
31 26 in Iowa, the clerk of court shall send a copy of the
31 27 modification by regular mail, electronic transmission, or
31 28 facsimile to the clerk of court for the county where the
31 29 original decree was entered.

31 30 Sec. 42. NEW SECTION. 598.21D RELOCATION OF PARENT AS
31 31 GROUNDS TO MODIFY ORDER OF CHILD CUSTODY.

31 32 If a parent awarded joint legal custody and physical care
31 33 or sole legal custody is relocating the residence of the minor
31 34 child to a location which is one hundred fifty miles or more
31 35 from the residence of the minor child at the time that custody
32 1 was awarded, the court may consider the relocation a
32 2 substantial change in circumstances. If the court determines
32 3 that the relocation is a substantial change in circumstances,
32 4 the court shall modify the custody order to, at a minimum,
32 5 preserve, as nearly as possible, the existing relationship
32 6 between the minor child and the nonrelocating parent. If
32 7 modified, the order may include a provision for extended
32 8 visitation during summer vacations and school breaks and
32 9 scheduled telephone contact between the nonrelocating parent
32 10 and the minor child. The modification may include a provision
32 11 assigning the responsibility for transportation of the minor
32 12 child for visitation purposes to either or both parents. If
32 13 the court makes a finding of past interference by the parent
32 14 awarded joint legal custody and physical care or sole legal
32 15 custody with the minor child's access to the other parent, the
32 16 court may order the posting of a cash bond to assure future
32 17 compliance with the visitation provisions of the decree. The
32 18 supreme court shall prescribe guidelines for the forfeiting of

32 19 the bond and restoration of the bond following forfeiting of
32 20 the bond.

32 21 Sec. 43. NEW SECTION. 598.21E CONTESTING PATERNITY TO
32 22 CHALLENGE CHILD SUPPORT ORDER.

32 23 1. If, during an action initiated under this chapter or
32 24 any other chapter in which a child or medical support
32 25 obligation may be established based upon a prior determination
32 26 of paternity, a party wishes to contest the paternity of the
32 27 child or children involved, all of the following apply:

32 28 a. (1) If the prior determination of paternity is based
32 29 on an affidavit of paternity filed pursuant to section
32 30 252A.3A, or a court or administrative order entered in this
32 31 state, or by operation of law when the mother and established
32 32 father are or were married to each other, the provisions of
32 33 section 600B.41A apply.

32 34 (2) If following the proceedings under section 600B.41A
32 35 the court determines that the prior determination of paternity
33 1 should not be overcome, and that the established father has a
33 2 duty to provide support, the court shall enter an order
33 3 establishing the monthly child support payment and the amount
33 4 of the support debt accrued and accruing pursuant to section
33 5 598.21B, or the medical support obligation pursuant to chapter
33 6 252E, or both.

33 7 b. If a determination of paternity is based on an
33 8 administrative or court order or other means pursuant to the
33 9 laws of a foreign jurisdiction, any action to overcome the
33 10 prior determination of paternity shall be filed in that
33 11 jurisdiction. Unless a stay of the action initiated in this
33 12 state to establish child or medical support is requested and
33 13 granted by the court, pending a resolution of the contested
33 14 paternity issue by the foreign jurisdiction, the action shall
33 15 proceed.

33 16 c. Notwithstanding paragraph "a", in a pending dissolution
33 17 action under this chapter, a prior determination of paternity
33 18 by operation of law through the marriage of the established
33 19 father and mother of the child may be overcome under this
33 20 chapter if the established father and mother of the child file
33 21 a written statement with the court that both parties agree
33 22 that the established father is not the biological father of
33 23 the child.

33 24 2. If the court overcomes a prior determination of
33 25 paternity, the previously established father shall be relieved
33 26 of support obligations as specified in section 600B.41A,
33 27 subsection 4. In any action to overcome paternity other than
33 28 through a pending dissolution action, the provisions of
33 29 section 600B.41A apply. Overcoming paternity under this
33 30 paragraph does not bar subsequent actions to establish
33 31 paternity. A subsequent action to establish paternity against
33 32 the previously established father is not barred if it is
33 33 subsequently determined that the written statement attesting
33 34 that the established father is not the biological father of
33 35 the child may have been submitted erroneously, and that the
34 1 person previously determined not to be the child's father
34 2 during the dissolution action may actually be the child's
34 3 biological father.

34 4 3. If an action to overcome paternity is brought pursuant
34 5 to subsection 1, paragraph "c", the court shall appoint a
34 6 guardian ad litem for the child for the pendency of the
34 7 proceedings.

34 8 Sec. 44. NEW SECTION. 598.21F POSTSECONDARY EDUCATION
34 9 SUBSIDY.

34 10 1. ORDER OF SUBSIDY. The court may order a postsecondary
34 11 education subsidy if good cause is shown.

34 12 2. CONSISTENTLY APPLIED. A parent may be ordered to
34 13 provide a postsecondary education subsidy for the parent's
34 14 child under this subsection, whether the parents of the child
34 15 were married to one another. This subsection shall be applied
34 16 consistently to all children notwithstanding whether the
34 17 parents of the child were married to one another or under
34 18 which chapter a support obligation is established.

34 19 3. CRITERIA FOR GOOD CAUSE. In determining whether good
34 20 cause exists for ordering a postsecondary education subsidy,
34 21 the court shall consider the age of the child, the ability of
34 22 the child relative to postsecondary education, the child's
34 23 financial resources, whether the child is self-sustaining, and
34 24 the financial condition of each parent. If the court
34 25 determines that good cause is shown for ordering a
34 26 postsecondary education subsidy, the court shall determine the
34 27 amount of subsidy as follows:

34 28 a. The court shall determine the cost of postsecondary
34 29 education based upon the cost of attending an in-state public

34 30 institution for a course of instruction leading to an
34 31 undergraduate degree and shall include the reasonable costs
34 32 for only necessary postsecondary education expenses.
34 33 b. The court shall then determine the amount, if any,
34 34 which the child may reasonably be expected to contribute,
34 35 considering the child's financial resources, including but not
35 1 limited to the availability of financial aid whether in the
35 2 form of scholarships, grants, or student loans, and the
35 3 ability of the child to earn income while attending school.
35 4 c. The child's expected contribution shall be deducted
35 5 from the cost of postsecondary education and the court shall
35 6 apportion responsibility for the remaining cost of
35 7 postsecondary education to each parent. The amount paid by
35 8 each parent shall not exceed thirty-three and one-third
35 9 percent of the total cost of postsecondary education.
35 10 4. SUBSIDY PAYABLE. A postsecondary education subsidy
35 11 shall be payable to the child, to the educational institution,
35 12 or to both, but shall not be payable to the custodial parent.
35 13 5. REPUDIATION BY CHILD. A postsecondary education
35 14 subsidy shall not be awarded if the child has repudiated the
35 15 parent by publicly disowning the parent, refusing to
35 16 acknowledge the parent, or by acting in a similar manner.
35 17 6. OBLIGATIONS OF CHILD. The child shall forward, to each
35 18 parent, reports of grades awarded at the completion of each
35 19 academic session within ten days of receipt of the reports.
35 20 Unless otherwise specified by the parties, a postsecondary
35 21 education subsidy awarded by the court shall be terminated
35 22 upon the child's completion of the first calendar year of
35 23 course instruction if the child fails to maintain a cumulative
35 24 grade point average in the median range or above during that
35 25 first calendar year.
35 26 7. APPLICATION. A support order, decree, or judgment
35 27 entered or pending before July 1, 1997, that provides for
35 28 support of a child for college, university, or community
35 29 college expenses may be modified in accordance with this
35 30 subsection.
35 31 8. NECESSARY CONTENT OF ORDER. Orders made pursuant to
35 32 this section need mention only those factors relevant to the
35 33 particular case for which the orders are made but shall
35 34 contain the names, birth dates, addresses, and counties of
35 35 residence of the petitioner and respondent.
36 1 Sec. 45. NEW SECTION. 598.21G MINOR PARENT == PARENTING
36 2 CLASSES.
36 3 In any order or judgment entered under chapter 234, 252A,
36 4 252C, 252F, 598, or 600B, or under any other chapter which
36 5 provides for temporary or permanent support payments, if the
36 6 parent ordered to pay support is less than eighteen years of
36 7 age, one of the following shall apply:
36 8 1. If the child support recovery unit is providing
36 9 services pursuant to chapter 252B, the court, or the
36 10 administrator as defined in section 252C.1, shall order the
36 11 parent ordered to pay support to attend parenting classes
36 12 which are approved by the department of human services.
36 13 2. If the child support recovery unit is not providing
36 14 services pursuant to chapter 252B, the court may order the
36 15 parent ordered to pay support to attend parenting classes
36 16 which are approved by the court.
36 17 Sec. 46. Section 598.22, Code 2005, is amended to read as
36 18 follows:
36 19 598.22 SUPPORT PAYMENTS == CLERK OF COURT == COLLECTION
36 20 SERVICES CENTER == DEFAULTS == SECURITY.
36 21 1. Except as otherwise provided in section 598.22A, this
36 22 section applies to all initial or modified orders for support
36 23 entered under this chapter, chapter 234, 252A, 252C, 252F,
36 24 600B, or any other chapter of the Code. All orders or
36 25 judgments entered under chapter 234, 252A, 252C, 252F, or
36 26 600B, or under this chapter or any other chapter which provide
36 27 for temporary or permanent support payments shall direct the
36 28 payment of those sums to the clerk of the district court or
36 29 the collection services center in accordance with section
36 30 252B.14 for the use of the person for whom the payments have
36 31 been awarded. Beginning October 1, 1999, all income
36 32 withholding payments shall be directed to the collection
36 33 services center. Payments to persons other than the clerk of
36 34 the district court and the collection services center do not
36 35 satisfy the support obligations created by the orders or
37 1 judgments, except as provided for trusts governed by the
37 2 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
37 3 tax refunds or rebates in section 602.8102, subsection 47, or
37 4 for dependent benefits paid to the child support obligee as
37 5 the result of disability benefits awarded to the child support

37 6 obligor under the federal Social Security Act. For trusts
37 7 governed by the federal Retirement Equity Act of 1984, Pub. L.
37 8 No. 98-397, the order for income withholding or notice of the
37 9 order for income withholding shall require the payment of such
37 10 sums to the alternate payee in accordance with the federal
37 11 Act. For dependent benefits paid to the child support obligee
37 12 as a result of disability benefits awarded to the child
37 13 support obligor under the federal Social Security Act, the
37 14 provisions of section 598.22C shall apply.

37 15 2. An income withholding order or notice of the order for
37 16 income withholding shall be entered under the terms and
37 17 conditions of chapter 252D. However, for trusts governed by
37 18 the federal Retirement Equity Act of 1984, Pub. L. No. 98-397,
37 19 the payor shall transmit the payments to the alternate payee
37 20 in accordance with the federal Act.

37 21 3. An order or judgment entered by the court for temporary
37 22 or permanent support or for income withholding shall be filed
37 23 with the clerk. The orders have the same force and effect as
37 24 judgments when entered in the judgment docket and lien index
37 25 and are records open to the public. Unless otherwise provided
37 26 by federal law, if it is possible to identify the support
37 27 order to which a payment is to be applied, and if sufficient
37 28 information identifying the obligee is provided, the clerk or
37 29 the collection services center, as appropriate, shall disburse
37 30 the payments received pursuant to the orders or judgments
37 31 within two working days of the receipt of the payments. All
37 32 moneys received or disbursed under this section shall be
37 33 entered in records kept by the clerk, or the collection
37 34 services center, as appropriate, which shall be available to
37 35 the public. The clerk or the collection services center shall
38 1 not enter any moneys paid in the record book if not paid
38 2 directly to the clerk or the center, as appropriate, except as
38 3 provided for trusts and federal social security disability
38 4 payments in this section, and for tax refunds or rebates in
38 5 section 602.8102, subsection 47.

38 6 4. If the sums ordered to be paid in a support payment
38 7 order are not paid to the clerk or the collection services
38 8 center, as appropriate, at the time provided in the order or
38 9 judgment, the clerk or the collection services center, as
38 10 appropriate, shall certify a default to the court which may,
38 11 on its own motion, proceed as provided in section 598.23.

38 12 5. Prompt payment of sums required to be paid under
38 13 sections ~~598.11 and 598.21~~ 598.10, 598.21A, 598.21B, 598.21C,
38 14 598.21E, and 598.21F is the essence of such orders or

38 15 judgments and the court may act pursuant to section 598.23
38 16 regardless of whether the amounts in default are paid prior to
38 17 the contempt hearing.

38 18 6. Upon entry of an order for support or upon the failure
38 19 of a person to make payments pursuant to an order for support,
38 20 the court may require the person to provide security, a bond,
38 21 or other guarantee which the court determines is satisfactory
38 22 to secure the payment of the support. Upon the person's
38 23 failure to pay the support under the order, the court may
38 24 declare the security, bond, or other guarantee forfeited.

38 25 7. For the purpose of enforcement, medical support is
38 26 additional support which, upon being reduced to a dollar
38 27 amount, may be collected through the same remedies available
38 28 for the collection and enforcement of child support.

38 29 8. The clerk of the district court in the county in which
38 30 the order for support is filed and to whom support payments
38 31 are made pursuant to the order may require the person
38 32 obligated to pay support to submit payments by bank draft or
38 33 money order if the obligor submits an insufficient funds
38 34 support payment to the clerk of the district court.

38 35 Sec. 47. Section 598.22C, subsection 2, Code 2005, is
39 1 amended to read as follows:

39 2 2. For the purposes of calculating a support obligation
39 3 under section ~~598.21, subsection 4~~ 598.21B, the dependent
39 4 benefits paid for any child shall be included as income to the
39 5 disabled parent.

39 6 Sec. 48. Section 598.22C, subsection 3, paragraph a,
39 7 subparagraph (1), Code 2005, is amended to read as follows:

39 8 (1) The dollar amount of the child support obligation as
39 9 calculated by application of the guidelines under section
39 10 ~~598.21, subsection 4~~ 598.21B, and a statement that the social
39 11 security dependent benefits are included as income to the
39 12 obligor in that calculation.

39 13 Sec. 49. Section 598.22C, subsection 3, paragraph b, Code
39 14 2005, is amended to read as follows:

39 15 b. The amount of the child support obligation stated in
39 16 the order, and the amount the obligor shall pay after

39 17 application of the social security disability dependent
39 18 benefit credit or satisfaction stated in the order, shall
39 19 continue until modified, as provided in section ~~598.21~~
39 20 598.21C.

39 21 Sec. 50. Section 600.11, subsection 2, paragraph f, Code
39 22 2005, is amended to read as follows:

39 23 f. A person who is ordered to pay support or a
39 24 postsecondary education subsidy pursuant to section ~~598.21,~~
~~39 25 subsection 5A 598.21F,~~ or chapter 234, 252A, 252C, 252F, 598,
39 26 600B, or any other chapter of the Code, for a person eighteen
39 27 years of age or older who is being adopted by a stepparent,
39 28 and the support order or order requires payment of support or
39 29 postsecondary education subsidy for any period of time after
39 30 the child reaches eighteen years of age.

39 31 Sec. 51. NEW SECTION. 600A.6A RIGHT TO AND APPOINTMENT
39 32 OF COUNSEL.

39 33 Upon the filing of a petition for the involuntary
39 34 termination of parental rights under this chapter, the parent
39 35 identified in the petition shall have the right to counsel in
40 1 connection with all subsequent hearings on the proceedings.

40 2 If the parent desires but is financially unable to employ
40 3 counsel, the court shall appoint counsel.

40 4 Sec. 52. Section 600B.25, subsection 1, Code 2005, is
40 5 amended to read as follows:

40 6 1. Upon a finding of paternity pursuant to section
40 7 600B.24, the court shall establish the father's monthly
40 8 support payment and the amount of the support debt accrued or
40 9 accruing pursuant to section ~~598.21, subsection 4, until the~~
~~40 10 child reaches majority or until the child finishes high~~
~~40 11 school, if after majority 598.21B.~~ The support obligation
40 12 shall include support of the child between the ages of
40 13 eighteen and nineteen years if the child is engaged full-time
40 14 in completing high school graduation or equivalency
40 15 requirements in a manner which is reasonably expected to
40 16 result in completion of the requirements prior to the person
40 17 reaching nineteen years of age. The court may also order a
40 18 postsecondary education subsidy pursuant to section 598.21F.

40 19 The court may order the father to pay amounts the court deems
40 20 appropriate for the past support and maintenance of the child
40 21 and for the reasonable and necessary expenses incurred by or
40 22 for the mother in connection with prenatal care, the birth of
40 23 the child, and postnatal care of the child and the mother, and
40 24 other medical support as defined in section 252E.1. The court
40 25 may award the prevailing party the reasonable costs of suit,
40 26 including but not limited to reasonable attorney fees.

40 27 Sec. 53. Section 600B.41A, subsection 6, paragraph b, Code
40 28 2005, is amended to read as follows:

40 29 b. If the court dismisses the action to overcome paternity
40 30 and preserves the paternity determination under this
40 31 subsection, the court shall enter an order establishing that
40 32 the parent-child relationship exists between the established
40 33 father and the child, and including establishment of a support
40 34 obligation pursuant to section ~~598.21 598.21B~~ and provision of
40 35 custody and visitation pursuant to section 598.41.

41 1 Sec. 54. Section 815.11, Code 2005, is amended to read as
41 2 follows:

41 3 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

41 4 Costs incurred under chapter 229A, ~~600A,~~ 665, or 822, or
41 5 section 232.141, subsection 3, paragraph "c", or section
41 6 598.23A, 814.9, 814.10, 814.11, 815.4, 815.7, 815.10, or
41 7 908.11 on behalf of an indigent shall be paid from funds
41 8 appropriated by the general assembly to the office of the
41 9 state public defender in the department of inspections and
41 10 appeals for those purposes. Costs incurred representing an
41 11 indigent defendant in a contempt action, or representing an
41 12 indigent juvenile in a juvenile court proceeding under chapter
41 13 600, are also payable from these funds. However, costs
41 14 incurred in any administrative proceeding or in any other
41 15 proceeding under chapter 598, 600, ~~600A,~~ 633, or 915 or other
41 16 provisions of the Code or administrative rules are not payable
41 17 from these funds.

41 18 Sec. 55. Sections 598.7A, 598.14A, 598.14B, and 598.19A,
41 19 Code 2005, are repealed.

41 20 Sec. 56. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
41 21 The sections in this Act adding section 600A.6A and amending
41 22 section 815.11, being deemed of immediate importance, take
41 23 effect upon enactment and are retroactively applicable to
41 24 March 12, 2004.

41 25 EXPLANATION

41 26 This bill amends portions of the Code relating to
41 27 dissolution of marriage and domestic relations, termination of

41 28 parental rights, and child support. The bill also
41 29 restructures Code chapter 598, relating to dissolution of
41 30 marriage and domestic relations.

41 31 The bill amends portions of Code chapter 252A (support of
41 32 dependents), Code chapter 598 (dissolution of marriage and
41 33 domestic relations), and Code chapter 600B (paternity and
41 34 obligation for support) to make the provisions relating to
41 35 support of a child, including the availability of a
42 1 postsecondary education subsidy, consistent relative to
42 2 children of married or unmarried parents.

42 3 The bill authorizes the court to appoint a guardian ad
42 4 litem in a dissolution proceeding to represent the best
42 5 interests of the child. The bill specifies the duties of the
42 6 guardian ad litem and provides that the same person may serve
42 7 both as the child's legal counsel and as the child's guardian
42 8 ad litem. The bill also provides that the court may appoint a
42 9 separate guardian ad litem, if the same person cannot properly
42 10 represent the legal interests of the child as legal counsel
42 11 and also represent the best interests of the child as guardian
42 12 ad litem, or a separate guardian ad litem is required to
42 13 fulfill the requirements specified for a guardian ad litem.

42 14 The bill also clarifies that the court is required to
42 15 appoint counsel for indigent persons in termination of
42 16 parental rights proceedings, whether the proceedings are
42 17 brought under Code chapter 232 or Code chapter 600A, in the
42 18 case of involuntary terminations. The bill also provides for
42 19 payment of the costs of indigent defense under Code chapter
42 20 600A from the funds appropriated to the office of the state
42 21 public defender.

42 22 The bill also restructures Code chapter 598 by reordering
42 23 sections and providing subsection headings.

42 24 LSB 1075HC 81
42 25 pf:nh/sh/8.1