

Senate Study Bill 1155

SENATE/HOUSE FILE _____
BY (PROPOSED CITIZENS'
AIDE/OMBUDSMAN BILL)

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

A BILL FOR

1 An Act relating to administrative modification of a child support
2 order.

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

4 TLSB 1280DP 81

5 pf/pj/5

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1 1 Section 1. Section 252H.4, subsection 4, Code 2005, is
1 2 amended to read as follows:

1 3 4. The unit shall adopt rules pursuant to chapter 17A to
1 4 establish the process for the review of requests for
1 5 adjustment, the criteria and procedures for conducting a
1 6 review and determining when an adjustment is appropriate, the
1 7 procedure and criteria for a cost-of-living alteration, the
1 8 criteria and procedure for a request for review and
1 9 administrative modification pursuant to section 252H.18A, and
1 10 other rules necessary to implement this chapter.

1 11 Sec. 2. Section 252H.8, subsection 4, paragraph f, Code
1 12 2005, is amended to read as follows:

1 13 f. Copies of any financial statements and supporting
1 14 documentation provided by the parents including ~~proof~~
1 15 supporting documentation of a substantial change in
1 16 circumstances for a request filed pursuant to section
1 17 252H.18A.

1 18 Sec. 3. Section 252H.9, subsection 2, Code 2005, is
1 19 amended to read as follows:

1 20 2. a. For orders to which subchapter II or III is
1 21 applicable, the unit shall determine the appropriate amount of
1 22 the child support obligation using the current child support
1 23 guidelines established pursuant to section 598.21, subsection
1 24 4, and the criteria established pursuant to section 252B.7A
1 25 and shall determine the provisions for medical support
1 26 pursuant to chapter 252E.

1 27 b. If the unit is administratively modifying an existing
1 28 order and establishing support pursuant to section 252H.18A,
1 29 subsection 4, the unit shall determine the child support
1 30 obligation of both parents or parties in the manner required
1 31 by the rule relating to split or divided physical care of a
1 32 child under the child support guidelines.

1 33 Sec. 4. Section 252H.18A, Code 2005, is amended to read as
1 34 follows:

1 35 252H.18A REQUEST FOR REVIEW ~~OUTSIDE APPLICABLE TIME FRAMES~~
2 1 AND ADMINISTRATIVE MODIFICATION.

2 2 1. If a support order is ~~not~~ eligible for ~~review and~~
2 3 ~~adjustment because the support order is outside of the minimum~~
2 4 ~~time frames specified by rule of the department~~ administrative
2 5 modification pursuant to section 252H.18, a parent may request
2 6 a review and administrative modification by submitting all of
2 7 the following to the unit:

2 8 a. A written request for review and administrative
2 9 modification of the support order ~~which is outside of the~~
2 10 ~~applicable time frames.~~

2 11 b. Verified Supporting documentation of a substantial
2 12 change in circumstances ~~as specified by rule of the~~
2 13 ~~department.~~

2 14 2. Upon receipt of the request and all documentation
2 15 required in subsection 1, the unit shall review the request
2 16 and documentation and if appropriate shall issue a notice of
2 17 intent to modify as provided in section 252H.19.

2 18 3. Notwithstanding section 598.21, subsections 8 and 9,
2 19 for purposes of this section, a substantial change in
2 20 circumstances ~~means there~~ includes but is not limited to any
2 21 of the following:

2 22 a. There has been a change of fifty percent or more in the
2 23 income of a parent, and the change is due to financial
2 24 circumstances which have existed for a minimum period of three
2 25 months and can reasonably be expected to exist for an
2 26 additional three months.

2 27 b. The child for whom support is ordered is currently
2 28 residing with and being provided routine care by the parent
2 29 who is ordered to pay support, due to circumstances which can
2 30 reasonably be expected to last for at least six months. Such
2 31 circumstances include but are not limited to any of the
2 32 following:

2 33 (1) The juvenile court has entered an order pursuant to
2 34 chapter 232 awarding legal custody or physical care of the
2 35 child to the parent who is obligated to pay support for the
3 1 child.

3 2 (2) The parent or party to whom support is ordered to be
3 3 paid has been incarcerated.

3 4 (3) The parent or party to whom support is ordered to be
3 5 paid has died.

3 6 (4) The parent or party to whom support is ordered to be
3 7 paid agrees to allow the child to reside with and be provided
3 8 routine care by the parent who is ordered to pay support.

3 9 4. A parent requesting an administrative modification
3 10 under this section due to circumstances described in
3 11 subsection 3, paragraph "b", may also submit a request to the
3 12 unit for assistance to establish support for the child. The
3 13 unit shall adopt rules pursuant to chapter 17A to create an
3 14 expedited process providing for the administrative
3 15 modification of the existing order and establishment of
3 16 support for the child, concurrently.

3 17 EXPLANATION

3 18 This bill makes changes in the administrative modification
3 19 provisions for child support orders. The bill amends the
3 20 eligibility criteria for the review and administrative
3 21 modification of a child support order.

3 22 The bill requires a written request for review and
3 23 administrative modification, and requires submission of
3 24 supporting rather than verified documentation regarding a
3 25 substantial change in circumstances. The bill also changes
3 26 the basis for establishing a substantial change in
3 27 circumstances from circumstances relating to a specific change
3 28 in income to specified situations constituting a substantial
3 29 change in circumstances.

3 30 The bill provides that if a parent is requesting an
3 31 administrative modification based on any of the newly
3 32 specified substantial changes in circumstances, the parent may
3 33 also submit a request to the child support recovery unit for
3 34 assistance in establishing support for the child. The bill
3 35 directs the unit to adopt rules to provide for an expedited
4 1 process to provide for administrative modification of an
4 2 existing order and establishment of support for the child,
4 3 concurrently.

4 4 The bill also provides that if the unit is administratively
4 5 modifying an existing order and establishing support,
4 6 concurrently, the unit is to determine the child support
4 7 obligation of both parents or parties in the manner required
4 8 by the rule relating to split or divided physical care of a
4 9 child under the child support guidelines.

4 10 LSB 1280DP 81

4 11 pf:nh/pj/5.2