

Senate Study Bill 1203

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

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

A BILL FOR

1 An Act relating to the suspension of a child support obligation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1071DP 81
4 pf/sh/8

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1 1 Section 1. Section 252B.20, subsection 1, paragraphs a, c,
1 2 and d, Code 2005, are amended to read as follows:
1 3 a. The parents have reconciled and are cohabiting, and the
1 4 child for whom support is ordered is living in the same
1 5 residence as the parents, or the child is currently residing
1 6 with the parent who is ordered to pay support. If the basis
1 7 for suspension under this paragraph applies to at least one
1 8 but not all of the children for whom support is ordered, the
1 9 condition of this paragraph is met only if the support order
1 10 includes a step change.

1 11 c. The parents have signed a notarized affidavit attesting
1 12 to the conditions under paragraphs "a" and "b", have consented
1 13 to suspension of the support order or obligation, and have
1 14 submitted the affidavit to the unit.

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

1 22 Sec. 2. Section 252B.20, subsection 2, paragraph b, Code
1 23 2005, is amended to read as follows:

1 24 b. Approve the request and prepare an order which shall be
1 25 submitted, along with the affidavit, to a judge of a district
1 26 court for approval, suspending the accruing support obligation
1 27 and, if requested by the obligee, and if not prohibited by
1 28 chapter 252K, satisfying the obligation of support due the
1 29 obligee. If the basis for suspension applies to at least one
1 30 but not all of the children for whom support is ordered and
1 31 the support order includes a step change, the unit shall
1 32 prepare an order suspending the accruing support obligation
1 33 for each child to whom the basis for suspension applies.

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

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

2 4 Sec. 4. Section 252B.20, Code 2005, is amended by adding
2 5 the following new subsections:

2 6 NEW SUBSECTION. 5A. If a condition under subsection 5
2 7 exists, the unit may request that the court reinstate an
2 8 accruing support obligation as follows:

2 9 a. If the basis for the suspension no longer applies to
2 10 any of the children for whom an accruing support obligation
2 11 was suspended, the unit shall request that the court reinstate
2 12 the accruing support obligations for all of the children.

2 13 b. If the basis for the suspension continues to apply to
2 14 at least one but not all of the children for whom an accruing
2 15 support obligation was suspended and if the support order
2 16 includes a step change, the unit shall request that the court
2 17 reinstate the accruing support obligation for each child for
2 18 whom the basis for the suspension no longer applies.

2 19 NEW SUBSECTION. 12. For the purposes of chapter 252H
2 20 regarding the criteria for a review under subchapter II of
2 21 that chapter or for a cost-of-living alteration under
2 22 subchapter IV of that chapter, if a support obligation is
2 23 terminated or reinstated under this section, such termination
2 24 or reinstatement shall not be considered a modification of the
2 25 support order.

2 26 NEW SUBSECTION. 13. As used in this section, unless the
2 27 context otherwise requires, "step change" means a change
2 28 designated in a support order specifying the amount of the
2 29 child support obligation as the number of children entitled to
2 30 support under the order changes.

2 31 EXPLANATION

2 32 This bill provides for the suspension of a support
2 33 obligation when fewer than all of the children for whom
2 34 support is ordered are living in the same residence as both
2 35 the parents or when fewer than all of the children for whom
3 1 support is ordered are currently residing with the parent who
3 2 is ordered to pay support, if the parents agree and the child
3 3 support order already specifies what the child support
3 4 obligation would be if the number of children entitled to
3 5 support under the order changes. The bill also allows for
3 6 reinstatement of the support obligation under specified
3 7 circumstances. The bill provides that under the review and
3 8 adjustment and cost-of-living alteration provisions of Code
3 9 chapter 252H, if a support obligation is terminated or
3 10 reinstated under the suspension provisions, the termination or
3 11 reinstatement is not considered a modification of the support
3 12 order.

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