

# Senate File 2204 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN RESOURCES  
(SUCCESSOR TO SSB 3111)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to child support recovery including assignment of  
2 support to the state relative to receipt of family investment  
3 program benefits, garnishment of money held by the state for a  
4 person who owes delinquent child support, the reporting of  
5 delinquent child support obligors to consumer reporting  
6 agencies, access to cellular telephone numbers for the purpose  
7 of the computer match program by the child support recovery  
8 unit, collection of support from certain obligors, the  
9 information included in a notice regarding the administrative  
10 levy of an account, and medical support of a child, and  
11 providing effective and retroactive applicability dates.  
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
13 TLSB 5132SV 82  
14 pf/nh/5

PAG LIN

1 1 DIVISION I  
1 2 ASSIGNMENT OF CHILD SUPPORT == FAMILY INVESTMENT  
1 3 PROGRAM RECIPIENTS  
1 4 Section 1. Section 239B.6, subsections 1 and 2, Code 2007,  
1 5 are amended to read as follows:  
1 6 1. An assignment of support rights to the department is  
1 7 created by either of the following:  
1 8 a. An applicant and other persons covered by an  
1 9 application are deemed to have assigned to the department at  
1 10 the time of application all rights to periodic support  
1 11 payments that accrue during the period the family receives  
1 12 assistance to the extent of the amount of assistance received  
1 13 by the applicant and by other persons covered by the  
1 14 application.  
1 15 b. A determination that a child or another person covered  
1 16 by an application is eligible for assistance under this  
1 17 chapter creates an assignment by operation of law to the  
1 18 department of all rights to periodic support payments that  
1 19 accrue during the period the family receives assistance not to  
1 20 exceed the amount of assistance received by the child and  
1 21 other persons covered by the application.  
1 22 2. An assignment takes effect upon determination that an  
1 23 applicant or another person covered by an application is  
1 24 eligible for assistance under this chapter, applies to both  
1 25 current and ~~accrued~~ accruing support obligations, and  
1 26 terminates when an applicant or another person covered by an  
1 27 application ceases to receive assistance under this chapter,  
1 28 except with respect to the amount of unpaid support  
1 29 obligations ~~accrued under~~ during the assignment. If an  
1 30 applicant or another person covered by an application ceases  
1 31 to receive assistance under this chapter and the applicant or  
1 32 other person covered by the application receives a periodic  
1 33 support payment, subject to limitations under federal law and  
1 34 subject to subsection 2A, the department is entitled only to  
1 35 that amount of the periodic support payment above the current  
2 1 periodic support obligation.  
2 2 Sec. 2. Section 239B.6, Code 2007, is amended by adding  
2 3 the following new subsection:  
2 4 NEW SUBSECTION. 2A. Any rights to support payments  
2 5 assigned to the department on or before September 30, 2009,  
2 6 shall remain assigned to the department.  
2 7 Sec. 3. Section 252A.13, Code 2007, is amended to read as  
2 8 follows:  
2 9 252A.13 RECIPIENTS OF PUBLIC ASSISTANCE == ASSIGNMENT OF

2 10 SUPPORT PAYMENTS.

2 11 1. If public assistance is provided by the department of  
2 12 human services to or on behalf of a dependent child or a  
2 13 dependent child's caretaker, there is an assignment by  
2 14 operation of law to the department of any and all rights in,  
2 15 title to, and interest in any support obligation, payment, and  
2 16 arrearages owed to or on behalf of the child or caretaker not  
2 17 to exceed the amount of public assistance paid for or on  
2 18 behalf of the child or caretaker as follows:

2 19 a. For family investment program assistance, section  
2 20 239B.6 shall apply.

2 21 b. For foster care services, section 234.39 shall apply.

2 22 c. For medical assistance, section 252E.11 shall apply.

2 23 2. The department shall immediately notify the clerk of  
2 24 court by mail when such child or caretaker has been determined  
2 25 to be eligible for public assistance. Upon notification by  
2 26 the department, the clerk of court shall make a notation of  
2 27 the automatic assignment in the judgment docket and lien  
2 28 index. The notation constitutes constructive notice of the  
2 29 assignment. If the applicant for public assistance, for whom  
2 30 public assistance is approved and provided on or after July 1,  
2 31 1997, is a person other than a parent of the child, the  
2 32 department shall send notice of the assignment by regular mail  
2 33 to the last known addresses of the obligee and obligor. The  
2 34 clerk of court shall forward support payments received  
2 35 pursuant to section 252A.6, to which the department is  
3 1 entitled, to the department, unless the court has ordered the  
3 2 payments made directly to the department under that section.  
3 3 The department may secure support payments in default through  
3 4 other proceedings.

3 5 3. The clerk shall furnish the department with copies of  
3 6 all orders or decrees awarding and temporary domestic abuse  
3 7 orders addressing support when the parties are receiving  
3 8 public assistance or services are otherwise provided by the  
3 9 child support recovery unit. Unless otherwise specified in  
3 10 the order, an equal and proportionate share of any child  
3 11 support awarded is presumed to be payable on behalf of each  
3 12 child, subject to the order or judgment, for purposes of an  
3 13 assignment under this section.

3 14 Sec. 4. Section 252C.2, subsection 1, Code 2007, is  
3 15 amended to read as follows:

3 16 1. If public assistance is provided by the department to  
3 17 or on behalf of a dependent child or a dependent child's  
3 18 caretaker, there is an assignment by operation of law to the  
3 19 department of any and all right in, title to, and interest in  
3 20 any support obligation, payment, and arrearages owed to or for  
3 21 the child or caretaker up to the amount of public assistance  
3 22 paid for or on behalf of the child or caretaker. Unless  
3 23 otherwise specified in the order, an equal and proportionate  
3 24 share of any child support awarded is presumed to be payable  
3 25 on behalf of each child subject to the order or judgment for  
3 26 purposes of an assignment under this section. For family  
3 27 investment program assistance, section 239B.6 shall apply.

3 28 Sec. 5. Section 598.34, Code 2007, is amended to read as  
3 29 follows:

3 30 598.34 RECIPIENTS OF PUBLIC ASSISTANCE == ASSIGNMENT OF  
3 31 SUPPORT PAYMENTS.

3 32 1. If public assistance is provided by the department of  
3 33 human services to or on behalf of a dependent child or a  
3 34 dependent child's caretaker, there is an assignment by  
3 35 operation of law to the department of any and all rights in,  
4 1 title to, and interest in any support obligation, payment, and  
4 2 arrearages owed to or for the child or caretaker not to exceed  
4 3 the amount of public assistance paid for or on behalf of the  
4 4 child or caretaker as follows:

4 5 a. For family investment program assistance, section  
4 6 239B.6 shall apply.

4 7 b. For foster care services, section 234.39 shall apply.

4 8 c. For medical assistance, section 252E.11 shall apply.

4 9 2. The department shall immediately notify the clerk of  
4 10 court by mail when such a child or caretaker has been  
4 11 determined to be eligible for public assistance. Upon  
4 12 notification by the department, the clerk of court shall make  
4 13 a notation of the automatic assignment in the judgment docket  
4 14 and lien index. The notation constitutes constructive notice  
4 15 of the assignment. For public assistance approved and  
4 16 provided on or after July 1, 1997, if the applicant for public  
4 17 assistance is a person other than a parent of the child, the  
4 18 department shall send a notice by regular mail to the last  
4 19 known addresses of the obligee and obligor. The clerk of  
4 20 court shall forward support payments received pursuant to

4 21 section 598.22, to which the department is entitled, to the  
4 22 department, which may secure support payments in default  
4 23 through other proceedings.

4 24 3. The clerk shall furnish the department with copies of  
4 25 all orders or decrees and temporary or domestic abuse orders  
4 26 addressing support when the parties are receiving public  
4 27 assistance or services are otherwise provided by the child  
4 28 support recovery unit pursuant to chapter 252B. Unless  
4 29 otherwise specified in the order, an equal and proportionate  
4 30 share of any child support awarded shall be presumed to be  
4 31 payable on behalf of each child subject to the order or  
4 32 judgment for purposes of an assignment under this section.

4 33 Sec. 6. Section 600B.38, Code 2007, is amended to read as  
4 34 follows:

4 35 600B.38 RECIPIENTS OF PUBLIC ASSISTANCE == ASSIGNMENT OF  
5 1 SUPPORT PAYMENTS.

5 2 1. If public assistance is provided by the department of  
5 3 human services to or on behalf of a dependent child or a  
5 4 dependent child's caretaker, there is an assignment by  
5 5 operation of law to the department of any and all rights in,  
5 6 title to, and interest in any support obligation, payment, and  
5 7 arrearages owed to or on behalf of the child or caretaker, not  
5 8 to exceed the amount of public assistance paid for or on  
5 9 behalf of the child or caretaker as follows:

5 10 a. For family investment program assistance, section  
5 11 239B.6 shall apply.

5 12 b. For foster care services, section 234.39 shall apply.

5 13 c. For medical assistance, section 252E.11 shall apply.

5 14 2. The department shall immediately notify the clerk of  
5 15 court by mail when such a child or caretaker has been  
5 16 determined to be eligible for public assistance. Upon  
5 17 notification by the department, the clerk of court shall make  
5 18 a notation of the automatic assignment in the judgment docket  
5 19 and lien index. The notation constitutes constructive notice  
5 20 of the assignment. For public assistance approved and  
5 21 provided on or after July 1, 1997, if the applicant for public  
5 22 assistance is a person other than a parent of the child, the  
5 23 department shall send notice by regular mail to the last known  
5 24 addresses of the obligee and obligor. The clerk of court  
5 25 shall forward support payments received pursuant to section  
5 26 600B.25, to which the department is entitled, to the  
5 27 department, which may secure support payments in default  
5 28 through other proceedings.

5 29 3. The clerk shall furnish the department with copies of  
5 30 all orders or decrees and temporary or domestic abuse orders  
5 31 addressing support when the parties are receiving public  
5 32 assistance or services are otherwise provided by the child  
5 33 support recovery unit. Unless otherwise specified in the  
5 34 order, an equal and proportionate share of any child support  
5 35 awarded shall be presumed to be payable on behalf of each  
6 1 child subject to the order or judgment for purposes of an  
6 2 assignment under this section.

6 3 Sec. 7. EFFECTIVE DATE. This division of this Act takes  
6 4 effect October 1, 2009.

#### 6 5 DIVISION II

6 6 GARNISHMENT == MONEYS HELD BY STATE == DELINQUENT  
6 7 SUPPORT OBLIGORS

6 8 Sec. 8. Section 642.2, subsection 4, Code 2007, is amended  
6 9 to read as follows:

6 10 4. Notwithstanding subsections 2, 3, and 6, and 7 any  
6 11 moneys owed to the child support obligor by the state and  
6 12 payments owed to the child support obligor through the Iowa  
6 13 public employees' retirement system are subject to  
6 14 garnishment, attachment, execution, or assignment by the child  
6 15 support recovery unit if the child support recovery unit is  
6 16 providing enforcement services pursuant to chapter 252B.

#### 6 17 DIVISION III

6 18 CONSUMER REPORTING AGENCIES == REQUIREMENTS FOR  
6 19 RECEIPT AND USE OF DELINQUENT SUPPORT INFORMATION

6 20 Sec. 9. Section 252B.9, subsection 3, Code 2007, is  
6 21 amended by adding the following new paragraph:

6 22 NEW PARAGRAPH. j. The unit may provide information  
6 23 regarding delinquent obligors as provided in 42 U.S.C. }  
6 24 666(a)(7) to a consumer reporting agency if all the following  
6 25 apply:

6 26 (1) The agency provides the unit with satisfactory  
6 27 evidence that it is a consumer reporting agency as defined in  
6 28 15 U.S.C. } 1681a(f) and meets all the following requirements:

6 29 (a) Compiles and maintains files on consumers on a  
6 30 nationwide basis as provided in 15 U.S.C. } 1681a(p).

6 31 (b) Participates jointly with other nationwide consumer

6 32 reporting agencies in providing annual free credit reports to  
6 33 consumers upon request through a centralized source as  
6 34 required by the federal trade commission in 16 C.F.R. } 610.2.  
6 35 (2) The agency has entered into an agreement with the unit  
7 1 regarding receipt and use of the information.

7 2 DIVISION IV

7 3 CELLULAR TELEPHONE NUMBERS == AVAILABLE  
7 4 TO CHILD SUPPORT RECOVERY UNIT

7 5 Sec. 10. Section 252B.9, subsection 1, paragraph d,  
7 6 subparagraph (2), Code 2007, is amended to read as follows:

7 7 (2) Certain records held by public utilities, cable or  
7 8 other television companies, cellular telephone companies, and  
7 9 internet service providers with respect to individuals who owe  
7 10 or are owed support, or against or with respect to whom a  
7 11 support obligation is sought, consisting of the names and  
7 12 addresses of such individuals and the names and addresses of  
7 13 the employers of such individuals, as appearing in customer  
7 14 records, and including the cellular telephone numbers of such  
7 15 individuals appearing in the customer records of cellular  
7 16 telephone companies. If the records are maintained in

7 17 automated databases, the unit shall be provided with automated  
7 18 access.

7 19 DIVISION V

7 20 SPECIFIED INCOME PROVIDERS == ESTABLISHMENT  
7 21 OF ACCOUNTS FOR SUPPORT PAYMENTS

7 22 Sec. 11. NEW SECTION. 252B.28 ORDER FOR ESTABLISHMENT OF  
7 23 ACCOUNT.

7 24 1. This section shall apply to any income provider listed  
7 25 in subsection 2 if, at the time notice is served, support  
7 26 payments as defined in section 252D.16 are delinquent in an  
7 27 amount equal to the payment for one month.

7 28 2. This section shall apply to any of the following income  
7 29 providers:

7 30 a. A self-employed obligor. As used in this section,  
7 31 "self-employed" means earning at least a portion of the  
7 32 individual's livelihood directly from the individual's own  
7 33 business, trade, or profession rather than as a specified  
7 34 salary or wages from an employer.

7 35 b. A partnership, limited liability company, corporation,  
8 1 or other association or business entity from which an obligor  
8 2 receives compensation in the form of wages, salary,  
8 3 commissions, bonuses, or other income, if the obligor is a  
8 4 partner, member, owner, or officer of the entity.

8 5 c. A partnership, limited liability company, corporation,  
8 6 or other association or business entity from which a person  
8 7 specified in paragraph "b" receives compensation in the form  
8 8 of wages, salary, commissions, bonuses, or other income. As  
8 9 used in this section, "person" means the same as defined in  
8 10 section 4.1.

8 11 3. Upon motion filed by the child support recovery unit  
8 12 and notice, the district court may order an income provider  
8 13 specified under subsection 2 to establish a bank or other  
8 14 financial institution account for the sole purpose of  
8 15 obtaining support payments owed by the obligor. Notice shall  
8 16 be served on the obligor or other income provider by regular  
8 17 mail and proof of service completed according to rule of civil  
8 18 procedure 1.442. If a hearing is not requested within ten  
8 19 days of service of the notice, the court may enter an order  
8 20 under this subsection. The order shall specify the amount of  
8 21 the compensation that is to be deposited into such account and  
8 22 the frequency with which such deposits are to be made, whether  
8 23 weekly, biweekly, semimonthly, or monthly. Within ten days of  
8 24 the issuance of the order under this subsection, the income  
8 25 provider shall provide the unit with written authorization for  
8 26 the unit to receive from such account, by automatic  
8 27 withdrawal, the amount ordered to be deposited into such  
8 28 account. The court may provide a method for timely increase  
8 29 or decrease of the amounts to be deposited or withdrawn and  
8 30 shall specify the duration of the order. The order shall be  
8 31 subject to modification due to a change in the amount of the  
8 32 support order or a delinquency, or if the unit will no longer  
8 33 be providing services under this chapter.

8 34 4. Failure to establish the account or to deposit the  
8 35 required amount into the account or to authorize automatic  
9 1 withdrawal of the required amount by the unit is failure to  
9 2 comply with an order entered under subsection 3, which shall  
9 3 be punishable as contempt.

9 4 5. This section shall be construed to furnish an  
9 5 additional remedy and shall in no way affect or impair any  
9 6 other remedy, civil or criminal, provided in any other statute  
9 7 and available to the unit in relation to the same subject

9 8 matter, and shall not relieve an income provider of a duty  
9 9 under any other chapter.

9 10 DIVISION VI

9 11 OBLIGOR SOCIAL SECURITY NUMBER == NOTICE FORM

9 12 Sec. 12. Section 252I.6, subsection 2, paragraph a, Code  
9 13 2007, is amended to read as follows:

9 14 a. The name ~~and social security number~~ of the obligor.

9 15 DIVISION VII

9 16 MEDICAL SUPPORT

9 17 Sec. 13. Section 252E.1A, subsection 2, paragraph a,  
9 18 subparagraphs (1) and (2), as enacted by 2007 Iowa Acts,  
9 19 chapter 218, section 164, are amended to read as follows:

9 20 (1) The premium cost for a child to the parent ordered to  
9 21 provide the plan does not exceed five percent of that parent's  
9 22 gross income or the child support guidelines established  
9 23 pursuant to section 598.21B specifically provide an  
9 24 alternative income-based numeric standard for determining the  
9 25 reasonable cost of the premium, in which case the reasonable  
9 26 cost of the premium as determined by the standard specified by  
9 27 the child support guidelines shall apply.

9 28 (2) The premium cost for a child exceeds ~~five percent of~~  
9 29 ~~the gross income of the parent ordered to provide the plan the~~  
9 30 ~~amount specified in subparagraph (1) and that parent consents~~  
9 31 ~~or does not object to entry of that order.~~

9 32 Sec. 14. Section 252E.1A, subsection 3, as enacted by 2007  
9 33 Iowa Acts, chapter 218, section 164, is amended to read as  
9 34 follows:

9 35 3. If a health benefit plan is not available at the time  
10 1 of the entry of the order, the court shall order a reasonable  
10 2 monetary amount in lieu of a health benefit plan, which amount  
10 3 shall be stated in the order. For purposes of this  
10 4 subsection, a reasonable amount means five percent of the  
10 5 gross income of the parent ordered to provide the monetary  
10 6 amount for medical support or if the child support guidelines  
10 7 established pursuant to section 598.21B specifically provide  
10 8 an alternative income-based numeric standard for determining  
10 9 the reasonable amount, a reasonable amount means the amount as  
10 10 determined by the standard specified by the child support  
10 11 guidelines. This subsection shall not apply in any of the  
10 12 following circumstances:

10 13 a. If the parent's monthly support obligation established  
10 14 pursuant to the child support guidelines prescribed by the  
10 15 supreme court pursuant to section 598.21B is the minimum  
10 16 obligation amount. If this paragraph applies, the court shall  
10 17 order the parent to provide a health benefit plan when a plan  
10 18 becomes available for which there is no premium cost for a  
10 19 child to the parent.

10 20 b. If subsection 7, paragraph "d", "e", or "f" applies.

10 21 Sec. 15. Section 252E.1A, subsection 6, as enacted by 2007  
10 22 Iowa Acts, chapter 218, section 164, is amended to read as  
10 23 follows:

10 24 6. An order, decree, or judgment entered before ~~March 1,~~  
10 25 ~~2008 July 1, 2009~~, that provides for the support of a child  
10 26 may be modified in accordance with this section.

10 27 Sec. 16. Section 252E.1A, subsection 7, as enacted by 2007  
10 28 Iowa Acts, chapter 218, section 164, is amended by adding the  
10 29 following new paragraph:

10 30 NEW PARAGRAPH. f. If a health benefit plan is not  
10 31 available, and the noncustodial parent is receiving assistance  
10 32 or is residing with any child receiving assistance as provided  
10 33 in section 252E.2A, subsection 1, paragraph "c", subparagraph  
10 34 (3) or (4), the unit shall seek an order that the noncustodial  
10 35 parent shall provide a health benefit plan when a plan becomes  
11 1 available for which there is no premium cost for a child to  
11 2 the parent.

11 3 Sec. 17. Section 252E.2A, subsection 1, paragraph b, as  
11 4 enacted by 2007 Iowa Acts, chapter 218, section 165, is  
11 5 amended to read as follows:

11 6 b. The unit is notified that the conditions of paragraph  
11 7 "c" are met and ~~there is a pending action to establish or~~  
11 8 ~~modify support initiated by the unit, or the parent ordered to~~  
11 9 ~~provide medical support submits a written statement to the~~  
11 10 ~~unit that the requirements of paragraph "c" are met.~~

11 11 Sec. 18. Section 252E.2A, subsection 1, paragraph c,  
11 12 unnumbered paragraph 1, as enacted by 2007 Iowa Acts, chapter  
11 13 218, section 165, is amended to read as follows:

11 14 The parent ordered to provide medical support ~~or the parent~~  
11 15 ~~from whom the unit is seeking to establish or modify medical~~  
11 16 ~~support meets at least one of the following conditions:~~

11 17 Sec. 19. Section 252E.2A, subsection 5, as enacted by 2007  
11 18 Iowa Acts, chapter 218, section 165, is amended to read as

11 19 follows:

11 20 5. An order, decree, or judgment entered or pending on or  
11 21 before ~~March 1, 2008~~ July 1, 2009, that provides for the  
11 22 support of a child may be satisfied as provided in this  
11 23 section.

11 24 Sec. 20. 2007 Iowa Acts, chapter 218, section 187, is  
11 25 amended to read as follows:

11 26 SEC. 187. EFFECTIVE DATE. This division of this Act takes  
11 27 effect ~~March 1, 2008~~ July 1, 2009.

11 28 Sec. 21. CHILD SUPPORT RECOVERY == MEDICAL SUPPORT.

11 29 Notwithstanding chapter 252C, 252F, or 252H, or any other  
11 30 applicable chapter, either parent may be ordered to provide  
11 31 medical support in accordance with the federal Deficit  
11 32 Reduction Act of 2005, Pub. L. No. 109=171.

11 33 Sec. 22. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.

11 34 This division of this Act, being deemed of immediate  
11 35 importance, takes effect upon enactment and is retroactively  
12 1 applicable to March 1, 2008.

12 2 EXPLANATION

12 3 Division I of this bill relates to the assignment of  
12 4 support payments to the department under the family investment  
12 5 program. The federal Deficit Reduction Act of 2005 provides  
12 6 that families who begin receiving family investment program  
12 7 benefits on or after October 1, 2009, are only subject to  
12 8 assignment to the state of child support that becomes due  
12 9 during the period they are receiving FIP benefits. The bill  
12 10 makes corresponding changes relating to such assignment and  
12 11 retains the provision that the amount of the assigned child  
12 12 support cannot exceed the amount of FIP benefits paid to the  
12 13 family. The bill also provides that any rights to support  
12 14 payments assigned to the department on or before September 30,  
12 15 2009, shall remain assigned to the department. The division  
12 16 takes effect October 1, 2009.

12 17 Division II of the bill provides that if the state is  
12 18 holding money for a person who owes delinquent child support,  
12 19 whether or not the person is a state employee, the money may  
12 20 be garnished to pay the child support.

12 21 Division III of the bill provides for the provision of  
12 22 information regarding delinquent child support obligors as  
12 23 required by federal law to consumer reporting agencies and  
12 24 specifies the requirements that a consumer reporting agency  
12 25 must meet regarding the receipt and use of the information.

12 26 Division IV of the bill provides that in addition to name  
12 27 and address information already provided to the child support  
12 28 recovery unit by public utilities, cable or other television  
12 29 companies, and cellular telephone companies with respect to  
12 30 individuals who owe or are owed support, or against or with  
12 31 respect to whom a support obligation is sought, the cellular  
12 32 telephone numbers of such individuals appearing in the  
12 33 customer records of cellular telephone companies shall also be  
12 34 available to the child support recovery unit for purposes of  
12 35 the computer match program.

13 1 Division V of the bill authorizes the district court to  
13 2 order certain income providers to establish a bank or other  
13 3 financial institution account for the sole purpose of  
13 4 obtaining child support payments if at the time notice is  
13 5 served, support payments from an obligor are delinquent in an  
13 6 amount equal to the payment for one month. Division V of the  
13 7 bill defines the income providers as self-employed obligors; a  
13 8 partnership, limited liability company, corporation, or other  
13 9 association or business entity from which an obligor receives  
13 10 compensation in the form of wages, salary, commissions,  
13 11 bonuses, or other income, if the obligor is a partner, member,  
13 12 owner, or officer of the entity; and a partnership, limited  
13 13 liability company, corporation, or other association or  
13 14 business entity from which a person receives compensation in  
13 15 the form of wages, salary, commissions, bonuses, or other  
13 16 income. Division V of the bill provides the process for the  
13 17 unit to file a motion and provide notice to an income provider  
13 18 to establish the account for the sole purpose of obtaining  
13 19 support payments. If a hearing is not requested, the court  
13 20 may enter an order specifying the amount of the compensation  
13 21 that is to be deposited into the account and the frequency  
13 22 with which the deposits are to be made. Within 10 days of the  
13 23 issuance of the order, the income provider is required to  
13 24 provide the unit with written authorization for the unit to  
13 25 receive from such account, by automatic withdrawal, the amount  
13 26 ordered to be deposited into the account. The order is  
13 27 subject to modification due to a change in the amount of the  
13 28 support order or a delinquency, or if the unit will no longer  
13 29 be providing services. Failure to comply with the order is

13 30 punishable as contempt. Division V of the bill provides that  
13 31 the provisions of the bill are to be construed to furnish an  
13 32 additional remedy and shall in no way affect or impair any  
13 33 other remedy, civil or criminal, provided in any other statute  
13 34 and available to the unit in relation to the same subject  
13 35 matter, and shall not relieve an income provider of a duty  
14 1 under any other Code chapter.

14 2 Division VI of the bill eliminates the requirement for the  
14 3 child support recovery unit to include the obligor's social  
14 4 security number on the notice form regarding the  
14 5 administrative levy of an account of the parent who owes  
14 6 delinquent child support.

14 7 Division VII of the bill delays, until July 1, 2009,  
14 8 changes enacted in Iowa law, based upon the federal Deficit  
14 9 Reduction Act of 2005 regarding medical support, which would  
14 10 have taken effect March 1, 2008. Division VII of the bill  
14 11 also makes changes in these medical support provisions to  
14 12 allow for the determination of the amount of the reasonable  
14 13 cost a parent is to pay for medical support to be either an  
14 14 amount which is 5 percent of a parent's gross income, or, if  
14 15 the child support guidelines specify an income-based standard  
14 16 for determining the reasonable amount, the amount determined  
14 17 by the guidelines. Division VII of the bill also allows the  
14 18 court an alternative means of ordering medical support for a  
14 19 parent with low income. Division VII of the bill amends  
14 20 current law to eliminate references to pending actions to  
14 21 provide that the new provisions relating to medical support  
14 22 orders only apply if there is an existing order. Division VII  
14 23 of the bill provides that, notwithstanding any existing law to  
14 24 the contrary, either parent may be ordered to provide medical  
14 25 support in accordance with the federal Deficit Reduction Act  
14 26 of 2005.

14 27 LSB 5132SV 82

14 28 pf/nh/5.1