

Senate File 2026 - Introduced

SENATE FILE 2026
BY HOGG

A BILL FOR

1 An Act relating to modification of a child support order for
2 parents engaged in active military service, and providing a
3 standing appropriation.

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

1 Section 1. NEW SECTION. 252B.28 Active duty — modification
2 of support order — standing appropriation.

3 1. Notwithstanding any other provision of law to the
4 contrary, if an obligor engaged in active duty experiences a
5 reduction in income due to such active duty, the reduction in
6 income constitutes a substantial change in circumstances for
7 purposes of modification of any child support order to which
8 the obligor is subject, as provided in this section.

9 2. *a.* Upon receipt of a notarized letter from the
10 commanding officer of the obligor engaged in active duty which
11 contains the date of the commencement of active duty and the
12 compensation of the obligor for such active duty, if the unit
13 determines that the obligor has experienced a reduction in
14 income due to such active duty, the unit shall do all of the
15 following relating to the obligor's income upon which the
16 current support order is based:

17 (1) Mail a copy of the notarized letter to the obligee with
18 a notice informing the obligee that the letter constitutes a
19 petition for modification of child support during the obligor's
20 active duty.

21 (2) Take appropriate action to seek a temporary
22 modification of the support order in accordance with the
23 guidelines established pursuant to section 598.21B. The
24 modification shall be retroactive to the date the obligee was
25 mailed a copy of the notarized letter.

26 *b.* Receipt of the notarized letter by the unit constitutes
27 an application for services under this chapter.

28 3. Upon discharge from active duty, the obligor shall
29 notify the unit. The unit shall take appropriate action to
30 seek modification of the order or judgment for temporary
31 modification of child support in accordance with the guidelines
32 established pursuant to section 598.21B. Receipt of such
33 notification by the unit constitutes an application for
34 services under this chapter.

35 4. For each support order modified under this section to

1 reflect the reduction in an obligor's income resulting from the
2 obligor's engagement in active duty, the unit shall determine
3 the difference between the amount of support provided under the
4 order prior to modification and under the modified order, make
5 any adjustments for individuals eligible as public assistance
6 recipients, and forward the resulting amount to the obligee on
7 a monthly basis.

8 5. There is appropriated from the general fund of the state
9 to the department of human services each fiscal year beginning
10 July 1, 2010, an amount necessary for the payment of support
11 amounts under this section.

12 6. For the purposes of this section:

13 a. "Active duty" means that the obligor is a member of a
14 reserve unit or national guard unit that is called into active
15 duty as defined in 10 U.S.C. § 101(d)(1), for a period of more
16 than thirty days, but not including active duty for training or
17 attendance at a service school.

18 b. "Support order" means any order entered pursuant to
19 chapter 234, 252A, 252C, 252F, 252H, 598, 600B, or any other
20 support chapter or proceeding which establishes support
21 payments as defined in section 252D.16 or 598.1.

22 EXPLANATION

23 This bill provides for the modification of support orders
24 to reflect the reduction in pay of an obligor due to engaging
25 in active military duty. The bill provides that if an obligor
26 experiences a reduction in income due to active duty, the
27 reduction in income constitutes a substantial change in
28 circumstances, and is therefore a basis for modification of a
29 support order.

30 The bill establishes a process for modification of a support
31 order through the child support recovery unit. Upon receipt
32 of a notarized letter from the commanding officer of the
33 obligor engaged in active duty which contains the date of the
34 commencement of active duty and the compensation of the obligor
35 for such active duty, if the unit determines that the obligor

1 has experienced a reduction in income due to such active duty,
2 the unit is directed to mail a copy of the notarized letter
3 to the obligee with a notice informing the obligee that the
4 letter constitutes a petition for modification of child support
5 during the obligor's active duty and to take appropriate action
6 to seek a temporary modification of the support order in
7 accordance with the child support guidelines. The modification
8 is retroactive to the date the obligee was mailed a copy of the
9 notarized letter.

10 Upon return from active duty, the obligor is required to
11 notify the unit, and the unit is to take appropriate action to
12 seek modification of the support order in accordance with the
13 child support guidelines.

14 For each support order modified under the provisions of the
15 bill, the unit is directed to determine the difference between
16 the amount of support provided under the current order and the
17 modified order, and forward the amount to the obligee on a
18 monthly basis. The bill provides a standing appropriation to
19 the department of human services for payment of these amounts.