

Senate Study Bill 3074 - Introduced

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

A BILL FOR

1 An Act relating to child support recovery including child
2 support provisions for minor parents, medical support, and
3 the review and adjustment process.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 252B.5, subsection 2, Code Supplement
2 2009, is amended to read as follows:

3 2. Aid in establishing paternity and securing a court or
4 administrative order for support pursuant to chapter 252A,
5 252C, 252F, or 600B, or any other chapter providing for
6 the establishment of paternity or support. In an action to
7 establish support, the resident parent may be a proper party
8 defendant for purposes of determining medical support as
9 provided in section 252E.1A upon service of notice as provided
10 in this chapter and without a court order as provided in
11 the rules of civil procedure. The unit's independent cause
12 of action shall not bar a party from seeking support in a
13 subsequent proceeding.

14 Sec. 2. Section 252F.1, subsection 4, Code Supplement 2009,
15 is amended to read as follows:

16 4. "*Party*" means a putative father or a mother, as named in
17 an action.

18 Sec. 3. Section 252F.4, subsections 1 through 4, Code
19 Supplement 2009, are amended to read as follows:

20 1. If ~~both parties fail~~ each party fails to respond to the
21 initial notice within twenty days after the date of service of
22 the notice or ~~fail~~ fails to appear at a conference pursuant to
23 section 252F.3 on the scheduled date of the conference, and
24 paternity has not been contested and ~~both parties fail~~ each
25 party fails to timely request a court hearing on the issue of
26 support, the administrator shall enter an order against the
27 parties, declaring the putative father to be the legal father
28 of the child or children involved and assessing any accrued and
29 accruing child support obligation pursuant to the guidelines
30 established under section 598.21B, and medical support pursuant
31 to chapter 252E.

32 2. If paternity is contested pursuant to section 252F.3,
33 subsection 6, and the party contesting paternity fails to
34 appear for a paternity test and fails to request a rescheduling
35 pursuant to section 252F.3, or fails to appear for both the

1 initial and the rescheduled paternity tests and ~~both parties~~
2 ~~fail~~ each party fails to timely request a court hearing on
3 the issue of support, the administrator shall enter an order
4 against the parties declaring the putative father to be the
5 legal father of the child or children involved and assessing
6 any accrued and accruing child support obligation pursuant to
7 the guidelines established under section 598.21B, and medical
8 support pursuant to chapter 252E.

9 3. If a conference pursuant to section 252F.3 is held,
10 and paternity is not contested, and ~~both parties fail~~ each
11 party fails to timely request a court hearing on the issue of
12 support, the administrator shall enter an order against the
13 parties after the second notice has been sent declaring the
14 putative father to be the legal father of the child or children
15 involved and assessing any accrued and accruing child support
16 obligation pursuant to the guidelines established under section
17 598.21B, and medical support pursuant to chapter 252E.

18 4. If paternity was contested and paternity testing was
19 performed and the putative father was not excluded, if the
20 test results indicate that the probability of the putative
21 father's paternity is ninety-five percent or greater, if the
22 test results are not timely challenged, and if ~~both parties~~
23 ~~fail~~ each party fails to timely request a court hearing on
24 the issue of support, the administrator shall enter an order
25 against the parties declaring the putative father to be the
26 legal father of the child or children involved and assessing
27 any accrued and accruing child support obligation pursuant to
28 the guidelines established under section 598.21B, and medical
29 support pursuant to chapter 252E.

30 Sec. 4. Section 252H.7, subsection 1, unnumbered paragraph
31 1, Code 2009, is amended to read as follows:

32 A parent may waive the ~~thirty-day~~ ten-day prereview waiting
33 period provided for in section 252H.16.

34 Sec. 5. Section 252H.7, subsection 1, paragraph a, Code
35 2009, is amended to read as follows:

1 a. Upon receipt of signed requests from both parents
2 waiving the prereview waiting period, the unit may conduct a
3 review of the support order prior to the expiration of the
4 ~~thirty-day~~ ten-day period provided in section 252H.16.

5 Sec. 6. Section 252H.8, subsections 1 and 7, Code 2009, are
6 amended to read as follows:

7 1. For actions initiated under section 252H.15, either
8 parent or the unit may request a court hearing within
9 ~~thirty~~ ten days from the date of issuance of the notice of
10 decision under section 252H.16, or within ten days of the date
11 of issuance of the second notice of decision under section
12 252H.17, whichever is later.

13 7. For actions initiated under section 252H.15, a
14 hearing shall not be held for at least ~~thirty-one~~ eleven days
15 following the date of issuance of the notice of decision
16 unless the parents have jointly waived, in writing, the
17 ~~thirty-day~~ ten-day postreview period.

18 Sec. 7. Section 252H.14A, subsection 1, Code 2009, is
19 amended to read as follows:

20 1. Notwithstanding section 252H.15, ~~to assist the unit in~~
21 ~~meeting the requirement for reviews and adjustments under the~~
22 ~~federal Deficit Reduction Act of 2005, Pub. L. No. 109-171, the~~
23 unit may use procedures under this section to review a support
24 order if all the following apply:

25 a. One of the following applies:

26 (1) The right to ongoing child support is assigned to the
27 state of Iowa due to the receipt of family investment program
28 assistance, and a review of the support order is required under
29 section 7302 of the federal Deficit Reduction Act of 2005, Pub.
30 L. No. 109-171.

31 (2) A parent requests a review, provides the unit with
32 financial information as part of that request, and the order
33 meets the criteria for review under this subchapter.

34 b. The unit has access to information concerning the
35 financial circumstances of each parent and one of the following

1 applies:

2 (1) The parent is a recipient of family investment program
3 assistance, medical assistance, or food assistance from the
4 department.

5 (2) The parent's income is from supplemental security
6 income paid pursuant to 42 U.S.C. § 1381a.

7 (3) The parent is a recipient of disability benefits under
8 the Act because of the parent's disability.

9 (4) The parent is an inmate of an institution under the
10 control of the department of corrections.

11 (5) The unit has access to information described in section
12 252B.7A, subsection 1, paragraph "c".

13 Sec. 8. Section 252H.16, subsection 2, Code 2009, is amended
14 to read as follows:

15 2. Unless both parents have waived the prereview notice
16 period as provided for in section 252H.7, the review shall not
17 be conducted for at least ~~thirty~~ ten days from the date both
18 parents were successfully served with the notice required in
19 section 252H.15.

20 Sec. 9. Section 598.21B, subsection 2, paragraph e,
21 unnumbered paragraph 1, Code Supplement 2009, is amended to
22 read as follows:

23 Unless the special circumstances of the case justify a
24 deviation, the court or the child support recovery unit shall
25 establish a monthly child support payment ~~of twenty-five~~
26 ~~dollars~~ in accordance with the guidelines for a parent who is
27 nineteen years of age or younger, who has not received a high
28 school or high school equivalency diploma, and to whom each of
29 the following apply:

30 Sec. 10. RULES. Until the department of human services
31 amends rules pursuant to chapter 17A necessary to conform with
32 the sections of this Act amending sections 252H.7, 252H.8,
33 252H.14A, and 252H.16, any existing rule relating to review and
34 adjustment of support orders shall apply as follows:

35 1. Any provision for a time limit that conflicts with a

1 provision of this Act amending section 252H.7, 252H.8, or
2 252H.16, shall not apply.

3 2. Any rule that applies to review and adjustment of support
4 orders shall also apply to review under section 252H.14A, as
5 amended by this Act, except that a provision for a time limit,
6 notice, or other procedure which conflicts with a provision of
7 section 252H.14A, as amended by this Act, shall not apply.

8

EXPLANATION

9 This bill amends child support recovery provisions relating
10 to child support obligations for minor parents, medical
11 support, and the review and adjustment process.

12 The amendment to Code section 252B.5 provides for a process,
13 consistent with other child support Code chapters, to add
14 a party to an action in determining medical support. The
15 amendments to Code chapter 252F relating to administrative
16 establishment of paternity, correct an inconsistency in the
17 Code chapter between the provisions for advance notice to the
18 parent about an order which currently apply to each parent
19 (Code section 252F.3) and obtaining a paternity and support
20 order which currently apply to both parents (Code section
21 252F.4). The bill amends Code section 252F.4 and makes a
22 conforming change in Code section 252F.1 to provide that both
23 parties would not always have to be formally served and added
24 or joined to a paternity and medical support proceeding, but
25 would be added only as necessary.

26 The amendments to Code chapter 252H relating to review and
27 adjustment of child support orders shorten the waiting periods
28 in regular reviews from 30 days to 10 days for both the time
29 allowed parents to gather necessary information to submit to
30 the child support recovery unit (CSRU) and for parents to study
31 the revised child support calculation sent to them by the CSRU.
32 The 30-day time period was eliminated as a mandate in federal
33 law in 1996. The bill also makes changes to the abbreviated
34 review process, currently used when a child is enrolled in the
35 family investment program, to also allow the shortened process

1 in cases in which a parent requests a review or when CSRU has
2 access to the necessary information through an automated source
3 such as unemployment benefits, wage information, or information
4 from the parent's current employer. In effect, the process
5 is abbreviated by eliminating the first waiting period (used
6 for asking and waiting for both parents to gather and send
7 in their financial information, because the information is
8 already available from an automated source), while retaining
9 the regular postreview waiting period for the parents to review
10 the child support calculation.

11 The bill also amends Code section 598.21B to conform with
12 new child support guidelines. Current law, based on the former
13 guidelines, requires minor parent payors who are still in high
14 school to pay a minimum of \$25 a month in support. Under the
15 new guidelines providing for support amounts of less than \$25
16 a month, such a minor parent could pay less than \$25, as is
17 reflected in the language of the bill.

18 The bill also provides transition provisions relating
19 to existing rules that conflict with review and adjustment
20 provisions of the bill.