Senate Study Bill 1101 - Introduced

SENATE/HOUSE FILE

BY (PROPOSED DEPARTMENT OF HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to child support recovery.

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

1 Section 1. Section 252D.18, subsection 3, Code 2011, is
2 amended to read as follows:

3 3. The court or the child support recovery unit may,
4 by ex parte order, terminate an income withholding order
5 when the current support obligation has terminated and when
6 the delinquent support obligation has been fully satisfied
7 as applicable to all of the children covered by the income
8 withholding order. The unit may, by ex parte order, terminate
9 an income withholding order when the unit will no longer be
10 providing services under chapter 252B, or when a foreign
11 jurisdiction will be providing services under Tit. IV-D of the
12 federal Social Security Act.

13 Sec. 2. Section 252H.2, subsection 2, paragraph g, Code
14 2011, is amended to read as follows:

15 g. "Determination of controlling order" means the process 16 of identifying a child support order which must be recognized 17 pursuant to section 252K.207 and 28 U.S.C. § 1738B, when 18 more than one state has issued a support order for the same 19 child and the same obligor, and may include a reconciliation 20 of arrearages with information related to the calculation. 21 Registration of a foreign order is not necessary for a court or 22 the unit to make a determination of controlling order.

23 Sec. 3. Section 252H.14A, subsection 3, Code 2011, is 24 amended to read as follows:

3. Upon completion of the review, the unit shall issue a notice of decision to each parent, or if applicable, to each parent's attorney. The notice shall be served in accordance with the rules of civil procedure or as provided in section 252B.26, except that a parent requesting a review pursuant to section 252H.13 shall waive the right to personal service of the notice in writing and accept service by regular mail. If the service by regular mail does not occur within ninety days of the written waiver of personal service, personal service of the notice is required unless a new waiver of personal service is obtained.

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1 Sec. 4. Section 252J.4, subsection 3, Code 2011, is amended
2 to read as follows:

3 3. The unit shall notify the individual of the date, time, 4 and location of the conference by regular mail, with the date 5 of the conference to be no earlier than ten days following 6 issuance of notice of the conference by the unit, unless the 7 <u>individual and the unit agree to an earlier date which may be</u> 8 <u>the same date the individual requests the conference</u>. If the 9 individual fails to appear at the conference, the unit shall 10 issue a certificate of noncompliance.

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EXPLANATION

12 This bill includes provisions relating to child support 13 recovery.

14 The bill includes two provisions relating to coordinating 15 interstate child support cases mandated by recently adopted 16 federal regulations. The bill provides that when the child 17 support recovery unit is no longer providing services or 18 when a foreign jurisdiction will be providing services, the 19 unit may, by ex parte order, terminate an income withholding 20 order. Additionally, the bill amends the definition of 21 "determination of controlling order" to include in that process 22 a reconciliation of arrearages with information related to that 23 calculation.

The bill also provides that a parent requesting an abbreviated review of a child support order shall waive the right to personal service of the notice of decision by personal service in writing and accept service by regular mail. If the service by regular mail does not occur within 90 days of the written waiver, personal service of the notice is required unless a new written waiver is obtained. This provision is consistent with language relating to a notice of intent to review and adjust under Code section 252H.15 and language relating to the notice of intent to modify under Code section 24 252H.19.

35 The bill also provides for an exception to the requirement

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1 that a conference, following issuance of a notice of the 2 conference, be no earlier than 10 days following issuance of 3 the notice by the child support recovery unit, if an individual 4 and the unit agree to an earlier date which may be the same date 5 the individual requests the conference.

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