

House Study Bill 525 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to child support payment processing, and
2 including effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 252A.6, subsection 5, Code 2016, is
2 amended to read as follows:

3 5. The court making such order may require the party to make
4 payment at specified intervals to the ~~clerk of the district~~
5 ~~court or to the~~ collection services center, and to report
6 personally to the sheriff or any other official, at such times
7 as may be deemed necessary.

8 Sec. 2. Section 252A.6A, subsection 3, Code 2016, is amended
9 to read as follows:

10 3. If the expert analyzing the blood or genetic test
11 concludes that the test results demonstrate that the putative
12 father is not excluded and that the probability of the putative
13 father's paternity is ninety-nine percent or higher and if the
14 test results have not been challenged, the court, upon motion
15 by a party, shall enter a temporary order for child support
16 to be paid pursuant to [section 598.21B](#). The court shall
17 require temporary support to be paid to the ~~clerk of court or~~
18 ~~to the~~ collection services center. If the court subsequently
19 determines the putative father is not the father, the court
20 shall terminate the temporary support order. All support
21 obligations which came due prior to the order terminating
22 temporary support are unaffected by this action and remain a
23 judgment subject to enforcement.

24 Sec. 3. Section 252A.13, subsection 2, Code 2016, is amended
25 to read as follows:

26 2. The department shall immediately notify the clerk of
27 court by mail when such child or caretaker has been determined
28 to be eligible for public assistance. Upon notification by the
29 department, the clerk of court shall make a notation of the
30 automatic assignment in the judgment docket and lien index.
31 The notation constitutes constructive notice of the assignment.
32 If the applicant for public assistance, for whom public
33 assistance is approved and provided ~~on or after July 1, 1997,~~
34 is a person other than a parent of the child, the department
35 shall send notice of the assignment by regular mail to the

1 last known addresses of the obligee and obligor. The ~~clerk of~~
2 ~~court~~ collection services center shall forward support payments
3 received pursuant to [section 252A.6](#), to which the department is
4 entitled, to the department, unless the court has ordered the
5 payments made directly to the department under that section.
6 The department may secure support payments in default through
7 other proceedings.

8 Sec. 4. Section 252B.6A, subsection 5, paragraph a, Code
9 2016, is amended to read as follows:

10 a. All payments made as the result of a judicial proceeding
11 under [this section](#) shall be made to the ~~clerk of the district~~
12 ~~court or to the~~ collection services center and shall not be
13 made to the attorney. ~~Payments received by the clerk of the~~
14 ~~district court shall be forwarded to the collection services~~
15 ~~center as provided in [section 252B.15](#).~~

16 Sec. 5. Section 252B.13A, subsection 2, Code 2016, is
17 amended to read as follows:

18 2. a. The collection services center shall meet the
19 requirements for a state disbursement unit pursuant to 42
20 U.S.C. §654b, [section 252B.14](#), and [this section](#) by ~~October 1,~~
21 ~~1999~~.

22 b. ~~Prior to October 1, 1999, the~~ The department and the
23 judicial branch shall enter into a cooperative agreement for
24 ~~implementation~~ administration of the state disbursement unit
25 requirement. The agreement shall include, but is not limited
26 to, provisions for all of the following:

27 (1) Coordination with the state case registry created in
28 section 252B.24.

29 (2) The receipt and disbursement of all child support
30 payments including income withholding payments for orders not
31 receiving services from the unit pursuant to section 252B.14,
32 subsection 4 made by a payor of income as provided in chapter
33 252D.

34 (3) The transmission of information, orders, and documents,
35 and access to information.

1 (4) Furnishing, upon request, timely information on the
2 current status of support payments as provided in 42 U.S.C.
3 §654b(b)(4), in a manner consistent with state law.

4 (5) The notification of payors of income to direct income
5 withholding payments to the collection services center as
6 provided in ~~section 252B.14, subsection 4.~~

7 Sec. 6. Section 252B.14, Code 2016, is amended to read as
8 follows:

9 **252B.14 Support payments — collection services center or**
10 **comparable government entity in another state —**~~clerk of the~~
11 ~~district court.~~

12 1. For the purposes of ~~this section~~, “*support order*”
13 includes any order entered pursuant to ~~chapter 234, 252A, 252C,~~
14 ~~598, 600B,~~ or any other support chapter or proceeding which
15 establishes support payments as defined in ~~section 252D.16 or~~
16 ~~598.1.~~

17 2. ~~For support orders being enforced by the child support~~
18 ~~recovery unit, support~~ All support payments made pursuant to
19 the a support order, including those being enforced by the
20 child support recovery unit and those made through an income
21 withholding order by a payor of income as provided in chapter
22 252D, shall be directed to and disbursed by the collection
23 services center or, as appropriate, a comparable government
24 entity in another state as provided in ~~chapter 252K.~~

25 3. ~~With the exception of support payments to which~~
26 ~~subsection 2 or 4 applies, support payments made pursuant to~~
27 ~~an order shall be directed to and disbursed by the clerk of the~~
28 ~~district court in the county in which the order for support is~~
29 ~~filed. The clerk of the district court may require the obligor~~
30 ~~to submit payments by bank draft or money order if the obligor~~
31 ~~submits an insufficient funds support payment to the clerk of~~
32 ~~the district court.~~

33 4. ~~For a support order to which subsection 2 does not~~
34 ~~apply, regardless of the terms of the support order directing~~
35 ~~or redirecting the place of payment, support payments made~~

1 ~~through income withholding by a payor of income as provided~~
2 ~~in [chapter 252D](#) shall be directed to and disbursed by the~~
3 ~~collection services center or, as appropriate, a comparable~~
4 ~~government entity in another state as provided in chapter~~
5 ~~252K. The judicial branch and the department shall develop and~~
6 ~~implement a plan to notify payors of income of this requirement~~
7 ~~and the effective date of the requirement applicable to the~~
8 ~~respective payor of income.~~

9 ~~5.~~ 3. If the collection services center is receiving and
10 disbursing payments pursuant to a support order, but the unit
11 is not providing other services under Tit. IV-D of the federal
12 Social Security Act, or if the order is not being enforced by
13 the unit, the parties to that order are not considered to be
14 receiving services under [this chapter](#).

15 ~~6.~~ 4. Payments to persons other than ~~the clerk of the~~
16 ~~district court or~~ the collection services center or, as
17 appropriate, a comparable government entity in another state
18 as provided in [chapter 252K](#), do not satisfy the support
19 obligations created by a support order or judgment, except as
20 provided for in [sections 598.22](#) and [598.22A](#).

21 Sec. 7. Section 252B.15, Code 2016, is amended to read as
22 follows:

23 **252B.15 Processing and disbursement of support payments.**

24 ~~1. The collection services center shall notify the clerk~~
25 ~~of the district court of any order for which the child support~~
26 ~~recovery unit is providing enforcement services. The clerk~~
27 ~~of the district court shall forward any support payment~~
28 ~~made pursuant to the order, along with any support payment~~
29 ~~information, to the collection services center. Unless the~~
30 ~~agreement developed pursuant to [section 252B.13A](#) otherwise~~
31 ~~provides, the clerk of the district court shall forward any~~
32 ~~support payment made and any support payment information~~
33 ~~provided through income withholding pursuant to [chapter 252D](#),~~
34 ~~to the collection services center. The collection services~~
35 ~~center shall process and disburse the payment in accordance~~

1 ~~with federal requirements.~~

2 2. 1. Unless otherwise provided under federal law, if it
3 is possible to identify the support order to which a payment
4 is to be applied and if sufficient information is provided to
5 identify the obligee, a payment received by the collection
6 services center ~~or the clerk of the district court~~ shall be
7 disbursed to the appropriate individual or office within two
8 working days in accordance with [section 598.22](#).

9 3. 2. If the collection services center receives an
10 incorrectly submitted payment, the collection services center
11 shall promptly return the payment to the sender and, if known,
12 provide information about where to send the payment.

13 4. 3. [Chapter 556](#) shall not apply to payments received by
14 the collection services center.

15 Sec. 8. Section 252B.16, Code 2016, is amended to read as
16 follows:

17 **252B.16 Transfer of support order processing responsibilities**
18 ~~— ongoing procedures to another state.~~

19 1. ~~For a support order being processed by the clerk of the~~
20 ~~district court, upon notification that the unit is providing~~
21 ~~enforcement services related to the order, the clerk of the~~
22 ~~district court shall immediately transfer the responsibility~~
23 ~~for the disbursement of support payments received pursuant to~~
24 ~~the order to the collection services center.~~

25 2. ~~The department shall adopt rules pursuant to chapter~~
26 ~~17A to ensure that the affected parties are notified that~~
27 ~~the support payment disbursement responsibilities have been~~
28 ~~transferred to the collection services center from the clerk~~
29 ~~of the district court. The rules shall include a provision~~
30 ~~requiring that a notice shall be sent by regular mail to the~~
31 ~~last known addresses of the obligee and the obligor. The~~
32 ~~issuance of notice to the obligor is the equivalent of a court~~
33 ~~order requiring the obligor to direct payment to the collection~~
34 ~~services center for disbursement.~~

35 3. ~~Once the responsibility for receiving and disbursing~~

~~1 support payments has been transferred from a clerk of the
2 district court to the collection services center, the
3 responsibility shall remain with the collection services center
4 even if the child support recovery unit is no longer providing
5 enforcement services, unless redirected by court order.
6 However, the responsibility for receiving and disbursing income
7 withholding payments shall not be redirected to a clerk of the
8 district court.~~

9 4. As provided in sections 252K.307 and 252K.319, the unit
10 may issue and file with the clerk of the district court, a
11 notice redirecting support payments to a comparable government
12 entity responsible for the processing and disbursement of
13 support payments in another state. The unit shall send a copy
14 of the notice by regular mail to the last known addresses of
15 the obligor and obligee and, where applicable, shall notify the
16 payor of income to make payments as specified in the notice.
17 The issuance and filing of the notice is the equivalent of a
18 court order redirecting support.

19 Sec. 9. Section 252D.1, Code 2016, is amended to read as
20 follows:

21 **252D.1 Delinquent support payments.**

22 If support payments ordered under [this chapter](#) or chapter
23 232, [234](#), [252A](#), [252C](#), [252E](#), [252F](#), [598](#), [600B](#), or any other
24 applicable chapter, or under a comparable statute of another
25 state or foreign country, as certified to the child support
26 recovery unit established in [section 252B.2](#), are not paid to
27 ~~the clerk of the district court or the collection services~~
28 center pursuant to [section 598.22](#) or, as appropriate, a
29 comparable government entity in another state as provided in
30 chapter 252K, and become delinquent in an amount equal to
31 the payment for one month, the child support recovery unit
32 may enter an ex parte order or, upon application of a person
33 entitled to receive the support payments, the district court
34 may enter an ex parte order, notifying the person whose
35 income is to be withheld, of the delinquent amount, of the

1 amount of income to be withheld, and of the procedure to
2 file a motion to quash the order for income withholding, and
3 ordering the withholding of specified sums to be deducted
4 from the delinquent person's income as defined in section
5 252D.16 sufficient to pay the support obligation and, except as
6 provided in [section 598.22](#), requiring the payment of such sums
7 to the ~~clerk of the district court or the~~ collection services
8 center or, as appropriate, a comparable government entity
9 in another state as provided in [chapter 252K](#). All income
10 withholding payments shall be paid to the collection services
11 center or, as appropriate, a comparable government entity in
12 another state as provided in [chapter 252K](#). Notification of
13 income withholding shall be provided to the obligor and to the
14 payor of income pursuant to [section 252D.17](#).

15 Sec. 10. Section 252D.17, subsection 1, paragraphs e, f, and
16 h, Code 2016, are amended to read as follows:

17 e. The payor shall send the amounts withheld to the
18 collection services center ~~or the clerk of the district court~~
19 pursuant to [section 252B.14](#) or, as appropriate, a comparable
20 government entity in another state as provided in [chapter 252K](#),
21 within seven business days of the date the obligor is paid.
22 "*Business day*" means a day on which state offices are open for
23 regular business.

24 f. The payor may combine amounts withheld from the obligors'
25 income in a single payment to the ~~clerk of the district court~~
26 ~~or to the~~ collection services center or a comparable government
27 entity in another state as provided in [chapter 252K](#), as
28 appropriate. Whether combined or separate, payments shall be
29 identified by the name of the obligor, account number, amount,
30 and the date withheld. If payments for multiple obligors are
31 combined, the portion of the payment attributable to each
32 obligor shall be specifically identified.

33 h. If the payor, with actual knowledge and intent to avoid
34 legal obligation, fails to withhold income or to pay the
35 amounts withheld to the collection services center or ~~the clerk~~

1 ~~of court or~~, as appropriate, a comparable government entity
2 in another state as provided in [chapter 252K](#) in accordance
3 with the provisions of the order, the notice of the order, or
4 the notification of payors of income provisions established
5 in [section 252B.13A](#), the payor commits a simple misdemeanor
6 for a first offense and is liable for the accumulated amount
7 which should have been withheld, together with costs, interest,
8 and reasonable attorney fees related to the collection of
9 the amounts due from the payor. For each subsequent offense
10 prescribed under this paragraph, the payor commits a serious
11 misdemeanor and is liable for the accumulated amount which
12 should have been withheld, together with costs, interest, and
13 reasonable attorney fees related to the collection of the
14 amounts due from the payor.

15 Sec. 11. Section 252D.31, subsection 3, Code 2016, is
16 amended to read as follows:

17 3. The payor shall withhold and transmit the amount
18 specified in the order or notice of the order of income
19 withholding to the ~~clerk of the district court or the~~
20 collection services center or a comparable government entity
21 in another state as provided in [chapter 252K](#), as appropriate,
22 until the notice that a motion to quash has been granted is
23 received.

24 Sec. 12. Section 252I.2, subsection 2, Code 2016, is amended
25 to read as follows:

26 2. An obligor is subject to the provisions of [this chapter](#)
27 if the obligor's support obligation is being enforced by the
28 child support recovery unit, and if the support payments
29 ordered under [chapter 232, 234, 252A, 252C, 252D, 252E,](#)
30 [252F, 598, 600B](#), or any other applicable chapter, or under a
31 comparable statute of another state or foreign country, as
32 certified to the child support recovery unit, are not paid to
33 the ~~clerk of the district court or the~~ collection services
34 center pursuant to [section 598.22](#) and become delinquent in an
35 amount equal to the support payment for one month.

1 Sec. 13. Section 252J.2, subsection 2, paragraph a, Code
2 2016, is amended to read as follows:

3 a. An obligor is subject to the provisions of **this chapter**
4 if the obligor's support obligation is being enforced by the
5 unit, if the support payments required by a support order to
6 be paid to the ~~clerk of the district court or the~~ collection
7 services center pursuant to **section 598.22** are not paid and
8 become delinquent in an amount equal to the support payment
9 for three months, and if the obligor's situation meets other
10 criteria specified under rules adopted by the department
11 pursuant to **chapter 17A**. The criteria specified by rule shall
12 include consideration of the length of time since the obligor's
13 last support payment and the total amount of support owed by
14 the obligor.

15 Sec. 14. Section 598.22, Code 2016, is amended to read as
16 follows:

17 **598.22 Support payments — ~~clerk of court~~ — collection**
18 **services center or comparable government entity in another state**
19 **— defaults — security.**

20 1. Except as otherwise provided in **section 598.22A**,
21 this section applies to all initial or modified orders for
22 support entered under **this chapter, chapter 234, 252A, 252C,**
23 **252F, 600B**, or any other chapter of the Code. All orders
24 or judgments entered under **chapter 234, 252A, 252C, 252F**, or
25 **600B**, or under **this chapter** or any other chapter which provide
26 for temporary or permanent support payments shall direct the
27 payment of those sums to the ~~clerk of the district court or the~~
28 collection services center in accordance with **section 252B.14**,
29 or as appropriate, a comparable government entity in another
30 state as provided in **chapter 252K** for the use of the person for
31 whom the payments have been awarded. All income withholding
32 payments shall be directed to the collection services center,
33 or as appropriate, a comparable government entity in another
34 state as provided in **chapter 252K**. Payments to persons other
35 than the ~~clerk of the district court, the~~ collection services

1 center, or as appropriate, a comparable government entity in
2 another state as provided in [chapter 252K](#), do not satisfy the
3 support obligations created by the orders or judgments, except
4 as provided for trusts governed by the federal Retirement
5 Equity Act of 1984, Pub. L. No. 98-397, for tax refunds or
6 rebates in [section 602.8102, subsection 47](#), or for dependent
7 benefits paid to the child support obligee as the result of
8 disability benefits awarded to the child support obligor under
9 the federal Social Security Act. For trusts governed by the
10 federal Retirement Equity Act of 1984, Pub. L. No. 98-397,
11 the order for income withholding or notice of the order for
12 income withholding shall require the payment of such sums to
13 the alternate payee in accordance with the federal Act. For
14 dependent benefits paid to the child support obligee as a
15 result of disability benefits awarded to the child support
16 obligor under the federal Social Security Act, the provisions
17 of [section 598.22C](#) shall apply.

18 2. An income withholding order or notice of the order
19 for income withholding shall be entered under the terms and
20 conditions of [chapter 252D](#). However, for trusts governed by
21 the federal Retirement Equity Act of 1984, Pub. L. No. 98-397,
22 the payor shall transmit the payments to the alternate payee in
23 accordance with the federal Act.

24 3. An order or judgment entered by the court for temporary
25 or permanent support or for income withholding shall be filed
26 with the clerk. The orders have the same force and effect
27 as judgments when entered in the judgment docket and lien
28 index and are records open to the public. Unless otherwise
29 provided by federal law, if it is possible to identify the
30 support order to which a payment is to be applied, and if
31 sufficient information identifying the obligee is provided,
32 the ~~clerk or the collection services center, as appropriate,~~
33 shall disburse the payments received pursuant to the orders
34 or judgments within two working days of the receipt of
35 the payments. All moneys received or disbursed under this

1 section shall be entered in records kept by the ~~clerk, or the~~
2 collection services center, ~~as appropriate, and the records~~
3 ~~kept by the clerk shall be available to the public.~~ The clerk
4 ~~or the~~ collection services center shall not enter any moneys
5 paid in the record book if not paid directly to the ~~clerk or~~
6 the center, ~~as appropriate,~~ except as provided for trusts and
7 federal social security disability payments in [this section](#),
8 and for tax refunds or rebates in section 602.8102, subsection
9 47, or as appropriate, a comparable government entity in
10 another state as provided in [chapter 252K](#).

11 4. If the sums ordered to be paid in a support payment order
12 are not paid to the ~~clerk or the~~ collection services center, or
13 a comparable government entity in another state as provided in
14 chapter 252K, as appropriate, at the time provided in the order
15 or judgment, the ~~clerk or the~~ collection services center, ~~as~~
16 ~~appropriate,~~ shall certify a default to the court which may, on
17 its own motion, proceed as provided in [section 598.23](#).

18 5. Prompt payment of sums required to be paid under sections
19 598.10, [598.21A](#), [598.21B](#), [598.21C](#), [598.21E](#), and [598.21F](#) is
20 the essence of such orders or judgments and the court may act
21 pursuant to [section 598.23](#) regardless of whether the amounts in
22 default are paid prior to the contempt hearing.

23 6. Upon entry of an order for support or upon the failure of
24 a person to make payments pursuant to an order for support, the
25 court may require the person to provide security, a bond, or
26 other guarantee which the court determines is satisfactory to
27 secure the payment of the support. Upon the person's failure
28 to pay the support under the order, the court may declare the
29 security, bond, or other guarantee forfeited.

30 7. For the purpose of enforcement, medical support is
31 additional support which, upon being reduced to a dollar
32 amount, may be collected through the same remedies available
33 for the collection and enforcement of child support.

34 ~~8. The clerk of the district court in the county in which~~
35 ~~the order for support is filed and to whom support payments are~~

~~1 made pursuant to the order may require the person obligated to
2 pay support to submit payments by bank draft or money order if
3 the obligor submits an insufficient funds support payment to
4 the clerk of the district court.~~

5 Sec. 15. Section 598.22A, unnumbered paragraph 1, Code
6 2016, is amended to read as follows:

7 Notwithstanding [sections 252B.14](#) and [598.22](#), support
8 payments ordered pursuant to any support chapter ~~for orders~~
9 ~~entered on or after July 1, 1985,~~ which are not made pursuant
10 to the provisions of [section 252B.14](#) or [598.22](#), shall be
11 credited only as provided in [this section](#).

12 Sec. 16. Section 598.22A, subsection 1, Code 2016, is
13 amended to read as follows:

14 1. ~~a.~~ For payment made pursuant to an order, the ~~clerk of~~
15 ~~the district court or~~ collection services center shall record a
16 satisfaction as a credit on the official support payment record
17 if its validity is confirmed by the court upon submission of
18 an affidavit by the person entitled to receive the payment or
19 upon submission of documentation of the financial instrument
20 used in the payment of the support by the person ordered to pay
21 support, after notice is given to all parties.

22 ~~b.~~ ~~If a satisfaction recorded on the official support~~
23 ~~payment record by the clerk of the district court or collection~~
24 ~~services center prior to July 1, 1991, was not confirmed~~
25 ~~as valid by the court, and a party to the action submits a~~
26 ~~written affidavit objecting to the satisfaction, notice of the~~
27 ~~objection shall be mailed to all parties at their last known~~
28 ~~addresses. After all parties have had sufficient opportunity~~
29 ~~to respond to the objection, the court shall either require the~~
30 ~~satisfaction to be removed from the official support payment~~
31 ~~record or confirm its validity.~~

32 Sec. 17. Section 598.22A, subsection 3, Code 2016, is
33 amended to read as follows:

34 3. The court shall not enter an order for satisfaction of
35 payments not made through the ~~clerk of the district court or~~

1 collection services center if those payments have been assigned
2 as a result of public funds expended pursuant to [chapter 234](#),
3 [239B](#), or [249A](#), or similar statutes in other states and the
4 support payments accrued during the months in which public
5 funds were expended. If the support order did not direct
6 payments to ~~a clerk of the district court or~~ the collection
7 services center, and the support payments in question accrued
8 during the months in which public funds were not expended,
9 however, the court may enter an order for satisfaction of
10 payments not made through the ~~clerk of the district court~~
11 ~~or~~ the collection services center if documentation of the
12 financial instrument used in the payment of support is
13 presented to the court and the parties to the order submit a
14 written affidavit confirming that the financial instrument was
15 used as payment for support.

16 Sec. 18. Section 598.22B, Code 2016, is amended to read as
17 follows:

18 **598.22B Information required in order or judgment.**

19 This section applies to all initial or modified orders
20 for paternity or support entered under [this chapter](#), chapter
21 [234](#), [252A](#), [252C](#), [252F](#), [252H](#), [252K](#), or [600B](#), or under any other
22 chapter, and any subsequent order to enforce such support
23 orders.

24 1. All such orders or judgments shall direct each party
25 to file with the ~~clerk of court or~~ the child support recovery
26 unit, ~~as appropriate~~, upon entry of the order, and to update as
27 appropriate, information on location and identity of the party,
28 including social security number, residential and mailing
29 addresses, electronic mail address, telephone number, driver's
30 license number, and name, address, and telephone number of the
31 party's employer. The order shall also include a provision
32 that the information filed will be disclosed and used pursuant
33 to [this section](#). ~~The party shall file the information with the~~
34 ~~clerk of court, or, if all support payments are to be directed~~
35 ~~to the collection services center as provided in section~~

1 ~~252B.14, subsection 2, and section 252B.16, with the child~~
2 ~~support recovery unit.~~

3 2. All such orders or judgments shall include a statement
4 that in any subsequent child support action initiated by the
5 child support recovery unit or between the parties, upon
6 sufficient showing that diligent effort has been made to
7 ascertain the location of such a party, the unit ~~or the court~~
8 shall deem due process requirements for notice and service of
9 process to be met with respect to the party, upon delivery
10 of written notice to the most recent residential or employer
11 address filed with the ~~clerk of court or~~ unit pursuant to
12 subsection 1.

13 3. a. Information filed pursuant to [subsection 1](#) shall not
14 be a public record.

15 ~~b. Information filed with the clerk of court pursuant to~~
16 ~~[subsection 1](#) shall be available to the child support recovery~~
17 ~~unit, upon request. Beginning October 1, 1998, information~~
18 ~~filed with the clerk of court pursuant to [subsection 1](#) shall be~~
19 ~~provided by the clerk of court to the child support recovery~~
20 ~~unit pursuant to [section 252B.24](#).~~

21 ~~c. Information filed with the clerk of court shall be~~
22 ~~available, upon request, to a party unless the party filing~~
23 ~~the information also files an affidavit alleging the party has~~
24 ~~reason to believe that release of the information may result in~~
25 ~~physical or emotional harm to the affiant or child. However,~~
26 ~~even if an affidavit has been filed, any information provided~~
27 ~~by the clerk of court to the child support recovery unit shall~~
28 ~~be disclosed by the unit as provided in [section 252B.9](#).~~

29 ~~d. b.~~ Information provided to the unit shall only be
30 disclosed as provided in [section 252B.9](#).

31 Sec. 19. Section 598.34, subsection 2, Code 2016, is amended
32 to read as follows:

33 2. The department shall immediately notify the clerk
34 of court by mail when such a child or caretaker has been
35 determined to be eligible for public assistance. Upon

1 notification by the department, the clerk of court shall make a
2 notation of the automatic assignment in the judgment docket and
3 lien index. The notation constitutes constructive notice of
4 the assignment. ~~For public assistance approved and provided~~
5 ~~on or after July 1, 1997, if~~ If the applicant for public
6 assistance is a person other than a parent of the child, the
7 department shall send a notice by regular mail to the last
8 known addresses of the obligee and obligor. ~~The clerk of court~~
9 collection services center shall forward support payments
10 received pursuant to [section 598.22](#), to which the department is
11 entitled, to the department, which may secure support payments
12 in default through other proceedings.

13 Sec. 20. Section 600B.38, subsection 2, Code 2016, is
14 amended to read as follows:

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

30 Sec. 21. Section 642.23, Code 2016, is amended to read as
31 follows:

32 **642.23 Support disbursements by the clerk.**

33 Notwithstanding the one-hundred-twenty-day period in
34 section 626.16 for the return of an execution in garnishment
35 for the payment of a support obligation, the sheriff shall

1 promptly deposit any amounts collected with the clerk of the
2 district court, and the clerk shall disburse the amounts, after
3 subtracting applicable fees, within two working days of the
4 filing of an order condemning funds ~~as follows:~~

5 ~~1. To the person entitled to the support payments when the~~
6 ~~clerk of the district court is the official entity responsible~~
7 ~~for the receipt and disbursement of support payments pursuant~~
8 ~~to [section 252B.14](#).~~

9 ~~2. To to the collection services center when the collection~~
10 ~~services center is the official entity responsible for the~~
11 receipt and disbursement of support payments pursuant to
12 section 252B.14.

13 Sec. 22. EFFECTIVE DATE AND IMPLEMENTATION. This Act
14 takes effect January 1, 2017, with the exception that the
15 department of human services and the judicial branch shall
16 begin implementation of this Act prior to January 1, 2017,
17 to the extent necessary to transition to full implementation
18 by January 1, 2017, including by entering into a cooperative
19 agreement for transfer to the collection services center
20 established pursuant to section 252B.13A, beginning January 1,
21 2017, of the duties of collection and disbursement of support
22 payments made pursuant to orders for support entered on or
23 before January 1, 2017, pursuant to chapter 234, 252A, 252C,
24 598, 600B, or any other support chapter or proceeding which
25 establishes support payments as defined in section 252D.16 or
26 chapter 598, which were previously performed by the clerks of
27 the district court.

28

EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill provides for all child support payments to be
32 directed to and disbursed by the collection services center
33 within the child support recovery unit of the department
34 of human services. Currently, support orders that are not
35 enforced by the child support recovery unit are directed to

1 and disbursed by the clerk of the district court in the county
2 in which the order for support is filed. The bill takes
3 effect January 1, 2017, with the exception that the department
4 of human services and the judicial branch are directed to
5 begin implementation prior to January 1, 2017, to the extent
6 necessary to transition to full implementation by January 1,
7 2017, including by entering into a cooperative agreement for
8 transfer to the collection services center established pursuant
9 to Code section 252B.13A, beginning January 1, 2017, of the
10 duties of collection and disbursement of support payments made
11 pursuant to orders for support entered on or before January 1,
12 2017, pursuant to Code chapter 234, 252A, 252C, 598, 600B, or
13 any other support Code chapter or proceeding which establishes
14 support payments as defined in Code section 252D.16 or Code
15 chapter 598, which were previously performed by the clerks of
16 the district court.