

House File 2040 - Introduced

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BY PRICHARD

A BILL FOR

1 An Act relating to the review of a child support order based
2 upon an obligor's qualification for a low-income adjustment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 252B.3, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. The department shall adopt rules
4 pursuant to chapter 17A to provide a process for review by
5 the unit, upon the request of an obligee, of a support order
6 which was granted to an obligor who qualified for a low-income
7 adjustment at the time the support obligation amount was
8 calculated, to determine if the obligor remains eligible for
9 such low-income adjustment. A determination that the obligor
10 no longer qualifies for the low-income adjustment shall be
11 considered a substantial change in circumstances and the basis
12 for modification of the child support order.

13 EXPLANATION

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

16 This bill requires the department of human services to
17 adopt rules pursuant to Code chapter 17A to provide a process
18 for review by the child support recovery unit (CSRU), upon
19 the request of an obligee, of a child support order which
20 was granted to an obligor who qualified for a low-income
21 adjustment at the time the child support obligation amount was
22 calculated, to determine if the obligor remains eligible for
23 such a low-income adjustment. A determination that the obligor
24 no longer qualifies for the low-income adjustment shall be
25 considered a substantial change in circumstances and the basis
26 for modification of the child support order.

27 The objective of the low-income adjustment is to balance
28 the interests of adequately supporting the obligated parent's
29 children and allowing the obligated parent to live at least at
30 subsistence level. The CSRU does not have a process in place
31 to review the low-income adjustment amount once a child support
32 order has been granted, but may enforce the order through
33 existing enforcement actions.