

House File 449 - Introduced

HOUSE FILE 449
BY ABDUL-SAMAD

A BILL FOR

1 An Act relating to child support obligations for incarcerated
2 parents.

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

1 Section 1. Section 598.21B, subsection 1, Code 2017, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *e.* (1) The guidelines prescribed by the
4 supreme court shall provide for deviation from the guidelines
5 for incarcerated parents based upon the incarcerated parent's
6 earnings, income, or other evidence of ability to pay.

7 (2) The guidelines shall not treat incarceration of a parent
8 as voluntary unemployment for the purpose of establishing or
9 modifying a child support order.

10 Sec. 2. Section 598.21C, subsection 1, Code 2017, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *kk.* Incarceration of a party for a period of
13 at least one hundred eighty calendar days.

14 Sec. 3. CHILD SUPPORT OBLIGATIONS — INCARCERATED PARENTS.

15 1. The child support recovery unit shall elect in the
16 state plan for child support enforcement under Tit. IV-D
17 of the federal Social Security Act to initiate review of a
18 child support order upon notification that a parent will be
19 incarcerated for more than one hundred eighty calendar days
20 to ensure that child support orders are based on the parent's
21 ability to pay during the period of incarceration.

22 2. The child support recovery unit shall establish
23 partnerships with correctional facilities to conduct data
24 matches, develop electronic interfaces, and implement outreach
25 strategies to identify and educate incarcerated parents
26 regarding options and rights relating to review, adjustment,
27 and modification of a child support order during the period of
28 incarceration.

29

EXPLANATION

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

32 This bill relates to child support obligations of
33 incarcerated parents.

34 The bill provides that with regard to the child support
35 guidelines prescribed by the supreme court, the guidelines

1 shall provide for a deviation from the guidelines for
2 incarcerated parents based upon the incarcerated parent's
3 earnings, income, or other evidence of ability to pay.
4 Additionally, the guidelines shall not treat incarceration
5 of a parent as voluntary unemployment for the purpose of
6 establishing or modifying a child support order.

7 The bill provides that incarceration of a party for a period
8 of at least 180 calendar days constitutes a substantial change
9 in circumstances as a basis for modification of a child support
10 order.

11 The bill requires the child support recovery unit to elect in
12 the state plan for child support enforcement to initiate review
13 of a child support order upon notification that a parent will
14 be incarcerated for more than 180 calendar days to ensure that
15 child support orders are based on the parent's ability to pay
16 during the period of incarceration.

17 The bill also requires the child support recovery unit to
18 establish partnerships with correctional facilities to conduct
19 data matches, develop electronic interfaces, and implement
20 outreach strategies to identify and educate incarcerated
21 parents regarding options and rights relating to review,
22 adjustment, and modification of a child support order during
23 the period of incarceration.