

House File 2363 - Introduced

HOUSE FILE 2363
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2103)

A BILL FOR

1 An Act relating to a father's obligation for payment of
2 expenses including those related to a mother's pregnancy and
3 the birth of a child born out of wedlock.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 600B.1, Code 2024, is amended to read as
2 follows:

3 **600B.1 Obligation of parents.**

4 The parents of a child born out of wedlock and not
5 legitimized (~~in this chapter referred to as "the child"~~) owe
6 the child necessary maintenance, education, and support. They
7 The parents are also liable for the child's funeral expenses.
8 The father is also liable to pay the ~~expense~~ expenses of the
9 mother's pregnancy and ~~confinement~~ the child's birth.

10 Sec. 2. Section 600B.4, Code 2024, is amended to read as
11 follows:

12 **600B.4 Recovery by others than mother.**

13 The obligation of the father ~~as hereby provided~~ also creates
14 ~~also~~ a cause of action on behalf of the legal representative of
15 the mother, or on behalf of third persons furnishing support
16 or defraying the reasonable expenses ~~thereof~~ of support, where
17 paternity has been judicially established by proceedings
18 brought by the mother or by or on behalf of the child or by
19 the authorities charged with ~~its~~ the child's support, or where
20 paternity has been acknowledged by the father in writing or by
21 the part performance of the obligations imposed upon ~~him~~ the
22 father.

23 Sec. 3. Section 600B.6, Code 2024, is amended to read as
24 follows:

25 **600B.6 Liability of the father's estate.**

26 The obligation of the father, when his paternity has
27 been judicially established in his lifetime, or has been
28 acknowledged by him in writing or by the part performance of
29 his obligations, is enforceable against ~~his~~ the father's estate
30 in ~~such an amount as the court may determine~~ determined by the
31 court, ~~having regard to~~ considering the age of the child, the
32 ability of the mother to support ~~it~~ the child, the amount of
33 property left by the father, the number, age, and financial
34 condition of the lawful issue, if any, and the rights of the
35 widow, if any. The court may direct the discharge of the

1 obligation by periodical payments or by the payment of a lump
2 sum.

3 Sec. 4. Section 600B.7, Code 2024, is amended to read as
4 follows:

5 **600B.7 Proceedings to establish paternity.**

6 Proceedings to establish paternity and to compel support by
7 the father may be brought in accordance with the provisions of
8 this chapter. ~~They~~ The proceedings shall not be exclusive of
9 other proceedings that may be available on principles of law
10 and equity.

11 Sec. 5. Section 600B.8, Code 2024, is amended to read as
12 follows:

13 **600B.8 Who may institute proceedings.**

14 The proceedings may be brought by the mother, or other
15 interested person, or if the child is or is likely to be a
16 public charge, by the authorities charged with ~~its~~ the child's
17 support. ~~After the death of the mother or in~~ In the case of her
18 the mother's death or disability, it the proceedings may also
19 be brought by the child acting through ~~its~~ the child's guardian
20 or next friend.

21 Sec. 6. Section 600B.13, Code 2024, is amended to read as
22 follows:

23 **600B.13 Form of complaint — verification.**

24 The complaint may be made in writing, or ~~oral~~ orally and
25 in the presence of the complainant reduced to writing by the
26 prosecuting attorney. ~~It~~ The complaint shall be verified by
27 oath or affirmation of the complainant.

28 Sec. 7. Section 600B.16, Code 2024, is amended to read as
29 follows:

30 **600B.16 Lis pendens.**

31 From the time of the filing of ~~such a~~ a complaint, a lien shall
32 be created upon the real property of the ~~accused~~ defendant in
33 the county where the action is pending for the payment of any
34 money and the performance of any order adjudged by the proper
35 court.

1 Sec. 8. Section 600B.17, Code 2024, is amended to read as
2 follows:

3 **600B.17 Writ of attachment.**

4 The district court may order an attachment to issue ~~thereon~~
5 upon the real property of the defendant without bond, which.
6 The order shall specify the amount of property to be seized
7 ~~thereunder~~, and may be revoked at any time by such the court on
8 a showing made for a revocation of the ~~same order~~, and on such
9 terms as such the court may deem proper in the premises.

10 Sec. 9. Section 600B.19, Code 2024, is amended to read as
11 follows:

12 **600B.19 County attorney to prosecute.**

13 The county attorney, ~~on~~ upon being notified of the facts
14 justifying a complaint as provided in this chapter, or of the
15 filing of ~~such a~~ a complaint, shall prosecute the matter ~~in~~ on
16 behalf of the complainant.

17 Sec. 10. Section 600B.21, Code 2024, is amended to read as
18 follows:

19 **600B.21 Death, ~~absence or~~ mental illness, or absence of**
20 **mother — testimony receivable.**

21 If after the complaint is filed the mother dies, ~~or~~ becomes
22 mentally ill, or cannot be found within the jurisdiction, the
23 proceeding does not abate, but the child shall be substituted
24 as the complainant. The testimony of the mother taken by
25 deposition as in other civil cases, may in any such case be
26 read as evidence and ~~in all cases~~ such testimony shall be read
27 as evidence if demanded by the defendant.

28 Sec. 11. Section 600B.22, Code 2024, is amended to read as
29 follows:

30 **600B.22 Death of defendant.**

31 In case of the death of the defendant, the action may be
32 prosecuted against the personal representative of the deceased
33 ~~with like effects~~ as if the defendant were living, subject as
34 ~~regards to the measure amount~~ of support to the provision of
35 determined by the court under section 600B.6.

1 Sec. 12. Section 600B.25, Code 2024, is amended to read as
2 follows:

3 **600B.25 Form of judgment — contents of support order —**
4 **medical support — uncovered medical expenses — other expenses**
5 **related to pregnancy and birth — evidence — costs.**

6 1. Upon a finding of paternity pursuant to [section 600B.24](#),
7 ~~the~~ all of the following shall apply:

8 a. The court shall establish the father's monthly child
9 support payment and the amount of the support debt accrued
10 or accruing pursuant to [section 598.21B](#), and shall establish
11 medical support pursuant to chapter 252E. The child support
12 obligation shall include support of the child between the
13 ages of eighteen and nineteen years if the child is engaged
14 full-time in completing high school graduation or equivalency
15 requirements in a manner which is reasonably expected to result
16 in completion of the requirements prior to the person reaching
17 nineteen years of age.

18 b. The court may order the father to pay amounts the court
19 deems appropriate for the past support and maintenance of the
20 child and for the reasonable and necessary uncovered medical
21 expenses incurred by or for the mother in connection with
22 ~~prenatal care, the mother's pregnancy and the birth of the~~
23 ~~child, and postnatal care of the child and the mother, and~~
24 ~~other medical support as defined in [section 252E.1](#)~~. Absent
25 good cause or agreement of the parties, any amount the court
26 orders the father to pay toward uncovered medical expenses
27 related to the mother's pregnancy and the birth of the child
28 shall be established in proportion to each parent's respective
29 net income as calculated under the child support guidelines
30 established pursuant to [section 598.21B](#), and shall take into
31 account any amount the father previously paid toward such
32 uncovered medical expenses.

33 c. The court may order the father to pay a separate amount
34 toward any other reasonable and necessary expenses incurred by
35 the mother related to the mother's pregnancy prior to the birth

1 of the child, and incurred by the mother to provide essential
2 items for the health, well-being, and safety of the newborn.

3 d. The court may award the prevailing party the reasonable
4 costs of suit, including but not limited to reasonable attorney
5 fees.

6 2. A copy of a bill for the ~~costs of prenatal care or~~
7 uncovered medical expenses incurred by or for the mother
8 in connection with the mother's pregnancy and the birth of
9 the child shall be admitted as evidence, without requiring
10 third-party foundation testimony, and shall constitute prima
11 facie evidence of amounts incurred.

12 Sec. 13. Section 600B.39, Code 2024, is amended to read as
13 follows:

14 **600B.39 "Child" defined.**

15 For the purposes of **this chapter**, "*child*" means a person born
16 out of wedlock and not legitimized who is less than eighteen
17 years of age.

18 EXPLANATION

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

21 This bill relates to the obligation of parents of a child
22 born out of wedlock for support.

23 The bill amends Code chapter 600B (paternity and obligation
24 for support) to provide that the court shall establish medical
25 support pursuant to Code chapter 252E (medical support) and may
26 order the payment of the reasonable and necessary uncovered
27 medical expenses incurred by or for the mother in connection
28 with the mother's pregnancy and the birth of the child. The
29 bill provides that absent good cause or agreement of the
30 parties, any amount the court orders the father to pay toward
31 uncovered medical expenses related to the mother's pregnancy
32 and the birth of the child shall be established in proportion
33 to each parent's respective net income as calculated under the
34 child support guidelines established pursuant to Code section
35 598.21B (orders for child support and medical support) and

1 shall take into account any amount the father previously paid
2 toward such expenses. Additionally, the bill provides that the
3 court may order the father to pay a separate amount toward any
4 other reasonable and necessary expenses incurred by the mother
5 related to the mother's pregnancy prior to the birth of the
6 child, and incurred by the mother to provide essential items
7 for the health, well-being, and safety of the newborn.

8 The bill makes conforming and other changes in Code chapter
9 600B consistent with the bill.