

House File 2382 - Introduced

HOUSE FILE 2382

BY BERGAN

A BILL FOR

1 An Act relating to the treatment of veteran disability
2 dependent benefits in the determination of a child support
3 obligation.

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

1 Section 1. Section 252H.3, subsection 1, Code 2024, is
2 amended to read as follows:

3 1. Any action initiated under [this chapter](#), including
4 any court hearing resulting from an action, shall be limited
5 in scope to the adjustment or modification of the child or
6 medical support or cost-of-living alteration of the child
7 support provisions of a support order. A determination of a
8 controlling order is within the scope of [this chapter](#). If the
9 social security disability or veteran disability provisions
10 of [sections 598.22](#) and [598.22C](#) apply, a determination of the
11 amount of delinquent support due is within the scope of this
12 chapter.

13 Sec. 2. Section 252H.8, subsection 5, paragraph g, Code
14 2024, is amended to read as follows:

15 *g.* Copies of any computation worksheet prepared by child
16 support services to determine the amount of support calculated
17 using the mandatory child support guidelines established under
18 section 598.21B, and, if appropriate and the social security
19 disability or veteran disability provisions of [sections 598.22](#)
20 and [598.22C](#) apply, a determination of the amount of delinquent
21 support due.

22 Sec. 3. Section 252H.9, subsection 3, paragraph h, Code
23 2024, is amended to read as follows:

24 *h.* If applicable, the amount of delinquent support due
25 based upon the receipt of social security disability or veteran
26 disability payments as provided in [sections 598.22](#) and [598.22C](#).

27 Sec. 4. Section 252H.14A, subsection 1, paragraph b,
28 subparagraph (3), Code 2024, is amended to read as follows:

29 (3) The parent is a recipient of disability benefits under
30 the Act or is a recipient of United States department of
31 veterans affairs disability benefits because of the parent's
32 disability.

33 Sec. 5. Section 252H.16, subsection 1, Code 2024, is amended
34 to read as follows:

35 1. For actions initiated under [section 252H.15](#), child

1 support services shall conduct the review and determine whether
2 an adjustment is appropriate. As necessary, child support
3 services shall make a determination of the controlling order or
4 the amount of delinquent support due based upon the receipt of
5 social security disability or veteran disability payments as
6 provided in [sections 598.22](#) and [598.22C](#).

7 Sec. 6. Section 252H.22, subsection 6, Code 2024, is amended
8 to read as follows:

9 6. The support order is not subject to the social security
10 disability or veteran disability provisions pursuant to
11 sections 598.22 and [598.22C](#).

12 Sec. 7. Section 598.21B, subsection 2, paragraph b,
13 subparagraph (3), Code 2024, is amended to read as follows:

14 (3) For the purposes of including a child's dependent
15 benefit in calculating a support obligation under [this section](#)
16 for a child whose parent has been awarded disability benefits
17 under the federal Social Security Act or by the United States
18 department of veterans affairs, the provisions of section
19 598.22C shall apply.

20 Sec. 8. Section 598.22, subsections 1 and 3, Code 2024, are
21 amended to read as follows:

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

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

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

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

10 Sec. 9. Section 598.22C, Code 2024, is amended to read as
11 follows:

12 **598.22C Child support — social security disability and**
13 **veteran disability dependent benefits.**

14 If dependent benefits are paid for a child as a result of
15 disability benefits awarded to the child's parent under the
16 federal Social Security Act or by the United States department
17 of veterans affairs, all of the following shall apply:

18 1. Unless the court otherwise provides, dependent benefits
19 paid to the child support obligee as a result of disability
20 benefits awarded to the child support obligor fully satisfy and
21 substitute for the support obligations for the same period of
22 time for which the benefits are awarded.

23 2. For the purposes of calculating a support obligation
24 under section 598.21B, the dependent benefits paid for any
25 child shall be included as income to the disabled parent.

26 3. *a.* Any order or judgment for support for a child for
27 whom social security disability benefits or veteran disability
28 benefits are paid to the child support obligee as a result of
29 disability benefits awarded to the child support obligor shall
30 include all of the following:

31 (1) The dollar amount of the child support obligation
32 as calculated by application of the guidelines under section
33 598.21B, and a statement that the social security dependent
34 benefits or veteran disability dependent benefits are included
35 as income to the obligor in that calculation.

1 (2) The dollar amount of the social security dependent
2 benefits or veteran disability dependent benefits paid to the
3 obligee which shall be dollar-for-dollar satisfaction of the
4 obligor's child support obligation.

5 (3) The dollar amount, if any, the obligor shall pay
6 after application of the social security dependent benefits
7 or veteran disability dependent benefits as a credit to or
8 dollar-for-dollar satisfaction of the child support obligation.

9 b. The amount of the child support obligation stated in the
10 order, and the amount the obligor shall pay after application
11 of the social security disability dependent benefit credit or
12 satisfaction or veteran disability dependent benefit credit
13 or satisfaction stated in the order, shall continue until
14 modified, as provided in [section 598.21C](#).

15 4. The amount of any child support obligation satisfied
16 under [this section](#) based upon the receipt of dependent benefits
17 paid to the child support obligee as a result of disability
18 benefits awarded to the child support obligor shall not be
19 considered delinquent.

20 EXPLANATION

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

23 This bill relates to the treatment of veteran disability
24 dependent benefits in determining a child support obligation.

25 The bill provides that veteran disability dependent
26 benefits shall be treated in the same manner as social security
27 dependent (SSD) benefits are currently treated.

28 Under current law, if a child receives SSD benefits as the
29 result of a parent's disability, the payment amount is to be
30 included as income to the parent when calculating the amount
31 of child support. After calculating the amount of child
32 support, if the disabled parent is the obligor, the obligor's
33 support obligation is then to be credited, dollar for dollar,
34 in the amount of the SSD payment made to the dependent, with
35 any remaining obligation amount to be paid by the obligor.

1 Finally, unless the court otherwise provides, dependent
2 benefits paid to the child support obligee as a result of
3 disability benefits awarded to the child support obligor fully
4 satisfy and substitute for the support obligations for the
5 same period of time for which the benefits are awarded, until
6 such time as the child support order is modified. Under the
7 bill, these same provisions would apply to disability benefits
8 awarded to a parent by the United States department of veterans
9 affairs.

10 The bill also makes conforming changes including those
11 in Code chapter 252H (adjustment and modification of
12 support orders) to allow child support services to include
13 a determination of arrearages in veteran disability-related
14 modification orders, as is the case with SSD-related
15 modification orders, to provide a way for the parent and child
16 support services to determine if any arrearages are due because
17 of the change in treatment of veteran disability dependent
18 benefits under the bill.