

House File 2093 - Introduced

HOUSE FILE 2093
BY WILLS

A BILL FOR

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

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1 Section 1. Section 252A.6A, subsection 1, paragraph a, Code
2 2026, is amended to read as follows:

3 a. Except with the consent of all parties, the trial shall
4 not be held until after the birth of the child and shall be
5 held no earlier than twenty days from the date the respondent
6 is served with notice of the action ~~or, if.~~ Any blood or
7 genetic tests of the child, mother, or alleged father shall not
8 be conducted until after the child's birth. If blood or genetic
9 tests are conducted, the trial shall be held no earlier than
10 thirty days from the date the test results are filed with the
11 clerk of the district court as provided under section 600B.41.

12 Sec. 2. Section 600B.1, Code 2026, is amended to read as
13 follows:

14 **600B.1 Obligation of parents.**

15 The parents of a child born out of wedlock and not legitimized
16 ~~(in this chapter referred to as "the child")~~ owe the child
17 necessary maintenance, education, and support. ~~They~~ The parents
18 are also liable for the child's funeral expenses. The father is
19 also liable to pay the ~~expense~~ expenses of the mother's pregnancy
20 and ~~confinement~~ the child's birth.

21 Sec. 3. Section 600B.4, Code 2026, is amended to read as
22 follows:

23 **600B.4 Recovery by others than mother.**

24 The obligation of the father ~~as hereby provided~~ also creates
25 ~~also~~ a cause of action on behalf of the legal representative
26 of the mother, or on behalf of third persons furnishing support
27 or defraying the reasonable expenses ~~thereof~~ of support, where
28 paternity has been judicially established by proceedings brought
29 by the mother or by or on behalf of the child or by the
30 authorities charged with ~~its~~ the child's support, or where
31 paternity has been acknowledged by the father in writing or by
32 the part performance of the obligations imposed upon ~~him~~ the
33 father.

34 Sec. 4. Section 600B.6, Code 2026, is amended to read as
35 follows:

1 **600B.6 Liability of the father's estate.**

2 The obligation of the father, when his paternity has been
3 judicially established in his lifetime, or has been acknowledged
4 by him in writing or by the part performance of his obligations,
5 is enforceable against his the father's estate in such an amount
6 ~~as the court may determine~~ determined by the court, ~~having regard~~
7 ~~to~~ considering the age of the child, the ability of the mother to
8 support ~~it~~ the child, the amount of property left by the father,
9 the number, age, and financial condition of the lawful issue, if
10 any, and the rights of the widow, if any. The court may direct
11 the discharge of the obligation by periodical payments or by the
12 payment of a lump sum.

13 Sec. 5. Section 600B.7, Code 2026, is amended to read as
14 follows:

15 **600B.7 Proceedings to establish paternity.**

16 Proceedings to establish paternity and to compel support by
17 the father may be brought in accordance with the provisions of
18 this chapter. ~~They~~ The proceedings shall not be exclusive of
19 other proceedings that may be available on principles of law and
20 equity.

21 Sec. 6. Section 600B.8, Code 2026, is amended to read as
22 follows:

23 **600B.8 Who may institute proceedings.**

24 The proceedings may be brought by the mother, or other
25 interested person, or if the child is or is likely to be a
26 public charge, by the authorities charged with ~~its~~ the child's
27 support. ~~After the death of the mother or in~~ In the case of her
28 the mother's death or disability, ~~it~~ the proceedings may also be
29 brought by the child acting through ~~its~~ the child's guardian or
30 next friend.

31 Sec. 7. Section 600B.9, Code 2026, is amended to read as
32 follows:

33 **600B.9 Time of instituting proceedings.**

34 The proceedings may be instituted during the pregnancy of the
35 mother or after the birth of the child, but, except with the

1 consent of all parties, the trial shall not be held until after
2 the birth of the child and shall be held no earlier than twenty
3 days from the date the alleged father is served with notice of
4 the action ~~or, if.~~ Any blood or genetic tests of the child,
5 mother, or alleged father shall not be conducted until after the
6 child's birth. If blood or genetic tests are conducted, the
7 trial shall be held no earlier than thirty days from the date
8 the test results are filed with the clerk of the district court
9 as provided under section 600B.41.

10 Sec. 8. Section 600B.13, Code 2026, is amended to read as
11 follows:

12 **600B.13 Form of complaint — verification.**

13 The complaint may be made in writing, or ~~oral~~ orally and
14 in the presence of the complainant reduced to writing by the
15 prosecuting attorney. ~~It~~ The complaint shall be verified by oath
16 or affirmation of the complainant.

17 Sec. 9. Section 600B.16, Code 2026, is amended to read as
18 follows:

19 **600B.16 Lis pendens.**

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

24 Sec. 10. Section 600B.17, Code 2026, is amended to read as
25 follows:

26 **600B.17 Writ of attachment.**

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

33 Sec. 11. Section 600B.19, Code 2026, is amended to read as
34 follows:

35 **600B.19 County attorney to prosecute.**

1 The county attorney, ~~on~~ upon being notified of the facts
2 justifying a complaint as provided in this chapter, or of the
3 filing of ~~such~~ a complaint, shall prosecute the matter ~~in~~ on
4 behalf of the complainant.

5 Sec. 12. Section 600B.21, Code 2026, is amended to read as
6 follows:

7 **600B.21 Death, ~~absence or~~ mental illness, or absence of**
8 **mother — testimony receivable.**

9 If after the complaint is filed the mother dies ~~or becomes~~
10 ~~mentally ill~~, is diagnosed with a mental illness, or cannot be
11 found within the jurisdiction, the proceeding does not abate, but
12 the child shall be substituted as the complainant. The testimony
13 of the mother taken by deposition as in other civil cases, may in
14 ~~any~~ such case be read as evidence and ~~in all cases~~ such testimony
15 shall be read as evidence if demanded by the defendant.

16 Sec. 13. Section 600B.22, Code 2026, is amended to read as
17 follows:

18 **600B.22 Death of defendant.**

19 In case of the death of the defendant, the action may be
20 prosecuted against the personal representative of the deceased
21 ~~with like effects~~ as if the defendant were living, subject as
22 ~~regards to the measure~~ amount of support ~~to the provision of~~
23 determined by the court under section 600B.6.

24 Sec. 14. Section 600B.25, Code 2026, is amended to read as
25 follows:

26 **600B.25 Form of judgment — contents of support order —**
27 **medical support — uncovered medical expenses — other expenses**
28 **related to pregnancy and birth — evidence — costs.**

29 1. Upon a finding of paternity pursuant to section 600B.24,
30 ~~the~~ all of the following shall apply:

31 a. The court shall establish the father's monthly child
32 support payment and the amount of the support debt accrued
33 or accruing pursuant to section 598.21B, and shall establish
34 medical support pursuant to chapter 252E. The child support
35 obligation shall include support of the child between the ages

1 of eighteen and nineteen years if the child is engaged full-time
2 in completing high school graduation or equivalency requirements
3 in a manner which is reasonably expected to result in completion
4 of the requirements prior to the person reaching nineteen years
5 of age.

6 b. The court may order the father to pay amounts the court
7 deems appropriate for the past support and maintenance of the
8 child and for the reasonable and necessary uncovered medical
9 expenses incurred by or for the mother in connection with
10 prenatal care, the mother's pregnancy and the birth of the
11 child, and postnatal care of the child and the mother, and
12 other medical support as defined in section 252E.1. Absent good
13 cause or agreement of the parties, any amount the court orders
14 the father to pay toward uncovered medical expenses related to
15 the mother's pregnancy and the birth of the child shall be
16 established in proportion to each parent's respective net income
17 as calculated under the child support guidelines established
18 pursuant to section 598.21B, and shall take into account any
19 amount the father previously paid toward such uncovered medical
20 expenses.

21 c. The court may order the father to pay a separate amount
22 toward any other reasonable and necessary expenses incurred by
23 the mother related to the mother's pregnancy prior to the birth
24 of the child, and incurred by the mother to provide essential
25 items for the health, well-being, and safety of the newborn.

26 d. The court may award the prevailing party the reasonable
27 costs of suit, including but not limited to reasonable attorney
28 fees.

29 2. A copy of a bill for the ~~costs of prenatal care or~~
30 uncovered medical expenses incurred by or for the mother in
31 connection with the mother's pregnancy and the birth of the child
32 shall be admitted as evidence, without requiring third-party
33 foundation testimony, and shall constitute prima facie evidence
34 of amounts incurred.

35 Sec. 15. Section 600B.39, Code 2026, is amended to read as

1 follows:

2 **600B.39 "Child" defined.**

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

6 Sec. 16. Section 600B.41, subsection 1, Code 2026, is amended
7 to read as follows:

8 1. In a proceeding to establish paternity in law or in equity
9 the court may on its own motion, and upon request of a party
10 shall, require the child, mother, and alleged father to submit
11 to blood or genetic tests, except that if the mother and child
12 previously submitted blood or genetic specimens in a prior action
13 to establish paternity against a different alleged father, the
14 previously submitted specimens and prior results, if available,
15 may be utilized for testing in this action. Any blood or genetic
16 tests of the child, mother, or alleged father shall not be
17 conducted until after the child's birth.

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 born
22 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
26 may 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 parties,
30 any amount the court orders the father to pay toward uncovered
31 medical expenses related to the mother's pregnancy and the
32 birth of the child shall be established in proportion to each
33 parent's respective net income as calculated under the child
34 support guidelines established pursuant to Code section 598.21B
35 (orders for child support and medical support) and shall take

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

8 Under current law, upon the court's own motion or upon a
9 request of a party, the court shall require a child, mother, and
10 alleged father to submit to blood or genetic tests to establish
11 paternity. The bill provides that any blood or genetic tests for
12 a child, mother, or alleged father shall not be conducted until
13 after the birth of the child.

14 The bill makes conforming and other changes in Code chapter
15 600B consistent with the bill.

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