

Senate File 81 - Introduced

SENATE FILE 81
BY EVANS

A BILL FOR

- 1 An Act relating to paternity and the obligation of parents for
- 2 support of children.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 600B.4, Code 2025, is amended to read as
2 follows:

3 **600B.4 Recovery by others than a child's mother.**

4 The obligation of the father as hereby provided ~~creates in~~
5 this chapter also creates a cause of action on behalf of the
6 legal representative of the child's mother, or on behalf of third
7 persons furnishing support or defraying the reasonable expenses
8 ~~thereof of the mother~~, where paternity has been judicially
9 established by proceedings brought by the mother, ~~or~~ by or on
10 behalf of the child, or by the authorities charged with ~~its~~
11 the child's support, or where paternity has been acknowledged by
12 the father in writing, established by the father through blood
13 or genetic testing conducted in accordance with section 600B.41
14 or chapter 252F, or by the part performance of the obligations
15 imposed upon ~~him~~ the father.

16 Sec. 2. Section 600B.6, Code 2025, is amended to read as
17 follows:

18 **600B.6 Liability of the father's estate of a child's**
19 **father.**

20 The obligation of ~~the~~ a child's father, when ~~his~~ the father's
21 paternity has been judicially established in ~~his~~ the father's
22 lifetime, established by the father through blood or genetic
23 testing, or ~~has been~~ acknowledged by ~~him~~ the father in writing
24 or by the part performance of ~~his~~ the father's obligations, is
25 enforceable against ~~his~~ the father's estate in ~~such~~ an amount as
26 the court may determine, ~~having regard to~~ upon consideration of
27 the age of the child, the ability of the mother to support ~~it~~
28 the child, the amount of property left by the father, the number,
29 age, and financial condition of the father's lawful issue, if
30 any, and the rights of the father's widow, if any. The court may
31 direct the discharge of the obligation by periodical payments or
32 by the payment of a lump sum.

33 Sec. 3. Section 600B.8, Code 2025, is amended to read as
34 follows:

35 **600B.8 Who may institute proceedings.**

1 The proceedings may be brought by the child's mother, ~~or~~
2 ~~either~~ an interested person, the alleged father of the child,
3 or, if the child is or is likely to be a public charge, by
4 the authorities charged with ~~its~~ the child's support. After the
5 death of the mother or ~~in case of her disability~~ if the mother
6 becomes disabled, ~~it~~ the proceedings may also be brought by the
7 child acting through ~~its~~ the child's guardian or ~~next friend~~
8 legal representative.

9 Sec. 4. Section 600B.9, Code 2025, is amended to read as
10 follows:

11 **600B.9 Time of instituting proceedings.**

12 The proceedings may be instituted during the pregnancy of the
13 child's mother or after the birth of the child, but, except
14 with the consent of all parties, the trial shall not be held
15 until after the birth of the child and shall be held no earlier
16 than twenty days from the date the child's alleged father or
17 the mother is served with notice of the action or, if blood or
18 genetic tests are conducted, no earlier than thirty days from the
19 date the test results are filed with the clerk of the district
20 court as provided under section 600B.41.

21 Sec. 5. Section 600B.11, Code 2025, is amended to read as
22 follows:

23 **600B.11 Nonresident complainant.**

24 It is not a bar to the jurisdiction of the court, that the
25 ~~complaining mother or child~~ complainant resides in another state.

26 Sec. 6. Section 600B.13, Code 2025, is amended to read as
27 follows:

28 **600B.13 Form of complaint — verification.**

29 The complaint may be made in writing, or ~~oral~~ orally and
30 in the presence of the complainant reduced to writing by the
31 prosecuting attorney. ~~It~~ The complaint shall be verified by oath
32 or affirmation of the complainant.

33 Sec. 7. Section 600B.14, Code 2025, is amended to read as
34 follows:

35 **600B.14 Substance of complaint.**

1 1. The If the complainant is the child's mother or the child,
2 the complaint shall charge allege the person named as defendant
3 with being is the father of the child.

4 2. If an alleged father is the complainant, the complaint
5 shall allege that the complainant is the father of the child.

6 Sec. 8. Section 600B.16, Code 2025, is amended to read as
7 follows:

8 **600B.16 Lis pendens.**

9 From the time of the filing of ~~such a~~ a complaint, a lien shall
10 be created upon the real property of the ~~accused~~ child's alleged
11 father in the county where the action is pending for the payment
12 of any money and the performance of any court order ~~adjudged by~~
13 ~~the proper court.~~

14 Sec. 9. Section 600B.17, Code 2025, is amended to read as
15 follows:

16 **600B.17 Writ of attachment.**

17 The district court may order an attachment ~~to issue thereon~~
18 on the real property upon which a lien is created without bond,
19 ~~which order.~~ The order shall specify the amount of real property
20 to be seized ~~thereunder,~~ and may be revoked at any time by ~~such~~
21 the court on a showing made for a revocation of the ~~same,~~ order
22 and on ~~such~~ terms as ~~such~~ the court may deem deems proper in the
23 premises.

24 Sec. 10. Section 600B.21, Code 2025, is amended to read as
25 follows:

26 **600B.21 Death, absence, or mental illness of a child's mother**
27 **or alleged father — testimony receivable.**

28 If after the complaint is filed the ~~mother~~ complainant
29 dies, ~~or~~ becomes mentally ill, or cannot be found within the
30 jurisdiction, ~~the proceeding does not abate,~~ but the child shall
31 be substituted as the complainant. The testimony of the child's
32 mother or alleged father taken by deposition as ~~in other civil~~
33 ~~eases,~~ may in any such case be read as evidence and in all cases
34 shall be read as evidence if demanded by the defendant.

35 Sec. 11. Section 600B.22, Code 2025, is amended to read as

1 follows:

2 **600B.22 Death of defendant.**

3 In case of the death of the defendant, the action may be
4 prosecuted against the personal representative of the deceased
5 ~~with like effects as if the defendant were living, subject as~~
6 ~~regards the measure of~~ for purposes of determining support to the
7 ~~provision of~~ under section 600B.6.

8 Sec. 12. Section 600B.24, Code 2025, is amended to read as
9 follows:

10 **600B.24 Judgment in general.**

11 1. If the ~~defendant~~ child's alleged father, after being
12 served with notice as ~~required~~ under section 600B.15, fails
13 to timely respond to the notice, ~~or~~ to appear for blood or
14 genetic tests pursuant to a court or administrative order, or
15 to appear at a scheduled hearing after being provided notice of
16 the hearing, the court shall find the ~~defendant~~ alleged father in
17 default and enter a ~~default judgment~~ an appropriate order.

18 2. Upon a finding of paternity against or for the ~~defendant~~
19 child's alleged father, the court shall enter a judgment ~~against~~
20 ~~the defendant~~ declaring paternity of the alleged father and
21 ordering support of the child.

22 Sec. 13. Section 600B.29, Code 2025, is amended to read as
23 follows:

24 **600B.29 Desertion statute applicable.**

25 The provisions of sections 726.3 through 726.5 relating to
26 desertion and abandonment of children, have the same effect
27 in cases of illegitimacy where paternity has been judicially
28 established, has been established through blood or genetic
29 testing, or has been acknowledged by the child's father in
30 writing or by the furnishing of support, as in cases of children
31 born in wedlock.

32 Sec. 14. Section 600B.36, Code 2025, is amended to read as
33 follows:

34 **600B.36 Report to registrar of vital statistics.**

35 Upon the entry of a judgment determining the paternity of a

1 child, the clerk of the district court shall ~~notify in writing~~
2 send written notice to the state registrar of vital statistics
3 of the name of the ~~person against whom such judgment has been~~
4 ~~entered, together with such~~ father and other facts disclosed by
5 the records as that may assist in identifying the child's birth
6 ~~record of the birth of the child as the same may appear in the~~
7 ~~office of said registrar.~~ If ~~such~~ the judgment shall thereafter
8 ~~be is~~ vacated that fact, the vacating order shall be reported by
9 the clerk in the same manner.

10 Sec. 15. Section 600B.41, subsection 1, Code 2025, is amended
11 to read as follows:

12 1. In a proceeding to establish paternity, ~~in law or in~~
13 ~~equity~~ the court may on its own motion, and upon request of
14 a party ~~shall~~ including the child's mother or alleged father,
15 require the child, mother, and alleged father to submit to
16 blood or genetic tests, except that if the mother and child
17 previously submitted blood or genetic specimens in a prior action
18 to establish paternity against a different alleged father, the
19 previously submitted specimens and prior results, if available,
20 may be utilized for testing ~~in this action.~~ The mother or
21 the child's alleged father requesting the tests shall file an
22 affidavit with the court that alleges or denies paternity and
23 contains facts that establish the reasonable possibility that
24 there was, or was not, the requisite sexual contact between the
25 mother and the alleged father.

26 EXPLANATION

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

29 This bill amends Code chapter 600B (paternity and obligation
30 for support) to allow an alleged father of a child, the child's
31 mother, or the child to file a complaint to establish paternity
32 of the child and an obligation for support of the child. Under
33 current law, the proceedings under Code chapter 600B may be
34 brought only by the mother, or other interested person, or if the
35 child is or is likely to be a public charge, by the authorities

1 charged with the child's support. The bill makes conforming
2 changes throughout the Code chapter to provide that the alleged
3 father may also be the complainant or plaintiff.

4 The bill includes an alleged father as a party that may
5 request blood or genetic testing in a proceeding to establish
6 paternity, and provides that a mother or alleged father
7 requesting the testing shall file an affidavit with the court
8 that alleges or denies paternity and contains facts that
9 establish the reasonable possibility that there was, or was not,
10 the requisite sexual contact between the mother and the alleged
11 father.

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