

CHAPTER 1133
ENFORCEMENT OF DISSOLUTION, ANNULMENT
OR SEPARATE MAINTENANCE DECREE
S.F. 2005

AN ACT relating to actions to enforce the terms of a dissolution, annulment, or separate maintenance decree and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 598.23, Code 1983, is amended to read as follows:

598.23 CONTEMPT PROCEEDINGS—~~ALTERNATIVE~~ ALTERNATIVES TO JAIL SENTENCE.

1. If any party a person against whom any a temporary order or final decree has been entered shall willfully disobey the same, or secrete his property, he disobeys the order or decree, the person may be cited and punished by the court for contempt and be committed to the county jail for a period of time not to exceed thirty days for each offense.

2. The court may, as an alternative to punishment for contempt, make an order directing which, according to the subject matter of the order or decree involved, does the following:

a. Directs the defaulting party to assign, trust income or a sufficient amount in salary or wages due, or to become due in the future, from an employer or successor employers, to the clerk of the court where the order or judgment was granted for the purpose of paying the sums in default as well as those to be made in the future. Where the assignment is of salary or wages due, the amount assigned shall not exceed the amount set forth in 15 U.S.C. s. 1673b (Supp. 1979) and the assignment order shall be binding upon the employer only for those amounts that represent child support and only upon receipt by the employer of a copy of the order, signed by the employee. For each payment deducted in compliance with such request, the payor may deduct a sum not exceeding one dollar as a reimbursement for costs. Compliance by a payor with the court's order shall operate as a discharge of his or her the employer's liability to the payee as to the affected portion of the payee's wages, or trust income. Any employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.

b. Modifying visitation to compensate for lost visitation time or establishing joint custody for the child or transferring custody.

Sec. 2. Section 598.24, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

598.24 ENFORCEMENT OF DECREE. When an action for a modification, order to show cause, or contempt of a dissolution, annulment, or separate maintenance decree is brought on the grounds that a party to the decree is in default or contempt of the decree, and the court determines that the party is in default or contempt of the decree, the costs of the proceeding, including reasonable attorney's fees, may be taxed against that party.

Approved April 24, 1984