

CHAPTER 126

IOWA FREEDOM TRAIL STUDY

H.F. 689

AN ACT related to a proposal by the department of cultural affairs concerning the establishment of an Iowa freedom trail program.

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

Section 1. IOWA FREEDOM TRAIL STUDY. The department of cultural affairs shall prepare a proposal with cost estimates to explore the establishment of an Iowa freedom trail program designed to preserve and commemorate the underground railroad and educate the public on issues related to the underground railroad and antislavery campaign in Iowa. The department shall explore the possibility of securing the cooperation and assistance of the national park service in developing and implementing the program. The program would assist in locating, identifying, and preserving sites, routes, and other resources located in the state which served a function in the underground railroad and antislavery campaign in the state. The program would identify and recognize any citizens of the state who were instrumental in the underground railroad and antislavery campaign. The department shall submit a report on the proposal, and make recommendations, to the general assembly by January 1, 2000.

Approved May 14, 1999

CHAPTER 127

CHILD SUPPORT ENFORCEMENT — MISCELLANEOUS PROVISIONS

H.F. 773

AN ACT relating to child support enforcement, including child support recovery in instances of guardianships, income withholding, and payments to financial institutions for record matches.

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

Section 1. Section 234.39, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If the department makes a subsidized guardianship payment for a child, the payment shall be considered a foster care payment for purposes of child support recovery. All provisions of this and other sections, and of rules and orders adopted or entered pursuant to those sections, including for the establishment of a paternity or support order, for the amount of a support obligation, for the modification or adjustment of a support obligation, for the assignment of support, and for enforcement shall apply as if the child were receiving foster care services, or were in foster care placement, or as if foster care funds were being expended for the child. This subsection shall apply regardless of the date of placement in foster care or subsidized guardianship or the date of entry of an order, and foster care and subsidized guardianship shall be considered the same for purposes of child support recovery.

Sec. 2. Section 252D.23, Code 1999, is amended to read as follows:

252D.23 FILING OF WITHHOLDING ORDER — ORDER EFFECTIVE AS DISTRICT COURT ORDER.

An income withholding order entered by the child support recovery unit pursuant to this chapter shall be filed with the clerk of the district court. In lieu of any signature on the order which may otherwise be required by law or rule, the order shall have affixed the name and address of the appropriate child support office. For the purposes of demonstrating compliance by the payor of income, the copy of the withholding order or the notice of the order received, whether or not the copy of the order is file-stamped, shall have all the force, effect, and attributes of a docketed order of the district court including, but not limited to, availability of contempt of court proceedings against a payor of income for noncompliance. However, any information contained in the income withholding order or the notice of the order related to the amount of the accruing or accrued support obligation which does not reflect the correct amount of support due does not modify the underlying support judgment.

Sec. 3. Section 252I.4, subsection 3, Code 1999, is amended to read as follows:

3. The unit may pay a reasonable fee to a financial institution for conducting the data match required in subsection 2, not to exceed the lower of either one hundred fifty dollars for each quarterly data match or the actual costs incurred by the financial institution for each quarterly data match. However, the unit may also adopt rules pursuant to chapter 17A to specify a fee amount for each quarterly data match based upon the estimated state share of funds collected under this chapter, which, when adopted, shall be applied in lieu of the one hundred fifty dollar fee under this subsection. In addition, the unit may pay a reasonable fee to a financial institution for automation programming development performed in order to conduct the data match required in subsection 2, not to exceed the lower of either five hundred dollars or the actual costs incurred by the financial institution. The unit may use the state share of funds collected under this chapter to pay the fees to financial institutions under this subsection. For state fiscal years beginning July 1, 1999, and July 1, 2000, the unit may use up to one hundred percent of the state share of such funds. For state fiscal years beginning on or after July 1, 2001, the unit may use up to fifty percent of the state share of such funds. Notwithstanding any other provision of law to the contrary, a financial institution shall have until a date provided in the agreement in subsection 2 to submit its claim for a fee under this subsection. If the unit does not have sufficient funds available under this subsection for payment of fees under this subsection, the cost may be carried forward to a future year. The unit may also use funds from an amount assessed a child support agency of another state, as defined in section 252H.2, to conduct a data match requested by that child support agency as provided in 42 U.S.C. § 666(a)(14) to pay fees to financial institutions under this subsection.

Approved May 14, 1999