

CHAPTER 106

TEMPORARY MODIFICATION OF CHILD SUPPORT ORDERS

H.F. 780

AN ACT relating to the issuance of temporary orders modifying an order of child support.

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

Section 1. Section 598.21C, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. TEMPORARY MODIFICATION OF CHILD SUPPORT ORDERS. While an application for modification of a child support or child custody order is pending, the court may, on its own motion or upon application by either party, enter a temporary order modifying an order of child support. The court may enter such temporary order only after service of the original notice, and an order shall not be entered until at least five days' notice of hearing and opportunity to be heard, is provided to all parties. In entering temporary orders under this subsection, the court shall consider all pertinent matters, which may be demonstrated by affidavits, as the court may direct. The hearing on application shall be limited to matters set forth in the application, the affidavits of the parties, and any required statements of income. The court shall not hear any other matter relating to the application for modification, respondent's answer, or any pleadings connected with the application for modification or the answer. This subsection shall also apply to an order, decree, or judgment entered or pending on or before July 1, 2007, and shall apply to an order entered under this chapter, chapter 252A, 252C, 252F, 252H, 252K, or 600B, or any other applicable chapter of the Code.

Approved April 23, 2007

CHAPTER 107SEIZED PROPERTY IN CRIMINAL PROCEEDINGS —
DISPOSITION

S.F. 175

AN ACT relating to the disposition of seized property in a criminal proceeding.

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

Section 1. Section 809.5, subsection 1, Code 2007, is amended to read as follows:

1. Seized property which is no longer required as evidence or for use in an investigation ~~may~~ shall be returned to the owner ~~without the requirement of a hearing~~, provided that the person's possession of the property is not prohibited by law and there is no forfeiture claim filed on behalf of the state. The seizing agency ~~or prosecuting attorney~~ shall send notice by ~~regular restricted certified mail, if the value of the property is less than fifty dollars, or certified mail, if the value of the property is equal to or greater than fifty dollars, return receipt requested~~, to the last known address of any person having an ownership or possessory right in the property stating that the property ~~is released and~~ must be claimed within thirty days from the date of receipt of the notice. ~~Refusal of restricted certified mail, return receipt requested, shall be construed as receipt of the notice.~~ Such notice shall state that if no written claim for the property

is ~~made upon filed with~~ the seizing agency within thirty days after the mailing of ~~from the date of receipt of the~~ notice, the property shall be deemed abandoned and disposed of accordingly. ~~In the event that there is more than one party who may assert a right to possession or ownership of the property, the~~ The seizing agency shall not release the property to any party until the expiration of the date for filing claims ~~unless all other claimants execute a written waiver.~~ In the event that there is more than one claim filed for the return of property under this section, at the expiration of the period for filing claims the seizing agency ~~or prosecuting attorney~~ shall file a copy of all such claims with the clerk of court and the clerk shall proceed as if such claims were filed by the parties under section 809.3. In the event that no owner can be located or no claim is filed under this section for property having a value of less than five hundred dollars, the property shall be deemed abandoned and the seizing agency shall become the owner of such property and may dispose of it in any reasonable manner. For unclaimed property having a value equal to or greater than five hundred dollars, forfeiture proceedings shall be initiated pursuant to the provisions of chapter 809A. If the court does not order the property forfeited to the state in the forfeiture proceedings pursuant to chapter 809A, the seizing agency shall become the owner of the property and may dispose of it in any reasonable manner. Unclaimed firearms and ammunition, if not forfeited pursuant to chapter 809A, shall be disposed of by the department of public safety or the department of natural resources pursuant to section 809.21.

Approved April 26, 2007

CHAPTER 108

EDUCATIONAL STANDARDS — PRACTITIONERS AND STAFF AND STUDENT ACHIEVEMENT

S.F. 277

†AN ACT relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and an administrator quality program, making appropriations, and providing an effective date.

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

Section 1. Section 256.7, subsection 25, Code 2007, is amended to read as follows:

25. Adopt rules establishing standards for school district and area education agency ~~career~~ professional development programs and for individual teacher ~~career~~ professional development plans in accordance with section 284.6.

Sec. 2. Section 256.7, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 27. Adopt by rule the Iowa standards for school administrators, including the knowledge and skill criteria developed by the director in accordance with section 256.9, subsection 55.

Sec. 3. Section 256.9, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 55. Develop Iowa standards for school administrators, including knowledge and skill criteria, and develop, based on the Iowa standards for administrators, mentoring and induction, evaluation processes, and professional development plans pursuant

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State