

MAR 1 2005  
STATE GOVERNMENT

HOUSE FILE 491  
BY HOGG

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to modification of a child support order for  
2 parents engaged in active military service, and providing a  
3 standing appropriation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 491

1 Section 1. NEW SECTION. 252B.25 ACTIVE DUTY --  
2 MODIFICATION OF SUPPORT ORDER -- STANDING APPROPRIATION.

3 1. Notwithstanding any other provision of law to the  
4 contrary, if an obligor engaged in active duty experiences a  
5 reduction in income due to such active duty, the reduction in  
6 income constitutes a substantial change in circumstances for  
7 purposes of modification of any child support order to which  
8 the obligor is subject, as provided in this section.

9 2. a. Upon receipt of a notarized letter from the  
10 commanding officer of the obligor engaged in active duty which  
11 contains the date of the commencement of active duty and the  
12 compensation of the obligor for such active duty, if the unit  
13 determines that the obligor has experienced a reduction in  
14 income due to such active duty, the unit shall do all of the  
15 following relating to the obligor's income upon which the  
16 current support order is based:

17 (1) Mail a copy of the notarized letter to the obligee  
18 with a notice informing the obligee that the letter  
19 constitutes a petition for modification of child support  
20 during the obligor's active duty.

21 (2) Take appropriate action to seek a temporary  
22 modification of the support order in accordance with the  
23 guidelines established pursuant to section 598.21, subsection  
24 4. The modification shall be retroactive to the date the  
25 obligee was mailed a copy of the notarized letter.

26 b. Receipt of the notarized letter by the unit constitutes  
27 an application for services under this chapter.

28 3. Upon discharge from active duty, the obligor shall  
29 notify the unit. The unit shall take appropriate action to  
30 seek modification of the order or judgment for temporary  
31 modification of child support in accordance with the  
32 guidelines established pursuant to section 598.21, subsection  
33 4. Receipt of such notification by the unit constitutes an  
34 application for services under this chapter.

35 4. For each support order modified under this section to

1 reflect the reduction in an obligor's income resulting from  
2 the obligor's engagement in active duty, the unit shall  
3 determine the difference between the amount of support  
4 provided under the order prior to modification and under the  
5 modified order, make any adjustments for individuals eligible  
6 as public assistance recipients, and forward the resulting  
7 amount to the obligee on a monthly basis.

8 5. There is appropriated from the general fund of the  
9 state to the department of human services each fiscal year  
10 beginning July 1, 2005, an amount necessary for the payment of  
11 support amounts under this section.

12 6. For the purposes of this section:

13 a. "Active duty" means that the obligor is a member of a  
14 reserve unit or national guard unit that is called into active  
15 duty as defined in 10 U.S.C. § 101(d)(1), for a period of more  
16 than thirty days, but not including active duty for training  
17 or attendance at a service school.

18 b. "Support order" means any order entered pursuant to  
19 chapter 234, 252A, 252C, 252F, 252H, 598, 600B, or any other  
20 support chapter or proceeding which establishes support  
21 payments as defined in section 252D.16 or 598.1.

22 EXPLANATION

23 This bill provides for the modification of support orders  
24 to reflect the reduction in pay of an obligor due to engaging  
25 in active military duty. The bill provides that if an obligor  
26 experiences a reduction in income due to active duty, the  
27 reduction in income constitutes a substantial change in  
28 circumstances, and is therefore a basis for modification of a  
29 support order.

30 The bill establishes a process for modification of a  
31 support order through the child support recovery unit. Upon  
32 receipt of a notarized letter from the commanding officer of  
33 the obligor engaged in active duty which contains the date of  
34 the commencement of active duty and the compensation of the  
35 obligor for such active duty, if the unit determines that the

1 obligor has experienced a reduction in income due to such  
2 active duty, the unit is directed to mail a copy of the  
3 notarized letter to the obligee with a notice informing the  
4 obligee that the letter constitutes a petition for  
5 modification of child support during the obligor's active duty  
6 and to take appropriate action to seek a temporary  
7 modification of the support order in accordance with the child  
8 support guidelines. The modification is retroactive to the  
9 date the obligee was mailed a copy of the notarized letter.

10 Upon return from active duty, the obligor is required to  
11 notify the unit, and the unit is to take appropriate action to  
12 seek modification of the support order in accordance with the  
13 child support guidelines.

14 For each support order modified under the provisions of the  
15 bill, the unit is directed to determine the difference between  
16 the amount of support provided under the current order and the  
17 modified order, and forward the amount to the obligee on a  
18 monthly basis. The bill provides a standing appropriation to  
19 the department of human services for payment of these amounts.

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