

FEB 22 2006
HUMAN RESOURCES

HOUSE FILE 2475
BY HUSER and HEDDENS

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 or custody
2 order following a dispositional or permanency hearing relating
3 to juvenile delinquency and child in need of assistance
4 proceedings.

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

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HF 2475

1 Section 1. Section 232.4, Code 2005, is amended to read as
2 follows:

3 232.4 JURISDICTION -- SUPPORT OBLIGATION.

4 1. Notwithstanding any other provision of this chapter,
5 and for the purposes of establishing a parental liability
6 obligation for a child under the jurisdiction of the juvenile
7 court, a support obligation shall be established pursuant to
8 section 234.39.

9 2. a. Notwithstanding any provision of the Code to the
10 contrary, and for the purposes of modifying a child support
11 order of a child under the jurisdiction of the juvenile court,
12 if the dispositional order of the juvenile court transfers the
13 legal custody of the child from a custodial parent to a parent
14 who had not previously been awarded physical care of the child
15 and who is subject to payment of child support pursuant to a
16 support order entered under chapter 234, 252A, 252C, 252F,
17 598, 600B, or any other chapter of the Code, the transfer
18 constitutes a substantial change in circumstances pursuant to
19 section 598.21C, subsection 1, paragraph "k", and the juvenile
20 court shall order the clerk of the district court or the
21 collection services center, as applicable, to suspend any
22 support payments ordered paid to the former custodial parent
23 beginning on the date the dispositional order is entered.
24 Unpaid support accrued prior to the date of entry of the
25 dispositional order remains due and owing. The juvenile court
26 shall notify the clerk of the district court or the collection
27 services center of any termination, modification, vacation, or
28 substitution of the dispositional order which transfers the
29 legal custody of the child from the parent who had not
30 previously been awarded physical care of the child.

31 b. Notwithstanding any provision of the Code to the
32 contrary, and for the purposes of modifying a custody order or
33 a child support order of a child under the jurisdiction of the
34 juvenile court, if the permanency order of the juvenile court
35 issued pursuant to section 232.58 or 232.104 transfers the

1 legal custody of the child from a custodial parent to a parent
2 who had not previously been awarded physical care of the child
3 and who is subject to payment of child support pursuant to a
4 support order entered under chapter 234, 252A, 252C, 252F,
5 598, 600B, or any other chapter of the Code, the transfer
6 constitutes a substantial change in circumstances pursuant to
7 section 598.21C, subsection 1, paragraph "k" and for the
8 purposes of section 598.41. Upon the issuance of the
9 permanency order as described in this paragraph, the juvenile
10 court shall submit a copy of the permanency order to the
11 district court. Based upon the permanency order submitted,
12 the district court shall modify any existing custody or child
13 support order to reflect the provisions of the permanency
14 order. Any filing fee or court costs for an order under this
15 paragraph shall be waived. Unpaid support accrued prior to
16 the transfer of legal custody referred to in this paragraph
17 remains due and owing.

18 Sec. 2. Section 598.21C, subsection 1, paragraph k, Code
19 Supplement 2005, is amended to read as follows:

20 k. Entry of a dispositional or permanency order in
21 juvenile court pursuant to chapter 232 placing custody or
22 physical care of a child with a party who is obligated to pay
23 support for a child.

24 EXPLANATION

25 This bill provides for suspension of child support and
26 modification of child support and child custody orders
27 relating to juvenile delinquency and child in need of
28 assistance proceedings.

29 The bill provides that for the purposes of modifying a
30 child support order of a child under the jurisdiction of the
31 juvenile court, if the dispositional order of the juvenile
32 court transfers the legal custody of the child from a
33 custodial parent to a parent who had not previously been
34 awarded physical care of the child and who is subject to
35 payment of child support, the transfer constitutes a

1 substantial change in circumstances and the juvenile court
2 shall order the clerk of the district court or the collection
3 services center, as applicable, to suspend any support
4 payments ordered paid to the former custodial parent beginning
5 on the date the dispositional order is entered. Any unpaid
6 support accrued prior to that date remains due and owing. The
7 juvenile court is required to notify the clerk of the district
8 court or the collection services center of any change in the
9 dispositional order which transfers the legal custody of the
10 child from the parent who had not previously been awarded
11 physical care of the child.

12 Additionally, for the purposes of modifying a custody order
13 or a child support order of a child under the jurisdiction of
14 the juvenile court, if the permanency order of the juvenile
15 court transfers the legal custody of the child from a
16 custodial parent to a parent who had not previously been
17 awarded physical care of the child and who is subject to
18 payment of child support, the transfer constitutes a
19 substantial change in circumstances. The bill directs the
20 juvenile court, upon the issuance of the permanency order, to
21 submit a copy of the permanency order to the district court.
22 The bill directs the district court to then modify any
23 existing custody or child support order to reflect the
24 provisions of the permanency order. The bill waives any
25 filing fee or court costs for an order issued under these
26 provisions. Unpaid support accrued prior to the transfer of
27 legal custody remains due and owing.

28 The bill also makes a conforming change to provide that
29 entry of either a dispositional or permanency order in
30 juvenile court placing custody or physical care of a child
31 with a party who is obligated to pay support for a child is a
32 substantial change in circumstances for the purposes of
33 modification of a child support order.

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