

*Boddicker
Harson
Kreiman*

HSB 28

HUMAN RESOURCES

Succeeded By
SF 0310

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child support enforcement, including
2 disclosure of certain juvenile court records to the child
3 support recovery unit, waiting periods for administrative
4 review and adjustment of orders, and federal tax and nontax
5 setoff payments for accrued support, and providing effective
6 dates.

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

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1 Section 1. Section 232.147, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 3A. Official juvenile court records
4 enumerated in section 232.2, subsection 38, paragraph "e",
5 relating to paternity, support, or the termination of parental
6 rights, shall be disclosed, upon request, to the child support
7 recovery unit without court order.

8 Sec. 2. Section 252B.5, subsection 4, Code 2001, is
9 amended to read as follows:

10 4. Assistance to set off against a debtor's income tax
11 refund or rebate any support debt, which is assigned to the
12 department of human services or which the child support
13 recovery unit is attempting to collect on behalf of any
14 individual not eligible as a public assistance recipient,
15 which has accrued through written contract, subrogation, or
16 court judgment, and which is in the form of a liquidated sum
17 due and owing for the care, support or maintenance of a child.
18 Unless the periodic payment plan provisions for a retroactive
19 modification pursuant to section 598.21, subsection 8, apply,
20 the entire amount of a judgment for accrued support,
21 notwithstanding compliance with a periodic payment plan or
22 regardless of the date of entry of the judgment, is due and
23 owing as of the date of entry of the judgment and is
24 delinquent for the purposes of setoff, including for setoff
25 against a debtor's federal income tax refund or other federal
26 nontax payment. The department of human services shall
27 promulgate adopt rules pursuant to chapter 17A necessary to
28 assist the department of revenue and finance in the
29 implementation of the child support setoff as established
30 under section 421.17, subsection 21.

31 Sec. 3. Section 252H.7, subsection 1, unnumbered paragraph
32 1, and paragraph a, Code 2001, are amended to read as follows:

33 A parent may waive the thirty-day ten-day prereview waiting
34 period provided for in section 252H.16.

35 a. Upon receipt of signed requests from both parents

1 waiving the prereview waiting period, the unit may conduct a
2 review of the support order prior to the expiration of the
3 ~~thirty-day~~ ten-day period provided in section 252H.16.

4 Sec. 4. Section 252H.8, subsections 1 and 6, Code 2001,
5 are amended to read as follows:

6 1. For actions initiated under subchapter II, either
7 parent or the unit may request a court hearing within ~~thirty~~
8 ten days from the date of issuance of the notice of decision
9 under section 252H.16, or within ten days of the date of
10 issuance of the second notice of decision under section
11 252H.17, whichever is later.

12 6. For actions initiated under subchapter II, a hearing
13 shall not be held for at least ~~thirty-one~~ eleven days
14 following the date of issuance of the notice of decision
15 unless the parents have jointly waived, in writing, the
16 ~~thirty-day~~ ten-day postreview period.

17 Sec. 5. Section 252H.16, subsection 2, Code 2001, is
18 amended to read as follows:

19 2. Unless both parents have waived the prereview notice
20 period as provided for in section 252H.7, the review shall not
21 be conducted for at least ~~thirty~~ ten days from the date both
22 parents were successfully served with the notice required in
23 section 252H.15.

24 Sec. 6. Section 600.16A, Code 2001, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 4A. Notwithstanding subsection 2, a
27 termination of parental rights order issued pursuant to
28 section 600A.9 may be disclosed to the child support recovery
29 unit, upon request, without court order.

30 Sec. 7. EFFECTIVE DATES.

31 1. Section 2 of this Act, being deemed of immediate
32 importance, takes effect upon enactment.

33 2. Sections 3 through 5 of this Act take effect February
34 1, 2002.

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EXPLANATION

1 This bill relates to child support enforcement.

2 The bill authorizes the disclosure of certain official
3 juvenile court records and orders relating to paternity,
4 support, or the termination of parental rights to the child
5 support recovery unit, upon request, without court order.

6 The bill also makes changes relative to orders for support
7 for which an obligation may have accrued during a time period
8 during which a support order was not yet in force, such as a
9 time period when a child was receiving benefits under the
10 family investment program. The bill provides that, unless the
11 periodic payment plan for retroactive modification provisions
12 apply to an order, and notwithstanding a payor's compliance
13 with a periodic payment plan, the entire amount of an accrued
14 support order is due and owing on the date of entry of the
15 judgment and is delinquent for the purposes of tax refund
16 setoff and for other available federal payment setoffs. This
17 provision is effective upon the bill's enactment.

18 The bill also reduces the length of time to modify a
19 support order by reducing the length of time provided for
20 waiting periods in the review and adjustment of child support
21 orders. The prereview waiting period before the child support
22 recovery unit may conduct the review is reduced from 30 days
23 to 10 days. The postreview waiting period for either party to
24 request a court hearing is reduced from 30 days to 10 days
25 from the date the unit completes the review and sends notice
26 of the decision to the parties. The bill also makes
27 conforming changes in length of waiting periods affected by
28 these changes. The bill provides that the waiting period
29 changes are effective February 1, 2002.

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THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICE
JESSIE K. RASMUSSEN, DIRECTOR

January 16, 2001

TO: Members of the General Assembly

FROM: Karla Fultz McHenry *Karla Fultz McHenry*

The Iowa Department of Human Services (DHS) is proposing legislation relating to:

1. Clarifying in statute that the Child Support Recovery Unit (CSRU) may obtain copies of orders relating to paternity, support and the termination of parental rights from the Juvenile Court clerk. Federal law requires that CSRU obtain this information so it has up to date data when enforcing child support. Some Juvenile Court personnel interpret the current statute to allow this, but others prefer that the Code more clearly give CSRU access to these orders.

2. Codifying CSRU's current practice of submitting the entire amount of a reimbursement or accrued support judgment for federal tax and non-tax offset purposes. This relates to court orders which include a judgment for accrued support for months before the order was entered when the child was receiving FIP (Family Investment Program) assistance from the state. These orders include a monthly installment plan for paying the judgment. Even though the orders also specifically notify the parent that these plans allow CSRU to use any legal means to collect the judgement, including interception of tax refunds, some have said CSRU should only consider missed installments as delinquent. Since hundreds of thousands of dollars in support collections are at issue for families and for the FIP budget, DHS is proposing the current practice be codified in statute.

3. Reducing the time it takes for CSRU to review and obtain a modification of a child support order after circumstances have changed. The bill would shorten the pre-review waiting period (the time before CSRU can begin the review) and the post-review waiting period (the time either party has to request a court hearing after CSRU has issued a decision on the change) from 30 days to 10 days. Parents and legislators have asked CSRU to obtain modifications more quickly.

For additional information regarding this proposal, or other questions, please contact Karla McHenry, Legislative Liaison, at 281-4848 or e-mail at kmchenr@dhs.state.ia.us.

REPRINTED

FEB 19 2001

Place On Calendar

HOUSE FILE 310

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 28)

Passed House, ^(P.601) Date 3-6-01 Passed Senate, ^(P.115a) Date 4-17-01
 Vote: Ayes 98 Nays 0 Vote: Ayes 50 Nays 0
 Approved April 25, 2001

A BILL FOR

1 An Act relating to child support enforcement, including
 2 disclosure of certain juvenile court records to the child
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 6 dates.

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

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HOUSE FILE 310

H-1139

- 1 Amend House File 310 as follows:
- 2 1. By striking page 1, line 31 through page 2,
- 3 line 23.
- 4 2. Page 2, line 31, by striking the figure "1."
- 5 3. Page 2, by striking lines 33 and 34.
- 6 4. Title page, by striking lines 3 and 4, and
- 7 inserting the following: "support recovery unit, and
- 8 federal tax and nontax".
- 9 5. By renumbering as necessary.

By BODDICKER of Cedar
KREIMAN of Davis

H-1139 FILED MARCH 1, 2001

Adopted 3/6/01
(P.601)

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HF 310

1 Section 1. Section 232.147, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 3A. Official juvenile court records
4 enumerated in section 232.2, subsection 38, paragraph "e",
5 relating to paternity, support, or the termination of parental
6 rights, shall be disclosed, upon request, to the child support
7 recovery unit without court order.

8 Sec. 2. Section 252B.5, subsection 4, Code 2001, is
9 amended to read as follows:

10 4. Assistance to set off against a debtor's income tax
11 refund or rebate any support debt, which is assigned to the
12 department of human services or which the child support
13 recovery unit is attempting to collect on behalf of any
14 individual not eligible as a public assistance recipient,
15 which has accrued through written contract, subrogation, or
16 court judgment, and which is in the form of a liquidated sum
17 due and owing for the care, support or maintenance of a child.
18 Unless the periodic payment plan provisions for a retroactive
19 modification pursuant to section 598.21, subsection 8, apply,
20 the entire amount of a judgment for accrued support,
21 notwithstanding compliance with a periodic payment plan or
22 regardless of the date of entry of the judgment, is due and
23 owing as of the date of entry of the judgment and is
24 delinquent for the purposes of setoff, including for setoff
25 against a debtor's federal income tax refund or other federal
26 nontax payment. The department of human services shall
27 promulgate adopt rules pursuant to chapter 17A necessary to
28 assist the department of revenue and finance in the
29 implementation of the child support setoff as established
30 under section 421.17, subsection 21.

31 Sec. 3. Section 252H.7, subsection 1, unnumbered paragraph
32 1, and paragraph a, Code 2001, are amended to read as follows:

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34 period provided for in section 252H.16.

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1 waiving the prereview waiting period, the unit may conduct a
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8 ten days from the date of issuance of the notice of decision
9 under section 252H.16, or within ten days of the date of
10 issuance of the second notice of decision under section
11 252H.17, whichever is later.

12 6. For actions initiated under subchapter II, a hearing
13 shall not be held for at least ~~thirty-one~~ eleven days
14 following the date of issuance of the notice of decision
15 unless the parents have jointly waived, in writing, the
16 ~~thirty-day~~ ten-day postreview period.

17 Sec. 5. Section 252H.16, subsection 2, Code 2001, is
18 amended to read as follows:

19 2. Unless both parents have waived the prereview notice
20 period as provided for in section 252H.7, the review shall not
21 be conducted for at least ~~thirty~~ ten days from the date both
22 parents were successfully served with the notice required in
23 section 252H.15.

24 Sec. 6. Section 600.16A, Code 2001, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 4A. Notwithstanding subsection 2, a
27 termination of parental rights order issued pursuant to
28 section 600A.9 may be disclosed to the child support recovery
29 unit, upon request, without court order.

30 Sec. 7. EFFECTIVE DATES.

31 1. Section 2 of this Act, being deemed of immediate
32 importance, takes effect upon enactment.

33 2. Sections 3 through 5 of this Act take effect February
34 1, 2002.

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EXPLANATION

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10 family investment program. The bill provides that, unless the
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13 with a periodic payment plan, the entire amount of an accrued
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29 changes are effective February 1, 2002.

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5.3/28/01 Do Pass

S. 4/12/01 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 310

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 28)

(As Amended and Passed by the House March 6, 2001)

Passed House, Date _____ Passed Senate, ^(P. 1152) Date 4-17-01
Vote: Ayes _____ Nays _____ Vote: Ayes 50 Nays 0
Approved April 25, 2001

A BILL FOR

1 An Act relating to child support enforcement, including
2 disclosure of certain juvenile court records to the child
3 support recovery unit, and federal tax and nontax setoff
4 payments for accrued support, and providing effective dates.

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

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House Amendments _____
Deleted Language *

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2 adding the following new subsection:

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8 Sec. 2. Section 252B.5, subsection 4, Code 2001, is
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14 individual not eligible as a public assistance recipient,
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25 against a debtor's federal income tax refund or other federal
26 nontax payment. The department of human services shall
27 promulgate adopt rules pursuant to chapter 17A necessary to
28 assist the department of revenue and finance in the
29 implementation of the child support setoff as established
30 under section 421.17, subsection 21.

* 31 Sec. 3. Section 600.16A, Code 2001, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 4A. Notwithstanding subsection 2, a
34 termination of parental rights order issued pursuant to
35 section 600A.9 may be disclosed to the child support recovery

1 unit, upon request, without court order.

2 Sec. 4. EFFECTIVE DATE.

*3 Section 2 of this Act, being deemed of immediate
4 importance, takes effect upon enactment.

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HOUSE FILE 310

AN ACT

RELATING TO CHILD SUPPORT ENFORCEMENT, INCLUDING DISCLOSURE OF CERTAIN JUVENILE COURT RECORDS TO THE CHILD SUPPORT RECOVERY UNIT, AND FEDERAL TAX AND NONTAX SETOFF PAYMENTS FOR ACCRUED SUPPORT, AND PROVIDING EFFECTIVE DATES.

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

Section 1. Section 232.147, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Official juvenile court records enumerated in section 232.2, subsection 38, paragraph "e", relating to paternity, support, or the termination of parental rights, shall be disclosed, upon request, to the child support recovery unit without court order.

Sec. 2. Section 252B.5, subsection 4, Code 2001, is amended to read as follows:

4. Assistance to set off against a debtor's income tax refund or rebate any support debt, which is assigned to the department of human services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract, subrogation, or court judgment, and which is in the form of a liquidated sum due and owing for the care, support or maintenance of a child. Unless the periodic payment plan provisions for a retroactive modification pursuant to section 598.21, subsection 8, apply, the entire amount of a judgment for accrued support, notwithstanding compliance with a periodic payment plan or regardless of the date of entry of the judgment, is due and owing as of the date of entry of the judgment and is delinquent for the purposes of setoff, including for setoff against a debtor's federal income tax refund or other federal nontax payment. The department of human services shall

~~promulgate~~ adopt rules pursuant to chapter 17A necessary to assist the department of revenue and finance in the implementation of the child support setoff as established under section 421.17, subsection 21.

Sec. 3. Section 600.16A, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Notwithstanding subsection 2, a termination of parental rights order issued pursuant to section 600A.9 may be disclosed to the child support recovery unit, upon request, without court order.

Sec. 4. EFFECTIVE DATE. Section 2 of this Act, being deemed of immediate importance, takes effect upon enactment.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 310, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved *April 25*, 2001

THOMAS J. VILSACK
Governor

H. F. 310