

FILED FEB 20 '01

SENATE FILE 256
BY SHEARER

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

A BILL FOR

1 An Act relating to the termination of a child support order based
2 upon modification of a custody order.

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

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SF 256 HUMAN RESOURCES

1 Section 1. NEW SECTION. 252B.20A TERMINATION OF SUPPORT
2 -- CHANGE IN CUSTODY.

3 1. If the unit is providing child support enforcement
4 services pursuant to this chapter, a parent of a dependent
5 child for whom support has been ordered pursuant to chapter
6 252A, 252C, 252F, 598, or 600B, or any other chapter, may
7 request the assistance of the unit in terminating the parent's
8 obligation for support if the parent presents documentation,
9 including but not limited to a dissolution of marriage decree
10 or a child custody order, that the parent has been awarded
11 physical custody of the child for whom support was ordered and
12 the child is residing with the parent.

13 2. Upon receipt of the documentation specified in
14 subsection 1, the unit shall file a notice of termination with
15 a judge of the district court for approval. If the notice of
16 termination is approved, termination of the support obligation
17 is effective upon the date of the filing of the notice of
18 termination. However, any support that has accrued prior to
19 the date of filing of the notice of termination is unaffected
20 by the termination.

21 Sec. 2. NEW SECTION. 598.43 REVIEW AND TERMINATION OF
22 EXISTING ORDERS.

23 Prior to the issuing of a child custody or support order or
24 the granting of a dissolution decree, the court shall review
25 any existing support order to which a parent is a party. The
26 court shall terminate any existing support order if the
27 subsequent order or decree provides for the award of physical
28 custody to the parent ordered to pay support under the
29 existing support order.

30 EXPLANATION

31 This bill provides for the termination of a child support
32 order under certain circumstances. The bill provides that if
33 the child support recovery unit is providing enforcement
34 services, a parent of a dependent child for whom support has
35 been ordered may request the assistance of the unit in

1 terminating the parent's obligation for support if the parent
2 presents documentation that the parent has been awarded
3 physical custody of the child and the child is residing with
4 the parent. Documentation presented may include a dissolution
5 of marriage decree or a child custody order. The termination
6 is effective upon the date of filing of the notice of
7 termination but does not affect support that has accrued prior
8 to the date of filing of the notice of termination. The bill
9 also provides that prior to granting a child custody or child
10 support order or a dissolution of marriage decree, the court
11 is to review any existing support order to which a parent is a
12 party. The court is to terminate any existing support order
13 if the subsequent order or decree provides for the award of
14 physical custody to the parent ordered to pay support under
15 the existing support order.

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