

Shearer, Schueter, Tinsman

SSB 3105
Human Resources

Succeeded By
S/HF 2270

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 including provisions relating to
2 medical support and the calculation of the child support
3 amount relative to receipt of federal social security
4 benefits.

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

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1 Section 1. Section 252D.18A, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. The total of all amounts withheld shall not exceed the
4 amounts specified in 15 U.S.C. § 1673(b). For orders or
5 notices issued by the child support recovery unit, the limit
6 for the amount to be withheld shall be specified in the order
7 or notice.

8 Sec. 2. Section 252D.18A, subsection 3, paragraph b, Code
9 2001, is amended to read as follows:

10 b. If, after completing the calculation in paragraph "a",
11 the withholding limit specified under ~~15-U.S.C.-§-1673(b)~~
12 subsection 1 has not been attained, the payor shall total the
13 amounts due for arrearages and determine the proportionate
14 share for each obligee. The proportionate share amounts shall
15 be established utilizing the procedures established in
16 paragraph "a" for current support obligations.

17 Sec. 3. Section 252E.1, Code 2001, is amended to read as
18 follows:

19 252E.1 DEFINITIONS.

20 As used in this chapter, unless the context otherwise
21 requires:

22 1. "Accessible" means any of the following, unless
23 otherwise provided in the support order:

24 a. The health benefit plan does not have service area
25 limitations or provides an option not subject to service area
26 limitations.

27 b. The health benefit plan has service area limitations
28 and the dependent lives within thirty miles or thirty minutes
29 of a network primary care provider.

30 2. "Basic coverage" means coverage provided under a health
31 benefit plan that at a minimum provides coverage for emergency
32 care, inpatient and outpatient hospital care, physician
33 services whether provided within or outside a hospital
34 setting, and laboratory and x-ray services.

35 ~~1.~~ 3. "Child" means a person for whom child or medical

1 support may be ordered pursuant to chapter 234, 239B, 252A,
2 252C, 252F, 252H, 252K, 598, 600B or any other chapter of the
3 Code or pursuant to a comparable statute of a foreign
4 jurisdiction.

5 ~~2-~~ 4. "Department" means the department of human services,
6 which includes but is not limited to the child support
7 recovery unit, or any comparable support enforcement agency of
8 another state.

9 ~~3-~~ 5. "Dependent" means a child, or an obligee for whom a
10 court may order coverage by a health benefit plan pursuant to
11 section 252E.3.

12 ~~4-~~ 6. "Enroll" means to be eligible for and covered by a
13 health benefit plan.

14 ~~5-~~ 7. "Health benefit plan" means any policy or contract
15 of insurance, indemnity, subscription or membership issued by
16 an insurer, health service corporation, health maintenance
17 organization, or any similar corporation, organization, or a
18 self-insured employee benefit plan, for the purpose of
19 covering medical expenses. These expenses may include, but
20 are not limited to hospital, surgical, major medical
21 insurance, dental, optical, prescription drugs, office visits,
22 or any combination of these or any other comparable health
23 care expenses.

24 ~~6-~~ 8. "Insurer" means any entity which provides a health
25 benefit plan.

26 ~~7-~~ 9. "Medical support" means either the provision of a
27 health benefit plan, including a group or employment-related
28 or an individual health benefit plan, or a health benefit plan
29 provided pursuant to chapter 514E, to meet the medical needs
30 of a dependent and the cost of any premium required by a
31 health benefit plan, or the payment to the obligee of a
32 monetary amount in lieu of a health benefit plan, either of
33 which is an obligation separate from any monetary amount of
34 child support ordered to be paid. Medical support is not
35 alimony.

1 10. "National medical support notice" means a notice as
2 prescribed under 42 U.S.C. § 666(a)(19) or a substantially
3 similar notice, that is issued and forwarded by the department
4 to enforce medical support provisions of a support order.

5 ~~8-~~ 11. "Obligee" means a parent or another natural person
6 legally entitled to receive a support payment on behalf of a
7 child.

8 ~~9-~~ 12. "Obligor" means a parent or another natural person
9 legally responsible for the support of a dependent.

10 ~~10-~~ 13. "Order" means a support order entered pursuant to
11 chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any
12 other support chapter, or pursuant to a comparable statute of
13 a foreign jurisdiction, or an ex parte order entered pursuant
14 to section 252E.4. "Order" also includes a notice of such an
15 order issued by the ~~child-support-recovery-unit-to-an-employer~~
16 department.

17 14. "Plan administrator" means the employer or sponsor
18 that offers the health benefit plan or the person to whom the
19 duty of plan administrator is delegated by the employer or
20 sponsor offering the health benefit plan, by written agreement
21 of the parties.

22 15. "Primary care provider" means a physician who provides
23 primary care who is a family or general practitioner, a
24 pediatrician, an internist, an obstetrician, or a
25 gynecologist.

26 Sec. 4. Section 252E.2, subsection 2, unnumbered paragraph
27 1, Code 2001, is amended to read as follows:

28 An insurer who is subject to the federal Employee
29 Retirement Income Security Act, as codified in 29 U.S.C. §
30 1169, shall provide benefits in accordance with that section
31 which meet the requirements of a qualified medical child
32 support order. For the purposes of this subsection "qualified
33 medical child support order" means and includes a medical
34 child support order as defined in 29 U.S.C. § 1169, or a child
35 support order which creates or recognizes the existence of a

1 child's right to, or assigns to a child the right to, receive
2 benefits for which a participant or child is eligible under a
3 group health plan or a notice of such an order issued by the
4 ~~child-support-recovery-unit~~ department, and which specifies
5 the following:

6 Sec. 5. Section 252E.4, subsection 1, Code 2001, is
7 amended to read as follows:

8 1. When a support order requires an obligor to provide
9 coverage under a health benefit plan, the district court or
10 the department may enter an ex parte order directing an
11 employer to take all actions necessary to enroll an obligor's
12 dependent for coverage under a health benefit plan or may
13 include the provisions in an ex parte income withholding order
14 or notice of income withholding pursuant to chapter 252D. The
15 child support recovery unit, where appropriate, shall issue a
16 national medical support notice to an employer within two
17 business days after the date information regarding a newly
18 hired employee is entered into the centralized employee
19 registry and matched with a noncustodial parent in the case
20 being enforced by the unit. The department may amend the
21 information in the ex parte order or may amend or terminate
22 the national medical support notice regarding health insurance
23 provisions if necessary to comply with health insurance
24 requirements including but not limited to the provisions of
25 section 252E.2, subsection 2, or to correct a mistake of fact.

26 Sec. 6. Section 252E.5, subsections 1 and 3, Code 2001,
27 are amended to read as follows:

28 1. When the order has been forwarded to the obligor's
29 employer pursuant to section 252E.4, the order is binding on
30 the employer and the employer's insurer to the extent that the
31 dependent is eligible to be enrolled in the plan under the
32 applicable terms and conditions of the health benefit plan and
33 the standard enrollment guidelines of the insurer. The
34 employer shall allow enrollment of the dependent at any time,
35 notwithstanding any enrollment season restrictions. If a

1 provision of this section conflicts with a provision in the
2 national medical support notice, or in subsection 9, the
3 provision in the notice and subsection 9 shall apply.

4 3. The employer shall withhold from the employee's
5 compensation, the employee's share, if any, of premiums for
6 the health benefit plan in an amount that does not exceed the
7 amount specified in the national medical support notice or the
8 amount specified in 15 U.S.C. § 1673(b) and which is
9 consistent with federal law. The employer shall forward the
10 amount withheld to the insurer.

11 Sec. 7. Section 252E.5, Code 2001, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 9. If the department issues a national
14 medical support notice to an employer or plan administrator,
15 all of the following shall apply:

16 a. The employer and plan administrator shall comply with
17 the provisions in the notice.

18 b. The employer and the plan administrator shall treat the
19 notice as an application by the department for health benefit
20 plan coverage for the dependent to the extent such application
21 is required by the health benefit plan.

22 c. If the obligor named in the notice is not an employee
23 of the employer, or if a health benefit plan is not offered or
24 available to the employee, the employer shall notify the
25 department, as provided in the notice, within twenty business
26 days after the date of the notice.

27 d. If a health benefit plan is offered or available to the
28 employee, the employer shall send the plan administrator's
29 portion of the notice to each appropriate plan administrator
30 within twenty business days after the date of the notice.

31 e. Upon notification from the plan administrator that the
32 dependent is enrolled, the employer shall either withhold and
33 forward the premiums as provided in subsection 3, or shall
34 notify the department that the enrollment cannot be completed
35 due to limits established for withholding as provided in

1 subsection 3.

2 f. If the plan administrator notifies the employer that
3 the obligor is subject to a waiting period that expires more
4 than ninety days from the date of receipt of the notice by the
5 plan administrator or that the obligor is subject to a waiting
6 period that is measured in a manner other than the passage of
7 time, the employer shall notify the plan administrator when
8 the obligor becomes eligible to enroll in the plan and that
9 the notice requires enrollment in the plan of the dependent
10 named in the notice.

11 g. The plan administrator shall enroll the dependent, and
12 if necessary to enrollment of the dependent shall also enroll
13 the obligor, in the plan selected in accordance with this
14 paragraph. All of the following shall apply to the selection
15 of the plan:

16 (1) If the obligor is enrolled in a health benefit plan
17 that offers dependent coverage, that plan shall be selected.

18 (2) If the obligor is not enrolled in a plan or is not
19 enrolled in a plan that offers dependent coverage, and if only
20 one plan with dependent coverage is offered by the employer,
21 that plan shall be selected.

22 (3) If the obligor is not enrolled in a health benefit
23 plan or is not enrolled in a health benefit plan that offers
24 dependent coverage, if more than one plan with dependent
25 coverage is offered by the employer, and if the notice is
26 issued by the child support recovery unit, all of the
27 following shall apply:

28 (a) If only one of the plans is accessible to the
29 dependent, that plan shall be selected. If none of the plans
30 with dependent coverage is accessible to the dependent, the
31 unit shall amend or terminate the notice.

32 (b) If more than one of the plans is accessible to the
33 dependent, the plan selected shall be the plan that provides
34 basic coverage for which the employee's share of the premium
35 is lowest.

1 (c) If more than one of the plans is accessible to the
2 dependent but none of the accessible plans provides basic
3 coverage, the plan selected shall be a plan that is accessible
4 and for which the employee's share of the premium is lowest.

5 (d) If the employee's share of the premiums is the same
6 under all plans described in subparagraphs (b) or (c), the
7 unit shall attempt to consult with the obligee when selecting
8 the plan. If the obligee does not respond within ten days of
9 the unit's attempt, the unit shall select a plan which shall
10 be the plan's default option, if any, or the plan with the
11 lowest deductibles and copayment requirements.

12 (4) If the obligor is not enrolled in a health benefit
13 plan or is not enrolled in a health benefit plan that offers
14 dependent coverage, if more than one plan with dependent
15 coverage is offered by the employer, and if the notice is
16 issued by the child support enforcement agency of another
17 state, that agency shall select the plan as provided in
18 paragraph "h", subparagraph (3).

19 h. Within forty business days after the date of the
20 notice, the plan administrator shall do all of the following
21 as directed by the notice:

22 (1) Complete the appropriate portion of the notice and
23 return the portion to the department.

24 (2) If the dependent is or is to be enrolled, notify the
25 obligor, the obligee, and the child and furnish the obligee
26 with necessary information. Provide the child support
27 recovery unit with the type of health benefit plan under which
28 the dependent has been enrolled, including whether dental,
29 optical, office visits, and prescription drugs are covered
30 services.

31 (3) If more than one health benefit plan is available to
32 the obligor and the obligor is not enrolled, forward plan
33 descriptions and documents to the department and enroll the
34 dependent, and if necessary the obligor, in the plan selected
35 by the department or in any default option if the plan

1 administrator has not received a selection from the department
2 within twenty business days of the date the plan administrator
3 returned the national medical support notice response to the
4 department.

5 (4) If the obligor is subject to a waiting period that
6 expires more than ninety days from the date of receipt of the
7 notice by the plan administrator or if the obligor has not
8 completed a waiting period that is measured in a manner other
9 than the passage of time, notify the employer, the department,
10 the obligor, and the obligee. Upon satisfaction of the period
11 or requirement, complete the enrollment.

12 (5) Upon completion of the enrollment, notify the employer
13 for a determination of whether the necessary employee share of
14 the premium is available.

15 (6) If the plan administrator is subject to the federal
16 Employee Retirement Income Security Act, as codified in 29
17 U.S.C. § 1169, or is subject to the federal Child Support
18 Performance and Incentive Act of 1998, Pub. L. No. 105-200, §
19 401, subsection (e) or (f) and the plan administrator
20 determines the notice does not constitute a qualified medical
21 child support order, complete and send the response to the
22 department and notify the obligor, the obligee, and the child
23 of the specific reason for the determination.

24 Sec. 8. Section 252E.6, subsection 2, Code 2001, is
25 amended to read as follows:

26 2. For cases for which services are being provided
27 pursuant to chapter 252B, the department shall notify the
28 employer when there is no longer a current order for medical
29 support in effect for which the department is responsible.
30 However, termination of ~~an-obligee's~~ medical support ordered
31 pursuant to section 252E.3 shall be governed by the insurer's
32 health benefit plan provisions for termination and by
33 applicable federal law.

34 Sec. 9. Section 252E.6A, Code 2001, is amended to read as
35 follows:

1 252E.6A MOTION TO QUASH.

2 1. An obligor may move to quash the order to the employer
3 under section 252E.4 by following the same procedures and
4 alleging a mistake of a fact as provided in section 252D.31 or
5 as provided in subsection 2. If the unit is enforcing an
6 income withholding order and a medical support order
7 simultaneously, any challenge to the income withholding order
8 and medical support enforcement shall be filed and heard
9 simultaneously.

10 2. The obligor may allege as a mistake of fact an error in
11 the availability of dependent coverage under the health
12 benefit plan because the coverage is not accessible to the
13 dependent. Even if the plan is not accessible as defined in
14 section 252E.1, the court may determine that the plan is
15 substantially accessible if the obligee demonstrates that the
16 dependent may receive a benefit under the plan. Section
17 252K.316 relating to evidence and procedure shall apply to the
18 court proceeding.

19 ~~2.~~ 3. The employer shall comply with the requirements of
20 this chapter until the employer receives notice that a motion
21 to quash has been granted, or that the unit has amended or
22 terminated the national medical support notice.

23 Sec. 10. Section 252H.2, subsection 12, Code 2001, is
24 amended to read as follows:

25 12. "State" means "state" as defined in section ~~252A-2~~
26 252K.101.

27 Sec. 11. Section 252H.3, subsection 1, Code 2001, is
28 amended to read as follows:

29 1. Any action initiated under this chapter, including any
30 court hearing resulting from an action, shall be limited in
31 scope to the adjustment or modification of the child or
32 medical support or cost-of-living alteration of the child
33 support provisions of a support order. A determination of a
34 controlling order is within the scope of this chapter. If the
35 social security disability provisions of sections 598.22 and

1 598.22C apply, a determination of the amount of delinquent
2 support due is within the scope of this chapter.

3 Sec. 12. Section 252H.8, subsection 4, paragraph g, Code
4 2001, is amended to read as follows:

5 g. Copies of any computation worksheet prepared by the
6 unit to determine the amount of support calculated using the
7 mandatory child support guidelines established under section
8 598.21, subsection 4, and, if appropriate and the social
9 security disability provisions of sections 598.22 and 598.22C
10 apply, a determination of the amount of delinquent support
11 due.

12 Sec. 13. Section 252H.9, subsection 3, Code 2001, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. h. If applicable, the amount of delinquent
15 support due based upon the receipt of social security
16 disability payments as provided in sections 598.22 and
17 598.22C.

18 Sec. 14. Section 252H.16, subsection 1, Code 2001, is
19 amended to read as follows:

20 1. The unit shall conduct the review and determine whether
21 an adjustment is appropriate. As necessary, the unit shall
22 make a determination of the controlling order or the amount of
23 delinquent support due based upon the receipt of social
24 security disability payments as provided in sections 598.22
25 and 598.22C.

26 Sec. 15. Section 252H.22, Code 2001, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 6. The support order is not subject to
29 the social security disability provisions pursuant to sections
30 598.22 and 598.22C.

31 Sec. 16. Section 598.21, subsection 4, Code Supplement
32 2001, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. f. For the purposes of including a child's
34 dependent benefit in calculating a support obligation under
35 this section for a child whose parent has been awarded

1 disability benefits under the federal Social Security Act, the
2 provisions of section 598.22C shall apply.

3 Sec. 17. Section 598.22, unnumbered paragraph 1, Code
4 2001, is amended to read as follows:

5 Except as otherwise provided in section 598.22A, this
6 section applies to all initial or modified orders for support
7 entered under this chapter, chapter 234, 252A, 252C, 252F,
8 600B, or any other chapter of the Code. All orders or
9 judgments entered under chapter 234, 252A, 252C, 252F, or
10 600B, or under this chapter or any other chapter which provide
11 for temporary or permanent support payments shall direct the
12 payment of those sums to the clerk of the district court or
13 the collection services center in accordance with section
14 252B.14 for the use of the person for whom the payments have
15 been awarded. Beginning October 1, 1999, all income
16 withholding payments shall be directed to the collection
17 services center. Payments to persons other than the clerk of
18 the district court and the collection services center do not
19 satisfy the support obligations created by the orders or
20 judgments, except as provided for trusts governed by the
21 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
22 tax refunds or rebates in section 602.8102, subsection 47, or
23 for dependent benefits paid to the child support obligee as
24 the result of disability benefits awarded to the child support
25 obligor under the federal Social Security Act. For trusts
26 governed by the federal Retirement Equity Act of 1984, Pub. L.
27 No. 98-397, the order for income withholding or notice of the
28 order for income withholding shall require the payment of such
29 sums to the alternate payee in accordance with the federal
30 Act. For dependent benefits paid to the child support obligee
31 as a result of disability benefits awarded to the child
32 support obligor under the federal Social Security Act, the
33 provisions of section 598.22C shall apply.

34 Sec. 18. NEW SECTION. 598.22C CHILD SUPPORT -- SOCIAL
35 SECURITY DISABILITY DEPENDENT BENEFITS.

1 If dependent benefits are paid for a child as a result of
2 disability benefits awarded to the child's parent under the
3 federal Social Security Act, all of the following shall apply:

4 1. Unless the court otherwise provides, dependent benefits
5 paid to the child support obligee as a result of disability
6 benefits awarded to the child support obligor fully satisfy
7 and substitute for the support obligations for the same period
8 of time for which the benefits are awarded.

9 2. For the purposes of calculating a support obligation
10 under section 598.21, subsection 4, the dependent benefits
11 paid for any child shall be included as income to the disabled
12 parent.

13 3. a. Any order or judgment for support for a child for
14 whom social security disability benefits are paid to the child
15 support obligee as a result of disability benefits awarded to
16 the child support obligor shall include all of the following:

17 (1) The dollar amount of the child support obligation as
18 calculated by application of the guidelines under section
19 598.21, subsection 4, and a statement that the social security
20 dependent benefits are included as income to the obligor in
21 that calculation.

22 (2) The dollar amount of the social security dependent
23 benefits paid to the obligee which shall be dollar-for-dollar
24 satisfaction of the obligor's child support obligation.

25 (3) The dollar amount, if any, the obligor shall pay after
26 application of the social security dependent benefits as a
27 credit to or dollar-for-dollar satisfaction of the child
28 support obligation.

29 b. The amount of the child support obligation stated in
30 the order, and the amount the obligor shall pay after
31 application of the social security disability dependent
32 benefit credit or satisfaction stated in the order, shall
33 continue until modified, as provided in section 598.21.

34 4. The amount of any child support obligation satisfied
35 under this section based upon the receipt of dependent

1 benefits paid to the child support obligee as a result of
2 disability benefits awarded to the child support obligor shall
3 not be considered delinquent.

4 EXPLANATION

5 This bill makes changes in the law relating to child
6 support including those relating to medical support and the
7 calculation of the child support amount relative to receipt by
8 a parent of federal social security disability benefits.

9 The bill amends Code chapter 252E, relating to medical
10 support, to reflect federal requirements for use of a national
11 medical support notice. The bill provides definitions,
12 provides directives to employers and to health benefit plan
13 administrators in complying with the medical support notice,
14 and provides criteria and a procedure to be used in the
15 selection of a health benefit plan in order to comply with the
16 medical support notice. The bill also makes conforming
17 changes in Code chapter 252D, relating to income withholding,
18 to reflect the changes relating to the medical support notice.

19 The bill also amends Code chapter 252H, relating to the
20 adjustment and modification of support orders, and Code
21 chapter 598, relating to dissolution of marriage and domestic
22 relations, to reflect the decision of the Iowa Supreme Court
23 in *In re Marriage of Hilmo*, 623 N.W.2d 809, relating to the
24 effect of receipt of social security disability (SSD) payments
25 on the calculation of the child support amount owed and
26 payment of the obligation. In *Hilmo*, the court held that if a
27 child receives SSD benefits as the result of a parent's
28 disability, the payment amount is to be included as income to
29 the parent when calculating the amount of child support.
30 After calculating the amount of child support, if the disabled
31 parent is the obligor, the obligor's support obligation is
32 then to be credited, dollar for dollar, in the amount of the
33 SSD payment made to the dependent, with any remaining
34 obligation amount to be paid by the obligor. Currently, if a
35 child receives SSD benefits as the result of the obligor's

1 disability, notwithstanding the amount of the child support
2 obligation calculated under the child support guidelines, the
3 SSD payment to the dependent is considered payment in full of
4 the obligation.

5 The bill amends Code chapter 252H to allow for a
6 determination of the amount of delinquent support due as part
7 of an administrative adjustment or modification of a support
8 order if the order involves receipt of SSD payments. The bill
9 amends Code chapter 598 to provide that unless the court
10 otherwise provides, dependent benefits paid to a child support
11 obligee as a result of SSD benefits awarded to an obligor are
12 to fully satisfy and substitute for the support obligation for
13 the same period of time for which benefits are awarded. The
14 bill also provides that the SSD dependent benefit payment
15 amount is to be included as income to the disabled parent when
16 calculating the child support obligation amount. Under the
17 bill, an order or judgment for support for a child for whom
18 SSD dependent benefit payments are paid to the child support
19 obligee is to include all of the following: a statement of
20 the dollar amount of the child support obligation as
21 calculated under the child support guidelines and that the SSD
22 dependent benefit payment amount was included as income to the
23 obligor in calculation of the child support obligation amount;
24 the dollar amount of the SSD dependent benefit payment made to
25 the obligee which is to satisfy the obligation amount on a
26 dollar-for-dollar basis; and the dollar amount, if any, that
27 the obligor is to pay following application of the SSD
28 dependent benefit payment amount to the obligation amount.
29 The bill also provides that the amount of the child support
30 obligation satisfied by the application of the SSD dependent
31 benefit payment to the obligation amount is not to be
32 considered delinquent.

33 The bill makes a technical correction relating to a
34 definitional reference to the word "state" in Code section
35 252H.2.



STATE OF IOWA

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

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

TO: Members of the General Assembly

FROM: Jessie K. Rasmussen, Director

DATE: January 22, 2002

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

1. Incorporating into chapter 252E the requirements for the National Medical Support Notice. The national notice is a federal mandate under Title IV-D of the Social Security Act for all state child support agencies. Iowa must implement this notice by July 1, 2002. The intent of the requirements is to increase the number of children covered by insurance by adopting uniform notices and procedures regardless of where the court order was entered or where the parent is employed. The Child Support Recovery Unit (CSRU) will use the new form to notify an employer if the court has ordered a noncustodial parent to provide health care coverage for his or her child. As with the current form CSRU uses, if the employer offers health insurance, the notice directs the employer to enroll the child, and to withhold the appropriate premiums. The new form, however, will be a standard notice that was required by Congress in response to requests from employers that all state child support agencies use the same format. The standardization includes uniform timeframes and duties for CSRU, employers and their insurers. The federal law requires state selection of coverage if the parent has not already enrolled the child in his or her plan and the employer offers more than one plan option. This bill would codify the criteria for selection so that the public is aware of the considerations.

2. Changing the way child support payments are affected if the child receives social security dependents benefits because the child's mother or father is disabled. The changes are based upon a decision entered last year by the Iowa Supreme Court in In re Marriage of Hilmo, 623 NW2d 809. Before the Hilmo decision, when CSRU applied the Supreme Court's guidelines to calculate the child support obligation, it did not include the child's social security benefit amount as income to the disabled parent. Also, under section 598.22, if the disabled parent was the obligor, the monthly social security benefit received for the child completely paid or satisfied the child support, regardless of the amount the parent had been ordered to pay.

The amendments in this bill are aligned with the Supreme Court's decision that when calculating child support, a child's social security dependent's benefit is counted as income to the disabled parent. Also, rather than a full credit or satisfaction for a disabled obligor, if the child support obligation is higher than the child's monthly social security benefit, the child's benefit amount is subtracted from the child support amount and the obligor owes the difference. The bill also clarifies that the current practice continues until the court modifies that family's order. The bill allows CSRU to include a determination of arrears in social security-related modification orders it prepares for the court under chapter 252H. This provides a way for parents and CSRU to determine if any arrears are due in their cases because of the change in policy.

3. Finally, the bill contains a technical correction to a definition in chapter 252H which was identified by the Legislative Service Bureau.

If you have any questions or concerns, Kate Walton is our Legislative Liaison. You may contact her at 281-4387 or at kwalton@dhs.state.ia.us.

Substituted for by HF 2395
3/6/02 (p.519)

FILED FEB 21 2002

SENATE FILE 2270
BY COMMITTEE ON HUMAN RESOURCES

WITHDRAWN

(SUCCESSOR TO SSB 3105)

Passed Senate, Date 3-6-02 Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to child support including provisions relating to
2 medical support and the calculation of the child support
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SF 2270

1 Section 1. Section 252D.18A, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. The total of all amounts withheld shall not exceed the
4 amounts specified in 15 U.S.C. § 1673(b). For orders or
5 notices issued by the child support recovery unit, the limit
6 for the amount to be withheld shall be specified in the order
7 or notice.

8 Sec. 2. Section 252D.18A, subsection 3, paragraph b, Code
9 2001, is amended to read as follows:

10 b. If, after completing the calculation in paragraph "a",
11 the withholding limit specified under ~~15-U.S.C.-§-1673(b)~~
12 subsection 1 has not been attained, the payor shall total the
13 amounts due for arrearages and determine the proportionate
14 share for each obligee. The proportionate share amounts shall
15 be established utilizing the procedures established in
16 paragraph "a" for current support obligations.

17 Sec. 3. Section 252E.1, Code 2001, is amended to read as
18 follows:

19 252E.1 DEFINITIONS.

20 As used in this chapter, unless the context otherwise
21 requires:

22 1. "Accessible" means any of the following, unless
23 otherwise provided in the support order:

24 a. The health benefit plan does not have service area
25 limitations or provides an option not subject to service area
26 limitations.

27 b. The health benefit plan has service area limitations
28 and the dependent lives within thirty miles or thirty minutes
29 of a network primary care provider.

30 2. "Basic coverage" means coverage provided under a health
31 benefit plan that at a minimum provides coverage for emergency
32 care, inpatient and outpatient hospital care, physician
33 services whether provided within or outside a hospital
34 setting, and laboratory and x-ray services.

35 ~~1.~~ 3. "Child" means a person for whom child or medical

1 support may be ordered pursuant to chapter 234, 239B, 252A,
2 252C, 252F, 252H, 252K, 598, 600B or any other chapter of the
3 Code or pursuant to a comparable statute of a foreign
4 jurisdiction.

5 ~~2-~~ 4. "Department" means the department of human services,
6 which includes but is not limited to the child support
7 recovery unit, or any comparable support enforcement agency of
8 another state.

9 ~~3-~~ 5. "Dependent" means a child, or an obligee for whom a
10 court may order coverage by a health benefit plan pursuant to
11 section 252E.3.

12 ~~4-~~ 6. "Enroll" means to be eligible for and covered by a
13 health benefit plan.

14 ~~5-~~ 7. "Health benefit plan" means any policy or contract
15 of insurance, indemnity, subscription or membership issued by
16 an insurer, health service corporation, health maintenance
17 organization, or any similar corporation, organization, or a
18 self-insured employee benefit plan, for the purpose of
19 covering medical expenses. These expenses may include, but
20 are not limited to hospital, surgical, major medical
21 insurance, dental, optical, prescription drugs, office visits,
22 or any combination of these or any other comparable health
23 care expenses.

24 ~~6-~~ 8. "Insurer" means any entity which provides a health
25 benefit plan.

26 ~~7-~~ 9. "Medical support" means either the provision of a
27 health benefit plan, including a group or employment-related
28 or an individual health benefit plan, or a health benefit plan
29 provided pursuant to chapter 514E, to meet the medical needs
30 of a dependent and the cost of any premium required by a
31 health benefit plan, or the payment to the obligee of a
32 monetary amount in lieu of a health benefit plan, either of
33 which is an obligation separate from any monetary amount of
34 child support ordered to be paid. Medical support is not
35 alimony.

1 10. "National medical support notice" means a notice as
2 prescribed under 42 U.S.C. § 666(a)(19) or a substantially
3 similar notice, that is issued and forwarded by the department
4 to enforce medical support provisions of a support order.

5 ~~8~~ 11. "Obligee" means a parent or another natural person
6 legally entitled to receive a support payment on behalf of a
7 child.

8 ~~9~~ 12. "Obligor" means a parent or another natural person
9 legally responsible for the support of a dependent.

10 ~~10~~ 13. "Order" means a support order entered pursuant to
11 chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any
12 other support chapter, or pursuant to a comparable statute of
13 a foreign jurisdiction, or an ex parte order entered pursuant
14 to section 252E.4. "Order" also includes a notice of such an
15 order issued by the ~~child-support-recovery-unit-to-an-employer~~
16 department.

17 14. "Plan administrator" means the employer or sponsor
18 that offers the health benefit plan or the person to whom the
19 duty of plan administrator is delegated by the employer or
20 sponsor offering the health benefit plan, by written agreement
21 of the parties.

22 15. "Primary care provider" means a physician who provides
23 primary care who is a family or general practitioner, a
24 pediatrician, an internist, an obstetrician, or a
25 gynecologist.

26 Sec. 4. Section 252E.2, subsection 2, unnumbered paragraph
27 1, Code 2001, is amended to read as follows:

28 An insurer who is subject to the federal Employee
29 Retirement Income Security Act, as codified in 29 U.S.C. §
30 1169, shall provide benefits in accordance with that section
31 which meet the requirements of a qualified medical child
32 support order. For the purposes of this subsection "qualified
33 medical child support order" means and includes a medical
34 child support order as defined in 29 U.S.C. § 1169, or a child
35 support order which creates or recognizes the existence of a

1 child's right to, or assigns to a child the right to, receive
2 benefits for which a participant or child is eligible under a
3 group health plan or a notice of such an order issued by the
4 child-support-recovery-unit department, and which specifies
5 the following:

6 Sec. 5. Section 252E.4, subsection 1, Code 2001, is
7 amended to read as follows:

8 1. When a support order requires an obligor to provide
9 coverage under a health benefit plan, the district court or
10 the department may enter an ex parte order directing an
11 employer to take all actions necessary to enroll an obligor's
12 dependent for coverage under a health benefit plan or may
13 include the provisions in an ex parte income withholding order
14 or notice of income withholding pursuant to chapter 252D. The
15 child support recovery unit, where appropriate, shall issue a
16 national medical support notice to an employer within two
17 business days after the date information regarding a newly
18 hired employee is entered into the centralized employee
19 registry and matched with a noncustodial parent in the case
20 being enforced by the unit. The department may amend the
21 information in the ex parte order or may amend or terminate
22 the national medical support notice regarding health insurance
23 provisions if necessary to comply with health insurance
24 requirements including but not limited to the provisions of
25 section 252E.2, subsection 2, or to correct a mistake of fact.

26 Sec. 6. Section 252E.5, subsections 1 and 3, Code 2001,
27 are amended to read as follows:

28 1. When the order has been forwarded to the obligor's
29 employer pursuant to section 252E.4, the order is binding on
30 the employer and the employer's insurer to the extent that the
31 dependent is eligible to be enrolled in the plan under the
32 applicable terms and conditions of the health benefit plan and
33 the standard enrollment guidelines of the insurer. The
34 employer shall allow enrollment of the dependent at any time,
35 notwithstanding any enrollment season restrictions. If a

1 provision of this section conflicts with a provision in the
2 national medical support notice, or in subsection 9, the
3 provision in the notice and subsection 9 shall apply.

4 3. The employer shall withhold from the employee's
5 compensation, the employee's share, if any, of premiums for
6 the health benefit plan in an amount that does not exceed the
7 amount specified in the national medical support notice or the
8 amount specified in 15 U.S.C. § 1673(b) and which is
9 consistent with federal law. The employer shall forward the
10 amount withheld to the insurer.

11 Sec. 7. Section 252E.5, Code 2001, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 9. If the department issues a national
14 medical support notice to an employer or plan administrator,
15 all of the following shall apply:

16 a. The employer and plan administrator shall comply with
17 the provisions in the notice.

18 b. The employer and the plan administrator shall treat the
19 notice as an application by the department for health benefit
20 plan coverage for the dependent to the extent such application
21 is required by the health benefit plan.

22 c. If the obligor named in the notice is not an employee
23 of the employer, or if a health benefit plan is not offered or
24 available to the employee, the employer shall notify the
25 department, as provided in the notice, within twenty business
26 days after the date of the notice.

27 d. If a health benefit plan is offered or available to the
28 employee, the employer shall send the plan administrator's
29 portion of the notice to each appropriate plan administrator
30 within twenty business days after the date of the notice.

31 e. Upon notification from the plan administrator that the
32 dependent is enrolled, the employer shall either withhold and
33 forward the premiums as provided in subsection 3, or shall
34 notify the department that the enrollment cannot be completed
35 due to limits established for withholding as provided in

1 subsection 3.

2 f. If the plan administrator notifies the employer that
3 the obligor is subject to a waiting period that expires more
4 than ninety days from the date of receipt of the notice by the
5 plan administrator or that the obligor is subject to a waiting
6 period that is measured in a manner other than the passage of
7 time, the employer shall notify the plan administrator when
8 the obligor becomes eligible to enroll in the plan and that
9 the notice requires enrollment in the plan of the dependent
10 named in the notice.

11 g. The plan administrator shall enroll the dependent, and
12 if necessary to enrollment of the dependent shall also enroll
13 the obligor, in the plan selected in accordance with this
14 paragraph. All of the following shall apply to the selection
15 of the plan:

16 (1) If the obligor is enrolled in a health benefit plan
17 that offers dependent coverage, that plan shall be selected.

18 (2) If the obligor is not enrolled in a plan or is not
19 enrolled in a plan that offers dependent coverage, and if only
20 one plan with dependent coverage is offered by the employer,
21 that plan shall be selected.

22 (3) If the obligor is not enrolled in a health benefit
23 plan or is not enrolled in a health benefit plan that offers
24 dependent coverage, if more than one plan with dependent
25 coverage is offered by the employer, and if the notice is
26 issued by the child support recovery unit, all of the
27 following shall apply:

28 (a) If only one of the plans is accessible to the
29 dependent, that plan shall be selected. If none of the plans
30 with dependent coverage is accessible to the dependent, the
31 unit shall amend or terminate the notice.

32 (b) If more than one of the plans is accessible to the
33 dependent, the plan selected shall be the plan that provides
34 basic coverage for which the employee's share of the premium
35 is lowest.

1 (c) If more than one of the plans is accessible to the
2 dependent but none of the accessible plans provides basic
3 coverage, the plan selected shall be a plan that is accessible
4 and for which the employee's share of the premium is lowest.

5 (d) If the employee's share of the premiums is the same
6 under all plans described in subparagraphs (b) or (c), the
7 unit shall attempt to consult with the obligee when selecting
8 the plan. If the obligee does not respond within ten days of
9 the unit's attempt, the unit shall select a plan which shall
10 be the plan's default option, if any, or the plan with the
11 lowest deductibles and copayment requirements.

12 (4) If the obligor is not enrolled in a health benefit
13 plan or is not enrolled in a health benefit plan that offers
14 dependent coverage, if more than one plan with dependent
15 coverage is offered by the employer, and if the notice is
16 issued by the child support enforcement agency of another
17 state, that agency shall select the plan as provided in
18 paragraph "h", subparagraph (3).

19 h. Within forty business days after the date of the
20 notice, the plan administrator shall do all of the following
21 as directed by the notice:

22 (1) Complete the appropriate portion of the notice and
23 return the portion to the department.

24 (2) If the dependent is or is to be enrolled, notify the
25 obligor, the obligee, and the child and furnish the obligee
26 with necessary information. Provide the child support
27 recovery unit with the type of health benefit plan under which
28 the dependent has been enrolled, including whether dental,
29 optical, office visits, and prescription drugs are covered
30 services.

31 (3) If more than one health benefit plan is available to
32 the obligor and the obligor is not enrolled, forward plan
33 descriptions and documents to the department and enroll the
34 dependent, and if necessary the obligor, in the plan selected
35 by the department or in any default option if the plan

1 administrator has not received a selection from the department
2 within twenty business days of the date the plan administrator
3 returned the national medical support notice response to the
4 department.

5 (4) If the obligor is subject to a waiting period that
6 expires more than ninety days from the date of receipt of the
7 notice by the plan administrator or if the obligor has not
8 completed a waiting period that is measured in a manner other
9 than the passage of time, notify the employer, the department,
10 the obligor, and the obligee. Upon satisfaction of the period
11 or requirement, complete the enrollment.

12 (5) Upon completion of the enrollment, notify the employer
13 for a determination of whether the necessary employee share of
14 the premium is available.

15 (6) If the plan administrator is subject to the federal
16 Employee Retirement Income Security Act, as codified in 29
17 U.S.C. § 1169, or is subject to the federal Child Support
18 Performance and Incentive Act of 1998, Pub. L. No. 105-200, §
19 401, subsection (e) or (f) and the plan administrator
20 determines the notice does not constitute a qualified medical
21 child support order, complete and send the response to the
22 department and notify the obligor, the obligee, and the child
23 of the specific reason for the determination.

24 Sec. 8. Section 252E.6, subsection 2, Code 2001, is
25 amended to read as follows:

26 2. For cases for which services are being provided
27 pursuant to chapter 252B, the department shall notify the
28 employer when there is no longer a current order for medical
29 support in effect for which the department is responsible.
30 However, termination of ~~an-obligee's~~ medical support ordered
31 pursuant to section 252E.3 shall be governed by the insurer's
32 health benefit plan provisions for termination and by
33 applicable federal law.

34 Sec. 9. Section 252E.6A, Code 2001, is amended to read as
35 follows:

1 252E.6A MOTION TO QUASH.

2 1. An obligor may move to quash the order to the employer
3 under section 252E.4 by following the same procedures and
4 alleging a mistake of a fact as provided in section 252D.31 or
5 as provided in subsection 2. If the unit is enforcing an
6 income withholding order and a medical support order
7 simultaneously, any challenge to the income withholding order
8 and medical support enforcement shall be filed and heard
9 simultaneously.

10 2. The obligor may allege as a mistake of fact an error in
11 the availability of dependent coverage under the health
12 benefit plan because the coverage is not accessible to the
13 dependent. Even if the plan is not accessible as defined in
14 section 252E.1, the court may determine that the plan is
15 substantially accessible if the obligee demonstrates that the
16 dependent may receive a benefit under the plan. Section
17 252K.316 relating to evidence and procedure shall apply to the
18 court proceeding.

19 ~~2-~~ 3. The employer shall comply with the requirements of
20 this chapter until the employer receives notice that a motion
21 to quash has been granted, or that the unit has amended or
22 terminated the national medical support notice.

23 Sec. 10. Section 252H.2, subsection 12, Code 2001, is
24 amended to read as follows:

25 12. "State" means "state" as defined in section 252A-2
26 252K.101.

27 Sec. 11. Section 252H.3, subsection 1, Code 2001, is
28 amended to read as follows:

29 1. Any action initiated under this chapter, including any
30 court hearing resulting from an action, shall be limited in
31 scope to the adjustment or modification of the child or
32 medical support or cost-of-living alteration of the child
33 support provisions of a support order. A determination of a
34 controlling order is within the scope of this chapter. If the
35 social security disability provisions of sections 598.22 and

1 598.22C apply, a determination of the amount of delinquent
2 support due is within the scope of this chapter.

3 Sec. 12. Section 252H.8, subsection 4, paragraph g, Code
4 2001, is amended to read as follows:

5 g. Copies of any computation worksheet prepared by the
6 unit to determine the amount of support calculated using the
7 mandatory child support guidelines established under section
8 598.21, subsection 4, and, if appropriate and the social
9 security disability provisions of sections 598.22 and 598.22C
10 apply, a determination of the amount of delinquent support
11 due.

12 Sec. 13. Section 252H.9, subsection 3, Code 2001, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. h. If applicable, the amount of delinquent
15 support due based upon the receipt of social security
16 disability payments as provided in sections 598.22 and
17 598.22C.

18 Sec. 14. Section 252H.16, subsection 1, Code 2001, is
19 amended to read as follows:

20 1. The unit shall conduct the review and determine whether
21 an adjustment is appropriate. As necessary, the unit shall
22 make a determination of the controlling order or the amount of
23 delinquent support due based upon the receipt of social
24 security disability payments as provided in sections 598.22
25 and 598.22C.

26 Sec. 15. Section 252H.22, Code 2001, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 6. The support order is not subject to
29 the social security disability provisions pursuant to sections
30 598.22 and 598.22C.

31 Sec. 16. Section 598.21, subsection 4, Code Supplement
32 2001, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. f. For the purposes of including a child's
34 dependent benefit in calculating a support obligation under
35 this section for a child whose parent has been awarded

1 disability benefits under the federal Social Security Act, the
2 provisions of section 598.22C shall apply.

3 Sec. 17. Section 598.22, unnumbered paragraph 1, Code
4 2001, is amended to read as follows:

5 Except as otherwise provided in section 598.22A, this
6 section applies to all initial or modified orders for support
7 entered under this chapter, chapter 234, 252A, 252C, 252F,
8 600B, or any other chapter of the Code. All orders or
9 judgments entered under chapter 234, 252A, 252C, 252F, or
10 600B, or under this chapter or any other chapter which provide
11 for temporary or permanent support payments shall direct the
12 payment of those sums to the clerk of the district court or
13 the collection services center in accordance with section
14 252B.14 for the use of the person for whom the payments have
15 been awarded. Beginning October 1, 1999, all income
16 withholding payments shall be directed to the collection
17 services center. Payments to persons other than the clerk of
18 the district court and the collection services center do not
19 satisfy the support obligations created by the orders or
20 judgments, except as provided for trusts governed by the
21 federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for
22 tax refunds or rebates in section 602.8102, subsection 47, or
23 for dependent benefits paid to the child support obligee as
24 the result of disability benefits awarded to the child support
25 obligor under the federal Social Security Act. For trusts
26 governed by the federal Retirement Equity Act of 1984, Pub. L.
27 No. 98-397, the order for income withholding or notice of the
28 order for income withholding shall require the payment of such
29 sums to the alternate payee in accordance with the federal
30 Act. For dependent benefits paid to the child support obligee
31 as a result of disability benefits awarded to the child
32 support obligor under the federal Social Security Act, the
33 provisions of section 598.22C shall apply.

34 Sec. 18. NEW SECTION. 598.22C CHILD SUPPORT -- SOCIAL
35 SECURITY DISABILITY DEPENDENT BENEFITS.

1 If dependent benefits are paid for a child as a result of
2 disability benefits awarded to the child's parent under the
3 federal Social Security Act, all of the following shall apply:

4 1. Unless the court otherwise provides, dependent benefits
5 paid to the child support obligee as a result of disability
6 benefits awarded to the child support obligor fully satisfy
7 and substitute for the support obligations for the same period
8 of time for which the benefits are awarded.

9 2. For the purposes of calculating a support obligation
10 under section 598.21, subsection 4, the dependent benefits
11 paid for any child shall be included as income to the disabled
12 parent.

13 3. a. Any order or judgment for support for a child for
14 whom social security disability benefits are paid to the child
15 support obligee as a result of disability benefits awarded to
16 the child support obligor shall include all of the following:

17 (1) The dollar amount of the child support obligation as
18 calculated by application of the guidelines under section
19 598.21, subsection 4, and a statement that the social security
20 dependent benefits are included as income to the obligor in
21 that calculation.

22 (2) The dollar amount of the social security dependent
23 benefits paid to the obligee which shall be dollar-for-dollar
24 satisfaction of the obligor's child support obligation.

25 (3) The dollar amount, if any, the obligor shall pay after
26 application of the social security dependent benefits as a
27 credit to or dollar-for-dollar satisfaction of the child
28 support obligation.

29 b. The amount of the child support obligation stated in
30 the order, and the amount the obligor shall pay after
31 application of the social security disability dependent
32 benefit credit or satisfaction stated in the order, shall
33 continue until modified, as provided in section 598.21.

34 4. The amount of any child support obligation satisfied
35 under this section based upon the receipt of dependent

1 benefits paid to the child support obligee as a result of
2 disability benefits awarded to the child support obligor shall
3 not be considered delinquent.

4 Sec. 19. Section 600.11, subsection 2, Code 2001, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. f. A person who is ordered to pay support
7 or a postsecondary education subsidy pursuant to chapter 234,
8 252A, 252C, 252F, 598, 600B, or any other chapter of the Code,
9 for a person eighteen years of age or older who is being
10 adopted by a stepparent, and the support order or order
11 requires payment of support or postsecondary education subsidy
12 for any period of time after the child reaches eighteen years
13 of age.

14 EXPLANATION

15 This bill makes changes in the law relating to child
16 support including those relating to medical support and the
17 calculation of the child support amount relative to receipt by
18 a parent of federal social security disability benefits.

19 The bill amends Code chapter 252E, relating to medical
20 support, to reflect federal requirements for use of a national
21 medical support notice. The bill provides definitions,
22 provides directives to employers and to health benefit plan
23 administrators in complying with the medical support notice,
24 and provides criteria and a procedure to be used in the
25 selection of a health benefit plan in order to comply with the
26 medical support notice. The bill also makes conforming
27 changes in Code chapter 252D, relating to income withholding,
28 to reflect the changes relating to the medical support notice.

29 The bill also amends Code chapter 252H, relating to the
30 adjustment and modification of support orders, and Code
31 chapter 598, relating to dissolution of marriage and domestic
32 relations, to reflect the decision of the Iowa Supreme Court
33 in *In re Marriage of Hilmo*, 623 N.W.2d 809, relating to the
34 effect of receipt of social security disability (SSD) payments
35 on the calculation of the child support amount owed and

1 payment of the obligation. In Hilmo, the court held that if a
2 child receives SSD benefits as the result of a parent's
3 disability, the payment amount is to be included as income to
4 the parent when calculating the amount of child support.
5 After calculating the amount of child support, if the disabled
6 parent is the obligor, the obligor's support obligation is
7 then to be credited, dollar for dollar, in the amount of the
8 SSD payment made to the dependent, with any remaining
9 obligation amount to be paid by the obligor. Currently, if a
10 child receives SSD benefits as the result of the obligor's
11 disability, notwithstanding the amount of the child support
12 obligation calculated under the child support guidelines, the
13 SSD payment to the dependent is considered payment in full of
14 the obligation.

15 The bill amends Code chapter 252H to allow for a
16 determination of the amount of delinquent support due as part
17 of an administrative adjustment or modification of a support
18 order if the order involves receipt of SSD payments. The bill
19 amends Code chapter 598 to provide that unless the court
20 otherwise provides, dependent benefits paid to a child support
21 obligee as a result of SSD benefits awarded to an obligor are
22 to fully satisfy and substitute for the support obligation for
23 the same period of time for which benefits are awarded. The
24 bill also provides that the SSD dependent benefit payment
25 amount is to be included as income to the disabled parent when
26 calculating the child support obligation amount. Under the
27 bill, an order or judgment for support for a child for whom
28 SSD dependent benefit payments are paid to the child support
29 obligee is to include all of the following: a statement of
30 the dollar amount of the child support obligation as
31 calculated under the child support guidelines and that the SSD
32 dependent benefit payment amount was included as income to the
33 obligor in calculation of the child support obligation amount;
34 the dollar amount of the SSD dependent benefit payment made to
35 the obligee which is to satisfy the obligation amount on a

1 dollar-for-dollar basis; and the dollar amount, if any, that
2 the obligor is to pay following application of the SSD
3 dependent benefit payment amount to the obligation amount.
4 The bill also provides that the amount of the child support
5 obligation satisfied by the application of the SSD dependent
6 benefit payment to the obligation amount is not to be
7 considered delinquent.

8 The bill makes a technical correction relating to a
9 definitional reference to the word "state" in Code section
10 252H.2.

11 The bill also provides that notice of an adoption hearing
12 is to be provided to a person who is ordered to pay support or
13 a postsecondary education subsidy for a person 18 years of age
14 or older who is being adopted by a stepparent, and the support
15 order requires payment of support or a postsecondary education
16 subsidy for any period of time after the child reaches 18
17 years of age.

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SENATE FILE 2270

S-5117

1 Amend Senate File 2270 as follows:

2 1. Page 11, by inserting after line 2, the
3 following:

4 "Sec. 100. Section 598.21, subsection 5A, Code
5 Supplement 2001, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. e. A support order, decree, or
8 judgment entered or pending before July 1, 1997, that
9 provides for support of a child for college,
10 university, or community college expenses, may be
11 modified in accordance with this subsection."

12 2. Page 13, line 7, by inserting after the word
13 "to" the following: "section 598.21, subsection 5A,
14 or".

15 3. Page 13, by inserting after line 13, the
16 following:

17 "Sec. ____ . EFFECTIVE DATE AND RETROACTIVE
18 APPLICABILITY PROVISION. Section 100 of this Act,
19 relating to the modification of a support order,
20 decree, or judgment pending on or before July 1, 1997,
21 that provides for support of a child for college,
22 university, or community college expenses, being
23 deemed of immediate importance, takes effect upon
24 enactment and is retroactively applicable to support
25 orders, decrees, or judgments as described in section
26 100 of this Act entered or pending before July 1,
27 1997."

28 4. Title page, line 4, by inserting after the
29 word "benefits" the following: ", providing an
30 effective date, and providing for retroactive
31 applicability".

32 5. By renumbering as necessary.

By MARK SHEARER

S-5117 FILED MARCH 6, 2002

ADOPTED

(P. 519)