

Procedures for Suspending, Satisfying, and Reinstating Child Support Obligations

Child Support Services (CSS) has processes available to suspend, satisfy, or reinstate support obligations.

INFORMATION ABOUT SUSPENSION BY MUTUAL CONSENT

The suspension by mutual consent process is used to end a child support order when:

- The parents reconcile and reside in the same household with one or more of the children and both parents agree to the suspension;
- OR
- The parent ordered to pay support and **one or more** of the children live in the same household and both the payor and payee agree to the suspension;
- OR
- The children live with a new caretaker who doesn't want services from CSS and both parents and the caretaker agree to the suspension.

If not all of the children are affected by the change in living arrangements, the order must contain a step change. A step change is language that specifies the amount of support that is due as the number of children entitled to support changes.

Only the following people may request a suspension:

- The person ordered to pay support payments. We call this person the payor.
- The person currently entitled to receive support payments. We call this person the payee.
- Any other person who may be entitled to receive support payments as stated in the court order. We call this person the assignee.

We call all these people 'necessary parties'.

Iowa Code section 252B.20 and 441 IAC 102.3 authorize CSS to provide assistance in suspending a support obligation, if **all** of the following conditions are met:

- CSS is enforcing the order and Iowa has authority to modify the order.
- A prior request for the same order has not been filed with CSS and no prior payor request for the same order has been served on the payee within the last two years.
- The change is expected to last at least six months from the date CSS receives the request.
- All necessary parties agree to end support by signing and sending CSS a request form and affidavit.

If you meet **all** of the above criteria, **one** of the following situations **must also be met**:

- 1) **Reconciliation** – One or more of the children resides in the same household with the parent ordered to pay support and the parent entitled to receive support. For these cases, CSS suspends child support, medical support, and spousal support, if applicable.
OR
- 2) **Change of Residency** – One or more of the children resides in the same household with the parent ordered to pay support or now resides in the household of a new caretaker who does not want services from CSS and is not the current support payee. For these cases, CSS suspends child support and medical support, but NOT spousal support.

If not all of the children are affected by the change in living arrangements, the order must contain step change language specifying the amount of support that is due as the number of children entitled to support changes.

If not all of the children are affected by the change in living arrangements and the support order contains a child care add-on, CSS can only assist with suspending the child care add-on portion of the support in one of the following situations:

- 1) Child support is being suspended for ALL of the children who are subject to the child care add-on.
OR
- 2) The support order provides a specific child care add-on amount for each child in child care and a child care add-on is attributable to the child(ren) for whom support is being suspended.
OR
- 3) CSS is unable to determine whether a specific child care add-on amount is included in the step change amounts.

Asking for a suspension does not change the amount of past due support.

All parties must sign form 470-3033, *Request to Suspend Support*, and sign and have notarized form 470-3032, *Affidavit Regarding Suspension of Support*, before CSS can begin the suspension process.

All signatures on the affidavit must be notarized.

If support is currently redirected or assigned, the assignee must also sign the *Request to Suspend Support* and the *Affidavit Regarding Suspension of Support*. Copies of the forms are available from your local child support office.

Note: If all necessary parties do not agree to end support by signing and returning the request form and the affidavit, we cannot help end the order under this process. You may be eligible under Suspending Support at the Payor's Request. If not, you may petition the court directly to end a support obligation or contact a private attorney about ending the support obligation.

If CSS is not currently enforcing your order, you must also complete form 470-0188, *Application for Nonassistance Support Services*. Copies of this form are available from your local child support office or the child support website.

Ongoing support obligations must be paid until the date an order suspending support is filed with the court. However, any support that was due before the effective date of the order suspending support continues to be due and can be collected by any means allowed by law.

The length of time to get the order suspended varies, depending upon when we receive the required request and affidavits. If the suspended order is not reinstated, the suspension becomes permanent six months after the entry of the suspension order. A new support order can still be entered against either parent depending on the living arrangements.

If you get public assistance, we cannot process your request for suspension until you tell your county Department of Health and Human Services (HHS) office about your change in household membership. You must tell the county HHS office whether the parents reconciled or the children began living with only the parent currently ordered to pay support. If you do not tell the county HHS office about the change, your public assistance eligibility or benefit levels may change. You may receive assistance benefits in error that you will later have to pay back to the state.

Note: If your child is in family foster care, group care, independent living, shelter care, or in a structured juvenile program, we cannot help you end the support. Even though you may have an order giving you custody of the child, if the child is not currently living in a parent's home, the support must continue.

Iowa may not have the authority to suspend your order. Under this process, we can only suspend support for Iowa orders or out-of-state orders over which the state of Iowa has jurisdiction. Generally, if at least one of the parties still lives in the state that issued the order, that state has jurisdiction to suspend. If both parents live outside of Iowa but consent to Iowa's jurisdiction over an Iowa order, we may be able to proceed with the suspension. We must continue to enforce support obligations under orders that we cannot suspend. To stop this enforcement, you must end the support order in the state that has jurisdiction over the order. If another state's child support enforcement agency is enforcing a support order for you, you may need to contact that state's agency.

All current support orders shared by the same parties and for the same children must be suspended. Use the same request form to request suspension of more than one order if all of the orders involve the same parties. You will need to complete an *Affidavit Regarding Suspension of Support* for each order. Although the order establishing support may require more than one person to pay support, this suspension process will only suspend support ordered against the person listed as the payor.

WHAT HAPPENS NEXT

Once we receive all signed and completed request forms and signed and notarized affidavits, we check to make sure the basic suspension criteria are met. Next, if we can approve your request, we ask a judge to end the support order. If we can't, we send you a Notice of Decision with more information.

- **Request Pended:** If you did not complete the forms correctly, or you did not tell your county HHS office about your household change, we may pend your suspension request. We send a Notice of Decision explaining what you must do so we can continue the process.
- **Request Denied:** We send a Notice of Decision telling you that we will end the process and take no further action. When we deny your request, you may not be able to request another suspension of the same order for two years. See *Parties Barred From Future Requests*.
- **Request Accepted:** We submit the suspension order to the judge for approval and filing with the court. Support is temporarily ended as of the date the suspension order is filed with the court. The support is permanently ended six months later unless someone asks us to reinstate it. Current support is not due during the period the order is suspended, unless the order was suspended under false pretenses. However, if you owe back support, you must continue to make payments on that back support.
- **Parties Barred From Future Requests:** Unless you meet certain limited exceptions, you can't ask CSS to help you with a new suspension of an obligation on the same order for two years.

This is true whether we approve or deny your request. This **does not** affect the right of either party to petition the court directly or to contact a private attorney to end a support obligation.

SATISFYING PAST DUE SUPPORT

A person entitled to receive support can ask CSS to help satisfy unpaid child support. CSS cannot assist a person to satisfy unpaid child support if CSS did not suspend or is not currently in the process of suspending the current support order. Unpaid child support due to the state of Iowa as a condition of receiving public assistance can only be satisfied by the state.

- If a person requests satisfaction, CSS may help satisfy some or all of any delinquent child support.
- Satisfying unpaid support owed to you means that you give up the right to this money forever. Any unpaid child support satisfied as a result of a request to CSS and approved by the court is considered satisfied permanently.
- The satisfaction is effective as of the date CSS files the judge's order satisfying support. It is forever lost to you regardless of whether or not the order is reinstated.
- We cannot help satisfy any amounts that have already been collected and distributed.
- Any support that was due the state of Iowa continues to be due and can be collected by any means allowed by law.

If you are the person entitled to receive support and would like to satisfy unpaid support from an order that was suspended or is currently in the process of being suspended by CSS, complete form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*. Once this form is completed, signed, and notarized CSS will begin the process to satisfy unpaid support.

INFORMATION ABOUT SUSPENSION BY REQUEST OF THE PAYOR

CSS may be able to suspend the support obligations under Iowa Code section 252B.20A when only the payor requests suspension.

The suspension by request of the payor process is used to end a child support order when the children live with the payor, parents reconcile and reside in the same household with one or more of the children, or a new caretaker who doesn't want CSS services, and the payee won't agree to participate in a suspension by mutual consent. **Only the payor may request a suspension under this section.**

In this process we only suspend obligations in orders initially entered under Iowa Code chapters 252A, 252C and 252F. This **does not** affect the right of either party to petition the court directly or to contact a private attorney to end a support obligation entered under another chapter of the Iowa Code.

If CSS is providing child support enforcement services, we may be able to suspend the obligation for support if all of the following conditions exist:

- The child is currently residing with the payor (or a new caretaker who does not want services from CSS) and has been for more than sixty consecutive days. If the suspension is for at least one but not all of the children for whom support is ordered, there must be a step change in the order.
- If not all of the children are affected by the change in living arrangements and the support order contains a child care add-on, CSS can only assist with suspending support in limited situations as noted above on page 2.

- There is no order in effect regarding legal custody, physical care, visitation, or other parenting time for the child. Usually those provisions are in a divorce decree, or a custody and visitation order.
- It is reasonably expected that the basis for suspension will continue for not less than six months.
- The child for whom support is ordered is not receiving public assistance, unless the payor is considered to be a member of the same household as the child for the purposes of public assistance eligibility.
- The payor signs a notarized affidavit, attesting to the existence of the conditions listed above, and submits the affidavit to CSS.
- A new caretaker signs a notarized affidavit in cases where the child is living with a new caretaker who does not want services from CSS.
- A prior request for the same order has not been filed with CSS and no prior payor request for the same order has been served on the payee within the last two years.

Asking for a suspension does not change the amount of past due support.

The payor must sign and submit form 470-5348, *Request From the Payor to Suspend Support*. Copies of the form are available from your local child support office. Next, CSS will send the payor form 470-5349, *Affidavit Requesting Suspension of Support Based on the Payor's Request*, which must be signed, notarized, and returned before CSS can begin the suspension process. **The signatures on the affidavit must be notarized.**

Note: If the payor does not sign and return the request form and the affidavit, we cannot help end the order. You will need to petition the court directly or contact a private attorney about ending the support obligation.

If CSS is not currently enforcing your order, you must also complete form 470-0188, *Application for Nonassistance Support Services*. Copies of this form are available from your local child support office, or the child support website.

Ongoing support obligations must be paid until the date an order suspending support is filed with the court. However, any support that was due before the effective date of the order suspending support continues to be due and can be collected by any means allowed by law.

The length of time to get the order suspended varies, depending upon when we receive the required request and affidavits and the amount of time required to serve the payee with the notice, and whether the payee responds or objects. If the suspended order is not reinstated, the suspension becomes permanent six months after the entry of the suspension order. A new support order can still be entered against either parent depending on the living arrangements.

If you get public assistance, we cannot process your request for suspension until you tell your county Department of Health and Human Services (HHS) office about your change in household membership. You must tell the county HHS office when the children began living with only the parent currently ordered to pay support. If you do not tell the county HHS office about the change, your public assistance eligibility or benefit levels may change. You may receive assistance benefits in error that you will later have to pay back to the state.

Note: If your child is in family foster care, group care, independent living, shelter care, or in a structured juvenile program, we cannot help you end the support. Even though you may have an order giving you custody of the child, if the child is not currently living in a parent's home, the support must continue.

Iowa may not have the authority to suspend your order. Under this process, we can only suspend support for Iowa orders initially entered under Iowa Code chapters 252A, 252C or 252F. We will continue to enforce support obligations under orders that we cannot suspend. To stop enforcement of another state's order, you must end the support order in the state that has jurisdiction over the order. If another state's child support enforcement agency is enforcing a support order relating to you, you may need to contact that state's agency.

All current support orders shared by the same parties and for the same children must be suspended. Use the same request form to request suspension of more than one order if all of the orders involve the same parties. Although the order establishing support may require more than one person to pay support, this suspension process will only suspend support ordered against the person listed as the payor.

WHAT HAPPENS NEXT

Once we receive all signed and completed request forms and signed and notarized affidavits, we check to make sure the basic suspension criteria are met. Depending on specific case circumstances we will take a combination of these actions.

- **Request Pended:** If you did not complete the forms correctly, or you did not tell your county HHS office about your household change, we may pend your suspension request. We send a Notice of Decision explaining what you must do so we can continue the process.
- **Request Denied:** If the request doesn't meet the conditions listed above, we send a Notice of Decision telling you that we will end the process and take no further action.
- **Request Accepted:** If we accept the request, we serve the payee a Notice of Intent and supporting documents which includes the payor's assertions.
- **Serve the Payee:** We serve the payee at the address available to CSS by registered certified mail, or by process server. The payee has **twenty (20) days** from the date of service to respond with a signed and notarized response if the payee objects to at least one of the payor's assertions.

If we are unable to serve the payee, we send a Notice of Decision telling you that we will end the process and take no further action.

- **Payee Objects:** If the payee objects to any of the payor's assertions, CSS sends a Notice of Decision telling you that we will end the process and take no further action. When we deny your request for this reason, you may not be able to ask CSS for another suspension of the same order for another two years. See **Parties Barred From Future Requests**. This **does not** affect the right of either party to petition the court directly or to contact a private attorney to end a support obligation.
- **Payee Doesn't Object:** At least 30 days after payee is served, we submit the suspension order to the court asking the judge to end the support order. Support is temporarily ended as of the date the suspension order is filed with the court. The support is permanently ended six months later unless someone asks us to reinstate it. Current support is not due during the period the order is suspended, unless the order was suspended under false pretenses. However, if you owe back support, you must continue to make payments on that back support.
- **Parties Barred From Future Requests:** Unless you meet certain limited exceptions, you can't ask CSS to help you with a new suspension of any obligation on the same order for two years. This is true whether we approve or deny your request. This **does not** affect the right of either party to petition the court directly or to contact a private attorney to end a support obligation.

REINSTATING THE ORDER UNDER BOTH SUSPENSION PROCESSES

During the six months after the suspension order is filed and before the order is permanently ended, if the situation changes, a necessary party may request in writing to have the support order reinstated or CSS may ask the court to reinstate the support order.

The support order may be reinstated if, within six months of the date an order is entered suspending support:

- Either the payor, payee, or assignee requests reinstatement; or
- The children entitled to support begin receiving public assistance and the person previously ordered to pay support is not part of the public assistance household.

If not all of the children are affected by the change in living arrangements, the order must contain step change language specifying the amount of support that is due as the number of children entitled to support changes. CSS will reinstate a previously suspended child care add-on when reinstating child support for one or more children who are subject to the child care add-on.

If the support order is reinstated, no support can be collected for the period the order was suspended unless the order was suspended under false pretenses.

To ask for reinstatement, complete the form 470-3184, *Reinstatement Request*, and send it (or your written request) to your local child support office. Copies of this form are available from your local child support office or the child support website. If you send in a written request, it must state the reason you want the order reinstated and include enough information to identify the order and parties involved.

GENERAL INFORMATION ABOUT CSS

The CSS attorney **does not** represent **either** party during any process or at court hearings. The attorney-client relationship is between the child support attorney and the state, NOT between the attorney and any party. The attorney presents evidence to the court on behalf of the state.

You may hire a private attorney. If you hire an attorney, please inform CSS. We will communicate directly with the attorney about your case.

This brochure provides only basic information. If you have questions, please call the local Child Support office. If you need help finding the local office, call the child support automated information line at 1-888-229-9223 (toll free nationwide) or visit the Iowa Child Support website at www.childsupport.ia.gov.

POLICY REGARDING DISCRIMINATION, HARASSMENT, AFFIRMATIVE ACTION, AND EQUAL EMPLOYMENT OPPORTUNITY

The Iowa Department of Health and Human Services (HHS) policy on nondiscrimination, harassment, affirmative action, and equal employment can be viewed on the HHS website at the bottom of the page at: <https://hhs.iowa.gov>.