

# **Iowa Child Support Recovery Unit**



*Department of*  
**HUMAN SERVICES**

## **Customer Handbook**

October 2021

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## Welcome from Iowa Child Support Recovery

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Department of  
**HUMAN SERVICES**

Welcome to the Customer Handbook for the Iowa Child Support Recovery Unit. We hope this handbook provides answers to some of the questions you may have about working with our program. We are committed to providing quality customer service as you work with us going forward.

We are proud of the program Iowa has to offer and are here to help you. Please do not hesitate to ask any of our staff members for assistance. We also hope our additional resources will be helpful. Besides this handbook, we have a website dedicated to customer information and an automated phone system that are available 24/7 to meet your needs.

We are here to help!

Iowa Child Support Recovery Unit

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## Section One – Overview

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### What does the Child Support Recovery Unit do?

We help families by establishing and enforcing child and medical support orders, and processing support payments.

We do this by:

- ◆ Locating parents and their employers or other income sources
- ◆ Establishing paternity
- ◆ Establishing support orders
- ◆ Suspending and reinstating support orders
- ◆ Modifying support orders
- ◆ Registering other states' orders for enforcement or modification in Iowa
- ◆ Sending and receiving referrals for services to and from other states
- ◆ Enforcing support orders through:
  - Income withholding
  - Offsets of federal and state tax refunds
  - Offsets of payments owed to federal and state vendors who do business with government agencies
  - Administrative levies of accounts at financial institutions
  - License sanctions
  - Reporting to credit agencies
  - Initiating contempt of court and garnishment actions
- ◆ Enforcing medical support orders through a payor's employer
- ◆ Receiving and disbursing child support and medical support payments
- ◆ Answering customers' questions and concerns

We also have projects and grants to increase and enhance involvement of parents with their children and improve child support processes. Projects include an employment grant to help payors find work, facilitating access and visitation, and participating in other parental activities.

## Who receives services?

We serve people who:

- ◆ Are receiving public assistance such as Family Investment Program (FIP) benefits, foster care services, and in some situations, Medicaid benefits.
- ◆ Received public assistance in the past. Unless the payee notifies us not to, we continue to collect support for the children when a family stops getting public assistance.
- ◆ Apply for child support services. To apply for services complete and return the [Application for Services](#) form to the Child Support Recovery Unit office closest to you. You may also request an application by contacting your local child support [office](#).
- ◆ Live in other states but need services from us because the other parent lives or works here.

## Who pays for the services?

The state of Iowa pays 34 percent and the federal government pays 66 percent of most of the costs as long as we comply with federal regulations.

State law requires the payee to pay a \$35 annual fee if the payee never received cash assistance for a child on the case under Title IV-A of the Social Security Act (such as FIP, TANF, ADC benefits) in Iowa or another state. Each year the payee receives services we will collect the fee from the payee's support payments, but only after we have sent the payee at least \$550 during the federal fiscal year (October 1<sup>st</sup> – September 30<sup>th</sup>).

We also receive funds from the federal government based on how well our program does compared to all other states in establishing paternity, securing support orders, collecting support and being cost effective. These funds must be reinvested in the child support program.

Have there been changes in the caseload?

Changes in the caseload:

<b>State Fiscal Year</b>	<b>Total Caseload<sup>1</sup></b>
2012	179,481
2013	178,529
2014	177,228
2015	172,432
2016	168,857
2017	167,702
2018	164,947
2019	162,248
2020	157,678
2021	150,203

Caseload composition has changed over the past 10 years. Most of the changes are due to the implementation of welfare reforms and expansions in Medicaid eligibility levels.

Two main factors resulting in a change in the caseload include:

- ◆ A decrease in both non-public assistance applications and Medicaid referrals. As of August 1, 2010, an administrative rule change gave most parents who receive Medicaid benefits the choice of receiving services from Child Support Recovery. This change was made in response to families wanting only to get medical coverage for their children without receiving child support services.
- ◆ In recent years, divorce rates, birth rates and out-of-wedlock births have decreased. This change in demographic factors has an impact on the program.

<b><u>State Fiscal Year</u></b>	<b><u>Public Assistance<sup>2</sup></u></b>	<b><u>Non-public Assistance<sup>2</sup></u></b>	<b><u>Foster Care, Medical, and Intergovernmental<sup>2</sup></u></b>
2012	20,294	84,910	74,277
2013	19,141	84,441	74,947
2014	17,569	86,694	72,965
2015	15,928	81,478	75,026
2016	15,165	76,232	77,460
2017	14,371	72,414	80,917
2018	12,993	68,962	82,992
2019	12,183	68,442	81,623
2020	11,734	67,073	78,871
2021	9,339	61,324	79,540

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<sup>1</sup> – All numbers are based on end of fiscal year case counts.

<sup>2</sup> – All numbers are based on end of fiscal year case count.

## How much child support is collected?

In state fiscal year 2021, the Child Support Recovery Unit collected:

- ◆ \$18.4 million in current and past due child support on Iowa public assistance cases.
- ◆ \$302.9 million in current and past due child support on all other types of cases.
- ◆ \$321.4 million in total current and past due child support.

Collections (in millions):

State Fiscal Year	Public Assistance	All Other	Total
2012	25.4	307.0	332.4
2013	22.2	302.2	324.4
2014	20.9	304.9	325.8
2015	19.3	304.3	323.6
2016	17.8	305.0	322.8
2017	17.0	305.3	322.3
2018	15.8	305.0	320.8
2019	14.6	305.3	319.9
2020 <sup>3</sup>	27.7	320.3	348.0
2021	18.4	302.9	321.4

Note: This chart includes current and past due child support collected on in-state cases and on cases where Iowa and another state are working together.

## How is child support paid out?

Support may be sent to:

- ◆ **The Family** – We send child support directly to families who do not receive Family Investment Program (FIP) benefits or have a child in foster care.
- ◆ **The Family Investment Program (FIP)** – Families that get FIP benefits assign their rights to child support in exchange for public assistance benefits. We deposit the child support collected into the Family Investment Program account.
- ◆ **The Medicaid Program** – The court may order a parent to provide health care coverage for the children or to pay a certain amount each month for a child's medical expenses or insurance coverage. When the child is on Medicaid, we send cash medical support we collect to Medicaid as repayment for bills paid by Medicaid. If the payor provides health care coverage, the health insurance plan is billed for medical expenses paid by Medicaid.

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<sup>3</sup> SFY20 collections were impacted by COVID-19, including the offset of stimulus payments and pandemic unemployment benefits. Impacts may be seen throughout the document in the number of actions/collections received.

- ◆ **The Foster Care Program** – When children are in foster care, we collect child support payments from the parents and deposit them into the Foster Care Program account.
- ◆ **Another State, Tribe, or Country** – If a family receives child support services from another state, tribe, or country and the payor lives or works in Iowa, the other child support agency may ask for our help in collecting support. When this happens, we collect the support and send it to the other child support agency providing services to the child(ren)'s family. The other child support agency sends the money to the family or retains it if the family is on public assistance.

## How many payments are processed?

In state fiscal year 2021, the Collection Services Center processed 2,543,460 child support payments.

## How well is the Child Support Recovery Unit doing its work?

Three critical measures of our performance are establishment of paternity, establishment of child support orders, and collection of support. Paternity and child support orders are needed before child support can be collected. Child support collections help families with children be self-sufficient.

<u>Fiscal Year</u>	<u>Percent of Cases with Court Orders</u> (by state fiscal year)	<u>Percent of Current Support Paid in Month Due</u> (by state fiscal year)	<u>Percent of Children Born Out of Wedlock with Paternity Established</u> (by federal fiscal year)
2012	88.0	73.1	96.0
2013	88.9	73.2	99.2
2014	89.3	74.1	104.0
2015	90.5	74.3	98.0
2016	91.8	73.9	97.3
2017	92.3	73.3	94.2
2018	93.0	72.9	95.3
2019	92.8	72.6	96.5
2020	93.4	73.5	94.9
2021	94.1	72.1	93.2

## How can customers contact the Child Support Recovery Unit?

### **Child Support Automated Phone System**

Our automated phone system receives more than 6,000 calls each month. Customers can get information about their last payment, payment guidelines, phone numbers for field offices, and information on specific topics. Customers can get this information by calling the automated phone system anytime at 888-229-9223 (toll-free nationwide).



## Iowa Child Support Websites

The Iowa Child Support Customer Website ([www.childsupport.ia.gov](http://www.childsupport.ia.gov)) receives over 181,000 hits each month. Over 91,000 customers are registered to use the website. The customer website expands upon the automated telephone services by providing greater access to personal records, online information, and the ability to print information and forms. Using secure technology, the website allows customers the ability to view payment records, make payments electronically using a checking/savings account or a debit/credit card, obtain a PayCode to make cash payments using PayNearMe, sign up to receive payment alerts by email, view case information including worker information, obligation information, and the case balance. Customers are also able to report employment information, update personal information, receive information about child support guidelines, access general information, download forms for services, and find contact information. The website also provides links to other websites including:

- ◆ Fatherhood – [dhs.iowa.gov/child-support/fatherhood](http://dhs.iowa.gov/child-support/fatherhood)
- ◆ Employer Website – [www.iowachildsupport.gov](http://www.iowachildsupport.gov)
- ◆ Iowa Department of Human Services – [www.dhs.iowa.gov](http://www.dhs.iowa.gov)
- ◆ State of Iowa Homepage – [www.iowa.gov](http://www.iowa.gov)
- ◆ *hawki* – <https://dhs.iowa.gov/hawki>

Customers are encouraged to contact their case manager to schedule a virtual or in-person appointment.

## How can employers contact the Child Support Recovery Unit?

Our employer customer service unit, EPICS (Employers Partnering in Child Support), connects the employer community to the Child Support Recovery Unit. EPICS serves as a single point of contact for employers to get answers to questions about their responsibilities in withholding child support and medical support payments from income, enforcing health care coverage orders, and reporting new hires, rehires and terminations.

Employers can contact EPICS toll free at 1-877-274-2580 weekdays from 8:00 a.m. to 4:30 p.m. Employers may also email EPICS at [csrue@dhs.state.ia.us](mailto:csrue@dhs.state.ia.us) for more information.

Employers can also electronically report employee information, receive income withholding forms and make payments on our secure e-payment web site [www.iowachildsupport.gov](http://www.iowachildsupport.gov).

## EFT/ACH Credit Contact

Child support payments can also be made via EFT/ACH Credit. For additional information, employers may e-mail the EFT Coordinator at [EPICSEFT@dhs.state.ia.us](mailto:EPICSEFT@dhs.state.ia.us).

## How is the Child Support Recovery Unit structured?

CSRU's Central Office provides program direction, policy and procedural development, computer-system development and maintenance, and customer service.

The Central Registry receives and distributes child support referrals from other states, tribes or countries.

The Collection Services Center receives and pays out child support payments.

Child support field offices are organized into four regions. Office locations can be found on the [Offices](#) page of the Iowa Child Support Customer website, [www.childsupport.ia.gov](http://www.childsupport.ia.gov).

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## Section Two – Program Services

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### How are Parents Located?

#### **Why does the Child Support Recovery Unit need to locate parents?**

We use a variety of state and federal sources to locate parents and to find information about their income and assets. We use this information to establish, modify, and enforce support obligations for children. Sometimes we also have to locate payees in order to distribute payments.

#### **How are parents located?**

We use the following to find information:

- ◆ Federal Parent Locator Service (FPLS) – We send information to FPLS to search federal sources to locate parents. These federal sources include such agencies as the Social Security Administration, Veterans Administration, Federal Bureau of Investigation, Internal Revenue Service and National Directory of New Hires.
- ◆ State Parent Locator Service (SPLS) – If we have information that a parent lives in another state, we direct location searches to that state. Other states also direct searches to us. States use sources of information and records available in the state such as their workforce development and corrections agencies to locate parents.
- ◆ Iowa Department of Workforce Development – We match our files with the employer wage file to get employment and wage information, and match with the unemployment benefit file to find out if parents have applied for unemployment benefits.
- ◆ Iowa Centralized Employee Registry - Employers are required to report newly hired or rehired employees to this registry within 15 days of hire or rehire. We maintain this database, allowing quick access to employment information.
- ◆ Financial Institution Data Match – We conduct automated computer matches with in-state and multi-state financial institutions to locate assets of payors whose support obligations are delinquent.
- ◆ Other Sources – We use prison information, public utilities, vehicle registration, driver's license, professional and recreational license information, and state revenue information to locate parents.

#### **What is the legal basis for this service?**

- ◆ Title 45, Code of Federal Regulations, sections 303.2 and 303.3
- ◆ Iowa Code Chapters 252B, 252G, 252I

## How is Paternity Established?

Paternity can be established:

- ◆ Administratively
- ◆ By Affidavit of Paternity
- ◆ Through a (Judicial) Court Process
- ◆ By Marriage

### **Administrative Paternity Establishment**

#### **What is Administrative Paternity Establishment?**

In administratively establishing the legal paternity of a child born out of wedlock, we take all steps required by law and present the order to a judge for approval. A court hearing is not held unless a parent asks for one. We use the administrative process to establish paternity when a child has not yet reached age 19 and Iowa has jurisdiction over the alleged father.

#### **How is paternity established administratively?**

- ◆ First, the mother of the child born out of wedlock must sign a written statement naming a man as the father of her child and give us information to support her statement.
- ◆ Next, we serve notice on the alleged father and the mother, or the alleged father or the mother may waive service. We also send a request for financial information and an explanation of how child support amounts are figured to the alleged father and the payee.

To challenge this action:

- ◆ Both parents have 10 days from being served with notice to request a conference with us to discuss the action; 20 days from service to deny paternity; and a minimum of 20 days from service to ask for a court hearing.
- ◆ This may be extended by having a conference, having genetic tests, or both.

After service, any of the following may happen:

- ◆ Both parents may waive the time allowed for requesting a conference or hearing, or for denying paternity. We prepare an administrative order (consent order) establishing paternity and support and present the order to the court for approval.
- ◆ The parents may not respond. We prepare an administrative order establishing paternity and support (default order) and present the order to the court for approval.

- ◆ Either parent may deny paternity. We enter an administrative order requiring all parties to submit to genetic tests. One rescheduled test is allowed.
- ◆ Test results are provided to all parties. If the probability of paternity is over 95 percent, paternity is presumed. Either parent can challenge results by requesting a court hearing or by asking to have another genetic test performed. If the request for hearing or additional genetic testing is not received on time, we prepare an administrative order for the court's approval establishing paternity and support. If the test results exclude the alleged father, the action is dismissed.
- ◆ Either parent may request a conference to discuss the action. Following the conference, we issue a second notice taking into account any new information provided. Either parent can still deny paternity or request a court hearing. If a denial or request for hearing is not received on time, we prepare an administrative order and present it to the court for approval.
- ◆ Either parent may request a court hearing. A court hearing is held and we present evidence, including any genetic test results and information about the financial circumstances of both parents. The court determines whether paternity and support are established.
- ◆ Usually, paternity and support, including medical support, are established at the same time. Either parent may be ordered to provide medical support. After service and before entering an administrative order through default or consent, we prepare and send a worksheet to both parents showing how the amount of support was determined using the Iowa mandatory child support guidelines.

### **What is the legal basis for this service?**

- ◆ Iowa Code Chapter 252F
- ◆ Iowa Administrative Code 441-99.21 through 99.32

### **How many paternities are established administratively?**

1,304 paternities were established in state fiscal year 2021 using the administrative paternity order process.

## **Paternity by Affidavit**

### **What is Paternity by Affidavit?**

Parents can legally establish the paternity of a child born out of wedlock by signing a paternity affidavit and filing it with the Iowa Department of Public Health.

Parents can get a paternity affidavit from the hospital or birthing center at the time of the child's birth. Parents can also ask us for this form, or get it from the Bureau of

Health Statistics, county recorder/county registrar, or the Iowa Department of Public Health.

### **How is paternity established by affidavit?**

- ◆ Birthing facilities provide the parents with information describing the process, benefits and responsibilities resulting from paternity establishment. Birthing facilities also provide a paternity affidavit form and the opportunity to talk to staff about the information provided.
- ◆ Although not required to do so, birthing facilities may help parents complete the paternity affidavit. Birthing facilities may enter into a contract with us for providing this service, or provide this service at no cost. Birthing facilities under contract to perform this service are paid \$20.00 per affidavit.
- ◆ All completed paternity affidavits must be filed with the Iowa Department of Public Health, Bureau of Health Statistics.
- ◆ Establishing paternity through a signed affidavit creates a legal obligation to support the child. If the parents separate, the affidavit can be used as a basis for establishing a support order.

### **How is paternity rescinded?**

To challenge this action:

- ◆ After filing a paternity affidavit with the Bureau of Health Statistics (BHS), either parent has the right to rescind (deny) paternity. To do this, one of the parents must file a completed and notarized Rescission of Paternity Affidavit with the BHS within the earlier of:
  - 60 days after the date of the latest signature on the paternity affidavit; or
  - Entry of a court order regarding the child.
- ◆ When a completed and notarized rescission form is filed with the BHS within the required time frame, it voids the original paternity affidavit. The man named on the paternity affidavit is no longer the legal father, and his name is removed from the birth certificate.
- ◆ The BHS charges a fee for rescinding paternity. Rescission forms are available from the BHS, all county recorder/county registrars' offices, the Iowa Department of Public Health and all Child Support Recovery offices.

### **What is the legal basis for this service?**

Iowa Code, sections 144.40, 144.13 and 252A.3A

## **How many paternities are established by affidavit?**

9,000 paternities were established during state fiscal year 2021 using this process.

## **Judicial Paternity Establishment**

### **What is Judicial Paternity Establishment?**

Judicial paternity establishment is a court process to legally establish the father of a child born out of wedlock. We use this court process if paternity cannot be established administratively.

### **How is paternity established judicially?**

A petition is served on the alleged father and the mother, or the alleged father or the mother may waive service. The alleged father and the mother have 20 days to file an answer.

Along with the petition we send documents explaining the parent's rights, the timeframes for filing an answer to the petition, and the consequences of failing to respond. We also send a request for financial information and an explanation of how support amounts are figured using the Iowa mandatory child support guidelines.

After service, one of three things may happen:

- ◆ The alleged father may consent or voluntarily acknowledge paternity. If so, we prepare and present a consent order to the court for approval.
- ◆ The parents may fail to file an answer. If this happens, we ask the court to enter a default order establishing the alleged father as the child's legal father.
- ◆ Either parent may file an answer contesting paternity. If this happens, we ask the court to schedule a hearing. We may request genetic tests or take other legal actions to obtain evidence needed to establish or disprove paternity.

Usually paternity and support, including medical support, are established at the same time. Either parent may be ordered to provide medical support. Before entering either a consent or default order, we prepare and send a worksheet to both parents showing how the support amount was determined under the guidelines.

### **What is the legal basis for this service?**

- ◆ 42 United States Code section 666(a)(5)
- ◆ Title 45, Code of Federal Regulations, sections 302.31, 302.70, 303.4 and 303.5
- ◆ Iowa Code Chapters 252A, 252F and 600B
- ◆ Iowa Administrative Code 441-95.2(3)

### **How many paternities are established judicially?**

408 paternities were established during state fiscal year 2021 through the judicial order process.

## **Paternity Established by Marriage**

### **How is paternity established by operation of law?**

Paternity is established automatically (by operation of law) when the mother is married at the time of conception, birth, or anytime in between conception and birth.

### **What is the legal basis for this service?**

- ◆ Iowa Code Chapter 252A
- ◆ Iowa Code Section 598.21E

## **How is Support Established?**

Support can be established through:

- ◆ An administrative process
- ◆ A court (judicial) process

## **Administrative Establishment of Support**

### **What is Administrative Establishment of Support?**

In establishing support administratively, we take all steps required by Iowa law and present a support order to a judge for approval. A court hearing is not held unless a parent requests one.

We establish orders administratively when:

- ◆ Paternity has already been established for the child.
- ◆ The payor lives in Iowa or can be personally served under the jurisdiction of the Iowa courts.



## **How is administrative support established?**

Notice is served on both parents, or both parents may waive service.

To challenge this action:

- ◆ Both parents have 10 days to contact us to request a conference to discuss the action and 30 days to ask that the court hear the matter.
- ◆ With the notice, we include a request for financial information and an explanation of how support amounts are figured using the Iowa mandatory child support guidelines.

After a parent is served, one of four things may happen:

- ◆ Either parent may waive the time to request a conference or court hearing. If so, we prepare an administrative order and present the order to the court for approval.
- ◆ The parents may not respond. If this happens, we prepare an administrative order (default order) and present the order to the court for approval.
- ◆ Either parent may ask for a conference. If so, we issue a second notice if there is a change as a result of the conference. We issue a conference report if there are no changes. The parents have an additional 30 days after we issue the second notice or 10 days after we issue the conference report to ask for a court hearing. If a hearing is not requested, we prepare an administrative order and present it to the court for approval.
- ◆ Either parent may ask for a court hearing. If so, a court hearing is held and we present evidence about the financial circumstances of both parents and the amount support should be under the guidelines. The court decides if support is ordered and the amount.

Before entering an administrative order through default or consent, we prepare and send a worksheet to both parents showing how the support amount was figured under the guidelines. Either parent may be ordered to provide medical support.

## **What is the legal basis for this service?**

- ◆ Title 45, Code of Federal Regulations, sections 302.31, 302.70, 303.4 and 303.101
- ◆ Iowa Code Chapter 252C
- ◆ Iowa Administrative Code 441-99, Division III (Administrative Establishment of Support)

## **How many administrative orders for support are entered?**

2,848 administrative orders for support were entered in state fiscal year 2021.

## **How does CSRU Work with other States, Tribes, or Countries?**

### **Uniform Interstate Family Support Act (UIFSA)**

#### **What is the Uniform Interstate Family Support Act (UIFSA)?**

The Uniform Interstate Family Support Act (UIFSA) defines how states must work with other states, tribes, or countries to establish, modify and/or enforce child support. It also requires states to determine a controlling order if there are orders for support from more than one jurisdiction for the same payor and child. The controlling order then becomes the only order for current support for that payor and child. UIFSA also allows an income withholding notice to be sent directly to the employer when the payor is employed in another state.

#### **How does UIFSA apply to state actions?**

- ◆ When one state wants another state to help establish paternity or child support, or modify or enforce a support order, that state (the initiating state) sends the other state (the responding state) a federal Interstate Transmittal form. The initiating state notes on the form which action(s) it wants the responding state to take.
- ◆ The responding state honors the request using all tools available to that state, then tells the initiating state when the requested action has been completed.
- ◆ All parties to the action are informed of the proceedings as they occur.

#### **What is the legal basis for this service?**

- ◆ Uniform Interstate Family Support Act, Iowa Code Chapter 252K
- ◆ 28 United States Code section 1738B, Full Faith and Credit for Child Support Orders Act

#### **How many Intergovernmental cases have been referred or received?**

As of July 1, 2021 Iowa had:

- ◆ 14,027 intergovernmental (includes 174 Tribal and 25 International) cases which Iowa referred to other states, tribes or countries and
- ◆ 8,403 active intergovernmental (includes 13 Tribal and 30 International) cases that Iowa received from other states, tribes or countries

## How is Support Modified?

Support can be modified through:

- ◆ Review and Adjustment
- ◆ Administrative Modification
- ◆ Cost-of-Living Alteration
- ◆ Suspension and Reinstatement of Support

### **Review and Adjustment, Administrative Modification and Cost-Of-Living Alteration**

#### **What are the ways support can be modified?**

Support can be modified administratively through review and adjustment, administrative modification or a cost-of-living alteration.

In review and adjustment and administrative modification, we use the guidelines set by the Iowa Supreme Court to modify the support amount. These guidelines are reviewed every four years and help provide for consistent support awards so that persons in like circumstances are required to provide similar amounts of support.

A cost-of-living alteration is a special type of administrative modification. Parents must agree to this type of change in writing. Instead of determining the support obligation by using the guidelines, we use the consumer price index to calculate the support amount.

#### Review and Adjustment

We use the Review and Adjustment (Review) process to determine if the current support amount should be changed or if medical support provisions should be added to the order.

- ◆ We ask the courts to approve a change in the support amount if the difference between the old and the new child support amount is more than 20%.
- ◆ If the difference is not more than 20% and medical support provisions need to be added to the order, we will ask the court to add dependent health care coverage provisions to the order and also adjust the child support amount.

The Review process does not change the amount of your past due support.

## Who Can Request a Review?

You may ask for a Review if:

- ◆ You are ordered to pay child support, or
- ◆ You are entitled to receive child support, **AND**
- ◆ The current support amount ends more than 12 months from the date we receive your request, **AND**
- ◆ It has been more than 24 months since your order was entered, changed, or determined not appropriate for adjustment, whichever occurred last.

Another state's child support agency may also ask us to review the order.

The person asking for a change may have to pay for costs of serving the forms on the other parent or other fees charged by other states for completing the process. Service fees in Iowa are often \$55 or more for each person served. Serving someone in another state often costs \$100 or more.

We cannot move forward on your request for a Review if we do not know the location of both parents at the time we receive the request.

## Administrative Modification

We use the Administrative Modification (Admod) process to ask the court to change the amount of the current support order in some situations when we can't use Review and Adjustment.

The Admod process does not change the amount of your past due support.

We use Admod when:

- ◆ It is **less** than 24 months since your order was entered, changed, or determined not appropriate for adjustment, **and** either parent's net income (after taxes) has changed by 50% or more.
- ◆ A child should be added to the current support order and:
  - the child's parents are the same as the other children in the order, and
  - the child's paternity is legally established (such as through a marriage, adoption, court order, or paternity affidavit.)
- ◆ The order:
  - set child support at zero,
  - did not set a cash amount of support and stated a reason, which no longer exists, or

- is for medical support only.
- ◆ There was an error in the child support amount and/or medical support provisions of the order when it was prepared or filed.
- ◆ The noncustodial parent was a minor, so child support was reduced or waived. The noncustodial parent is no longer a minor, is no longer in school, or was required to attend parenting classes but did not do so.

### **Who Can Request an Admod?**

You may ask for an Admod if one of the above is true and:

- ◆ You are ordered to pay child support, or
- ◆ You are entitled to receive child support, **AND**
- ◆ The current support amount ends more than 12 months from the date we receive your request.

Another state's child support agency may also ask us to review the order.

The person asking for a change may have to pay for costs of serving the forms on the other parent or other fees charged by other states for completing the process. Service fees in Iowa are often \$55 or more for each person served. Serving someone in another state often costs \$100 or more.

We cannot move forward on your request for an Admod if we do not know the location of both parents at the time we receive the request.

### **How is a support order modified?**

- ◆ The parents are served with notice of our intent to review or modify the order and a request for financial information. The requestor accepts service of the notice packet at the time the request to modify is signed. The non-requestor can waive personal service by signing a waiver.
- ◆ Next, we evaluate the financial information provided by the parents and other sources to determine if the order should be adjusted or modified.
- ◆ After that, we issue a notice of decision to the parties telling them whether an adjustment or modification is appropriate, and if so, the new amount of support.

The notice explains how parties can contest our decision:

- In some selected cases, we begin the review by gathering income and deduction information from automated sources.
- Our initial contact with the parties is the Notice of Decision.

- In these special cases, the parties have 30 days to contest and send financial information.
- ◆ If we receive a challenge to our review and adjustment decision, we complete a second review and notice of decision. In the administrative modification process, parties can ask for a conference.
- ◆ If an adjustment or modification is appropriate, one of three things happens:
  - Both parties may consent or voluntarily agree to the change. If so, we prepare and present an administrative order for adjustment or modification to the court for approval.
  - The parties may not respond. If this happens, we prepare and present an administrative order to the court for approval.
  - At least one of the parties may contest the change. Different things happen depending on the type of action being contested. To contest the support amount resulting from a cost-of-living alteration, a party must request a full review and adjustment. To contest a finding in either the review and adjustment or administrative modification process, a party may request a court hearing.
    - This hearing may require us to take legal action to obtain evidence needed to determine the appropriate amount of support.
    - We do not represent either parent.
    - We certify the results of our review of the case and provide supporting information to the court.
- ◆ If the court determines that an adjustment or modification is appropriate, an order is prepared and filed.

### **What is the legal basis for this service?**

- ◆ Title 45, Code of Federal Regulations, sections 302.70, 303.4 and 303.8
- ◆ Iowa Code Chapter 252H, and sections 252B.5, and 598.21C
- ◆ Iowa Administrative Code 441-99, Division IV (Review and Adjustment of Child Support Obligations)
- ◆ Iowa Administrative Code 441-99, Division V (Administrative Modification)

### **How many Review & Adjustments, Modifications and Cost-of-Living orders are done?**

We received 2,777 requests for review and adjustment of orders in state fiscal year 2021. We received 1,393 requests for administrative modifications of orders. No cost-of-living alteration requests were received.

A total of 2,981 modification of support orders were filed, including:

- ◆ 2,182 orders adjusting support through the review and adjustment process
- ◆ 799 orders adjusting support through the administrative modification process
- ◆ 0 cost-of-living alteration orders

## **Suspension and Reinstatement of Support**

### **What is Suspension and Reinstatement of support?**

Support can be suspended when:

- ◆ The parents have reconciled and are residing together with some or all of the children entitled to support under the order; or
- ◆ There has been a change of residency so that some or all of the children entitled to support under the order live with:
  - The parent ordered to pay support; or
  - A caretaker who does not want CSRU services.

To qualify for suspension when not all of the children change their living arrangements, the order must state the amount of support as the number of children entitled to support changes.

Support may be reinstated within six months if conditions change.

### **How is support suspended, satisfied, and reinstated?**

- ◆ To end support, parents must first ask us to suspend it.
- ◆ For the majority of the cases, parents must agree in writing to end support by asking for Suspension. Their request must be to end support for **one or more of the children** covered by the order. Suspension does not change the amount of past due support.
- ◆ If the request to suspend support is for fewer than all of the children, 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. If the request is for fewer than all of the children and the order does not contain a step change, CSRU cannot help end the order. A private attorney must be contacted to end the current support.
- ◆ If the parents do not both agree to end support, CSRU may not be able to end the order. CSRU can sometimes suspend support when the payee will not sign the

request form. However, CSRU can only use this process for certain kinds of court orders.

- ◆ If the payee wants to satisfy support, CSRU files a request with the court and satisfies support owed to the payee upon approval by the court. Payees cannot satisfy support that is assigned to the state of Iowa.
- ◆ If conditions remain unchanged for six months, the order is terminated.
- ◆ If conditions change within six months of suspension, at either parent's request or at CSRU's own initiative, CSRU may ask the court to reinstate the prior order.
- ◆ If the order isn't eligible for suspension, CSRU sends a notice denying the request.

### **Are there other ways to end a support obligation?**

Court Processes:

- ◆ Temporary Modification – Clerks of court have forms to complete when a permanent modification is pending with the court.
- ◆ Private modification through the court.
- ◆ Juvenile court changes custody and informs the district court – The district court has the forms to complete asking to end support.
- ◆ *Pro se* (self-help) forms to apply to the court for modification.

### **What is the legal basis for this service?**

- ◆ Iowa Code, sections 252B.20 and 252B.20A
- ◆ Iowa Administrative Code 441-99, Division VI (Suspension and Reinstatement of Support)

## How is Support Enforced?

There are several ways support is enforced, including:

- ◆ Income Withholding
- ◆ Federal and State Tax and Non-Tax Offsets, and Passport Sanctions
- ◆ Administrative Levies, Contempt and other Enforcement Actions



## Income Withholding

### What is Income Withholding?

Income withholding is the withholding of support payments from wages, unemployment benefits, periodic earnings, trust income, Social Security benefits, worker's compensation, certain retirement and Veteran's benefits, and lump sum and irregular income. The amount of income that the employer or income provider may withhold is limited by the federal Consumer Credit Protection Act.

We use two types of income withholding:

- ◆ Immediate withholding is used to collect support for cases, regardless of whether support payments are in arrears in an amount payable for the month.
- ◆ Lump sum withholding is used to collect delinquent support from periodic or irregular income.

Federal and state laws require income withholding to be used in all cases even if child support is not past due. When employers receive Income Withholding Notices, they have ten days to process the paperwork. Once that is done, the employer must withhold child support from the next paycheck.

The amount withheld includes the amount due for that payment and an additional amount for past due support may be included. If these amounts total more than 50% of wages, the employer can only withhold 50%.

Employers have seven business days to send the payment to the Collection Services Center and may withhold an additional \$2.00 from each payment to cover their costs.

When the income withholding payment is received, the Collection Services Center has two business days to process the payment.

If the person owing child support has more than one case, the income withholding payments are divided among all cases.

### How is Income Withholding implemented?

- ◆ We, or a court, may notify the payor about income withholding through the support order.
- ◆ When we first find an employer or other source of income we prepare an administrative order for income withholding, file it with the clerk of court, and send a copy to the payor. We send a notice of income withholding to the income provider and to the payor.
- ◆ The notice of income withholding has all of the information the income provider needs to withhold support and mail payments. The notice of income withholding is a federal form that gives the income provider:

- The name of the payor, payee, and children on the case
- The payor's case number and the amounts to withhold
- Other information the income provider needs, such as:
  - Where to send the payments, and
  - The rules and laws (both federal and state) surrounding income withholding.
- ◆ Our automated system tracks receipt of payments and case circumstances to enforce, modify, or terminate the income withholding as needed.

To challenge this action:

- ◆ The payor can contest the withholding by asking us for an informal conference if the payor believes the withholding is in error.
- ◆ The payor can file a motion to quash the withholding with the district court.
- ◆ The payor can also request an amendment of the amount of withholding due to a hardship. To qualify for an amendment, the payor's situation must meet certain criteria and the request must be in writing.

### **What is the legal basis for this service?**

- ◆ Title 45, Code of Federal Regulations, sections 303.6, 303.100
- ◆ Iowa Code Chapter 252D
- ◆ Iowa Administrative Code 441-98, Division II (Income Withholding)
- ◆ Iowa Code, sections 252K.501 - 252K.506

### **How many Income Withholding orders and notices are issued?**

In state fiscal year 2021, we established 3,725 income withholding orders and issued 154,856 income withholding notices. Income withholding, including from unemployment benefits, represents an estimated 97% of the payments received and 78% of total dollars collected.

## **Medical Support Enforcement**

### **Health Care Coverage**

We begin to enforce dependent health care coverage when:

- ◆ The payor on the case is ordered to provide a health benefit plan for a child,
- ◆ The child is not currently covered by a plan, other than Medicaid, and
- ◆ A health benefit plan is or may be available to the payor.

When the conditions above are true, we send the *National Medical Support Notice* (NMSN) to the payor's employer to enforce the court-ordered health care coverage. The employer must follow the requirements in the notice. The employer or health benefit plan administrator notifies us:

- ◆ That a plan is not available and the reason it is not available, or
- ◆ The child is enrolled and supplies details of the plan.

### **Cash Medical Support**

We enforce cash medical support when there is an order for the payor to provide cash medical support for the child(ren) by using all enforcement tools available.

### **How is an order for health care coverage enforced?**

When the payor is ordered to provide health care coverage, we send the *National Medical Support Notice* (NMSN) to the payor's employer to enforce the court-ordered health care coverage. The employer must follow the requirements in the notice. The employer or health benefit plan administrator notifies us:

- ◆ That a plan is not available and the reason it is not available, or
- ◆ That the child is enrolled and supplies details of the plan.

Once the children are enrolled, the employer must withhold premiums, provide coverage information and notify us of a termination or change in health benefit plan coverage.

To challenge this action:

- ◆ The payor can contest the enforcement of medical support by asking for an informal conference with us.
- ◆ The payor can also file a motion to quash with the district court.

### **What is the legal basis for this service?**

- ◆ 42 United States Code section 666(a)(19)
- ◆ 45 Code of Federal Regulations, sections 303.30, 303.31, 303.32
- ◆ Iowa Code Chapter 252E and section 252B.5
- ◆ Iowa Administrative Code 441 Chapter 98, Division I
- ◆ 29 Code of Federal Regulations, section 2590.609.2

## Federal Offsets, State Offsets, and Passport Sanctions

### What are federal offsets?

An offset can happen when the federal government has a payment owed to the payor. If the payor has past-due support, the money is used to pay the support.

#### Federal Tax (FED) and Federal Administrative Offsets (FAO)

When a payor has past-due support, we can hold the payor's federal payments, including tax refunds, to pay the support due. A payor's federal tax refund or federal administrative payment can be offset if the payor owes:

- ◆ At least \$150 of past-due support to the state. If the payor has multiple cases, we include each case with at least \$50 of past-due support.
- ◆ At least \$500 of past-due support to a family. If the payor has multiple cases, we include each case with at least \$50 of past-due support.

### How are federal payments offset?

We send information to the Federal Office of Child Support Enforcement (OCSE) to:

- ◆ Add payors who meet the requirements for the first time or have become past due again.
- ◆ Remove payors if their past-due support no longer qualifies.
- ◆ Change the past-due amount on file at the federal government. We can increase or decrease the amount.

OCSE sends a pre-offset notice to payors submitted for the first time or if a new case qualifies. The notice explains that OCSE will forward the payor's name to the U.S. Department of Treasury's Fiscal Services (FS) for offset. The notice also explains that the payor can challenge the accuracy of the information or pay the past-due support within 30 days. At this point the offset has not happened.

Once the 30 days have passed, OCSE forwards the payor's name to the U.S. Department of Treasury's Fiscal Services (FS). When the federal government identifies money owed to the payor, FS sends the money to OCSE and sends a notice to the payor explaining the offset. The money is sent to us in about two to four weeks. Before paying support, we send another notice explaining the right to challenge the offset.

The tax refunds or administrative payments continue to be offset until the amount of past-due support is less than \$150 owed to the State of Iowa or \$500 owed to the family. Updated balance information is provided to the federal government monthly.

### How do you challenge a federal offset?

To challenge this action:

- ◆ The payor may ask for an administrative review within 30 days of the pre-offset notice. If the payor disagrees with the final decision from the administrative review, the payor may ask for an appeal. The appeal is a hearing before an administrative law judge.
- ◆ The payor may challenge at the time the payment is held by asking for an appeal. The payor must ask within 15 days of the notice from FS or the notice from us. The payor must appeal in writing by doing one of the following:
  - ◆ Complete an appeal electronically at <https://dhs.iowa.gov/appeals>, or
  - ◆ Write a letter telling us why you think a decision is wrong, or
  - ◆ Fill out an *Appeal and Request for Hearing* form. You can get this form from the local Child Support office.

Send or take your appeal to the Department of Human Services, Appeals Section, 5<sup>th</sup> Floor, 1305 E. Walnut St., Des Moines, IA 50319-0114. If you need assistance filing an appeal, contact the local Child Support office.

### **How do you get your spouse's share of the federal tax refund?**

The payor or payor's spouse must file form 8379, *Injured Spouse Allocation*, with the IRS to get the spouse's share of a federal tax refund.

### **How does a federal tax refund offset (FED) distribute?**

We hold a federal tax return to allow individuals time to request an appeal or file needed forms. If the payment is from a single filer's return, we hold the payment for 30 days. If the payment is from a joint return, the time we hold the payment depends upon whether the IRS tells us it received and processed IRS form 8379, *Injured Spouse Allocation*, along with the joint tax return. If the IRS processed the injured spouse form and the return at the same time, we hold the payment for 30 days. If they were not processed at the same time, we hold the payment for five months. During this five month period, you can file IRS form 8379 to claim the injured spouse's portion of the refund. You can get form 8379 from the IRS by calling 1 (800) 829-1040 or from the IRS website at <https://www.irs.gov> or from your tax preparer. Since the IRS does not notify us when form 8379 is processed if it is later than the return, we continue to hold the payment for five months.

Payments from federal tax refunds are paid first to past due child support owed to the state of Iowa. Any remaining money is paid to past due child support owed to the family. If there is any money left after all past due child support is paid, that amount is returned to the payor.

### **How does a federal administrative offset (FAO) distribute?**

If the family is receiving public assistance, the state of Iowa keeps the money. If the family is not receiving public assistance, federal payments pay first to any child

support due to the family. Any remaining amounts are then paid to any past due child support owed to the family. If money remains, it is then paid to past due child support owed to the state of Iowa. If there is any money left after all past due child support is paid, that amount is returned to the payor.

### **What are passport sanctions?**

The Child Support Recovery Unit can put a hold on a passport. The hold is called a passport sanction. This happens when a payor owes more than \$2,500 in overdue support. The hold means that the U.S. State Department can:

- ◆ Deny an application for a new passport
- ◆ Refuse to renew a passport
- ◆ Restrict or limit how you may use a passport
- ◆ Revoke (take away) a passport

### **How are passports sanctioned?**

When a payor owes more than \$2,500 in overdue support, we send the information to the federal Office of Child Support Enforcement (OCSE). They send the information to the U.S. Department of State to deny or revoke (take) a payor's passport. We do not remove the hold until the overdue support is paid below the \$2,500 threshold.

We send updates to OCSE every month. Contact us if you make a large payment. We can send your update sooner.

### **How do you challenge a passport sanction?**

To challenge this action:

- ◆ The payor may ask for an administrative review within 30 days of the pre-offset notice.
- ◆ If the payor disagrees with the final decision from the administrative review, the payor may ask for an appeal. An appeal is a hearing before an administrative law judge.

### **What are state tax refund offsets (STT)?**

When a payor has past-due support, we can hold the payor's state tax refund to pay the support due. A payor's state tax refund can be offset if the payor owes at least \$50.

### **How are state tax refunds offset?**

When a case qualifies, we ask the Iowa Department of Administrative Services to watch for state tax refunds. When they find a state tax refund, we send a notice to the person that owes support. We tell the person that we plan to use the state tax refund

to pay the support due. We also explain that the person can challenge the offset. All or part of the state tax refund is sent to CSRU to pay support. We receive the payments from the Iowa Department of Administrative Services once per month.

### **How do you challenge a state tax refund offset?**

To challenge this action the payor may ask for an appeal within 15 days from the date of the notice. An appeal is a hearing before an administrative law judge.

The payor must appeal in writing by doing one of the following:

- ◆ Complete an appeal electronically at <https://dhs.iowa.gov/appeals>, or
- ◆ Write a letter telling us why you think a decision is wrong, or
- ◆ Fill out an *Appeal and Request for Hearing* form. You can get this form from the local Child Support office.

Send or take your appeal to the Department of Human Services, Appeals Section, 5<sup>th</sup> Floor, 1305 E. Walnut St., Des Moines, IA 50319-0114. For assistance in filing an appeal, contact the local Child Support office.

### **How do you request the spouse's share of the state tax refund offset?**

The payor or payor's spouse has 15 days from the date of the notice to request the spouse's share of the state tax refund.

### **How does the state tax refund offset distribute?**

State tax refund payments are processed by the Collection Services Center as soon as they are received from the Iowa Department of Administrative Services.

If the family is receiving public assistance, the state of Iowa keeps the money. If the family is not receiving public assistance, state tax refunds pay first to any current child support due to the family. Any remaining amounts are then paid to any past due child support owed to the family. If money remains, it is then paid to past due child support owed to the state of Iowa. If there is any money left after all past dues child support is paid, that amount is returned to the payor.

### **What are debtor offset payments (DOP)?**

When a payor has past-due support, we can hold other payments from the State to pay the support due. These types of payments are called debtor offset payments (DOP). The other payments can include payments to contractors, lottery winnings, claims from the Great Iowa Treasure Hunt, state employee expense claims, payments to child care or other providers and large winnings at Iowa gaming facilities. The payor must owe at least \$50 of past-due support.

### **How are debtor offset payments offset?**

When a case qualifies, we ask the Iowa Department of Administrative Services to watch for money owed to the payor by the state of Iowa. When money is found, we

send a notice to the person that owes support. We tell the person that we intend to use the money to pay the support due. We also explain that the person can challenge the offset. All or part of the money is sent to CSRU to pay support. The payment arrives and is posted to the case about 15 days after the date of the notice.

### **How do you challenge the debtor offset payment?**

To challenge this action the payor may ask for an appeal within 15 days from the date of the notice. An appeal is a hearing before an administrative law judge.

The payor must appeal in writing by doing one of the following:

- ◆ Complete an appeal electronically at <https://dhs.iowa.gov/appeals>, **or**
- ◆ Write a letter telling us why you think a decision is wrong, **or**
- ◆ Fill out an *Appeal and Request for Hearing* form. You can get this form from the local Child Support Office.

Send or take your appeal to the Department of Human Services, Appeals Section, 5<sup>th</sup> Floor, 1305 E. Walnut St., Des Moines, IA 50319-0114. For assistance in filing an appeal, contact the local Child Support office.

### **How do you get the co-owners share of the debtor offset payment?**

The payor or co-owner of the payment has 15 days from the date of the notice to request the co-owner's share of the money.

### **How are debtor offset payments distributed?**

Debtor offset payments (DOP) are posted to the case about 15 days after the date of the notice by the Collection Services Center.

If the family is receiving public assistance, the state of Iowa keeps the money. If the family is not receiving public assistance, debtor offset payments pay first to any current child support due to the family. Any remaining amounts are then paid to any past due child support owed to the family. If money remains, it is then paid to past due child support owed to the state of Iowa. If there is any money left after all past dues child support is paid, that amount is returned to the payor.

### **What is the legal basis for this service?**

#### Federal Tax

- ◆ 26 United States Code sections 36, 6401 and 6402
- ◆ 42 United States Code, sections 652(b,c) and 664
- ◆ Title 31, Code of Federal Regulations, section 285.3
- ◆ Title 45, Code of Federal Regulations, sections 303.72, 301.1 and 302.60
- ◆ Code of Iowa 252B.5(4)



- ◆ Iowa Administrative Code sections 441-98.84 and 441-7.2(8)

#### Federal Non-Tax Offsets

- ◆ 31 United States Code, sections 3701(b)(2) and 3716(h)
- ◆ Title 31, Code of Federal Regulations, section 285.1
- ◆ Title 45 Code of Federal Regulations, section 301.1
- ◆ Code of Iowa 252B.5(4)
- ◆ Iowa Administrative Code sections 441-98.84 and 441-7.2(8)

#### State Tax Offsets

- ◆ 42 United States Code section 666(a)(3)
- ◆ Title 45, Code of Federal Regulations, sections 303.102, 301.1, and 302.70(a)(3)
- ◆ Code of Iowa sections 252B.5(4), 421.17(21) and 8A.504(2)
- ◆ Iowa Administrative sections Code 441-98.83, 441-7.2(8), 701-43.3(3) and 11-40.1

#### State Non-Tax Offsets

- ◆ Title 45 Code of Federal Regulations section 301.1
- ◆ Code of Iowa 8A.504
- ◆ Code of Iowa 252B.5(4)
- ◆ Code of Iowa 99D.28 and 99F.19 (gambling other than lottery)
- ◆ Code of Iowa 99G.41 (lottery)
- ◆ Code of Iowa 642.2(4) (Great Iowa Treasure Hunt claims)
- ◆ Iowa Administrative Code sections 441-98.82 and 441-7.2(8)

#### Passport Sanctions

- ◆ 42 United States Code sections 654(a)(31) and 652(k)
- ◆ Title 45 Code of Federal Regulations section 303.7(d)(6)(iv)
- ◆ Code of Iowa 252B.5(12)
- ◆ Iowa Administrative Code section 441-7.2(8)

### **How much was collected through Federal, State, and Non-tax Offsets?**

In state fiscal year 2021:

- ◆ \$30.2 million was collected in federal tax offsets,
- ◆ \$3.18 million in state tax offsets

- ◆ \$2,010,085 was collected through the state non-tax offset program
- ◆ \$131,514 was collected for passport sanctions

## **Administrative Levy**

### **What is an Administrative Levy?**

When child support is collected by taking money from bank or financial accounts, it is called administrative levy. This method is used to collect past due support.

Iowa law allows the Child Support Recovery Unit to take up to 50% of the balance in many types of accounts. This may include joint accounts, even if the deposits were made by a person who does not owe child support.

Notice of the possibility of administrative levy is given in the child support order.

If the form called "Administrative Levy Notice to Obligor" is received by mail, the levy has happened. This means a part of the account balance has been frozen and is not available to you.

The notice will also tell you what to do if you disagree with this action.

To challenge this action:

- ◆ The payor and/or joint account holder may send a challenge to us.
- ◆ We must review the facts and modify, release, or uphold the levy.
- ◆ If we uphold the levy and the payor/account holder disagrees, the account holder can ask for a court hearing.

### **What is the legal basis for this service?**

- ◆ 42 United States Code section 666(a)(17), (c)(1)(G)(ii), 669A
- ◆ Iowa Code Chapter 252I
- ◆ Iowa Administrative Code 441 IAC 98.91 to 98.97

### **How much was collected through Administrative Levy?**

In state fiscal year 2021, \$37,519 was collected through administrative levy.

## Contempt

### What is Contempt?

When a payor is not paying support, we may file a contempt action with the court asking the court to determine whether that payor has an ability to pay and is willfully violating the support order.

### What are the steps in a Contempt action?

We file an application for a contempt citation, including the facts supporting the application, with the clerk of court, and serve it on the payor. The court holds a hearing to decide whether the violation of the support order is willful.

The criminal standard of evidence must be met and there must be proof beyond a reasonable doubt that the payor had a duty to obey a court order and willfully failed to perform that duty, having had the ability to pay. If contempt is found, the court issues an order that may require incarceration, payment of support, posting of a bond and/or community service. The court may also prohibit a payor from practicing a profession or occupation under a license.

What is the legal basis for this service?

- ◆ 45 Code of Federal Regulations, sections 303.6, 303.104
- ◆ Iowa Code Chapters 598, 665 and section 252B.5

## Garnishment

### What is Garnishment?

Garnishment is a court procedure in which money belonging or owed to a payor is attached to repay a support obligation. When the payor is delinquent in payment of support, we can attach income or assets available through an estate or lump sum income not subject to income withholding.

### How is a Garnishment done?

We start the garnishment process through a request (praecipe) to the clerk of court to issue an execution on a support judgment. The execution is served on the employer/asset holder, who must respond with an answer indicating whether funds or assets in the control or possession of the employer/asset holder are owed to the payor. Notice of garnishment is then served on the payor, and an application and order to condemn funds are filed with the clerk of court. The clerk of court receives and forwards funds as appropriate. A garnishment is in force for a period of 70 days.

### **What is the legal basis for this service?**

- ◆ 45 Code of Federal Regulations section 303.6
- ◆ Iowa Code Chapter 642 and section 252B.5

## **Liens**

### **What is a Lien?**

A lien is an encumbrance against property of a payor for enforcement of a support judgment. When a support order is entered, a lien with an initial lifespan of ten years is automatically placed on all real property in the Iowa county where the order is filed. Although normally cleared during a sale, real property may be bought and sold subject to keeping the existing lien holder in place.

### **How is a Lien processed?**

A lien attaches on real estate in Iowa when a support order or notice of lien from another state is filed with the clerk of court in the county where the real property is located. When the payor owns property in another county in Iowa, the order can be transcribed to the other county. Before property can be sold, all liens still in force should be cleared. Contact the case manager assigned to your case to discuss whether any specific steps may be taken.

Iowa support judgments create liens on personal titled property when the lien is noted on the title. Liens may also arise for overdue support on support judgments from other states when the notice of lien is filed with the clerk of court in the county where the personal property is titled and the lien is noted on the title. The payor may contact their case manager to negotiate a release of the lien if support is still owed.

### **What is the legal basis for this service?**

- ◆ 42 United States Code sections 666(a)(4), 654(9)(E)
- ◆ Iowa Code Chapters 321, 624, section 252B.5

## **License Sanction**

### **What is a License Sanction?**

When a payor owes three months of delinquent support, we may notify a licensing agency to stop the issuance or renewal of a payor's professional, recreational, driver's license or motor vehicle registration.

## **How is a license sanctioned?**

We send a notice of potential license sanction to the payor. The payor has 20 days after the notice was sent to pay the delinquent support, provide employer information, provide verification of valid reasons for exemption as established in rules, or request a conference with us. Based on both parent's financial information and application of the child support guidelines, the payor may enter into a written payment agreement.

If the parent does not respond to the notice of potential license sanction or pay as outlined in the payment agreement, we may send a certificate of noncompliance to Iowa state licensing agencies. This notice instructs the agencies to revoke, suspend or not issue occupational and professional licenses, driver's and recreational licenses, and motor vehicle registrations. The licensing agencies follow their rules and procedures for suspending, revoking or denying the issuance or renewal of a license.

To challenge this action:

- ◆ The conference must be held first, then
- ◆ The parents may ask for a court hearing.

## **What is the legal basis for this service?**

- ◆ 42 United States Code section 666(a)(16)
- ◆ Iowa Code Chapter 252J
- ◆ Iowa Administrative Code chapter 98, Division VIII

## **How many License Sanctions were done?**

In state fiscal year 2021, 0 notices of potential license sanction were issued and licenses were suspended for 8,565 payors.

## **Reporting to Credit Agencies**

### **What is Reporting to Credit Agencies?**

When a payor owes \$1,000 or more in delinquent IV-D support we may report that payor to consumer credit reporting agencies. Before we report the payor to consumer reporting agencies, the payor's case(s) must also meet several other criteria, such as:

- ◆ If the case is an intergovernmental case, Iowa is the responding state.
- ◆ The payor is not currently in bankruptcy.
- ◆ The court order on the case must be filed in Iowa for enforcement or registered.

### **How are parents reported?**

We notify payors that their names will be sent to credit agencies in 30 days, explain the information to be released, and tell the payor how to contest the action.

To challenge this action:

- ◆ The payor can contest the action by contacting us to review the case.
- ◆ If the payor does not contest the action, the payor's name is sent to consumer reporting agencies.

### **What is the legal basis for this service?**

- ◆ 42 United States Code section 666(a)(7)
- ◆ Iowa Code Chapter 252B.9(3)(j)
- ◆ Iowa Administrative Code 441-95.12
- ◆ 45 Code of Federal Regulations, section 302.70(a)(7)

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## Section Three – Special Services

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### **What are Parental Obligation Pilot Projects (POPP)?**

In 2001, the Iowa General Assembly directed the Iowa Department of Human Services to develop community-level parental obligation pilot projects. The goal of these projects was to help noncustodial parents meet their parental obligations to support their children physically and financially to avoid disruptions in their family relationships. CSRU developed administrative rules providing child support incentives available to the pilot projects which include partial satisfactions of arrears due to the state for continuous payments of court-ordered child support. Funding for POPP ended in 2009.

In 2010, the administrative rules were reauthorized which has allowed CSRU to designate unfunded POPP projects and to continue offering the child support incentives. The rules were reauthorized annually until 2018 when new administrative rules were adopted ending the Parental Obligation Pilot Projects and creating a new Promoting Opportunities for Parents Program.

### **What is the Promoting Opportunities for Parents Program (also referred to as POPP or POP2)?**

Administrative rules were adopted in 2018 establishing the Child Support Promoting Opportunities for Parents Program. The purpose of this program is to assist parents in overcoming the barriers which interfere with fulfilling their obligations to their children. In order to encourage participation by parents, CSRU may partner with community providers and resources and offer incentives for participation. The incentives include satisfactions of arrears due to the state for payment of court-ordered child support.

CSRU can request and select community providers to participate in the program. The providers must provide a project plan and offer a parenting curriculum to assist parents in overcoming barriers and fulfilling obligations to their children.

Current community providers include: the YMCA of Greater Des Moines which serves Polk County and contracts with the Muscatine Community YMCA in Muscatine serving Muscatine County; Dads With A Purpose with serves Polk County; and Children & Families of Iowa which serves multiple counties throughout southeastern Iowa.

### **What are Access and Visitation Grants?**

CSRU receives federal Access and Visitation funds to establish programs to support and facilitate noncustodial parents' access to and visitation of their children. Iowa law requires these federal grant moneys be issued to private not-for-profit agencies that offer services, including but not limited to providing neutral exchange sites, visitation counseling/development of parenting plans, and mediation services.

Currently, CSRU has three-year contracts with two grantees to provide Access and Visitation services through June 30, 2024. Those grantees are: Youth and Shelter Services, Inc., serving Boone, Story, and Marshall Counties; and Kids First Law Center serving Linn, Johnson, Benton, Iowa, and Jones Counties.

## **What is “Parenting: It’s a Life” Curriculum?**

Parenting: It’s a Life (PIAL), is a curriculum designed for students in grades 7 through 12. The curriculum is intended to introduce students to the financial realities of being a teen parent, responsible decision-making, healthy relationships, peer pressure, and the concepts related to paternity and child support. The curriculum is divided into 10 modules which can be used independently. The teaching materials are a valuable addition to Family and Consumer Sciences, Life Skills, American Government, Business Law, Health, and Psychology classes. The PIAL curriculum uses a different approach to supplement human growth and development education in Iowa’s schools.

CSRU has received national recognition awards for public awareness activities which included the PIAL curriculum and public outreach. For more information about PIAL and to download the curriculum, visit the Parenting: It’s a Life website at:

<http://childwelfareproject.hs.iastate.edu/parenting-its-a-life>.

PIAL was developed through the Child Support Public Awareness Project by the Iowa Attorney General in collaboration with the Iowa Department of Human Services and Iowa State University (ISU). ISU also sends out monthly e-newsletters to schools and teachers promoting the curriculum.