

Iowa Department of Human Services

ROLE OF THE CHILD SUPPORT RECOVERY ATTORNEY

From: Child Support Recovery Unit

Date: _____

Case Number: _____

CSRU Telephone: _____

Re: _____

The purpose of this notice is to clarify the role of the child support recovery attorney in child support cases. ***Please read this notice carefully.***

Iowa Code section 252B.7 states that: “An attorney employed by or under contract with the child support recovery unit represents and acts on behalf of the state when providing child support enforcement services.”

WHAT THIS MEANS TO YOU

- The child support recovery attorney is employed by or under contract to the Child Support Recovery Unit (CSRU). The attorney-client relationship is between the state and the attorney.
- CSRU staff who are attorneys will be identified as attorneys when they become involved in your case. Other CSRU staff may also work with your case but are not attorneys.
- The CSRU attorney ***is not your legal representative***. An attorney-client relationship ***does not exist*** between you and the attorney.
- When establishing an order for support, CSRU may negotiate with a parent to establish the amount of accrued support owed to the department. The state is primarily interested in obtaining current support and reimbursement of public assistance expended. In calculating the amount of accrued support, CSRU will use the number of months that public assistance was paid during the 3 years before legal action is initiated and the months until the order is entered.

If you are the custodial parent and you are concerned about giving up your right to accrued support, you may intervene at any time before CSRU files the order. If you do not intervene, CSRU may enter an order for support and you may give up your right to contest the amount of current and accrued support or to request the entry of a judgment on your behalf.

Since the CSRU attorney does not represent either parent, you may choose to get your own attorney, or you may represent yourself.

- If you get a private attorney to represent you in any legal action regarding the establishment or enforcement of a support obligation, you must inform your local child support office.
- CSRU will notify you if you are required at any court hearing, or if any additional information is required from you. CSRU will not tell you of every action it takes to get support. However, CSRU will send periodic updates advising you of its efforts and progress.
- CSRU does not become involved in issues of visitation, custody, or other issues not related to the establishment and enforcement of child support obligations.

ROLE OF THE CHILD SUPPORT RECOVERY ATTORNEY

- In public assistance cases, when CSRU suspects fraud or questions benefits paid under the FIP or Medicaid programs, the unit makes a referral to the appropriate agency for further investigation.

YOUR RESPONSIBILITIES

As a recipient of enforcement services from the Child Support Recovery Unit, you are responsible to:

- Provide CSRU with information which is correct to the best of your knowledge and belief. CSRU will use this information for the purposes of obtaining support.
- Inform CSRU of any new information you may have about the noncustodial parent, such as a change of address or employment.
- Inform CSRU if your address or telephone number changes.
- If you are not receiving FIP or Medicaid benefits, you may have to pay certain costs for obtaining or enforcing a support order. Costs may include, but are not limited to: fees for service of documents, genetic tests to determine paternity, depositions, and expert witnesses. A list of the fees associated with enforcement services may be obtained from your local child support office.
- Cooperate fully with CSRU. Cooperation includes, but is not limited to:
 - Appearing at the local CSRU office or responding to requests from CSRU to provide verbal or written information that you know, have, or can get when the information is necessary to establish, modify, or enforce a support obligation;
 - Appearing as a witness at judicial or other proceedings;
 - Completing and signing documents determined to be necessary by the CSRU attorney for any judicial or administrative process; and
 - Taking other actions necessary to locate the noncustodial parent, establish paternity, secure a support order or modification to an existing support order, or enforce a support obligation.

Failure to cooperate with CSRU may result in:

1. A dismissal of legal action,
2. A reduction or termination in your FIP or Medicaid benefits, if you are a FIP or Medicaid recipient; or
3. Termination of enforcement services, if you are not receiving FIP or Medicaid benefits.

If you have any questions concerning the information provided in this notice, please contact the local child support office listed on page 1 of this form.