

IOWA CHILD SUPPORT RECOVERY UNIT SERVICES



January 2005

[EDITED FOR 2005 FAMILY LAW CLE SEMINAR]



IOWA CHILD SUPPORT RECOVERY UNIT SERVICES

SECTION I – OVERVIEW

What does the Child Support Recovery Unit do?

We help families achieve and maintain financial self-sufficiency by establishing and enforcing child and medical support orders, and processing support payments. We do this by:

- ◆ Locating noncustodial 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
- ◆ Sending and receiving referrals for services to and from other states
- ◆ Enforcing support orders using these methods:
 - income withholding
 - offsets of federal and state tax refunds
 - offsets of payments owed to federal and state vendors who do business with government
 - administrative levies of accounts at financial institutions
 - license sanctions
 - reports to credit agencies
 - referrals to the U.S. Attorney for felony prosecution
 - contempt of court actions
 - garnishment actions
- ◆ Answering customers' questions and concerns
- ◆ Receiving and disbursing child support payments

We also have pilot projects and grants to increase and enhance involvement of parents with their children. Projects facilitate access and visitation and other parental activities.

Who receives services?

Not everyone who receives child support or is owed child support gets services. We serve people who:

- ◆ Are receiving public assistance such as Family Investment Program benefits, Medicaid benefits, and/or foster care. (These are referred to as "public assistance cases.")
- ◆ Received public assistance in the past. We continue to collect support for the children whose parent has left public assistance.
- ◆ Apply for services. (These are referred to as "non-public assistance" cases, as they are not Family Investment Program recipients.) To apply for services, visit our website at <https://childdsupport.dhs.state.ia.us/welcome.asp>. Print off the application form, complete it and return it with your \$25 application fee. Or call our customer service unit and request an application form; toll free at 1-888-229-9223 or 515-242-5530 in the Des Moines area.
- ◆ Live in other states but need services from Iowa because the noncustodial parent lives or works here.

Who pays for the services?	<p>The State of Iowa pays 34 percent and the federal government pays 66 percent of most of the costs as long as Iowa demonstrates compliance with federal regulations.</p> <p>Non-public assistance applicants pay a \$25 application fee.</p> <p>The federal government also provides incentive funds to states based on how well each state 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.</p>																																																																														
How many cases does the Child Support Recovery Unit have?	<p>The caseload continues to grow.</p> <table><tr><td>State Fiscal Year</td><td>Total Caseload*</td></tr><tr><td>1993</td><td>130,143</td></tr><tr><td>1994</td><td>139,544</td></tr><tr><td>1995</td><td>148,595</td></tr><tr><td>1996</td><td>158,262</td></tr><tr><td>1997</td><td>157,509</td></tr><tr><td>1998</td><td>157,064</td></tr><tr><td>1999</td><td>158,424</td></tr><tr><td>2000</td><td>162,351</td></tr><tr><td>2001</td><td>165,388</td></tr><tr><td>2002</td><td>170,882</td></tr><tr><td>2003</td><td>177,665</td></tr><tr><td>2004</td><td>182,691</td></tr></table> <p>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.</p> <table><tr><td>State Fiscal Year</td><td>Public Assistance*</td><td>Non-public Assistance*</td><td>Foster Care, Medical and Interstate*</td></tr><tr><td>1993</td><td>54,770</td><td>51,367</td><td>24,006</td></tr><tr><td>1994</td><td>57,016</td><td>58,420</td><td>24,108</td></tr><tr><td>1995</td><td>52,974</td><td>67,437</td><td>28,184</td></tr><tr><td>1996</td><td>47,533</td><td>77,835</td><td>32,894</td></tr><tr><td>1997</td><td>43,946</td><td>78,808</td><td>34,755</td></tr><tr><td>1998</td><td>38,716</td><td>83,714</td><td>34,634</td></tr><tr><td>1999</td><td>36,280</td><td>84,686</td><td>37,458</td></tr><tr><td>2000</td><td>32,012</td><td>90,903</td><td>39,436</td></tr><tr><td>2001</td><td>29,705</td><td>90,615</td><td>45,068</td></tr><tr><td>2002</td><td>29,035</td><td>92,005</td><td>49,842</td></tr><tr><td>2003</td><td>29,560</td><td>92,868</td><td>55,237</td></tr><tr><td>2004</td><td>29,319</td><td>94,797</td><td>58,575</td></tr></table> <p>*All numbers are based on end of fiscal year case count.</p>	State Fiscal Year	Total Caseload*	1993	130,143	1994	139,544	1995	148,595	1996	158,262	1997	157,509	1998	157,064	1999	158,424	2000	162,351	2001	165,388	2002	170,882	2003	177,665	2004	182,691	State Fiscal Year	Public Assistance*	Non-public Assistance*	Foster Care, Medical and Interstate*	1993	54,770	51,367	24,006	1994	57,016	58,420	24,108	1995	52,974	67,437	28,184	1996	47,533	77,835	32,894	1997	43,946	78,808	34,755	1998	38,716	83,714	34,634	1999	36,280	84,686	37,458	2000	32,012	90,903	39,436	2001	29,705	90,615	45,068	2002	29,035	92,005	49,842	2003	29,560	92,868	55,237	2004	29,319	94,797	58,575
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How much child support is collected?	<p>In State Fiscal Year 2004, the Child Support Recovery Unit collected:</p> <ul style="list-style-type: none">◆ \$38.5 million in current and past due child support on Iowa public assistance cases.◆ \$264.3 million in current and past due child support on all other types of cases.◆ \$302.8 million in total current and past due child support. *																																																																														

	<p>Changes in collections (in millions):</p> <table><tr><th>State Fiscal Year</th><th>Public Assistance</th><th>All Other</th><th>Total</th></tr><tr><td>1993</td><td>\$ 36.0</td><td>\$ 79.4</td><td>\$ 115.4</td></tr><tr><td>1994</td><td>38.1</td><td>88.1</td><td>126.2</td></tr><tr><td>1995</td><td>38.8</td><td>101.9</td><td>140.7</td></tr><tr><td>1996</td><td>42.8</td><td>117.5</td><td>160.3</td></tr><tr><td>1997</td><td>40.2</td><td>133.4</td><td>173.6</td></tr><tr><td>1998</td><td>41.2</td><td>153.2</td><td>193.5</td></tr><tr><td>1999</td><td>40.6</td><td>167.0</td><td>209.4</td></tr><tr><td>2000</td><td>42.4</td><td>186.8</td><td>229.2</td></tr><tr><td>2001</td><td>36.3</td><td>208.6</td><td>244.9</td></tr><tr><td>2002</td><td>39.3</td><td>229.5</td><td>268.8</td></tr><tr><td>2003</td><td>35.5</td><td>249.2</td><td>284.7</td></tr><tr><td>2004</td><td>38.5</td><td>264.3</td><td>302.8 *</td></tr></table> <p>*This figure includes current and past-due child support collected on in-state cases and on cases where Iowa and another state are working together.</p>	State Fiscal Year	Public Assistance	All Other	Total	1993	\$ 36.0	\$ 79.4	\$ 115.4	1994	38.1	88.1	126.2	1995	38.8	101.9	140.7	1996	42.8	117.5	160.3	1997	40.2	133.4	173.6	1998	41.2	153.2	193.5	1999	40.6	167.0	209.4	2000	42.4	186.8	229.2	2001	36.3	208.6	244.9	2002	39.3	229.5	268.8	2003	35.5	249.2	284.7	2004	38.5	264.3	302.8 *
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How is child support disbursed?	<p>Family Investment Program</p> <p>Families that get Family Investment Program benefits “assign” their rights to child support in exchange for public assistance benefits. The Child Support Recovery Unit deposits the child support collected into the Family Investment Program fund.</p> <p>Medical Support</p> <p>The court may order a noncustodial parent to provide health insurance for the children or to pay a certain amount each month that the custodial parent can use to pay for medical expenses or insurance coverage for the children. When the Medicaid program is paying for children’s medical care, we transfer the money the noncustodial parent pays for cash medical support to a Medicaid account. This money offsets expenses that Medicaid paid for the children’s health care. If the noncustodial parent provides health insurance, the health insurance plan is billed for medical expenses previously paid by Medicaid.</p> <p>Foster Care Cases</p> <p>When children are placed in foster care, we collect child support payments from the parents and deposit them into the Foster Care Program account.</p> <p>Non-public Assistance Cases, Non-foster Care Cases</p> <p>We send child support directly to families that do not receive Family Investment Program benefits or have a child placed in foster care.</p> <p>Cases in Other States</p> <p>If a family receives child support services in another state, the noncustodial parent lives in Iowa and the other state has requested help, we collect the support and send it to the state where the child’s family lives. The other state sends the money to the family or retains it, if the family is on public assistance.</p>																																																				
How many payments are processed?	<p>In state fiscal year 2004, the Collection Services Center processed over 2,782,558 million child support payments.</p>																																																				
How has the child support caseload changed with welfare reform?	<p>Since 1993, the number of public assistance families in CSRU caseload has declined from 54,770 to 29,319. Many public assistance families have left assistance and moved from public assistance status to non-public assistance status.</p> <p>This change, along with a change in federal policy implemented in Iowa in July 2000 to ‘family first’ distribution of payments to former-FIP families resulted in a decrease in public assistance collections. This is because more collections formerly retained by the state are now being sent to families.</p> <p>While public assistance collections declined due to caseload reductions and family first distributions, the amount collected for each case has increased which has offset some of the downward impact.</p>																																																				

What measures indicate how well the Child Support Recovery Unit is doing its work?	<p>Paternity and child support orders are the legal basis needed before child support can be collected. Child support collections help families with children be self-sufficient. The percentage of children with paternity established and the percentage of cases with court orders established have been increasing.</p> <table><tr><th><u>State Fiscal Year</u></th><th><u>Percent of Cases with Court Orders</u></th><th><u>Percent of Current Support Paid in Month Due</u></th><th><u>Percent of Children Born Out of Wedlock with Paternity Established</u></th></tr><tr><td>1995</td><td>72.7</td><td>47.4</td><td>65.0</td></tr><tr><td>1996</td><td>73.1</td><td>45.2</td><td>68.9</td></tr><tr><td>1997</td><td>78.7</td><td>46.3</td><td>71.2</td></tr><tr><td>1998</td><td>84.2</td><td>45.9</td><td>76.8</td></tr><tr><td>1999</td><td>87.4</td><td>48.7</td><td>78.9</td></tr><tr><td>2000</td><td>88.2</td><td>56.3</td><td>80.9</td></tr><tr><td>2001</td><td>88.6</td><td>58.6</td><td>84.4</td></tr><tr><td>2002</td><td>89.4</td><td>57.9</td><td>86.5</td></tr><tr><td>2003</td><td>89.9</td><td>59.8</td><td>87.1</td></tr><tr><td>2004</td><td>88.4</td><td>61.3</td><td>94.4</td></tr></table>	<u>State Fiscal Year</u>	<u>Percent of Cases with Court Orders</u>	<u>Percent of Current Support Paid in Month Due</u>	<u>Percent of Children Born Out of Wedlock with Paternity Established</u>	1995	72.7	47.4	65.0	1996	73.1	45.2	68.9	1997	78.7	46.3	71.2	1998	84.2	45.9	76.8	1999	87.4	48.7	78.9	2000	88.2	56.3	80.9	2001	88.6	58.6	84.4	2002	89.4	57.9	86.5	2003	89.9	59.8	87.1	2004	88.4	61.3	94.4
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How can customers contact the Child Support Recovery Unit.	<p>Customer Service Unit: Customer service representatives receive approximately 2000 calls daily. Customer service representatives may be reached toll free at 1-888-229-9223 (or 515-242-5530 in the Des Moines area) from 8 a.m. to 5 p.m. Monday through Friday, except state holidays.</p> <p>Child Support Telephone Information System: The Child Support telephone information system receives more than 200,000 calls each month. Customers can access information about their last payment, payment guidelines, information on specific topics, and request printed payment records. Customers use the same toll-free number as the Customer Service Unit (1-888-229-9223 or 515-242-5530 in the Des Moines area). Customers may use this number any time of the day or night, seven days a week, except for times of periodic maintenance.</p> <p>Iowa Child Support Website: The Iowa Child Support Website (https://childsupport.dhs.state.ia.us) expands upon the automated telephone services providing greater access to personal records, on-line information, and the ability to print information and forms. Using security technology, some unique benefits are offered including: the ability to view payment records, make payments electronically, 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:</p> <ul style="list-style-type: none">• Fatherhood,• Employers Partnering in Child Support (EPICS),• Foster Care Recovery Unit,• the Iowa Department of Human Services, and• the State of Iowa Homepage. <p>Field Offices: Caseworkers in field offices are available to meet with customers by appointment and also for walk-in visits. Caseworkers mail status letters, forms and other correspondence to customers.</p>																																												

What is EPICS – Employers Partnering in Child Support?	Employers Partnering in Child Support (EPICS) links the employer community to the Child Support Recovery Unit. EPICS serves as a single point of contact for employers to get answers to their questions about their responsibilities in collecting child support payments through income withholding, in enforcing health insurance, and in reporting new hires and rehires. 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 e-mail EPICS at csrue@dhs.state.ia.us or visit the EPICS web site at http://epics.dhs.state.ia.us for more information. The EPICS web site allows employers to electronically report information and receive enforcement forms.																												
What is the structure of the Child Support Recovery Unit?	<p>The Bureau of Collections Central Office provides program direction, policy and procedural development and oversight, computer-system development and maintenance and customer service. It also receives and distributes child support enforcement referrals from other states.</p> <p>The Collection Services Center receives and distributes child support payments.</p> <p>The Field Offices are in the following cities:</p> <table><tr><td>Burlington</td><td>Decorah</td><td>Carroll</td><td>Des Moines</td></tr><tr><td>Cedar Rapids</td><td>Marshalltown</td><td>Council Bluffs</td><td></td></tr><tr><td>Clinton</td><td>Ottumwa</td><td>Creston</td><td></td></tr><tr><td>Davenport</td><td>Waterloo</td><td>Fort Dodge</td><td></td></tr><tr><td>Dubuque</td><td></td><td>Mason City</td><td></td></tr><tr><td>Linn County</td><td></td><td>Sioux City</td><td></td></tr><tr><td></td><td></td><td>Spencer</td><td></td></tr></table>	Burlington	Decorah	Carroll	Des Moines	Cedar Rapids	Marshalltown	Council Bluffs		Clinton	Ottumwa	Creston		Davenport	Waterloo	Fort Dodge		Dubuque		Mason City		Linn County		Sioux City				Spencer	
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HOW IS PATERNITY ESTABLISHED

There are several ways to establish paternity, including

- Administratively
- By Affidavit
- Through a (Judicial) Court Process

ADMINISTRATIVE PATERNITY ESTABLISHMENT

What is Administrative Paternity Establishment and when is it used?

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 requests one.

Administrative paternity establishment may be used for situations that meet the following three criteria: 1) the child has not reached his/her 19th birthday; 2) paternity for the child has not been established; and 3) the State of 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 saying a man is the father of her child and give us information to support her statement.
- ◆ Next, notice is served on the alleged father along with a request for financial information and an explanation of how child support obligations are determined. **To challenge this action:**
 - The alleged father has 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, which may be extended by having a conference, having genetic tests or both.
- ◆ After service, any of the following may happen:
 - The alleged father may waive the time allowed for requesting a conference or hearing, or for denying paternity (consent order). We prepare an administrative order establishing paternity and support and present the order to the court for approval.
 - The alleged father may not respond. We prepare an administrative order establishing paternity and support (default order) and present the order to the court for approval.
 - The alleged father may deny paternity by filing an answer with the court. 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. The alleged father 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.
 - The alleged father may request a conference to discuss the action. Following the conference, we issue a second notice taking into account any new information provided. The alleged father 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.
 - The alleged father 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 are established at the same time. 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?	<ul style="list-style-type: none"> ◆ Iowa Code Chapter 252F ◆ Iowa Administrative Code 441-99.21 through 99.32
How many paternities are established administratively?	2821 paternities were established in state fiscal year 2004 using the administrative paternity process.
PATERNITY BY AFFIDAVIT	
What is Paternity by Affidavit and when is it used?	<p>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.</p> <p>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 Vital Records (BVR), county recorder/county registrar, or the Iowa Department of Public Health.</p>
How is paternity established by affidavit?	<ul style="list-style-type: none"> ◆ Birthing facilities provide information describing the process, benefits and responsibilities resulting from paternity establishment to the parents of any child born out of wedlock. 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 with us to perform this service are paid \$20.00 per affidavit. ◆ All completed paternity affidavits must be filed with the Department of Public Health, Bureau of Vital Records. ◆ Establishing paternity through a signed affidavit creates a legal obligation to provide support for the child. If the parents separate, the affidavit can be used as a basis for establishing a support order.
How is paternity rescinded?	<p>To challenge this action:</p> <ul style="list-style-type: none"> ◆ After filing a paternity affidavit with the Bureau of Vital Records (BVR), either parent has the right to rescind paternity. To do this, one of the parents must file a completed and notarized Recision of Paternity Affidavit with the BVR within the earlier of: <ul style="list-style-type: none"> • 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 recision form is filed with the BVR 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 BVR charges a \$10 fee for rescinding paternity. Recision forms are available from the BVR, all county recorder/county registrar's offices, the Iowa Department of Public Health and all Child Support Recovery offices.
What is the legal basis for this service?	<ul style="list-style-type: none"> ◆ Iowa Code, section 252A.3A(12) ◆ Iowa Code, sections 144.40, 144.13 and 252A.3A
How many paternities are established by affidavit?	2116 paternities were established during state fiscal year 2004 using the paternity by affidavit process.

JUDICIAL PATERNITY ESTABLISHMENT	
What is Judicial Paternity Establishment and when is it used?	<p>Judicial paternity establishment is a court process to legally establish the father of a child born out of wedlock.</p> <p>We use this court process if paternity cannot be established administratively.</p>
How is paternity established judicially?	<ul style="list-style-type: none"> ◆ First, a petition is served on the alleged father by a sheriff or process server. The alleged father may waive service. The alleged father has 20 days to file an answer. <ul style="list-style-type: none"> • With the petition we send documents informing the alleged father of his rights, the timeframes for filing an answer to the petition, and the consequences for failing to do so. We also send a request for financial information and an explanation of how support amounts are determined using the Iowa mandatory child support guidelines. ◆ After service, one of three things may happen: <ul style="list-style-type: none"> • The alleged father may consent or voluntarily acknowledge paternity. If so, we prepare and present a consent order to the court for approval. • The alleged father may not file an answer contesting the action. If this happens, we ask the court to enter a default order establishing the alleged father as the father. • The alleged father may file an answer contesting paternity. If so, we set the case for hearing. This may involve genetic tests or other legal actions to obtain evidence needed to establish or disprove paternity. ◆ Usually paternity and a support amount are established at the same time. Before entering either a consent or default order, we prepare and issue a worksheet to both parents showing how the child support amount was determined using the guidelines.
What is the legal basis for this service?	<ul style="list-style-type: none"> ◆ 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?	211 paternities were established during state fiscal year 2004 through the judicial process.

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 and when is it used?

In establishing support administratively, we take all steps to establish a support amount and present an 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 for whom support is sought.
- ◆ The noncustodial parent lives in Iowa or can be personally served under the jurisdiction of the Iowa courts.

How is support established administratively?

- ◆ Notice is served on the noncustodial parent by a sheriff or process server. The parent may waive service. **To challenge this action:** the noncustodial parent has 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 provide a request for financial information and an explanation of how support amounts are determined using the Iowa mandatory child support guidelines.
- ◆ After service, one of four things may happen:
 - The noncustodial parent may waive the time to request a conference or court hearing. We prepare an administrative order and present the order to the court for approval.
 - The noncustodial parent may not respond. We prepare an administrative order (default order) and present the order to the court for approval.
 - The noncustodial parent may ask for a conference. We hold the conference with the parent and issue a second notice taking into consideration any new information provided. The noncustodial parent has an additional 30 days following the date of issuance of the second notice 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.
 - The noncustodial parent may ask for a court hearing. A court hearing is held and we present evidence concerning the financial circumstances of both parents and the amount of support under the guidelines. The court determines if support is ordered and the amount.
- ◆ Before entering an administrative order through default or consent of the noncustodial parent, we prepare and issue a worksheet to both parents showing how the support amount was determined using the guidelines.

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?

6645 administrative orders for support were entered in state fiscal year 2004.

JUDICIAL ESTABLISHMENT OF SUPPORT	
What is Judicial Establishment of support and when is it used?	<p>Judicial establishment is a court process for establishing child support.</p> <p>We establish orders through a judicial process in the limited situations when we can't do so administratively.</p>
How is support established judicially?	<ul style="list-style-type: none"> ◆ A petition is served on the noncustodial parent by a sheriff or process server. The noncustodial parent may waive service. To challenge this action: the noncustodial parent has 20 days to file an answer before a default order may be entered. We send other documents with the petition to inform the noncustodial parent of the right to file an answer to the petition and of the consequences for failing to file an answer within the allotted time. We also send a request for financial information and an explanation of how support amounts are determined using the Iowa mandatory child support guidelines. ◆ After service, one of three things may happen: <ul style="list-style-type: none"> • The noncustodial parent may voluntarily agree to the entry of a paternity and/or support order. We prepare and present a consent order to the court for approval. • The noncustodial parent may not respond. After the deadline for filing an answer has passed, we ask the court to enter a default order establishing a support obligation. • The noncustodial parent may file an answer contesting the establishment of the support order. A hearing is scheduled. The hearing may involve various legal actions to obtain evidence necessary to establish a support order. ◆ Before entering either a consent or default order, we prepare and issue a worksheet to both parents showing how the child support amount was determined using the guidelines.
What is the legal basis for this service?	<ul style="list-style-type: none"> ◆ Title 45, Code of Federal Regulations, sections 302.31, 302.36, 302.70, 303.4 and 303.7 ◆ Iowa Code Chapter 252A
How many orders were established judicially?	28 judicial support orders were established in state fiscal year 2004.

HOW ARE INTERSTATE CASES HANDLED?

	INTERSTATE ACTION – UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA)
What is the Uniform Interstate Family Support Act (UIFSA) and when is it used?	<p>The Uniform Interstate Family Support Act (UIFSA) defines how states must interact with each other on interstate child support cases. It also requires states to determine a controlling order if there are orders for support from more than one state for the same noncustodial parent and child. The controlling order then becomes the only order for current support for that parent and child. UIFSA also allows an income withholding notice to be sent directly to the employer when the noncustodial parent is employed in another state.</p> <p>UIFSA is generally used when at least one of the parties lives in another state and two states need to work together to establish, modify and/or enforce support.</p>
How does the Uniform Interstate Family Support Act apply to state actions?	<ul style="list-style-type: none"> ◆ When one state wants another state to assist in establishing paternity or child support, or in modifying or enforcing a support order, that state (the initiating state) sends the second 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 responds to 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?	<ul style="list-style-type: none"> ◆ 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 Interstate cases have been referred/received?	<p>As of July 2004, Iowa had 18,700 interstate (and 44 international) cases which Iowa referred to other states, tribes or countries and 5988 active interstate (and 14 international) cases that Iowa received from other states, tribes or countries.</p>

HOW IS SUPPORT MODIFIED?

Support can be modified in several ways, including the following processes:

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

REVIEW AND ADJUSTMENT, ADMINISTRATIVE MODIFICATION AND COST-OF-LIVING ALTERATION

What are the processes to modify orders and when are they used?

We have three administrative processes to modify child support orders – review and adjustment, administrative modification and cost-of-living alteration.

In the review and adjustment and administrative modification processes, 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 administrative review and adjustment process to adjust child support amounts when:

- The old amount differs by more than 20% of the new amount.
- Health insurance was not ordered and becomes available at a reasonable cost (usually employment-related or other group health insurance) to the parent ordered to pay support.

For an order to be appropriate for review and adjustment, several criteria must be met:

- It must have been two years since the support order was entered, last reviewed for the purpose of adjustment, or last modified;
- There must be at least 12 months remaining on the obligation;
- We must be providing enforcement services or Iowa must be the only state with jurisdiction to modify the order;
- The request must be for a review of the current support obligation or for the addition of health insurance; and
- The review must be requested by a legal parent who receives or pays child support, or by a caretaker or custodian entitled to receive support payments for the children.

Administrative Modification

The administrative modification process is very similar to the review and adjustment process. This process can be used in some situations when the review and adjustment process is not appropriate, such as:

- One of the parties to the order has had a 50% change in net income, and the current obligation is less than two years old;
- Additional children born to the same parents should be added to the support order;
- Support was reserved for a reason other than lack of personal jurisdiction or the amount was set at zero, or the order was for medical-provisions-only;
- An error or omission in child support or medical support was made during preparation or filing of a support order;
- A minor noncustodial parent failed to comply with parenting class or education requirements; or

	<ul style="list-style-type: none"> • The noncustodial parent was a minor at the time the order was entered and is no longer a minor.
How is a support order modified?	<ul style="list-style-type: none"> ◆ We determine a review or modification is necessary or we receive and accept a request from a parent, a necessary third party, or the child support agency of another state. ◆ Then, the parents are served with the notice of our intent to review or modify the order, a request for financial information and a pamphlet explaining the processes. The requestor is served by mail, and the other parent is served by a sheriff or process server. A parent may waive service of the notice. ◆ 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. ◆ If a challenge is received to the review and adjustment determination, we issue a second review and notice of decision. Parties can request a conference in the administrative modification process. ◆ If an adjustment or modification is appropriate, one of three things may happen: <ul style="list-style-type: none"> • Both parties may consent or voluntarily agree to the change. We prepare and present an administrative order for adjustment or modification to the court for approval. • The parties may not respond. We prepare and present an administrative order to the court for approval. • At least one of the parties may contest the change. 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. <ul style="list-style-type: none"> — 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?	<ul style="list-style-type: none"> ◆ Title 45, Code of Federal Regulations, sections 302.70, 303.4 and 303.8 ◆ Iowa Code Chapter 252H, and sections 252B.5, 598.21, and 598.21A ◆ 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?	<p>We received 5728 requests for review and adjustment of orders in state fiscal year 2004. The Child Support Recovery Unit and/or the court filed 3295 orders to adjust child/medical support through the review and adjustment process. In the same year, we received 2226 requests for administrative modifications of orders. Through the administrative modification process, 943 child support orders were adjusted. We received 9 cost-of-living alteration requests and filed 1 cost-of-living alteration order.</p>

SUSPENSION AND REINSTATEMENT OF SUPPORT

<p>What is Suspension and Reinstatement of support and when is it used?</p>	<p>Suspension and reinstatement is a process to suspend ongoing support based on the mutual consent of all involved parties. Support may be reinstated within six months if conditions change.</p> <p>We use this process on cases we are enforcing if either:</p> <ul style="list-style-type: none"> • The parents have reconciled and are residing together with all of the children entitled to support under the order; or • There has been a change of residency so that all of the children entitled to support under the order live with the parent previously ordered to pay support.
<p>How is support suspended, satisfied, and reinstated?</p>	<ul style="list-style-type: none"> ◆ The process starts when we receive a signed request for suspension and an affidavit from both parents. We advise the custodial parent that support owed to him or her can also be satisfied. ◆ We issue a notice accepting or denying the suspension request. If we deny the request, parents can seek relief directly from the court. ◆ If we accept the request, we prepare an order suspending the ongoing support provisions of the order. ◆ If the custodial parent asks to satisfy support, we also file a request with the court and satisfy support upon approval by the court. ◆ If conditions supporting the suspension remain unchanged for six months, the order is terminated. ◆ If conditions change within six months of suspension, at the request of either parent or at our own initiative, we may ask the court to reinstate the prior order.
<p>What is the legal basis for this service?</p>	<ul style="list-style-type: none"> ◆ Iowa Code, section 252B.20 ◆ 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 and when is it used?

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 may be withheld by the employer or income provider is limited by the federal Consumer Credit Protection Act.

We use three types of income withholding:

- Immediate withholding is used to collect support for cases with new or modified orders (there are some exceptions) and when withholding is requested by one of the parents when there is no delinquency.
- Mandatory income withholding is used to collect support for cases that are delinquent in an amount of support payable for one month.

Lump sum withholding order is used to collect delinquent support from periodic or irregular income.

How is Income Withholding implemented?

- ◆ We, or a court, may notify the noncustodial parent about income withholding through the support order. If this notice is not in the support order, we send a notice about income withholding to the noncustodial parent.
- ◆ We implement income withholding when we locate a source of employment or other income. We prepare an administrative order for income withholding, file it with the clerk of court, and send a copy of the order to the noncustodial parent. We send a notice of income withholding to the noncustodial parent's income provider in Iowa or any other state. The notice of income withholding has all of the information the income provider needs to withhold support and mail payments.
- ◆ **To challenge this action:** the noncustodial parent may contest the withholding order by asking for an informal conference with us or by filing a motion to quash the order with the clerk of court.
- ◆ Our automated system monitors receipt of payments and case circumstances to modify, terminate or enforce the income withholding order as needed.

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 2004, we issued 124,134 income withholding notices and secured 48,252 income-withholding orders. Statewide total income-withholding collections increased \$11.3 million over state fiscal year 2003. Income withholding represents an estimated 83% of the payments received and 73% of total dollars collected.

FEDERAL AND STATE TAX AND NON-TAX OFFSETS, AND PASSPORT SANCTIONS

What are Offsets and Passport Sanctions and when are they used?

When noncustodial parents become delinquent in paying child support, their federal tax refunds or non-tax payments can be offset to pay the delinquent support. State refunds or non-tax payments owed to noncustodial parents can also be offset and applied to current or delinquent support. In addition, when a child support delinquency reaches \$5000, passports of noncustodial parents may be denied or revoked by the U.S. State Department.

- ◆ A noncustodial parent is subject to offset of a federal income tax refund or non-tax payment if:
 - The noncustodial parent owes the state at least \$150 in past due support. (If the parent has multiple cases, we include each case with at least \$50 past due in calculating the total.)
 - The noncustodial parent owes at least \$500 in past due support to a family with a minor child. (If the parent has multiple cases, we calculate the total by including each case with at least \$50 past due a family with a minor child.)
- ◆ All cases are eligible for offset of **state** tax refunds when:
 - Support is delinquent by at least \$50, and
 - The noncustodial parent has not paid the current support plus a payment on the delinquency in each of the prior twelve months.
- ◆ All cases are eligible for offset of **state** non-tax payments when support is delinquent by at least \$50.
- ◆ Noncustodial parents who owe more than \$5,000 are referred through the Federal Office of Child Support Enforcement (OCSE) to the Department of State for passport sanction.

How are federal and state tax and non-tax payments offset, and passports sanctioned?

Federal Tax and Non-tax Offsets

- ◆ Information is sent monthly to the Federal Office of Child Support Enforcement (OCSE) to:
 - Include noncustodial parents who meet the offset criteria for the first time or have become delinquent and meet certification criteria again.
 - Delete cases if the balance falls below \$25.
 - Modify the balance due on the case. (This can be either an increase or decrease in the delinquency amount.)
- ◆ OCSE sends notice of the upcoming offset to noncustodial parents certified for the first time, or if a new case qualifies. The notice explains that OCSE will forward the noncustodial parent's name to the Federal Department of Fiscal Management Services (FMS) for offset unless the parent contests the accuracy of the information.

To challenge this action:

- ◆ The noncustodial parent may contest the offset by asking us for an administrative review. We send changes resulting from the review to OCSE.
- ◆ When the noncustodial parent files a tax return and would otherwise be entitled to a refund, the U.S. Department of Treasury intercepts the refund, sends it to OCSE, and notifies the noncustodial parent of the offset. The offsets are sent to us within 4-6 weeks after interception. Bi-weekly, we receive tax offsets for final distribution to either the state or the custodial parent.
- ◆ **Additional opportunities to challenge:** at the time of offset (withholding of the payment), we send a notice to the noncustodial parent explaining that the parent can ask for an appeal hearing under Iowa Code Chapter 17A to contest the offset.

Passport Sanctions

The U.S. State Department denies or revokes passports of noncustodial parents who owe \$5,000 or more in child support. **To challenge this action:** the parent can object by asking us for an administrative review. In order to have the sanction removed, these parents must contact us and make an agreement to pay the support.

	<p><u>State Tax Offsets</u></p> <ul style="list-style-type: none"> ◆ The state tax offset process is similar to the federal offset process. ◆ Noncustodial parents are notified in writing of the Iowa Department of Administrative Services intent to offset any state tax refund due. To challenge this action: the noncustodial parent can ask for an appeal hearing under Iowa Code Chapter 17A to contest the offset. <p><u>State Debtor Offsets</u></p> <p>We send information on cases that meet offset criteria to the Iowa Department of Administrative Services. The Iowa Department of Administrative Services also notifies us of potential offsets for obligors. We send noncustodial parents a notice that the Iowa Department of Administrative Services intends to offset a non-tax payment owed to the noncustodial parent. To challenge this action: the noncustodial parent can ask for an appeal hearing under Iowa Code Chapter 17A to contest the offset.</p>
What is the legal basis for this service?	<p><u>Federal Tax and Non-Tax Offsets</u></p> <ul style="list-style-type: none"> • 42 United States Code section 652(b) • Federal Executive Order 13019 • Title 31, Code of Federal Regulations, section 285.3 • Title 45, Code of Federal Regulations, section 303.72 • Iowa Code Chapter 252B • Iowa Administrative Code 441-95.7 <p><u>State Tax and Non-Tax Offsets</u></p> <ul style="list-style-type: none"> • 42 United States Code section 666(a)(3) • Iowa Code, sections 252B.5(4) and 8A.504 • Iowa Administrative Code 441-95.6 and 441-98, Division VI (Debtor Offset) <p><u>Passport Sanctions</u></p> <ul style="list-style-type: none"> • 42 United States Code sections 654(a)(31) and 652(k) • Iowa Code, section 252B.5(11)
How many Federal and State Offsets and Passport Sanctions were done?	<p>In state fiscal year 2004, \$24 million was collected in federal tax offsets. We collected \$3.2 million in state tax offsets during state fiscal year 2004. Also in state fiscal year 2004, \$196,893 was collected through the state vendor offset program.</p>

ADMINISTRATIVE LEVIES, CONTEMPT AND OTHER ENFORCEMENT ACTIONS

Administrative Levy	<p>What is an Administrative Levy and when is it used?</p> <p>When a noncustodial parent becomes delinquent in payment of support, we can administratively levy (take) part of the parent's financial assets for payment of support.</p> <p>How are accounts levied?</p> <p>We must ensure noncustodial parents are notified about the law that allows us to levy their accounts. This notice can be in the noncustodial parent's court order. If the order does not contain this notice, we send a notice. When we locate an account, we send notice of the levy to the financial institution and the account holders. To challenge this action: the noncustodial parent and/or joint account holder may send a request to us. We must review the facts and modify, release, or uphold the levy. If we uphold the levy and the noncustodial parent/account holder disagrees, the account holder can request a court hearing.</p> <p>What is the legal basis for this service?</p> <ul style="list-style-type: none"> ◆ 42 United States Code section 666(a)(17) and (c)(1)(G) ◆ Iowa Code Chapter 252I
Contempt	<p>What is Contempt and when is it used?</p> <p>When a noncustodial parent is not paying support, we may file a contempt action with the court asking the court to determine whether the noncustodial parent is willfully violating the support order.</p> <p>How is a Contempt action done?</p> <p>We file an application for a contempt citation, including the facts supporting the application, with the clerk of court, and serve it on the noncustodial parent. The court holds a hearing to determine 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. If contempt is found, the court issues an order which may require incarceration, payment of support, the posting of a bond and/or the performance of community service. The court may also enjoin an obligor from practicing a profession or occupation under a license.</p> <p>What is the legal basis for this service?</p> <ul style="list-style-type: none"> ◆ 45 Code of Federal Regulations, sections 303.6, 303.104 ◆ Iowa Code Chapters 598, 665 and section 252B.5

Enforcement of Health Insurance	<p>What is Enforcement of Health Insurance and when is it done?</p> <p>When the noncustodial parent does not comply with terms of a support order requiring health insurance, and health insurance is or may be available through an employer, we contact the employer to enforce the health insurance provisions of the order.</p> <p>How is an order for health insurance enforced?</p> <p>To enforce health insurance we send the National Medical Support Notice to the employer and a notice to the noncustodial parent. To challenge this action: the noncustodial parent can contest this action by asking for an informal conference with us or filing a motion to quash with the district court. If health insurance is available, employers must forward information to the plan administrator. The plan administrator enrolls the children and notifies us. Once the dependents are enrolled, the employer must withhold required premiums, provide coverage information and notify us of a termination or change in health insurance coverage.</p> <p>What is the legal basis for this service?</p> <ul style="list-style-type: none"> ◆ 42 United States Code section 666(a)(19) ◆ 45 Code of Federal Regulations, sections 303.31, 303.32 ◆ Iowa Code Chapter 252E and section 252B.5 ◆ Iowa Administrative Code 441 Chapter 98, Division I
Garnishment	<p>What is Garnishment and when is it done?</p> <p>Garnishment is a court procedure in which money belonging or owed to a noncustodial parent is attached to repay a support obligation. When a noncustodial parent 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.</p> <p>How is a garnishment done?</p> <p>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 noncustodial parent. Notice of garnishment is then served on the noncustodial parent, 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.</p> <p>What is the legal basis for this service?</p> <ul style="list-style-type: none"> ◆ 45 Code of Federal Regulations section 303.6 ◆ Iowa Code Chapter 642 and section 252B.5

<p>Lien</p>	<p>What is a Lien and when is it done?</p> <p>A lien is an encumbrance against property of the noncustodial parent for enforcement of a support judgment. When a support order is entered, a lien is automatically placed on all real property in the Iowa county where the order is filed.</p> <p>How is a Lien processed?</p> <p>A lien attaches on real estate in Iowa when the notice of lien is filed with the clerk of court in the county where the real estate is located. When the noncustodial parent owns property in another county in Iowa, the order is transcribed to the other county. Before property can be sold, the lien must be cleared. 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 noncustodial parent must contact the child support director's designees, who are the Regional Collections Administrators and Support Recovery Supervisors, to have the lien released.</p> <p>What is the legal basis for this service?</p> <ul style="list-style-type: none"> ◆ 42 United States Code sections 666(a)(4), 654(9)(E) ◆ Iowa Code Chapters 321, 624, section 252B.5
<p>License Sanction</p>	<p>What is License Sanction and when is it done?</p> <p>When a noncustodial parent owes three months of delinquent support, we may prevent issuance or renewal of a noncustodial parent's professional, recreational, driver's license or motor vehicle registration.</p> <p>How is a license sanctioned?</p> <p>We serve a notice of potential license sanction upon the noncustodial parent. The noncustodial parent has 20 days after service of the notice to pay the delinquent support, 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 noncustodial parent may enter into a written payment agreement. If the noncustodial 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 licenses, and recreational licenses. The licensing agencies follow their rules and procedures for suspending, revoking or denying the issuance or renewal of a license. To challenge this action: noncustodial parents may ask for a court hearing after a conference with us.</p> <p>What is the legal basis for this service?</p> <ul style="list-style-type: none"> ◆ 42 United States Code section 666(a)(16) ◆ Iowa Code Chapter 252J ◆ Iowa Administrative Code chapter 98, Division VIII

<p>Referral to U.S. Attorney/U.S. Dept. of Justice for Federal Prosecution</p>	<p>What is Referral to the U.S. Attorney/U.S. Dept. of Justice for Federal Prosecution and when is it done?</p> <p>When a noncustodial parent is living in another state and all other enforcement efforts have been unsuccessful, we refer cases to the U.S. Attorney to determine if a noncustodial parent is guilty of willful nonpayment of support. To be considered for misdemeanor charges, the noncustodial parent must owe at least \$5,000 or not have made a payment for a period of one year or more. A noncustodial parent may be considered for felony charges if there is a delinquency of \$10,000 and no payments have been made for at least two years.</p> <p>How are cases referred?</p> <p>We gather documentation of enforcement efforts attempted, information on the possible residence and employer of the noncustodial parent, and other case information. This information is forwarded to agents from the Office of the Inspector General to investigate and assemble the evidence against the noncustodial parent. When evidence is sufficient, the case is referred to the U.S. Attorney for prosecution. Throughout the process, the U.S. Attorney, Special Agents, and child support field offices work together to ensure appropriate communications and successful outcomes.</p> <p>What is the legal basis for this service?</p> <ul style="list-style-type: none"> ◆ Child Support Recovery Act of 1992, Title 18, United States Code section 228
<p>Report to Credit Agencies</p>	<p>What is Report to Credit Agencies and when is it done?</p> <p>When a noncustodial parent owes over \$1,000 in delinquent support we may report the parent to consumer credit reporting agencies.</p> <p>How are parents reported?</p> <p>We notify noncustodial parents that their names will be sent to credit agencies in 30 days, explain the information to be released, and tell the noncustodial parent how to contest the action. To challenge this action: the noncustodial parent can contest the action by contacting us to review the case. If the noncustodial parent does not contest the action and the parent meets referral criteria, the parent's name is included in monthly data sent to consumer reporting agencies.</p> <p>What is the legal basis for this service?</p> <ul style="list-style-type: none"> ◆ 42 United States Code section 666(a)(7) ◆ Iowa Code Chapter 252B ◆ Iowa Administrative Code 441-95.12