



# Iowa Department of Human Services

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## **CIRCULAR LETTER NO. 56Z-618-FO**

ISSUED BY: Bureau of Child Support Recovery  
Division of Field Operations

SUBJECT: Comm. 85, "Procedures for Modifying Child Support Obligations: Review and Adjustment, Administrative Modification or Cost-of-Living Alteration," revised.

### **Summary**

Comm. 85, "Procedures for Modifying Child Support Obligations: Review and Adjustment, Administrative Modification or Cost-of-Living Alteration," was revised to update the:

- ◆ Bureau website address,
- ◆ Discrimination reporting address, and
- ◆ Local office addresses.

### **Effective Date**

Upon receipt.

### **Material Superseded**

This material replaces Circular Letter No. 56Z-130-C, dated December 10, 1991.

### **Additional Information**

Use up any existing supplies of this brochure. Download the revised brochure, dated 07/2013, from the website, <https://childsupport.ia.gov>, or generate it from your office server in the usual manner. Please contact your regional collections administrator if you need additional information.



# Iowa Department of Human Services

## ***Procedures for Modifying Child Support Obligations: Review and Adjustment, Administrative Modification or Cost-of-Living Alteration***

### **INFORMATION ABOUT CHANGING CHILD SUPPORT AMOUNTS**

The Child Support Recovery Unit (CSRU) has three ways to change child support amounts under Iowa Code Chapter 252H. They are: Review and Adjustment (regular or abbreviated process), Administrative Modification, and Cost-of-Living Alteration.

You can ask for a change if there is a court order saying that:

- You have to pay child support.
- You are supposed to get child support payments.
- You have the right to get child support payments in the future.

To ask for a change, fill out the *Request to Modify a Child Support Order*. You can get this form from your local child support office, or from the Iowa Child Support website. If you give us the financial information on page 2 of the request form, we might be able to process your review more quickly using our abbreviated review process. The amount of current support may **go up, go down, or stay the same**. We **can't** change the amount of past due support. We may change or add medical support. Each parent may be named as a respondent as described in Iowa Code sections 252H.3A and 252B.5.

When you fill out and sign the form, you agree to get papers about this by mail. This is called accepting service. **You may have to pay a fee if we use certified mail or the sheriff or a process server to personally serve a party.**

Since the processes are a little different, we decide which one fits your situation.

**Iowa doesn't always have the right to change orders.** If we can't, we ask the state that does have the right to do so to change the order. You or the other party may have to pay any fees that the other state charges.

### **REVIEW AND ADJUSTMENT**

In deciding if we should review the order, first we look to see if **ALL** of the following are true:

- We are enforcing the order and Iowa is the only state that has the right to change the child support amount.
- It has been at least 24 months since the order was entered, the child support amount changed, or since a state said it could not change the child support amount, whichever is last. (We can look at a child support order before 24 months if we need to add medical support for the children.)
- The current child support amount ends more than 12 months in the future.

## ***Procedures for Modifying Child Support Obligations: Review and Adjustment, Administrative Modification or Cost-of-Living Alteration***

**ALL** of the above must be true, or we send a notice denying your request. The notice tells you why we denied it.

- ◆ If all of the above are true, we accept the request. We decide whether we can do the review using either our regular or abbreviated review process.
  - In the regular review process, we send a notice to tell you we will do a review (called the *Notice of Intent*). We ask each parent to fill out a financial statement, which we send with the notice.
  - In the abbreviated review process, we use the financial information you give us on the review request form and also gather information from other sources. We send each party a notice of decision and the child support calculation.
- ◆ We can send (serve) the first notice by regular mail, by certified mail, or by a process server.
- ◆ We take the financial information we get (either from you or from other sources) and we use the Iowa Supreme Court Guidelines to figure the support amount. We send a notice that tells you if we plan to ask the court to change the child support amount and medical support for the children. We may ask the court to order either parent to provide health insurance or to order the payor to pay a cash medical support amount.
- ◆ To change the child support, the current amount must be more than 20% different from the proposed new amount. Even if there isn't a 20% difference in the child support amount, we may still change the order to add medical support for the children. When we add medical support, we also change the child support amount.

We don't ask the court to change the order if:

- The child support amount is unchanged or doesn't meet the 20% variance, and
  - We don't need to add medical support for the children, and
  - No one asks for a second review or asks for a court hearing.
- ◆ If we tell you we plan to make a change and no one asks for a second review or asks for a court hearing, we get the order ready and ask the court to approve it. Once the court approves and files the order, it's final and has the same effect as if there were a court hearing. When the court orders a parent to pay support, that parent is also ordered to pay a share of uncovered medical expenses.

**NOTE:** If we do not have the home or work address of a parent or other party, we stop the process until we do.

### **ADMINISTRATIVE MODIFICATION**

In deciding if the order should be modified, first we look to see if at least **ONE** of the following is true:

- There is a change of 50% or more in a parent's net income when the change began at least three months ago and will last for another three months. If you or the other parent has a 50% change in **NET** income, you must attach proof of the income used to determine your child support obligation **and** proof of the new income. **IF YOU DON'T PROVIDE THE PROOF, WE MAY DENY YOUR REQUEST.**
- We need to add a child (born of the same parents) to the current support order, and paternity is legally established.
- The order set child support at zero, or reserved setting a dollar-amount of support for a reason; however conditions have changed.

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- An error was made in the child support amount or medical support provisions of the order when it was prepared or filed.
- The court lowered or waived the child support because the payor was a minor, and now the payor is no longer a minor, is no longer in school, or is not attending parenting classes.
- The order was for medical support only and now we need to add cash child support.

If **ONE** of the above is true, then **ALL** of the following must be true:

- We are enforcing the order and Iowa is the only state that has the right to change the child support amount.
- We know the address of all parties.
- The current child support amount ends more than 12 months in the future.

If **ANY** of the above items are not true, we send a notice denying your request. The notice tells you why we denied it.

- ◆ If we can go forward based on the above, we accept the request and send a notice about the process. We can send (serve) the notice by regular mail, by certified mail, or by process server. The notice explains the process. It asks both parents to fill out a financial statement, which we send with the notice.
- ◆ We take the financial information you send us and financial information from other state and federal agencies and we use the Iowa Supreme Court guidelines to figure the support amount. Then we send you a notice telling you if we plan to ask the court to change the child support amount or medical support. The court may order either parent to provide medical support.

We don't ask the court to change the order if:

- The child support amount is unchanged, and
  - No one asks for a conference or asks for a court hearing.
- ◆ If we need to make a change and no one asks for a court hearing, we get the order ready and ask the court to approve it. Once the court approves and files the order, it's final and has the same effect as if there were a court hearing. When the court orders a parent to pay support, that parent is also ordered to pay a share of uncovered medical expenses.

### **COST-OF-LIVING ALTERATION**

We use the COLA process if **ALL** of the following are true:

- ◆ We are enforcing the order and Iowa is the only state that has the right to change the child support amount.
- ◆ We know the address of both parents.
- ◆ The current child support amount ends more than 12 months in the future.
- ◆ It has been at least 24 months since the order was entered, the child support amount changed, or since a state said it could not change the child support amount, whichever is last.
- ◆ The child support order already includes medical support for the children.
- ◆ Both parents agree to the COLA by signing the COLA section on the request form.

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If **ANY** of the above are not true, we send a notice denying your request. The notice tells you the reason we denied it.

In the COLA process:

- We figure the new child support amount and send a notice to each parent.
- If no one challenges, we get the order ready and ask the court to approve it. Once the court approves and files the order, it's final and has the same effect as if there were a court hearing.

If a parent challenges and we accept it, we begin a review and adjustment. If we deny the challenge, we send a notice to that parent.

A COLA is different from a Review and Adjustment or an Administrative Modification. We don't use the Guidelines to figure the new child support amount. We apply the percentage change in the consumer price index (CPI) to the current support amount. This way the child support amount is the same as if we did a COLA each year.

**Note:** The federal Department of Labor, Bureau of Labor Statistics publishes the CPI in the *Federal Register*. We use their figures.

### **GENERAL INFORMATION**

If you ask to withdraw from the process, you may not be able to ask for another review for two years. However, we may still need to go forward with a modification if the other parent or caretaker wants it.

We look at child or medical support issues only. We do not look at other issues such as custody and visitation rights. You must go to court yourself to deal with those issues. We can't help you in such actions.

You may hire an attorney. If you hire an attorney, please tell our local child support office. We will talk directly with your attorney about your case. This protects the interests of all the people involved.

Our attorney represents the state of Iowa in all legal proceedings. This attorney does not represent either parent during any process or at court hearings. The attorney presents evidence to the court on behalf of the state.

This summary gives only basic information. During any of these processes, we will give you the information you need to guide you through the process. If you have questions, contact us.

- Call the child support information line at 1-888-229-9223 (toll free nationwide) for automated information, or
- Contact your local office.

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

It is the policy of the Iowa Department of Human Services (DHS) to provide equal treatment in employment and provision of services to applicants, employees, and clients without regard to race, color, national origin, sex, sexual orientation, gender identity, religion, age, disability, political belief, or veteran status.

If you feel DHS has discriminated against or harassed you, please send a letter detailing your complaint to:

Iowa Department of Human Services, Hoover Building, 5th Floor – Policy Bureau, 1305 E Walnut, Des Moines, IA 50319-0114 or via email [contactdhs@dhs.state.ia.us](mailto:contactdhs@dhs.state.ia.us).

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**LOCAL CSRU OFFICES IN THE STATE OF IOWA**

ANKENY CHILD SUPPORT RECOVERY UNIT  
(includes Foster Care Recovery Unit)  
1605 SE Delaware Ave Ste A  
Ankeny IA 50021-4595  
515-369-2800

BURLINGTON CHILD SUPPORT RECOVERY UNIT  
409 N 4<sup>th</sup> St  
PO Box 638  
Burlington IA 52601-0638  
319-753-6322

CARROLL CHILD SUPPORT RECOVERY UNIT  
625 N West St  
PO Box 937  
Carroll IA 51401-0937  
712-792-5691

CEDAR RAPIDS CHILD SUPPORT RECOVERY UNIT  
411 – 3<sup>rd</sup> St SE Ste 200  
Cedar Rapids IA 52401-1837  
319-398-3619

CLINTON CHILD SUPPORT RECOVERY UNIT  
121 6<sup>th</sup> Ave So  
PO Box 1175  
Clinton IA 52733-1175  
563-243-8237

COUNCIL BLUFFS CHILD SUPPORT RECOVERY UNIT  
300 W Broadway Ste 32  
Council Bluffs IA 51503-9030  
712-242-2358

CRESTON CHILD SUPPORT RECOVERY UNIT  
215 W Adams  
Creston IA 50801-3106  
641-782-5844

DAVENPORT CHILD SUPPORT RECOVERY UNIT  
3911 W Locust  
Davenport IA 52804-3021  
563-388-0409

DECORAH CHILD SUPPORT RECOVERY UNIT  
317 Washington St Ste 2  
Decorah IA 52101-1832  
563-382-2666

DES MOINES NORTH CHILD SUPPORT RECOVERY UNIT  
6200 Aurora Ave Ste 301E  
Urbandale IA 50322-2865  
515-369-2750

DES MOINES SOUTH CHILD SUPPORT RECOVERY UNIT  
525 SW 5<sup>th</sup> Street, Ste H  
Des Moines IA 50309-4501  
515-369-2860

DUBUQUE CHILD SUPPORT RECOVERY UNIT  
960 Main St  
PO Box 3068  
Dubuque IA 52004-3068  
563-557-7113

FORT DODGE CHILD SUPPORT RECOVERY UNIT  
330 1st Ave N  
Fort Dodge IA 50501-3718  
515-955-5464

GRIMES CHILD SUPPORT RECOVERY UNIT  
3560 SW Brookside Dr. Ste E  
Grimes IA 50111-5062  
515-369-2850

INDIANOLA CHILD SUPPORT RECOVERY UNIT  
1807 West 2<sup>nd</sup> Avenue  
Indianola IA 50125-2145  
515-962-5400

MARSHALLTOWN CHILD SUPPORT RECOVERY UNIT  
204 1/2 W State St  
Marshalltown IA 50158-5842  
641-753-6408

MASON CITY CHILD SUPPORT RECOVERY UNIT  
Mohawk Square  
22 N Georgia Ave Ste 13  
Mason City IA 50401-3435  
641-424-1147

OTTUMWA CHILD SUPPORT RECOVERY UNIT  
127 E Main Ste 100  
Ottumwa IA 52501-2951  
641-682-8802

PLEASANT HILL CHILD SUPPORT RECOVERY UNIT  
1300 Metro East Drive  
Suite 114  
Pleasant Hill IA 50327-8906  
515-261-5870

SIOUX CITY CHILD SUPPORT RECOVERY UNIT  
520 Nebraska St Ste 218  
Sioux City IA 51101-1315  
712-255-2749

SPENCER CHILD SUPPORT RECOVERY UNIT  
20 W 6th St Ste 200  
Spencer IA 51301-3907  
712-262-1412

WATERLOO CHILD SUPPORT RECOVERY UNIT  
501 Sycamore Ste 400  
Waterloo IA 50703-4651  
319-291-2646