

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

<p>_____ _____ _____ _____ _____ _____ _____ _____ _____ _____ Petitioner, vs. _____ _____ Respondent. <input type="checkbox"/> _____ _____ _____</p>	<p>NO. _____</p> <p>PROOF OF SERVICE OF NOTICE OF INTENT TO REVIEW AND ADJUST A CHILD SUPPORT OBLIGATION</p>
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The person signing below certifies that:

1. On the ____ day of _____, ____, Foster Care Recovery the Child Support Recovery Unit received a Request to Modify a Child Support Order from _____. Under Iowa Code section 252H.15 subsection 2, a parent asking for a review:



- a. waives the right to personal service of the notice of intent and
 - b. agrees to accept service by regular mail.
2. On the ____ day of _____, _____, Foster Care Recovery the Child Support Recovery Unit served a Notice of Intent to Review and Adjust a Child Support Obligation upon _____, who is: who is the payor the payee a third party in the above action. The Child Support Recovery Unit served the notice by first class mail by sending a copy by U.S. mail, postage prepaid, to the requestor's last known address verified by the Unit.

 Foster Care Recovery
 Child Support Recovery Unit

Telephone: _____
Date Prepared: _____



Notice of Intent to Review and Adjust a Child Support Obligation

Foster Care
 Child Support Recovery Unit
 Iowa Department of Human Services

Payor: _____ Payee/Caretaker: _____ <input type="checkbox"/> Third Party: _____ Child(ren): _____ _____ Case Number: _____ Date Prepared: _____	Resides In: _____ Resides In: _____ <input type="checkbox"/> Resides In: _____	Ongoing Orders with Current Support Due Docket Number: _____ State of Order: _____ _____ _____ _____ _____
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This is your legal notice of our intent to review and, if appropriate, ask the court to change your child support order(s). If you do not take action based on this notice, the court may adjust the order(s) reviewed without your input. You may choose to hire an attorney at your own expense. If you do, tell your attorney about getting this notice.

The reason for this review is to decide if the amount of your support order should be changed. The new amount is figured using the Child Support Guidelines (guidelines). We may recommend a change to the court if the amount set in the existing order is more than 20% different from the new amount. We may also recommend changing the order to add or change medical support.

This review and any changes in the order are limited to only child and medical support issues. We can't recommend changing other things in this review such as custody, visitation or the tax deduction for the child(ren).

Legal Authority. Within certain limits, Iowa courts have the authority to change the amount of support:

- Federal law (28 USC 1738B), and state law (Iowa Code chapter 252B, 252H, 252K, 598.21C, and 441 IAC 95, 98 & 99) define the authority.
- We will use the guidelines described in Iowa Code sections 598.21B and 252B.7A to determine the new amount of support to recommend to the court.
- Each parent may be named as a respondent as described in Iowa Code sections 252H.3A and 252B.5.
- The court may order either or both parents to provide medical support as described in Iowa Code chapter 252E.
- If there are orders for current support from more than one state, we ask the court to decide which order controls the ongoing support. We also ask the court which state has authority to change the order and ask that the amount of the arrearages under all orders be determined.
- The support order in this case was determined to be the controlling order by the State of _____, County of _____, Docket Number _____, by an order entered on _____, _____.

Orders to be Reviewed. As part of the review process, we ask the court to decide which support order controls ongoing support. Only the ongoing support order(s) that we've listed at the top will be considered. At this time, we are not aware of any other ongoing support orders that affect the same payor and the child(ren) listed above. It is very important that you tell us about any other ongoing support orders before this review process continues. We believe you and the other person reside in the state listed at the top. It is very important for you to tell us if the state listed is wrong and let us know the correct state.

- Important - Immediately contact us or your attorney, if:
1. You know or think there may be another ongoing support order that is not listed in this notice, but which concerns either party and the child(ren); or
 2. You think another person has received support from the payor for the child(ren).

If you know of other orders but do not tell us about them now, in the future, you may not be able to challenge the decision about which order is the controlling order.



Once the controlling order is decided, the other orders cannot be enforced for future support. However, past due amounts under those orders are still due. Payments on one support order will be credited against amounts due on other orders for the same child(ren) and the same time period.

What Happens Next. Based on whether a controlling order exists or Iowa has authority to change the controlling order, we do one of the following:

- End the review if there is no controlling order (no one lives in any of the states that issued orders). If the State of Iowa has the authority, we ask the court to establish a new support order. If the State of Iowa does not have the authority, and at the request of a necessary party, we refer the request to a state that may have the authority to enter a new order.
- End the review if there is a controlling order but the State of Iowa doesn't have the authority to change the order. Send the request to the state that may be able to do the review and, if appropriate, change the order under that state's law.
- Continue the review if there is a controlling order and the State of Iowa has the authority to adjust the controlling order. If necessary, we register an order entered by another state.
- If the review continues and there are multiple orders from different states, we may reconcile (or calculate) the total arrears amount owed by the payor under all existing orders. We list the arrears amount the payor owes in a *Computation of Reconciliation of Arrears (Computation)* that is attached to the *Notice of Decision*. It is each parent's responsibility to review this document to ensure it is accurate or to contest the accuracy. If we attach the *Computation* with the total arrears owed and you fail to tell us about other orders or otherwise challenge the computation, your right to later assert the *Computation* is not correct may be affected. Parents and, if applicable, a caretaker in this action may assert possible defenses to the calculated arrears amount, such as statute of limitations, laches, payments, or they may assert other reasons that the calculated arrears amount in the *Computation* is incorrect. Since the State of Iowa does not compute or collect interest that is not reduced to a judgment, interest will only be included in the *Computation* to the extent that it has been charged by another state or has been reduced to a judgment by a court order. Under Iowa Code section 252A.6(7), a support order does not supersede any previous order of support, but the amounts paid for a particular period pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. Under Iowa Code section 252K.209, amounts collected and credited for a particular period pursuant to an order issued by another state must be credited against amounts accruing or accrued for the same period under an order issued in this state.

Financial Statement. We need your financial information to figure the most accurate child support amount. If the current amount is more than 20% different from the proposed new amount, we ask the court to enter the new amount for ongoing support. We may also ask you to arrange for medical support for the child(ren) and pay your share of uncovered medical expenses.

Please fill out and send back the enclosed financial statement **no more than 10 days** after you get this notice. Send proof of your income and deductions, such as your pay stub. Tell us if you've had a change in net income, the date the change started, and why you believe the change will last for another three months.

If you do not send back the financial statement and proof of income, we may estimate your income or get it from other sources.

Medical Support. We plan to ask the court to order medical support under Iowa Code chapter 252E. We will look at your income and other facts you give us. Either or both parents may be ordered to provide it.

Medical support is either health care coverage or cash medical support. Health care coverage includes private health insurance plans (obtained through an employer or purchased privately) and public coverage (like Title 19 or *hawk-i*). We review each parent's financial information to determine what medical support to include in the order. There are several steps to identify the appropriate type of medical support. The requirement to include medical support in orders and the steps we use to determine the appropriate medical support are outlined in Iowa Code chapter 252E.

The law defines an accessible plan as one with no service area limitations, or if it has limitations, the dependent lives within 30 miles or 30 minutes of a network primary care provider. Both parents may consent to a plan if it doesn't meet the definition of accessible. The law defines reasonable cost as 5% or less of gross income. The parent ordered may consent to provide a plan that costs more.



Either parent may provide health care coverage through a stepparent. A parent may object to a stepparent providing a health benefit plan. If a parent objects for this reason in writing, the court will decide the issue based on what is equitable to the parties and children.

There are some exceptions to providing cash medical support as listed in Iowa Code chapter 252E:

- Due to the amount of the payor's net monthly income, a minimum order amount applies under the medical support table (see the child support guidelines);
- No health benefit plan is available and there is no income subject to income withholding;
- You have asked us to change the obligation through a cost-of-living alteration;
- The payor receives Family Investment Plan (FIP) assistance or Title 19, or lives with a child receiving FIP, Title 19, or *hawk-i*.

If the court ordered joint physical care (equally shared physical care), we may seek an order for medical support under Iowa Code chapter 252E.

Finishing the Review. When we finish the review, we mail a *Notice of Decision* with a worksheet showing the proposed new amount of support. ☐ If there are multiple orders from different states, the *Notice of Decision* lists which order controls the ongoing support obligation and includes a *Computation of Reconciliation of Arrears*. We send the notice to the last known addresses of the persons affected by the order, or their attorneys. If no one challenges the results within the time limit, we present an order with the recommended changes to the court for approval. If there are no changes, we end the review process.

Right to Challenge. Any person affected by the order can challenge the *Notice of Decision* by **asking in writing for a second review within 10 days or a court hearing within 15 days**. Sending us your financial information with proof of income IS NOT the same as challenging or asking for a hearing.

If you send us a written request for a second review on time, we send each person a notice by regular mail that we plan to do a second review. After we finish the second review, we mail a *Second Notice of Decision* to the last known address of each person, or each person's attorney.

If you don't like the results of the *Second Notice of Decision*, you may ask for a court hearing. Ask by writing to us and telling us why you are asking for a hearing. When we get your written request, we ask the court to set a time for a court hearing.

You must ask for a court hearing by **the latest of the following dates**:

- **Within 15 days** from the date of the *Notice of Decision* or the *Revised Notice of Decision*; or
- **Within 10 days** from the date of the *Second Notice of Decision*.

The court sets the hearing date and time and lets all persons affected by the order know the time and place. If you don't come to the hearing, the court may enter an order without your input.

If no one requests a court hearing within these time limits, we ask the court to enter the order changing the amount of support. We may try to collect through:

- Income withholding,
- Garnishment,
- Liens,
- Income tax setoff,
- Levy of accounts at financial institutions or
- Any other way to collect allowed by law, including sanctions of licenses and passports.

Waiver of Rights. You may decide you don't need to be personally served. You also may decide you don't need as much time as allowed for you to decide if you want to challenge the results. If we include a waiver of service with this notice, you may sign it to say you accept service of this notice by mail. If you sign the enclosed waiver of pre-review, you are saying that we can finish the review before the 15-day waiting period has passed.

CSRU Attorneys. Under state law, our attorney represents the interests of the State of Iowa. Our attorney does not represent any of the persons affected by the order.

You must tell us of any change in your address, so you can be sure to get notices.



If you have any questions about this notice or the review and adjustment process, you may visit or telephone us or talk to your attorney.

- Foster Care Recovery
- Child Support Recovery Unit

Telephone: _____

Copy to:

