



REVISED NOTICE OF DECISION TO REVIEW AND ADJUST
A CHILD SUPPORT OBLIGATION
COVER LETTER

Date: _____

To: _____

Case Number: _____

Docket Number: _____

County: _____

Payee: _____

Payor: _____

Third Party: _____

This revised notice is to tell you that Foster Care Recovery the Child Support Recovery Unit looked at your case to decide if your child support amount can be changed. Based on the request and the financial information we received, we can use a shortened process to review your child support order. We followed state law to decide if we should recommend a change. The attached revised notice and papers explain the results of the review.

If you have any questions about the notice or papers, please contact the office listed below.

- Foster Care Recovery
- Child Support Recovery Unit

Telephone: _____



Revised Notice of Decision to Review and Adjust a Support Obligation

Foster Care Recovery
 Child Support Recovery Unit
Iowa Department of Human Services

Payor: _____
Payee/Caretaker: _____
 Third Party: _____
Child(ren): _____

Date Prepared: _____

Docket Number: _____,

Case Number: _____

This is your legal notice that Foster Care Recovery the Child Support Recovery Unit finished the review of your child support amount. If you do not take action based on this revised 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, be sure to 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 guidelines amount and the difference is due to financial conditions that have lasted for at least 3 months and are expected to last for 3 more months. We may also recommend changing the order to add or change medical support.

This review and any change 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).

The results of the review are as follows:

- The current support amount differs from the new proposed amount by more than 20%. An adjustment is **appropriate**.
- The current support amount does not differ from the new proposed amount by more than 20%. An adjustment is **not appropriate**. Therefore, a reconciliation of arrears **will not be done** as part of this proceeding unless the adjustment of the obligation is heard by the court (See "Right to Challenge" below).
- An adjustment is **not appropriate** because there isn't a controlling support order. Therefore, a reconciliation of arrears **will not be done** as part of this proceeding unless the adjustment of the obligation is heard by the court (See "Right to Challenge" below).
- The current support amount differs from the new proposed amount by more than 20%. An adjustment is **appropriate**. An adjustment to add medical support is also **appropriate**.
- The current support amount does not differ from the new proposed amount by more than 20%. However, an adjustment to add medical support is **appropriate**.
- A reconciliation of arrears is **appropriate** in this modification.

We enclosed the following to explain our decision:

- A worksheet showing:
 - The new proposed support amount due according to the guidelines with a comparison to the current support amount.
 - The proposed medical support provisions and which party the court may order to provide medical support.
- The amount of reconciled arrears is \$_____ under orders listed in the *Computation of Reconciliation of Arrears (Computation)* attached to this *Revised Notice* as State's Exhibit A and incorporated herein by this reference.
- Other: _____

Medical Support. If we have said an adjustment is appropriate, we plan to ask the court to order medical support under Iowa Code chapter 252E. 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.

Basis of Decision.

Jurisdiction over the parties.

The payor’s state of residence at the time we issued the Notice of Intent to Review Notice of Decision was _____. Iowa has personal jurisdiction over the payor because the payor resides in Iowa. asked for this review and waives any contest to personal jurisdiction. is a party to the order(s) under review or the payor has acquiesced to personal jurisdiction of the State of Iowa. submitted to the jurisdiction of the State of Iowa by consent in a record.

The payee’s state of residence at the time we issued the Notice of Intent to Review Notice of Decision was _____. Iowa has personal jurisdiction over the payee because the payee resides in Iowa. asked for this review and waives any contest to personal jurisdiction. is a party to the order(s) under review or the payee has acquiesced to personal jurisdiction of the State of Iowa. submitted to the jurisdiction of the State Iowa by consent in a record.

The necessary third party’s state of residence at the time we issued the Notice of Intent to Review Notice of Decision was _____. Iowa has personal jurisdiction over the necessary third party because the necessary third party resides in Iowa. asked for this review and waives any contest to personal jurisdiction. is a party to the order(s) under review or the necessary third party has acquiesced to personal jurisdiction of the State of Iowa. submitted to the jurisdiction of the State of Iowa by consent in a record. The necessary third party may have an interest in the amount of support.

Child(ren) affected by the order.

The children affected by the ongoing support order(s) are:

| Affected Child’s Initials | Year of Birth | State of Residence ① | Period of Residence | Child’s Home State② | Child Currently Residing with: |
|---------------------------|---------------|-------------------------|---------------------|---------------------|--------------------------------|
| _____ | _____ | _____ | _____ through _____ | _____ | _____ |
| _____ | _____ | _____ | _____ through _____ | _____ | _____ |
| _____ | _____ | _____ | _____ through _____ | _____ | _____ |



| | | | | | |
|-------|-------|-------|---------|-------|-------|
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | through | _____ | _____ |
| | | | through | | |
| | | | through | | |

This was the child's state of residence at the time we issued the Notice of Intent to Review Notice of Decision. This is where the child lived for at least six consecutive months immediately before we filed a petition or comparable pleading for support. If the child is less than six months old, this is the state the child lived in since birth.

The child affected by the ongoing support order is:

| Affected Child's Initials | Year of Birth | State of Residence ① | Period of Residence | Child's Home State ② | Child Currently Residing with: |
|---------------------------|---------------|-------------------------|---------------------|-------------------------|--------------------------------|
| _____ | _____ | _____ | through | _____ | _____ |

This was the child's state of residence at the time we issued the Notice of Intent to Review Notice of Decision. This is where the child lived for at least six consecutive months immediately before we filed a petition or comparable pleading for support. If the child is less than six months old, this is the state the child lived in since birth.

The child affected by the ongoing support order is:

| Affected Child's Initials | Year of Birth | Child Currently Residing with: |
|---------------------------|---------------|--------------------------------|
| _____ | _____ | _____ |

The children affected by the ongoing support order(s) are:

| Affected Child's Initials | Year of Birth | Child Currently Residing with: |
|---------------------------|---------------|--------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

We looked at the following ongoing support order(s):

| Issuing State | Issuing County | Docket Number | File Stamped Date | Support Amount |
|---------------|----------------|---------------|-------------------|--------------------|
| _____ | _____ | _____ | _____ | \$ _____ per _____ |

At this time, we are not aware of any other ongoing support orders that concern either party and the child(ren) named above.

We looked at the following ongoing support orders to identify the controlling order(s):

| Issuing State | Issuing County | Docket Number | File Stamped Date | Support Amount |
|---------------|----------------|---------------|-------------------|--------------------|
| _____ | _____ | _____ | _____ | \$ _____ per _____ |
| _____ | _____ | _____ | _____ | \$ _____ per _____ |
| _____ | _____ | _____ | _____ | \$ _____ per _____ |
| _____ | _____ | _____ | _____ | \$ _____ per _____ |
| _____ | _____ | _____ | _____ | \$ _____ per _____ |

At this time, we are not aware of any other ongoing support orders that concern either party and the child(ren) named above.



Controlling Order.

Based on Iowa Code section 252K.207, the controlling ongoing support order is the _____ order entered in _____ County, Docket Number _____.

This order is controlling

because it is the only known ongoing support order in existence.

because it was issued by the only tribunal that has continuing, exclusive jurisdiction.

although more than one tribunal has continuing, exclusive jurisdiction, it was issued by a tribunal that has continuing, exclusive jurisdiction and is the home state of the child(ren).

because it was the most recent ongoing support order issued by a tribunal with continuing, exclusive jurisdiction, and neither _____, the home state of the child(ren) _____, nor _____, the home state of the child(ren) _____, has issued support orders.

Iowa Code section 252K.207 says the controlling ongoing support order is the Iowa order entered in _____ County, Docket Number _____, and the Iowa order entered in _____ County, Docket Number _____ , and the Iowa order entered in _____ County, Docket Number _____. Based on Iowa Code section 252A.6, no Iowa order supersedes (replaces) any previous Iowa order. All Iowa orders run concurrently and were reviewed together.

These orders are controlling because they were issued by the only tribunal that has continuing, exclusive jurisdiction

These orders are controlling because they were issued by the only tribunal that has issued orders.

Based on Iowa Code section 252K.207, the controlling ongoing support order for _____ is the _____ order entered in _____ County, Docket Number _____, and the controlling order for _____ is the _____ order entered in _____ County, Docket Number _____.

These orders are controlling because, although more than one tribunal has continuing, exclusive jurisdiction, these orders were issued in the children's respective home states by tribunals with continuing, exclusive jurisdiction.

However, Iowa can't assert authority over the order to adjust it. We will end this process and refer the case to another state that may have authority to adjust the order.

No support order is controlling. Although two or more tribunals have issued child support orders for the same payor and child(ren), none of them has continuing, exclusive jurisdiction to adjust a support order. Iowa Code chapter 252K and 28 USC section 1738B require a new support order be issued by a tribunal having authority over the parties. Therefore, we must end the process. However, Iowa does not have authority to enter a new support order. At the request of any party affected by the order, we will ask a state that may have authority over the parties to enter a new order.

No support order is controlling. Although two or more tribunals have issued child support orders for the same payor and child(ren), none of them has continuing, exclusive jurisdiction to adjust a support order. Iowa Code chapter 252K and 28 USC section 1738B require a new support order be issued by a tribunal having authority over the parties. Therefore, we must end the process. We will start to establish a new support order in Iowa.

Reconciliation of Arrears:

If there are multiple orders from different states, we may reconcile the total arrears amount owed by the payor. We have listed the arrears amount the payor owes in the *Computation of Reconciliation of Arrears (Computation)* attached to this *Revised Notice of Decision* as State's Exhibit A. It is each parent's responsibility to review this document to ensure it is accurate or to contest the accuracy. Since the State of Iowa does not compute or collect interest that is not reduced to a judgment, interest is only 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 and does not affect the right of the payee of support to pursue interest under the law. 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.



Any party may contest the accuracy of the amount of the arrearage in the *Computation* if the party believes the balance is incorrect, or the party may consult a private attorney. If we attach a *Computation* calculating arrears 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 is incorrect.

Right to Challenge: You May Ask for a Second Review. You have the right to challenge our decision if you disagree with:

- The decision to adjust the support order.
- The decision not to adjust the support order or reconcile arrears.
- The proposed amount of child support.
- The proposed medical support.
- Where we show the payor, payee and necessary third party reside.
- Which state(s) we show as the home state of the child(ren).
- Which order we show as controlling.
- Our decision that there is no controlling order.
- Our calculation of the amount of the arrearages and whether there are other orders or possible defenses affecting the arrearages.
- The decision that Iowa does or does not have authority to change the order.
- The decision that we looked at all ongoing support orders that concern either party and the child(ren) named above.

Only one second review is allowed, no matter which party asks. Let us know if there is an order we did not look at. Provide a copy of the order or other information, such as the order's date and the state and county where the order was entered. Send it with your request for a second review. You must tell us of any change in your address, so you can be sure to get notices.

Send us your written challenge. We must get it within 30 10 days of the date of this notice.

- List why you disagree with the decision.
- Send any information that supports your reasons.

If any person affected by the order challenges the decision, we may do a second review to consider any new information provided. After the second review, we will send another notice giving you the results.

Right to Challenge: You May Ask for a Court Hearing. You may also ask for a court hearing if you disagree with this decision.

If you want a court hearing, we must get a written request within 15 days of the date of this notice.

- List why you disagree with the decision.
- Send any information that supports your reasons.

If someone asks for a court hearing within the time frame, we will ask the court to set up a hearing and we will send documents to the court. The court sets the hearing date and lets all parties know the time and place of the hearing. If you don't come to the hearing, the court may enter the order without your input.

Your Rights and Responsibilities. If this revised notice says a change is appropriate and no one sends a written challenge or asks for a court hearing, we will ask the court to enter an order with the support amount shown in the attached worksheet and, if applicable, enter a judgment for arrearages. We will wait 30 15 days from the date of this revised notice before asking the court to enter an order unless everyone agrees to waive the 30 15-day waiting period.



If you have questions about this notice or the review and adjustment process, please contact the office listed in this notice, or contact your attorney. Under State law, our attorney represents the interests of the State. Our attorney does not represent any of the persons affected by the order.

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 chapters 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 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.

- Foster Care Recovery
- Child Support Recovery Unit

Telephone: _____

Copy to:

| | | |
|--------------------------------|--------------------------------|--------------------------------|
| _____ | _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
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