



Department of
HUMAN SERVICES

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

Date: _____

To:

Case #: _____

Docket Number: _____

County: _____

Payee: _____

Payor: _____

Third Party: _____

This second notice is to tell you that Foster Care Recovery the Child Support Recovery Unit received a challenge to the Notice of Decision Revised Notice of Decision. The attached second notice and papers explain the results of our second review.

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

Foster Care Recovery

Child Support Recovery Unit

Telephone: _____



Second 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): _____

Docket Number
_____,

Case Number:

Date Prepared: _____

Foster Care Recovery The Child Support Recovery Unit received a challenge to the *Notice of Decision* *Revised Notice of Decision* dated _____. The challenge was made by a person affected by the order. the _____ child support agency. This agency is also enforcing the support order.

Because of the challenge, we did a second review to decide if results in the earlier *Notice of Decision* *Revised Notice of Decision* were correct. Only one second review is allowed, no matter which party asks.

The results of this second review are as follows:

- The challenged notice IS CORRECT.
- The challenged notice IS AMENDED for the following reasons:

The challenge was withdrawn and the challenged notice remains in effect.

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 *Second Notice of Decision* as State's Exhibit A and incorporated herein by this reference.

Other: _____

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 of 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 State ②	Child Currently Residing with:
_____	_____	_____	_____ through _____	_____	_____
_____	_____	_____	_____ through _____	_____	_____
_____	_____	_____	_____ through _____	_____	_____
_____	_____	_____	_____ through _____	_____	_____
_____	_____	_____	_____ through _____	_____	_____

① This was the child's state of residence at the time we issued the Notice of Intent to Review Notice of Decision. ② 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 _____	_____	_____

① This was the child's state of residence at the time we issued the Notice of Intent to Review Notice of Decision. ② 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 order③:

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.

Right to Challenge: You May Ask for a Court Hearing. You have the right to ask for a court hearing if you disagree with the *Second Notice of Decision*.



If you want a court hearing, we must get a written request within 10 days of the date of this second notice or 30 15 days of the Notice of Decision Revised Notice of Decision, whichever is later.

- 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.

If this notice says that a change is appropriate and no one asks for a court hearing, we will ask the court to enter an order for the support shown in the attached worksheet and, if applicable, enter a judgment for arrearages.

If you have questions about this second notice or the review and adjustment process as provided in Iowa Code chapter 252H, please contact the office listed in this notice or contact your attorney. If you choose to have an attorney, it is at your own expense.

- Foster Care Recovery
- Child Support Recovery Unit

Telephone: _____

Copy to:

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

