

**Notice of Intent and Decision to Modify A Child Support
Obligation to Make A Cost-Of-Living Alteration**

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

Payor: _____ Payee/Caretaker: _____ <input type="checkbox"/> Third Party: _____ Child(ren): _____ _____ Case Number: _____	Resides In: _____ Resides In: _____ <input type="checkbox"/> Resides In: _____ Date Prepared: _____	Docket Number: _____ State of Order: _____ _____ _____
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At the request of _____, Foster Care Recovery the Child Support Recovery Unit intends to modify your support order(s) to reflect a cost-of-living alteration (COLA). This alteration affects you and the child(ren) named below and is calculated in accordance with Iowa Code Chapter 252H. You may choose to hire an attorney at your own expense. If you do, tell your attorney about getting this notice.

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 99) define the authority.
- 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 _____.

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 is the child's current state of residence. 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 is the child's current state of residence. 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:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Altering the Order(s). According to state law, we must mail a *Notice of Intent* for a COLA to each party's last known address. We issue this notice at least 30 days before asking the court to enter an order altering the child support obligation. However, we may present the order altering the obligation to the court sooner if the 30-day challenge period is waived by all parties affected by the order (see WAIVER OF RIGHTS).

After the order is entered, the modified amount is due on the next regular payment date according to the terms of the prior support order(s).

Orders to be Altered. As part of the COLA process, we ask the court to decide which support order controls ongoing support. Only ongoing support order(s) that appear in the chart below will be considered. At this time, we are not aware of any other ongoing support orders that concern either party and the children listed above. It is very important that you tell us about any other ongoing support orders before this COLA process continues. We believe you and the other person(s) reside in the states 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. We examine the controlling order's support amount and decide if a COLA is appropriate.

A COLA can be used to modify the support amount if **ALL** of the following conditions are met:

- (a) The order must be entered or registered in Iowa and subject to Iowa courts.
- (b) FCRU CSRU must be enforcing the order or Iowa is the only state that has the authority to modify the order.
- (c) FCRU CSRU must know the location of both parents subject to the support order.
- (d) It must be at least 24 months since the order was entered, the child support was modified, or determined not appropriate for adjustment, whichever occurred last.
- (e) The child support order must already address medical support for the child(ren). If it does not, the review and adjustment process must be used to add medical support provisions.
- (f) Both parents must agree to the COLA and show agreement by signing the appropriate section on the request form.

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 concerns either party and 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 a 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.

We intend to alter the controlling order if it is under the authority of Iowa Courts. We looked at the following ongoing support

orders to identify which order is controlling order .

Issuing State	Issuing County	Docket Number	File Stamped Date	Support Amount
_____	_____	_____	_____	\$ _____ per _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	_____	\$ _____ per _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	_____	\$ _____ per _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	_____	\$ _____ per _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	_____	\$ _____ per _____

③ At this time, we are not aware of any other ongoing support orders that concern either party and the child(ren) named above.

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 modification, if there is no controlling order (no one lives in any of the states that issued orders). If Iowa has the authority, we ask the court to establish a new support order. If 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 modification if there is a controlling order but Iowa doesn't have 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 modification if there is a controlling order and Iowa has the authority to adjust the controlling order. If necessary, we register an order entered by another state.
- If the modification 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 this *Notice* and marked as "Exhibit A". It is each parent's responsibility to review this document if attached 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.

The arrears amount calculated in the *Computation* will not prejudice the rights of the payee to pursue other interest amounts not specified in the *Computation* or other types of arrearages not specified in the *Computation*, including but not limited to past unreimbursed medical expenses, as allowed under law. We will request that issues relating to other types of arrearages and other accumulating interest be reserved.

NOTICE

The payor's state of residence is _____. Iowa has personal jurisdiction over the payor because the payor resides in Iowa. requested this modification 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 is _____. Iowa has personal jurisdiction over the payee because the payee resides in Iowa. requested this modification 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 is _____. The Unit has personal jurisdiction over the necessary third party because the necessary third party resides in Iowa. requested this modification and waives an 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. This person may have an interest in the amount of support.

There are support orders issued by more than one state, and a request for alteration has been made. We first identified a controlling order. Only the controlling support order can be altered.

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.
- 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).
- It was the most recent ongoing support order issued by a tribunal with continuing, exclusive jurisdiction, and _____, the current home state of the child(ren) has not issued a support order.

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 _____, on _____, and the Iowa order entered in _____ County, Docket Number _____, on _____. , and the Iowa order entered in _____ County, Docket Number _____, on _____. 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 _____, on _____, and the controlling order for _____ is the _____ order entered in _____ County, Docket Number _____, on _____. 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.

We intend to ask the court to alter the controlling support order. If you do not contest this action, we will file an administrative order altering the support obligation(s). If you want to get legal advice, contact a private attorney when you get this *Notice*.

The table below shows the current obligation(s) of the controlling order(s) and the amount(s) after we modify them. The new amount includes the percentage change of the consumer price index for all urban consumers, United States city average (as published in the Federal Register by the United States Department of Labor, Bureau of Labor Statistics).

We intend to alter the following ongoing support orders order to reflect a COLA:

State	County	Court Order Number	Order Date	Current Amount	Proposed Amount
—	—	—	—	\$ _____	\$ _____
—	—	—	—	\$ _____	\$ _____
—	—	—	—	\$ _____	\$ _____

Effect of the Order. Once the district court approves the administrative order, it has the same force, effect, and attributes of a district court order.

Challenging this COLA Action. Any person affected by the order has the right to challenge this action within 30 days of the date of this Notice. According to 252H.13, to challenge you must ask for your order to be figured by using the child support guidelines. This is called a review and adjustment. **Send your written request for a review and adjustment to the office that issued this notice.**

If someone requests a review and adjustment within the time frame, we will stop the COLA action and begin the review and adjustment process.

Waiver of Rights. You may waive your right to the 30-day challenge period by signing the attached waiver. If all parties affected by the order agree to waive the challenge period, we will ask the court to enter an order altering the child support obligation before the end of the 30 days.

Right to Request Future COLA Modifications or Review and Adjustment Actions. Once the COLA is in effect (the altered order has been entered) neither party may request another COLA or a review and adjustment for two years. For more information about your right to request a review and adjustment, please contact the office listed below.

FCRU CSRU Attorneys. Under state law, our attorney represents the interests of the state. 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 COLA process, you may visit or telephone us or talk to your attorney.

- FOSTER CARE RECOVERY
- CHILD SUPPORT RECOVERY UNIT

Telephone: _____

Copy to:

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

REQUEST AND WAIVER TO 30-DAY CHALLENGE PERIOD FOR FILING AN ADMINISTRATIVE ORDER FOR A COST-OF-LIVING ALTERATION

By my signature below, I agree to waive the 30-day challenge period for contesting a proposed cost-of-living alteration as specified in IAC Chapter 441-99.86(3). This allows FCRU CSRU to immediately file an Administrative Order for Modification of Child Support Obligation. FCRU CSRU may immediately file an Administrative Order for Modification of a Child Support Obligation if all parties to the order waive the 30-day challenge period. The signed statements of the parties waiving the challenge period will be filed in the court record with the order altering the support obligation.

Dated this _____ day of _____, _____.

Signed

Location: _____

Time: _____

Relationship to child(ren) _____

Check the one that applies: Payor
 Payee
 Third Party

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____.

Notary Public In and For the State of _____