



Department of
HUMAN SERVICES

**NOTICE OF DECISION TO MODIFY A CHILD SUPPORT OBLIGATION
COVER LETTER**

Date: _____

To:

Case Number: _____

Docket Number: _____

County: _____

Payee: _____

Payor: _____

Third Party: _____

This notice is to tell you that Foster Care Recovery the Child Support Recovery Unit looked at your case to decide if your child support should be modified. We followed state law to decide if an administrative modification should be done. The attached 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: _____

Notice of Decision to Modify a Child Support Obligation

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

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

Docket No. _____

CSC No. _____

This is your legal notice that Foster Care Recovery the Child Support Recovery Unit has completed the review of your child support amount. If you do not take action based on this notice, the court may adjust your order(s) 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). A modification is appropriate if the review shows one or more of the following:

- (a) There has been a change of 50% or more in one of the parent's net income. The change must be due to financial circumstances that have existed for at least three months and can be reasonably expected to continue for at least an additional three months.
- (b) A child(ren), born of the same parents, needs to be added to the current support order and paternity is legally established.
- (c) The order set child support at zero or reserved setting a dollar-amount of support for a stated reason. The reason no longer exists.
- (d) The order is for medical support provisions only. It did not set a dollar amount of child support. Circumstances have changed and child support should be ordered.
- (e) There was an error or omission in the child support amount and/or medical support provisions of the order when the order was prepared or filed.
- (f) The non-custodial parent was a minor, and the support obligation was reduced or waived. The non-custodial parent is no longer a minor, is no longer in school, or has not attended parenting classes.

The results of the review are as follows:

We determined that an administrative modification was **not appropriate** because none of the criteria for an administrative modification were met. We will not take further action to modify the order at this time and 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).

There has been a substantial change in the financial circumstances of _____ in that his/her net income has changed by at least 50 percent and that change is due to financial circumstances that have existed for at least three months and can be reasonably expected to continue for at least an additional three months. A modification is **appropriate**.

A modification is **appropriate**. The following child(ren) for whom _____ is financially responsible should be added to the support obligation:

Child's Initials	Year of Birth
_____	_____
_____	_____
_____	_____

The dollar amount of the support obligation was previously reserved or set at zero; however, circumstances have changed and support should be ordered. A modification is **appropriate**.

The dollar amount of the child support obligation was not previously set. The order is for medical support provisions only; however, circumstances have changed and child support should be ordered. A modification is **appropriate**.

- An error or omission in child support and/or medical support provisions was made when the order was prepared or filed. A modification is **appropriate**.
- At the time the order was entered, _____ was a minor, and consequently the support obligation was reduced or waived. Since that time, circumstances have changed in that:
 - _____ is no longer a minor. A modification is **appropriate**.
 - _____ is not complying with requirements to attend parenting classes. A modification is **appropriate**.
 - _____ is not complying with educational requirements. A modification is **appropriate**.
- A reconciliation of arrears is **appropriate** in this modification.

We intend to add medical support provisions when they are not currently contained in the order. 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.

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

Basis of Decision.

Jurisdiction over the parties.

The payor’s state of residence at the time we issued the Notice of Intent 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 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 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. 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. 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 order ③:

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 modify 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 the *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 the *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 Court Hearing. You have the right to ask for a court hearing if you disagree with this decision.

If you ask for a court hearing, we must get a written request within 10 days of the date of this notice.

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

If you ask 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 notice says that support should be modified and no one provides new or different information that affects the outcome of this decision or sends a written request for a court hearing, we will ask the court to enter an order modifying the controlling order, and if applicable, enter a judgment for arrearages. Normally, there is only one controlling order per child. However, there will be more than one controlling order if your case contains more than one Iowa order and the Iowa orders are determined to control. We will wait 10 days from the date of this notice before asking the court to enter an order unless everyone agrees to waive the 10-day waiting period.

If you have questions about this notice or the modification process as provided in Iowa Code chapter 252H, please contact the office listed in this notice. Under state law, our attorney represents the interest of the State of Iowa. Our attorney does not represent any of the persons affected by the order.

- FOSTER CARE RECOVERY
- CHILD SUPPORT RECOVERY UNIT

Telephone: _____

Copy to:

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