

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.19, subsection 2, a parent asking for a modification:

- 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 Modify a Child Support Obligation* upon _____, who is the payor. the payee. a third party in the above action. We served notice using first class mail by sending a copy U.S. mail, postage prepaid, to the requestor's last known address verified by the unit.

 FOSTER CARE RECOVERY UNIT
 CHILD SUPPORT RECOVERY UNIT

Telephone: _____

Date Prepared: _____

Notice of Intent To Modify A Child Support Obligation

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

Payor: _____ <input type="checkbox"/> Payee/Caretaker: _____ <input type="checkbox"/> Third Party: _____ Child(ren): _____ Date Prepared: _____	Docket Number: _____ <input type="checkbox"/> _____ CSC Number: _____
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This is your legal notice of our intent to modify your child support order(s). If you do not take action based on this notice, the court may modify the order(s) 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 administrative modification is to decide if your support order should be changed. The new amount is figured using the Child Support Guidelines (guidelines). An administrative modification of a support obligation is appropriate when any of the following circumstances exist:

- (a) There has been a substantial 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 (such as health insurance). 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, so child support 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 Foster Care Child Support Recovery Unit intends to review the child support order(s) to which you are subject and modify the controlling order. This review and any resulting change in the order are limited to only those issues directly related to child and medical support issues. We can't recommend changing other things in this review such as custody, visitation or tax deduction for the child(ren). We intend to modify the current support order because:

- The dollar amount of the support obligation was previously reserved or set at zero; however, circumstances have changed and support should be ordered.
- 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.
- 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.
- The following child(ren) for whom _____ is financially responsible need to be added to the support obligation:

Child's Name

Date of Birth

- An error or omission in child support or medical support provisions was made when the order was prepared or filed: _____.
- At the time the order was entered, _____ was a minor, so child support was reduced or waived. Since that time, circumstances have changed in that:
 - _____ is no longer a minor.
 - _____ is not complying with requirements that s/he attend parenting classes.
 - _____ is not complying with educational requirements.

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.
- 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 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 Modified. As part of the modification process, we ask the court to decide which support order controls ongoing support. Only 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 children listed above. It is very important that you tell us about any other ongoing support orders before this modification process continues. We believe you and the other person(s) reside in the state listed at the top. It is very important for you to tell us if that state 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, the past due amounts under those orders are still due and enforceable. 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 modification, 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 modification if there is a controlling order but the State of Iowa doesn't have authority to change the order. We 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 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. We will review the information and decide if a modification is appropriate. 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 a pay stub. Tell us if you have 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 Modification. 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* will list which order controls the ongoing support obligation and will include 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 change to the court for approval. If there is no change, we end the modification process.

Right to Request a Conference or Court Hearing. Any person affected by the order can ask for a conference *within 10 days from the date this notice was served*. Sending us your financial information IS NOT the same as requesting a conference. **The request must be sent to the office that issued this notice.**

If a person subject to the order requests a conference on time, we will schedule a conference and notify the party of the date, time, place, and procedures of the conference.

Any necessary party may challenge either the *Notice of Intent* or *Notice of Decision* by sending a written request for a court hearing to the office listed below. We may also challenge the notices. The request must be made within the latest of the following dates:

- **Within 20 days** from the date the *Notice of Intent* was served;
- **Within 10 days** from the date a conference was held; or
- **Within 10 days** from the date of the *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 do not 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 will ask the court to enter an 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 you did not request a modification, and you sign the enclosed waiver of service, you are saying that you'll accept service of this notice by mail. If you sign the enclosed waiver of pre-decision waiting period, you are saying that we can finish the modification before the 10-day waiting period has passed. You also waive your right to request a conference within 10 days by signing the enclosed waiver of pre-decision.

FCRU **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 administrative modification process, you may visit or telephone us or talk to your attorney.

- FOSTER CARE RECOVERY UNIT
- CHILD SUPPORT RECOVERY UNIT

Telephone: _____

Copy to: _____ _____ _____
