

<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Petitioner,</p> <p>vs.</p> <p>_____</p> <p>_____</p> <p>Respondent.</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>No. _____</p> <p>Motion to Disallow Offset</p>
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COMES NOW the State of Iowa, Child Support Services (CSS), by and through the undersigned attorney, and states the following to the Court in support of its motion:

1. The Court has subject matter jurisdiction and jurisdiction of the parties.
2. The _____ order was entered in _____ County on _____. The order gives split / divided physical care of the children to the parties as indicated below:

Child's Initials	Parent's Name

_____ was ordered to pay child support of \$_____ per month for the child(ren) in the physical care of _____. _____ was ordered to pay child support of \$_____ per month for the child(ren) in the physical care of _____. The support obligations were offset and _____ was ordered to pay the net difference of \$_____ per month. [Split /divided physical care example]

- The _____ order was entered in _____ County on _____. The order gives the parties joint (equally shared) physical care of the following children:

Child's Initials

_____ was ordered to pay child support of \$_____ per month.
_____ was ordered to pay child support of \$_____ per month. The support obligations were offset and _____ was ordered to pay the net difference of \$_____ per month. [Joint (equally shared) physical care example]

- 3. _____'s child support has been assigned to the State as FIP or foster care is being provided to the following child(ren):

Child's Initials

See Iowa Code section 239B.6 and 234.39(3). Since the child support for those children is now assigned to the State of Iowa, the State is a party to this action.

The offset payment provision is not appropriate since the child support has been assigned to the State. See *State ex rel., Heidick v. Balch*, 533 N.W.2d 209 (Iowa 1995).

WHEREFORE, the State of Iowa respectfully requests:

- 1. The Court enter an order disallowing the offset payment provision.
- 2. The Court require the parents to pay the child support amounts before the offset payment provision. Specifically, _____ be required to pay \$_____ per month to CSC# _____ and _____ be required to pay \$_____ per month to CSC#_____. These amounts are due effective on the first date that the next support payment is due according to the terms of the prior support order and continue monthly thereafter.
- 3. All payments ordered shall be payable to the COLLECTION SERVICES CENTER, P.O. BOX 9125, DES MOINES, IOWA 50306-9125, AND IN NO OTHER MANNER. Each payment must identify both parents and/or caretaker. Any payment not sent to the Collection Services Center is considered a gift and will not be credited to the support ordered.

Phone:

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E-mail:

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