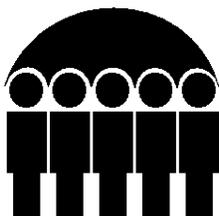


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Employees' Manual  
Title 10  
Chapter S

# **SUSPENSION AND SATISFACTION OF SUPPORT**



Iowa  
Department  
of  
Human Services

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## **OVERVIEW**

This chapter describes two expedited processes available through the Child Support Recovery Unit (CSRU):

- ◆ Suspension of current support
- ◆ Satisfaction of delinquent support

To understand the suspension process, you must become familiar with the following topics:

- ◆ Which support orders are eligible for suspension,
- ◆ What circumstances furnish a proper basis for suspension,
- ◆ What constitutes a complete and qualified request for suspension, and
- ◆ Who must sign the suspension forms.

A family receiving child support enforcement services may qualify for assistance to suspend an ongoing obligation if:

- ◆ The parents either reconcile and are living with all of the children under the support order, or
- ◆ All of the children under the support order go to live with the parent ordered to pay support, the family.

The obligee may “satisfy” or forever forfeit rights to arrears due the obligee through the satisfaction process. Once CSRU files an order satisfying support, the obligee forfeits the past due support forever.

If the parties request suspension services and CSRU files a temporary suspension order, the accrual of current support stops for six months. If the circumstances that were the basis for suspension do not continue for six months, a necessary party can request reinstatement of support.

If CSRU receives and accepts a request for reinstatement, current support starts to accrue again. However, any arrears satisfied are permanently satisfied and unaffected by reinstatement of current support.

If CSRU does not request reinstatement within six months of the filed date of the suspension order, the order becomes final by operation of law and terminates the support obligation. CSRU may ask the court to reinstate the accruing support order if:

- ◆ Either parent or other person with physical custody makes application for reinstatement,
- ◆ The parent or person with physical custody of the affected children receives public assistance benefits on behalf of the affected children, provided the person owing support is not considered a member of the same household as the children for the purpose of public assistance eligibility.

### **Suspension Process**

**Legal reference:** Iowa Code section 252B.20  
441 IAC 99.102(252B), 99.103(252B), 99.104(252B)

Iowa law gives families a process for suspending current support obligations created by certain orders. The following section describes an expedited process available through CSRU for the suspension of current support.

If a family receives CSRU services and experiences household changes that eliminate the need for support, the family may qualify for suspension of the obligation. CSRU has developed a suspension process in response to common family changes. Conditions for suspending an obligation include:

- ◆ Children affected by the order live with their reconciled parents, or
  - ◆ The children covered by the order go to live with the obligor,
  - ◆ The new living arrangement involves all of the children covered by the order, and
  - ◆ The family reasonably expects the living arrangement to last at least six months.
- Temporary changes, such as summer vacations, are not grounds for suspension.

The suspension process begins when CSRU receives a complete and qualified form 470-3033, *Request to Suspend Support*, from each necessary party (the obligor, the obligee, and any assignee).

Once you determine that the circumstances of the case qualify for suspension services and Iowa has jurisdiction to suspend the current support orders, prepare form 470-3032, *Affidavit Regarding Suspension of Support*, and send it to the party requesting suspension services.

That party must get the required signatures from all necessary parties other than the representative of the state, if the state is a necessary party. When the parties return the *Affidavit Regarding Suspension of Support* with notarized signatures, sign it if the state is assigned current support. Then send form 470-3080, *Notice of Decision to Suspend Support Order*, to inform the parties if the request is accepted or denied.

If on form 470-3033, *Request to Suspend Support*, the obligee or assignee indicates an interest in satisfaction of support, send form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*, to the obligee or assignee at the same time you send the *Affidavit Regarding Suspension of Support*. Don't send the *Request and Affidavit to Satisfy Delinquent Child Support* to the obligor.

After you accept a suspension request, prepare an order suspending support. Follow local procedures to submit the order and notarized affidavit to the district court. When you make entries to ICAR to record the suspension, enforcement of the current support obligations stops.

The order suspending support is a temporary order until it has been on file for more than six months. At that time, the order becomes final by operation of law and terminates the support obligations contained in the support order.

If a family's household changes within six months after the entry of the order suspending support, the support order may be reinstated. Refer to chapter 10-T, **REINSTATEMENT OF SUPPORT**.

If you return the request because the request forms lack necessary information, the family can add the information and resubmit the forms. If you deny a family's request because it does not meet the eligibility criteria, the family cannot reapply for suspension services from CSRU for two years. Denial of a request for suspension is not subject to appeal or review under Iowa Code Chapter 17A.

The suspension order does not suspend any arrears due on the case. A related process for the satisfaction of delinquent support is addressed in the last half of this chapter. For additional information on the satisfaction process, see **Satisfaction of Suspended Obligations**.

The statute does not limit the rights of parents or CSRU to pursue other means to suspend, terminate, modify, reinstate, or establish obligations or enforce and collect arrears.

**Definition of Terms**

An *assignee* is a person or entity, other than the support obligee named in the original order having the right to receive current support payments for a child. This person or entity's right to receive current support must have been created in a support order or redirection order. As circumstances change, support may revert to the original obligee without further court action. This includes caretaker and foster care cases.

A *necessary party* is a person who has a legal duty to pay or a right to receive child support under a support order. Necessary parties include all persons with a current obligation to pay and anyone or any state with a current or future right to receive support under the order.

*Reconciled parents* are parents who were separated and are currently reconciled and living at the same address with all children entitled to support under the order to be suspended.

*Reconciliation* includes the following situations:

- ◆ The obligor and obligee parents are unmarried, but live together with all of their children entitled to support under one or more paternity or support orders.
- ◆ The obligor and obligee parents marry each other for the first time after the birth of their children entitled to support under a paternity or support order.
- ◆ The obligor and obligee parents remarry each other and live with all of their children entitled to support under an order other than their divorce decree.
- ◆ The obligor and obligee parents divorce each other, do not remarry, but live with all of their children entitled to support under the dissolution decree or any other support order.
- ◆ The obligor and obligee parents are married and live together with all of their children entitled to support under one or more support orders issued during a period of separation.

**List of Actions and Forms**

Most of the actions taken in the suspension process involve generating a form. Access the list of suspension forms through FORMOSEL using the process code of SUSPD.

<b><u>Action</u></b>	<b><u>Form Number</u></b>	<b><u>Form Name</u></b>
Prepare and send a request form to each party	470-3033	<i>Request to Suspend Support</i>
Prepare and send affidavit for suspension	470-3032	<i>Affidavit Regarding Suspension of Support</i>
Acknowledge request to suspend	470-3080	<i>Notice of Decision to Suspend Support Order</i>
Prepare order suspending support	470-3081	<i>Order Suspending Support</i>

**Satisfaction of Suspended Obligations**

**Legal reference:** Iowa Code sections 252B.3 and 252B.20  
441 IAC 99.4(234,252B)

Iowa law gives families an expedited alternative for satisfying delinquent child support when an Iowa order is suspended. CSRU assists the family in satisfying some or all of any delinquent child support from the suspended Iowa order at the request of the obligee or assignee.

CSRU can either start the satisfaction process at the same time as CSRU sends out form 470-3032, *Affidavit Regarding Suspension of Support*, or CSRU can begin the satisfaction process anytime after the suspension order is filed.

CSRU notifies the party due the arrears about the satisfaction process by sending form 470-3033, *Request to Suspend Support*, with the suspension packet. Unless the obligor inquires about a satisfaction, CSRU does not send the obligor a notice about satisfaction until the satisfaction has been approved.

If CSRU accepts a satisfaction request from the obligee, CSRU prepares an order to satisfy support. CSRU submits the order and corresponding notarized affidavit to the district court. After the satisfaction order is filed, CSRU stops collecting the delinquent support debt satisfied by the obligee or assignee. However, CSRU continues to collect any and all delinquent monies due the state of Iowa or any other agency or individual.

The order satisfying support is effective as of the date the satisfaction order is filed with the clerk of court. The satisfaction is permanent and may not be reversed, even if the suspended order is reinstated.

Iowa Code Section 252B.20 does not limit the rights of parents or CSRU to pursue other means to suspend, terminate, modify, reinstate, or establish support obligations, nor from enforcing and collecting support arrears.

**List of Satisfaction Actions and Forms**

Most actions taken during the satisfaction process involve generating a form. Access the satisfaction forms through the FORMLIST screen using the process code of DIST.

<b><u>Action</u></b>	<b><u>Form Number</u></b>	<b><u>Form Name</u></b>
Prepare satisfaction packet and send to <u>obligee, assignee, or both</u>	470-3545	<i>Instructions for Satisfying Delinquent Child Support</i>
	470-3546	<i>Request and Affidavit to Satisfy Delinquent Child Support</i>
Acknowledge request to satisfy and, if approved, inform obligor of satisfaction	470-3547	<i>Notice of Decision to Satisfy Delinquent Child Support</i>
Prepare order satisfying support	470-3548	<i>Order Relating to Satisfaction of Child Support Obligation</i>

## **RESPONDING TO AN INITIAL SUSPENSION INQUIRY**

**Legal reference:** Iowa Code section 252B.20  
441 IAC 99.102(252B), 99.103(252B), 99.104(252B)

People may become aware of suspension services offered by CSRU in several ways. Suspension is listed as a service on form 470-0188, *Application for Nonassistance Support Services*, and on form 470-1981, *Notice of Continued Support Services*. Refer to chapter 9-G, **ACCEPTING APPLICATIONS**, for more information on these forms.

Initial inquiries about the suspension service may come to CSRU by mail, telephone, or in person. If you receive an inquiry about suspension and satisfaction services, try to determine if the person making the inquiry is eligible to make a request and if the circumstances of the case qualify for suspension services.

### **Basis for Suspension**

**Legal reference:** Iowa Code sections 252B.20(1)(a), (b), (d), and (e)  
441 IAC 99.103(1), (2), (3), (4), and (5)

If CSRU is providing IV-D services to a family by enforcing current support under an order entered or registered in Iowa, the suspension process is available to persons who request it and otherwise qualify. Only necessary parties are eligible to request suspension services. These include all parties with a legal duty to pay or a legal right to receive child support under the support order.

If a party requests suspension services for an order not currently being enforced by CSRU and the court order appears to be eligible for suspension, send form 470-1988, *Application for Nonassistance Support Services* (NPA), and form 470-3033, *Request to Suspend Support*, to the requesting party.

When the requesting party returns the *Application for Nonassistance Support Services* and pays the fee, send a *Request to Suspend Support* to the other party.

The case may qualify for suspension services on either basis for suspension explained below.

**◆ Reconciliation**

“Reconciled parents” or “reconciliation” means the parents live in the same residence with each other and all children entitled to support under the order to be suspended live with the reconciled parents. See **Definition of Terms** for the circumstances that constitute reconciliation.

Reconciliation is not the proper suspension basis when the obligor and a non-obligee parent live together in the same residence with all of their children affected by a support order. Instead, use the following basis for suspension.

**◆ Change of Residency**

A family is eligible for suspension when all of the children for whom support is ordered live with the parent ordered to pay support.

**Eligibility Criteria**

If the circumstances of the case meet all of the following criteria, check to make sure that CSRU did not receive a qualified, complete request during the preceding two years. Statute imposes a two-year bar on resubmitting suspension requests. Gauge the two years from the date CSRU last denied or accepted a request but did not file an order.

If CSRU received a qualified, complete request during the preceding two years for the same orders and the suspension was denied, withdrawn, or reinstated, inform the requestor of the two-year time limitation for suspension services.

If the requestor continues to persist with the request with full knowledge that the request will be denied and further extend the time limitation before they will be eligible for suspension services, proceed to collect necessary information from the requestor.

**Note:** For an exception to the two-year limit, see **Basis for Suspension Changes**.

**All of the Affected Children**

CSRU provides the suspension service only if all children entitled to current support are affected by the basis for suspension. Do not use the suspension process to suspend a portion of the support obligation if the basis for suspension applies to some, but not all, of the children entitled to support under the order.

If only some of the children affected by a support order live either with their reconciled parents or with the obligor, the obligor and obligee may take other action through a private attorney to change the support obligation.

### **Duration of Conditions**

The obligor and obligee must reasonably expect their suspension basis to continue for not less than six months from the date that CSRU receives the suspension request. A child's temporary presence in the obligor's home, created by events such as summer visitation, a vacation period or temporary illness does not satisfy this requirement.

### **Necessary Parties Consent to Suspend**

**Legal reference:** Iowa Code section 252B.20(1)(c)  
441 IAC 99.104(1)

Necessary parties include all parties who have a legal duty to pay or a current or future legal right to receive child support under a support order. Necessary parties may include the obligor, the obligee, the redirection obligee, the assignee, and a state agency. All necessary parties must consent to the suspension of the order. This consent must be expressed in an affidavit that:

- ◆ Attests to the basis for the suspension, and
- ◆ Bears the notarized signature of all necessary parties.

A request is not complete unless CSRU also receives form 470-3033, *Request to Suspend Support*, signed by all necessary parties. The request form must contain the basis for suspension and the names of the children who live in the obligor's household.

If there is more than one assignee or redirection obligee, all must sign the request form and the affidavit. An "other obligee" or "redirection obligee" is a person who currently has physical custody of a child. The person's right to receive support must have been created in a support order or redirection order. If their right to receive child support is not contained in an existing order, the person should not sign the forms.

**Note:** The person named on the PAYEE screen may not be the only person, other than the obligor, who must sign the forms. While a redirection obligee, such as a caretaker, may be receiving support at this time, the right to receive support could return to the obligee under conditions named in a redirection order.

The obligee and the caretaker must both sign if the redirection order says the caretaker has the right to receive ongoing child support, but the obligee will receive child support if the children return to the obligee's home.

### **Children Receiving Public Assistance**

The suspension process is not available for families whose children receive public assistance unless the obligor is considered a member of the household for public assistance eligibility purposes.

### **Collecting Information**

Ask the party who requests suspension services enough case-specific questions to determine which orders could qualify for suspension. Unless you collect enough information to know which support orders should be suspended, you cannot adequately prepare the request forms.

By collecting the appropriate information, you can make an initial determination if the court order is a likely candidate for suspension services. If you do not make this initial determination, the parties may make a request for suspension that will get denied and they will be subject to the two-year bar.

While some children are affected by only one enforceable order for ongoing support, other children are affected by multiple orders. All enforceable orders for ongoing support must be suspended if the orders name the same obligor and obligee and if:

- ◆ All children named in the order live with the reconciled obligor and obligee, or
- ◆ All children named in the order live with only the obligor.

Unless all ongoing obligations are suspended, CSRU continues to enforce the largest support obligation of any remaining orders.

Find out if the obligor has returned to the child's home, or if the child has left a public assistance household to live with the obligor, or if the children affected by the support order receive Family Investment Program (FIP) or Medicaid-only benefits.

Narrate that you received a suspension inquiry and what information was collected.

### **Notify Income Maintenance**

You may get an inquiry about the suspension process for children who receive FIP or Medicaid-only benefits at the same time as:

- ◆ The obligor reconciles with the obligee and becomes part of the public assistance household.
- ◆ The children entitled to support leave a public assistance household to reside with the obligor.

If the children affected by the support order receive FIP or Medicaid benefits, tell the person who inquires about suspension to report household membership changes to the DHS office responsible for the public assistance case. Income maintenance (the IM worker ) considers a report timely if it is made no later than ten days after the change has occurred. If the person does not report the change, you cannot complete the suspension process.

Report suspension requests to the IM worker assigned to the public assistance case no later than five working days after you receive the inquiry. Use e-mail to report the inquiry.

Report either of the two types of changes that have occurred: a reconciliation has taken place and the obligor has entered the public assistance household, or eligible children have left the public assistance household to reside with the obligor. Do not report inquiries in which the inquiring party just wants to know how the suspension process works in case things change in the future.

If you get a suspension request from a family whose child receives public assistance in Iowa or from another state, pend the request and send form 470-3080, *Notice of Decision to Suspend Support Order*, to the parties. When the IM worker notifies you that the IM worker considers the obligor to be a member of the same household as the child for purposes of public assistance eligibility, you can accept the request.

Accept the suspension request after the IM worker issues a *Notice of Decision* acknowledging the obligor's place in the household. However, deny the suspension request if the family does not notify the IM worker of the family's request to suspend support within five or six weeks of the request.

Narrate:

- ◆ Information reported to the IM worker.
- ◆ The specific IM worker you notified.

### **Notifying Another State**

Notification procedures vary depending upon whether CSRU is enforcing the order through an interstate referral.

If CSRU is enforcing an Iowa order through an interstate referral and the obligor or obligee inquires about suspending a support obligation:

- ◆ Review the order to determine whether Iowa retains continuing, exclusive jurisdiction to modify the order.
- ◆ If so, generate a status to the referring state's IV-D representative. The status notifies the other IV-D agency of the inquiry and seeks information that you may need if a written request is submitted. Send the status to the other state's IV-D agency no later than five working days after you receive the initial inquiry:
  - Whether or not the person who inquired receives public assistance.
  - Whether or not the change in the household has already taken place.

Do not wait for a response from the other state before proceeding to the next step in the suspension process. Do not set a calendar flag to send a second status if you don't get a response from the other state.

If there is no interstate referral, but the obligee or obligor reports that the children entitled to support received public assistance benefits from another state any time during the previous 12 months, send a letter to that state's IV-D representative. The purpose of the letter is to confirm that the children no longer receive public assistance in the other state.

Send the letter to the other state's IV-D personnel no later than five working days after you receive the initial report. Send a letter whether or not the change in the household has already taken place. Narrate the type of letter you sent and to whom you sent it.

Do not wait for a response from the other state before proceeding with the suspension process. Do not set a calendar flag to send a second letter if you don't get a response from the other state.

### **Support Orders Eligible for Suspension**

**Legal reference:** Iowa Code section 252B.20  
441 IAC 99.102(252B)

CSRU provides the suspension process for families, as long as Iowa has continuing exclusive jurisdiction to modify the order.

CSRU can suspend orders for:

- ◆ Current, medical and spousal support if the basis for suspension is reconciliation.
- ◆ Current and medical support if the basis for suspension is change in residency.
- ◆ Support obligations on multiple orders.

**Note:** It is not necessary to suspend:

- ◆ A support obligation set in the dissolution decree of parents who remarry.
- ◆ An administrative foster care order. An obligation set by an administrative foster care support order ends when the child for whom the order was set leaves foster care.

Since July 1993, no Iowa support order supersedes or is superseded by another Iowa support order. If all of the children named in the order live with their reconciled parents or live with the obligor, suspend all multiple, concurrent Iowa orders for ongoing support that name the same obligor and obligee.

If only one out-of-state order exists, determine whether Iowa has modification jurisdiction under Full Faith and Credit for Child Support Orders Act and the Uniform Interstate Family Support Act. Suspension and reinstatement constitute "modifications" under those statutes.

If Iowa has jurisdiction to modify an out-of-state order, the order should be registered for modification in Iowa. After registration of the order is complete, suspend the obligation. Refer to the interstate process for more information.

If support orders have been issued by more than one state, determine the controlling order to determine which order should be suspended and if Iowa has jurisdiction to modify.

**Child, Medical and Spousal Support**

A suspension order suspends:

- ◆ Current or ongoing child support,
- ◆ Medical support,
- ◆ Monetary amount ordered in lieu of provision of health insurance coverage, and/or
- ◆ Health insurance coverage.

**Note:** The obligor must notify the appropriate parties in order to discontinue health insurance coverage and premium deductions. CSRU does not provide this service.

A suspension order suspends spousal support only if:

- ◆ The basis for suspension is the reconciliation of the parents, and
- ◆ The spousal support obligation is contained in the child support order to be suspended.

**Note:** The spousal support obligation cannot be suspended if:

- ◆ The basis for suspension is a change in residency which occurs when all children affected by the support order now live with the obligor,
- ◆ The obligation was not set in a child support order, or
- ◆ The obligation was set in a child support order, but the child support order cannot be suspended.

When Mr. and Mrs. A divorced, they had only two children, B, and C. The dissolution order set ongoing child, medical, and spousal support for Mrs. A. Two years have passed since the original order, and Child B and Child C now live with Mr. A.

The child support obligation for B and C can be suspended. However, because spousal support was set in the child support order for B and C and Mr. and Mrs. A have not reconciled, the spousal support obligation cannot be suspended using the section 252B.20 process. The suspension order can only suspend the child support provisions of the dissolution order. The suspension order does not affect the spousal support.

### **Current vs. Accrued Support**

Suspension affects only ongoing or current support obligations. Current support does not accrue after an order suspending support has been filed. Support debts accrued before the order is filed are not affected by the suspension process unless the obligee or assignee requests satisfaction of those debts.

If a client requests satisfaction, assist in satisfying some or all of any delinquent child support due the obligee or assignees from the suspended order. See **Satisfaction of Suspended Obligations** for information on the satisfaction process.

All collections on an account with a suspended support obligation are credited according to the distribution hierarchy to any delinquency due.

### **Prepare and Send Suspension Request Forms**

Within five working days after receiving an initial inquiry about the suspension process, prepare and issue the appropriate forms. Send a separate form 470-3033, *Request to Suspend Support*, to the requestor and non-requestor or their respective attorneys no later than five working days after receiving an initial inquiry.

The *Request to Suspend Support* you send to the obligee and assignee, if appropriate, should contain the optional paragraph regarding the option to satisfy arrears if there are arrears due the party. **DO NOT** include this optional paragraph in the *Request to Suspend Support* form you send to the obligor.

**Note:** To count working days allowed for all time frames associated with the suspension process, exclude the first working day and include the last working day.

- ◆ Review the case file. Locate and review all enforceable orders for ongoing support that affect the children who live with the obligor named in the support order. Determine whether the same obligee and obligor are named in each order.

**Note:** CSRU must ask the court to suspend the order currently enforced, plus all other enforceable orders kept in the case file which affect the children. CSRU continues to enforce any enforceable Iowa order not suspended.

- ◆ Update the ATTORNEY screen with the name and address of an attorney who represents the person requesting suspension. Use SUSPD as the process code.
- ◆ Prepare and generate the *Request to Suspend Support* form for the obligor, obligee and assignee or each party's attorney, and another for the case file.

Send only one copy of the *Request to Suspend Support*, even if more than one order affects the children, the obligor, obligee, and assignee.

The obligor and obligee have two children. Both now live with the reconciled obligor and obligee. Each child has a separate support order that names the same obligee and obligor in each order. Prepare one request form.

Send one *Request to Suspend Support* per court order if all children named in each order live with the obligor, but the orders name different obligees. Prepare one *Request to Suspend Support* for each obligor/obligee combination. Maintain one copy of each *Request to Suspend Support* in the case file.

The obligor has a total of two children with two obligees. Both children now live with the obligor. Each child is affected by a separate support order. The orders do not name the same obligee. Prepare two request forms.

- ◆ If more than one assignee or redirection obligee exists, edit the form and add additional lines on the form for each additional assignee. Label the extra lines as appropriate.

Narrate the following:

- ◆ Number of request forms generated.
- ◆ Docket number and county of entry of each order for which you prepared a suspension request.
- ◆ Name and address of persons to whom you mailed the forms.
- ◆ Date you mailed the forms.

### **CSRU's Role in Completing Request Forms**

Assist a person who asks for help before form 470-3033, *Request to Suspend Support*, has been signed by:

- ◆ Physically assisting a person in completing a form.
- ◆ Answering questions about the information requested on the form.
- ◆ Answering questions about the suspension or reinstatement processes.

If you help a person complete a form, you must also sign the form and include your CSRU title in the space provided. Do not complete any item on any form after it has been signed, unless the state of Iowa is the current assignee.

If Iowa is the current assignee, complete portions of the *Request to Suspend Support* form and form 470-3032, *Affidavit Regarding Suspension of Support*, that are designated for the assignee. Sign the forms as the state of Iowa's representative. Each office designates the CSRU staff members authorized to sign the forms.

Assist a person to secure signatures by forwarding forms:

- ◆ To the obligee or assignee for signatures when an obligor does not know the obligee's or assignee's address.
- ◆ To the appropriate staff in the initiating state's IV-D agency if Iowa is enforcing an Iowa order on their behalf.

## **DETERMINING ELIGIBILITY FOR SUSPENSION SERVICE**

**Legal reference:** Iowa Code section 252B.20(1)(2)  
441 IAC 99.102(252B), 99.103(252B), 99.104(252B)

The obligor, the obligee, and any assignee or redirection obligee must jointly consent to and submit written requests to suspend an ongoing child support obligation. A written request consists of the information provided on the request forms received.

When you receive the suspension forms, evaluate the request by applying suspension eligibility criteria to the information provided. Determine whether to:

- ◆ Accept the request. See **Accepting the Suspension Request**.
- ◆ Return the request with an application if CSRU is not providing enforcement services for the order to be suspended, or return the request because it is incomplete. See **Returning the Incomplete Suspension Request**.
- ◆ Pend the request until Income Maintenance (the IM worker ) confirms a public assistance household change has been reported. See **Pending Further Action on the Request**.
- ◆ Deny the request because it does not meet the eligibility criteria. See **Denying the Suspension Request**.

### **Accepting the Suspension Request**

CSRU provides suspension services if:

- ◆ CSRU is providing IV-D services to a family by enforcing current or accrued support under an order entered or registered in Iowa, and
- ◆ Iowa is the proper state for modification under the Full Faith and Credit of Child Support Orders Act and the Uniform Interstate Family Support Act (refer to the interstate process for more information), and
- ◆ Form 470-3033, *Request to Suspend Support*, provides sufficient information to identify the support order to be suspended, and
- ◆ The obligor and the obligee (as well as any assignee) affected by the order have signed the *Request to Suspend Support*, and

- ◆ The support order affects all of the children (see **All of the Affected Children**), and
- ◆ All of the children live with the obligor in the same household through either a change in residency or a reconciliation between the parents of the children under the support order (see **Basis for Suspension**), and
- ◆ CSRU expects the conditions providing the basis for suspension are expected to continue for at least six months (see **Duration of Conditions**), and
- ◆ If the children receive public assistance and the IM worker considers the obligor a member of the children's household. the IM worker must confirm this (see **Children Receiving Public Assistance**), and
- ◆ At least two calendar years have passed since CSRU last accepted or denied complete and qualified suspension request.

### **Returning the Incomplete Suspension Request**

You may receive a suspension request that does not contain enough information to proceed with either acceptance or denial. In these situations, return form 470-3033, *Request to Suspend Support*, to ask for the missing information. Return the request if the *Request to Suspend Support*:

- ◆ Did not indicate the basis for suspension,
- ◆ Did not list the children for whom support was ordered,
- ◆ Does not contain enough information to identify the support order to be suspended,
- ◆ Was not signed by the necessary parties (obligor, obligee, assignee, redirection obligee).

Narrate:

- ◆ The reason for returning the request.
- ◆ To whom any incomplete forms were returned.

Use form 470-3080, *Notice of Decision to Suspend Support Order*, to return the request form and indicate what information you need.

### **Pending Further Action on the Request**

If a family applies for suspension and the children included in the support order receive FIP or Medicaid-only public assistance benefits:

- ◆ Tell the parties who submitted the request to report all changes in household membership to the DHS office responsible for the public assistance case. IM considers a change report timely if it is made no later than ten days after the change has occurred.
- ◆ Report written requests for suspension to the IM worker assigned to the public assistance case by e-mail no later than five working days after receipt of the request. Report the written request even if the CSRU previously notified IM at the initial inquiry stage.
- ◆ Report the type of change indicated in the request forms (the obligor has entered the public assistance household or eligible children have left the public assistance household to reside with the obligor).
- ◆ Send form 470-3080, *Notice of Decision to Suspend Support Order*, in accordance with **PREPARING SUSPENSION NOTICE OF DECISION**.

Narrate:

- ◆ That the request is in the pend category, and
- ◆ The name of the IM worker you notified.

If you pend the request, set a calendar flag for five weeks. At that time:

- ◆ If the IM worker has not contacted you, send the IM worker an e-mail requesting the status of the case.
- ◆ If the IM worker considers the obligor to be part of the children's household, issue an amended *Notice of Decision to Suspend Support Order* accepting the suspension request.
- ◆ If the IM worker has not yet processed the reported household change, set another calendar flag based on information you receive from the IM worker.
- ◆ If the household change has not yet been reported to the IM worker, issue an amended *Notice of Decision to Suspend Support Order* denying the suspension request.

## **Denying the Suspension Request**

**Legal reference:** Iowa Code section 252B.20(1)(d)  
441 IAC 99.104(3)

Apply all of the following denial criteria to the request. Deny the request if:

- ◆ Iowa is not the proper state for modification under the Full Faith and Credit for Child Support Orders Act and the Uniform Interstate Family Support Act (FFCCSOA/UIFSA). Refer to the interstate process for more information.
- ◆ All children included in the order do not live with the obligee and obligor or do not live with the obligor only.
- ◆ The basis for suspension is not expected to last at least six months.
- ◆ Someone other than the obligor, obligee, assignee, or redirection obligee made the request.
- ◆ CSRU received a qualified, complete request during the preceding two years. There is a two-year statutory bar on resubmitting suspension requests. Gauge the two years from the date CSRU received the last qualified, complete request.

Narrate the reason for denial.

Send form 470-3080, *Notice of Decision to Suspend Support Order*, in accordance with **PREPARING SUSPENSION NOTICE OF DECISION**.

## **Determining Jurisdiction to Suspend**

Before you begin the suspension process, determine the controlling order and whether Iowa has jurisdiction to suspend the controlling order. Only the state that has continuing, exclusive jurisdiction or is able to assume continuing, exclusive jurisdiction has authority to suspend the order.

Assuming jurisdiction may include registering the order in Iowa. Refer to the interstate process for procedures to determine the controlling order (DCO) and register an order for modification.

Enter the order data and track the results of the analysis on the DCO screens:

- ◆ If you receive a request from another state to suspend an order, the other state may have completed the determination of the controlling order. In that situation, enter the determination on ICAR.
- ◆ If you receive a request for suspension directly from one of the parties, conduct a controlling order analysis to make sure Iowa has jurisdiction to modify the controlling order.

Check the case file, the ICAR records, the Federal Case Registry (FCRSUM screen) and the Iowa Court Information System (ICIS) to make sure you know about all the possible orders that should be included in your analysis.

### **Determining the Controlling Order**

Follow these rules to determine the controlling order:

- ◆ If there is only one order, this is the controlling order.
  - If one of the parties or the child lives in the state that issued the order, that state has continuing, exclusive jurisdiction and can modify the order, or the parties may choose to agree in writing for another state to modify the order and assume continuing, exclusive jurisdiction.
  - If no one lives in the issuing state, the order must be registered for modification in a state with jurisdiction over the parties.
- ◆ If two or more states have issued orders, determination of the controlling order depends on how many of these states are still the residence of at least one of the parties or the child.
  - If only one state that issued orders is the residence of some or all of the parties, that state has continuing, exclusive jurisdiction. This state's order is the **controlling order**.
  - If parties live in two or more states that have issued orders, determine if one of the states is the "home state" of the child.

If so, the "home state" of the child has continuing, exclusive jurisdiction, and the order issued in that state is the **controlling order**.

If none of these is the “home state” of the child, the state with the most recently issued order continuing, exclusive jurisdiction. This state’s order is the **controlling order**.

**Note:** The “home state” of the child means the state where the child lived at least six consecutive months immediately preceding the filing of a petition or comparable pleading for support or the state where the child has lived since birth if the child is less than six months old.

### **Continuing, Exclusive Jurisdiction**

Once you have determined the controlling order, that order is the one that must be enforced in the future. No new order can be entered.

If you receive a request for suspension, determine where the individual parties and the child live. As long as one of the individual parties or the child lives in the state that issued the controlling order, that state has continuing, exclusive jurisdiction and can suspend or end the order.

The individual parties may consent in writing for another state to modify (suspend) or end the order and assume continuing, exclusive jurisdiction. As long as there is a state with continuing, exclusive jurisdiction, no other state can modify the order without written consent of the parties, even if that state would have long-arm jurisdiction over the parties.

If no one lives in the issuing state, register the order for modification in a state with jurisdiction over all parties.

### **Entering Data on the DCO Screen**

Use the DETERMINE CONTROLLING ORDER (DCO) screen in ICAR to enter the data about orders to be considered in the DCO process. In addition to the DCO screen, use the DCO2 screen if there are multiple orders and you need to get a court ruling stating which order is the controlling order. Refer to the interstate process.

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**PREPARING THE SUSPENSION AFFIDAVIT**

Once you accept a request for suspension, send form 470-3032, *Affidavit Regarding Suspension of Support*, to the requesting party. Complete this form using the information provided in the request forms.

The requesting party must sign the form in front of a notary and must also obtain notarized signatures from the other necessary parties before returning it. All parties must provide notarized signatures on the *Affidavit Regarding Suspension of Support* and must submit one *Affidavit Regarding Suspension of Support* for each court order being suspended.

If the requesting party provides a notarized signature on the *Affidavit Regarding Suspension of Support* but doesn't get notarized signatures from the other necessary parties, send the *Affidavit Regarding Suspension of Support* to the other party or parties to sign. Also send form 470-3080, *Notice of Decision to Suspend Support Order*, with the unsigned *Affidavit Regarding Suspension of Support* to the party to direct the party to sign and return it to CSRU.

**PREPARING SUSPENSION NOTICE OF DECISION**

**Legal reference:** 441 IAC 99.104(2)

Form 470-3080, *Notice of Decision to Suspend Support Order*, is used to notify the parties that:

- ◆ CSRU accepts the request for suspension and provide legal notice to the obligor, obligee, and assignee, if applicable; or
- ◆ Form 470-3033, *Request to Suspend Support*, or form 470-3032, *Affidavit Regarding Suspension of Support*, is incomplete or incorrect and must be completed or corrected before CSRU can proceed; or
- ◆ The request for suspension has been denied.

**Accepted Requests**

Issue form 470-3080, *Notice of Decision to Suspend Support Order*, no later than ten working days after you receive the complete form 470-3032, *Affidavit Regarding Suspension of Support*. Complete a separate form for each necessary party.

Complete the *Notice of Decision to Suspend Support Order* using the information gathered.

- ◆ To accept suspension for some orders, but not others in a single request, prepare two notices, one for orders that may be suspended and another for orders that cannot be suspended.
- ◆ If the request affects more than five support orders, generate the *Notice of Decision to Suspend Support Order* and edit the form to include the additional court order numbers, dates filed, and county of each filing.

Send a copy of the *Notice of Decision to Suspend Support Order* to all necessary parties who signed form 470-3033, *Request to Suspend Support* and the *Affidavit Regarding Suspension of Support*. Generate copies of each person's notice as follows:

- ◆ One copy for the individual or the individual's attorney,
- ◆ One copy for the case file,
- ◆ One copy for another state's IV-D agency, if the case is an interstate referral.

For a suspension request based on reconciliation, send the *Notice of Decision to Suspend Support Order* as follows:

- ◆ One copy to the obligor's and obligee's shared address or to their attorney, and
- ◆ One copy to the assignee, caretaker, or redirection obligee or to their respective attorneys, and
- ◆ One copy to another state's IV-D agency, if the case was enforced on an interstate referral, and
- ◆ One copy for the case file.

For a suspension request based on change in residency, send the *Notice of Decision to Suspend Support Order* as follows:

- ◆ One copy to the obligee or the obligee's attorney.
- ◆ One copy to the obligor or the obligor's attorney.
- ◆ One copy to each assignee or redirection obligee or their respective attorneys.
- ◆ One copy to another state's IV-D agency, if the case was enforced on an interstate referral.
- ◆ One copy for the case file.

Narrate the following:

- ◆ That you accepted the request.
- ◆ To whom you sent the *Notice of Decision to Suspend Support Order*.
- ◆ The date you mailed or provided the *Notice of Decision to Suspend Support Order* in person, if applicable.

Set a calendar flag for five working days to prepare the suspension orders.

### **Returned Requests**

If you return the request because the forms are incomplete, issue form 470-3080, *Notice of Decision to Suspend Support Order*, and return the incomplete request forms to the parties for them to complete and resubmit.

If the request forms are incomplete but are plainly ineligible because the information that appears on the forms does not meet one or more of the eligibility requirements, do not return the incomplete forms for completion. Instead, keep the forms in the case file and issue a *Notice of Decision to Suspend Support Order* that denies the request.

One necessary party's signature does not appear on the affidavit form. However, the order was entered in Nebraska, and Iowa does not have jurisdiction to modify the order. Do not return the incomplete form for the missing signature. Instead, deny the request on the basis Iowa cannot modify the order.

If the request forms are so incomplete that you cannot tell whether the request is ineligible, return the incomplete forms with a *Notice of Decision to Suspend Support Order* that denies the request.

When the forms are resubmitted and the two request forms comprise a complete request, apply suspension criteria and accept or deny the request.

If the forms are resubmitted but remain incomplete, return the incomplete forms with an updated *Notice of Decision to Suspend Support Order* indicating the reason it is being returned.

**Note:** The two-year bar on resubmitting a suspension request does not apply to parties who submit incomplete requests.

If information on a resubmitted form is inconsistent with prior case information or appears questionable, investigate and attempt to identify the reason for the inconsistency before proceeding with the suspension process.

Maintain a copy of the *Notice of Decision to Suspend Support Order* and the incomplete request form in the CSRU case file.

### **Pended Requests**

If you pend the request because the family needs to report the household change to the IM worker, issue form 470-3080, *Notice of Decision to Suspend Support Order*.

Narrate the following:

- ◆ The reason for pending the request, and
- ◆ The parties to whom the *Notice of Decision to Suspend Support Order* is sent.

### **Denied Requests**

Deny a request that does not meet the requirements set forth in **Denying the Suspension Request**. Send form 470-3080, *Notice of Decision to Suspend Support Order*, to each necessary party no later than ten working days after CSRU receives the complete form 470-3033, *Request to Suspend Support*. Make a copy of each *Notice of Decision to Suspend Support Order* for the case file.

Narrate the following:

- ◆ The reason for denial, and
- ◆ The parties to whom the *Notice of Decision to Suspend Support Order* is sent.

## **Changes After Notice of Decision**

A family's living arrangement may change any time after you issue form 470-3080, *Notice of Decision to Suspend Support Order*, but before the district court has entered a suspension order. If the situation changes so that the basis of suspension described in the request and affidavit forms is no longer accurate, proceed as follows.

### **Basis for Suspension no Longer Exists**

When the basis for suspension no longer exists, issue an updated form 470-3080, *Notice of Decision to Suspend Support Order*, by marking the "Updated Notice" section at the top of the first page.

Deny the request. Mark the "Other" category on the updated *Notice of Decision to Suspend Support Order* and explain that the family may not reapply for suspension for two years after the date of the first *Notice of Decision to Suspend Support Order*.

If a suspension order has been submitted to the district court, ask the CSRU attorney to prepare a request to withdraw the matter from the court's consideration. There is no standardized form for removing a suspension order submitted to the court. Send all necessary parties copies of the document CSRU submits to the court to remove the matter from consideration.

Narrate the following:

- ◆ When and how the suspension basis ceased to exist.
- ◆ When CSRU submitted a request, to withdraw the matter, to district court. Include the docket numbers of the appropriate orders.

Set a calendar flag for ten calendar days to check for a response from the court.

### **Basis for Suspension Changes**

A change in the basis for suspension presents a special exception to the two-year bar on reapplication. An exception occurs if:

- ◆ The initial basis for suspension was reconciliation, but now all children live with the obligor.
- ◆ The initial basis for suspension was that all children live with the obligor, but now all children live with their reconciled parents, who are the named obligor and obligee in the support order.

Prepare a new form 470-3032, *Affidavit Regarding Suspension of Support*, and circulate this to the obligee, obligor, and any assignees for notarized signatures. When generating the new *Affidavit Regarding Suspension of Support*, be sure to indicate that the basis for suspension has changed and that the *Affidavit Regarding Suspension of Support* must reflect this change.

If a suspension order has been submitted to district court, ask the CSRU attorney to prepare a request to withdraw the matter from the court's consideration. Upon return of the new *Affidavit Regarding Suspension of Support* with all appropriate signatures, enter a new order for suspension. See the **PREPARING THE SUSPENSION AFFIDAVIT**.

Narrate:

- ◆ When the suspension basis changed.
- ◆ When and to whom you sent the new affidavit.
- ◆ When you submitted a request to withdraw to district court. Include the docket numbers of the appropriate orders.
- ◆ Set a calendar flag for ten calendar days to check for a response from the court.

**OBTAINING ORDER SUSPENDING SUPPORT**

**Legal reference:** Iowa Code section 252B.20(2)(b)  
441 IAC 99.105(232B)

No later than five working days after you send form 470-3080, *Notice of Decision to Suspend Support Order*, accepting the request, prepare form 470-3081, *Order Suspending Support*. Submit the order and the corresponding form 470-3032, *Affidavit Regarding Suspension of Support*, to the district court.

After the district court judge enters the order, mail a copy of the order to all parties who signed the *Affidavit Regarding Suspension of Support* or to their attorneys.

A suspension order is a temporary order. It becomes final by operation of law after it has been on file for more than six months. A suspension order may suspend all or some of the types of ongoing support contained in the order. An accrued support debt due the obligee can be affected if suspension is approved and the obligee requests satisfaction.

If the basis for suspension is reconciliation of the obligee and obligor, the suspension order suspends all ongoing child and medical support provided to all children affected by the order and spousal support contained in the child support order.

If the basis for suspension is change of residency, which means that all children affected by the support order live with the obligor, the suspension order suspends all ongoing child and medical support provisions. Under this suspension basis, a spousal support obligation set by the child support order remains in effect unless the child support order set spousal support for a non-obligee spouse who now resides with the obligor and children.

**Preparing Suspension Order**

Prepare form 470-3081, *Order Suspending Support*, after you have issued form 470-3080, *Notice of Decision to Suspend Support Order*, accepting a suspension request. If the family is receiving FIP or Medicaid-only, do not submit an order until the month following the change in the household.

No later than five working days after sending a *Notice of Decision to Suspend Support Order* accepting a suspension request, prepare the *Order Suspending Support* and the corresponding notarized form 470-3032, *Affidavit Regarding Suspension of Support*. Forward these forms to the CSRU attorney for the county where the support order was entered. This may be an attorney in your local office or in another office.

Generate two copies of the *Order Suspending Support* for each affidavit that affects the case. Attach the affidavit to the corresponding *Order Suspending Support*. Keep one copy of each order in the case file.

Submit one copy of the *Order Suspending Support* to the district court where the support order was filed. This may involve forwarding it to another CSRU office. See **Support Order Entered in a County Not Served by the Initiating Office**.

### **Timing of Order Submission Concerning Public Assistance Cases**

If the family experienced a recent change involving public assistance benefits, be sure to submit form 470-3081, *Order Suspending Support*, no sooner than the month following the family change.

The Income Maintenance (IM) worker is able to use the recoupment process to recover public assistance funds inappropriately disbursed during any month following the month of the actual family change. The IM worker is not able to use recoupment to recover funds disbursed during the month of the family change.

**Note:** In Medicaid-only cases where the support order to be suspended does not include a provision for cash medical support, prepare and submit the *Order Suspending Support* without regard to the restrictions described above. You must wait until the IM worker verifies the obligor is part of the household, but you do not have to wait until the month following the month of the change in the household to prepare and submit the order.

Follow the procedures below to assist the IM worker in the recoupment process:

- ◆ Do not submit an *Order Suspending Support* to the district court during the month the household change actually occurred. See Example 1.
- ◆ Do not submit an *Order Suspending Support* to the district court until after the IM worker indicates to you that IM has issued a decision based on a reported change in the household members. See Example 2.
- ◆ Do not submit an *Order Suspending Support* to the district court until on or after the first day of the month after the actual changes in the household occurred. If the month of the IM worker's decision is the same month as the month of the actual change, do not submit an order suspending support until the following month. See Examples 1 and 2.

1. The X family has continuously received FIP benefits since January 2000. Eligibility is based on the absence of Mr. X from the home. Mr. X is ordered to pay ongoing child support on the 25th of every month. The X family last received FIP benefits October 1, 2000. Mr. X returns to the home on October 4. This change is reported timely to the local DHS office.

On October 12, the IM worker issues a *Notice of Decision* based on the change. The effective date of this change for FIP eligibility is November 1. Eligibility was determined as of the first of the month without consideration of Mr. X's income or resources. Any benefits already received for the month of October are not subject to recoupment.

The local CSRU receives a request to suspend ongoing support on October 15. CSRU will not submit an Order Suspending Support until on or after November 1. October's assigned support will be collected and applied against the FIP benefits paid on October 1.

2. Mr. Y enters the household in May, but this change is not reported to the county DHS office until October 4. The IM worker issues a *Notice of Decision* based on this change on October 12. The *Notice of Decision*'s effective date is November 1.

However, eligibility and benefits for the months of June through October must be determined again, considering Mr. Y's income and resources as part of the household resources. Public assistance benefits received in error during these months are subject to recoupment. Public assistance benefits received in May have already been reimbursed by the support due in May.

CSRU may submit an order suspending ongoing support on or after the date the *Notice of Decision* was issued, October 12. October 12 is after the first day of the first month after the month of the actual change.

Since the actual change was in May, the first possible date CSRU could have submitted an order suspending support would have been June 1. However, CSRU cannot act until the change has been reported to the IM worker. Because the change was reported in a month after the actual change occurred, CSRU does not need to wait to submit an *Order Suspending Support* if CSRU has received an acceptable request.

### **Submitting Order Suspending Support and Affidavit**

The *Order Suspending Support* and the *Affidavit Regarding Suspension of Support* must be filed in the county where the original or modified child support order was entered.

No later than five working days after issuing form 470-3080, *Notice of Decision to Suspend Support Order*, approving the suspension, send or deliver form 470-3081, *Order Suspending Support*, and form 470-3032, *Affidavit Regarding Suspension of Support*, to the CSRU attorney in the county where the support order was entered.

**Note:** If Iowa is the current assignee, designated CSRU personnel complete portions of the *Affidavit Regarding Suspension of Support* designated for the assignee and sign the form as the state of Iowa's representative. Each office designates which CSRU personnel sign the *Affidavit Regarding Suspension of Support*.

#### **Support Order Entered in a County Served by the Initiating Office**

Send or deliver the originals of form 470-3081, *Order Suspending Support*, and the corresponding form 470-3032, *Affidavit Regarding Suspension of Support*, to the district court no later than ten working days after the attorney receives the case file. Keep a photocopy of both forms in the case file.

Narrate:

- ◆ The docket number and the county where the support order was entered.
- ◆ The date you sent or delivered the suspension order for judicial signature.

Set a calendar flag for ten calendar days to check on whether the *Order Suspending Support* has been signed and entered.

**Support Order Entered in a County Not Served by the Initiating Office**

If the suspension request is submitted to an office that does not serve the county where the support order was entered, that office becomes the initiating office. The initiating office prepares and forwards all appropriate legal documents to the attorney in the filing office. The attorney in the filing office signs legal documents as necessary, presents them to the court, and attends hearings.

The initiating office must:

- ◆ Forward the following documents to the filing office's attorney no later than five working days after the initiating office issues form 470-3080, *Notice of Decision to Suspend Support Order*, accepting a suspension request:
  - Copy of the support order,
  - Copy of form 470-3033, *Request to Suspend Support*,
  - Copy of the *Notice of Decision to Suspend Support Order*,
  - Original of form 470-3081, *Order Suspending Support*,
  - Original of form 470-3032, *Affidavit Regarding Suspension of Support*, and
  - Name and address of any necessary party not available in ICAR records.
- ◆ Keep in the initiating office's case file:
  - Original of the *Request to Suspend Support*,
  - Copy of the support order,
  - Copy of the *Notice of Decision to Suspend Support Order*,
  - Copy of the unsigned *Order Suspending Support*,
  - Copy of the *Affidavit Regarding Suspension of Support*, and
  - Determination of controlling order documentation.
- ◆ Narrate the following:
  - The list of documents sent to the filing office.
  - The location of filing office and name of the CSRU attorney, if known.
  - The date documents were sent to the filing office.
- ◆ Set a calendar flag for 15 calendar days to check on whether the suspension order has been signed and filed.
- ◆ If the children receive public assistance, notify the IM worker that a suspension order has been entered no later than five working days after you receive a file-stamped copy of the order.

The initiating office retains responsibility for answering all questions relating to the suspension process. The initiating office also distributes photocopies of the file-stamped suspension order to all necessary parties.

The filing office's attorney must send or deliver the *Order Suspending Support* and the *Affidavit Regarding Suspension of Support* to the district court no later than ten working days after the attorney receives the documents from the initiating office. The filing office should:

- ◆ Keep a photocopy of the unsigned *Order Suspending Support* and the *Affidavit Regarding Suspension of Support* until you receive the signed order.
- ◆ Forward originals of the *Order Suspending Support* and the *Affidavit Regarding Suspension of Support* to the proper district court.
- ◆ Narrate the following:
  - The docket number and the county where the support order was entered.
  - The date you sent or delivered the unsigned *Order Suspending Support* for judicial signature.
- ◆ Set a calendar flag for ten calendar days to check on whether the *Order Suspending Support* has been signed and entered.

### **Response to Order Suspending Support**

**Legal reference:** Iowa Code section 252K.614

When you receive a signed, file stamped copy of form 470-3081, *Order Suspending Support*, distribute copies of the order to all necessary parties. If more than one CSRU office is involved in the suspension, the filing office sends a copy of the signed order to the initiating office. The initiating office distributes the order to all necessary parties.

The filing office must send a copy of the *Order Suspending Support* to the initiating office no later than five working days after the filing office receives a copy of the signed order from the clerk of court.

The initiating office must distribute the suspension order to all necessary parties no later than five working days after the initiating office receives the order.

- ◆ If reconciliation is the suspension basis, make a copy for the case file and send a copy to:
  - The reconciled parents or their attorneys,
  - Each assignee or redirection obligee or respective attorney.
- ◆ If change of residency is the suspension basis, make a copy for the case file and send one copy to:
  - The obligee or obligee's attorney,
  - The obligor or obligor's attorney,
  - Each assignee or redirection obligee or respective attorney.
- ◆ If the suspended order is a registered out-of-state order, send a certified copy of the suspension order to the issuing tribunal and to each tribunal in which the order has previously been registered.

Narrate to whom you sent the form.

If the children receive public assistance, within five working days after CSRU receives a file-stamped copy of the order, notify the IM worker that a suspension order has been entered.

Remove the copy of the unsigned *Order Suspending Support* from the case file and discard it.

### **Suspend Enforcement of Current Support**

**Legal reference:** Iowa Code section 252B.20(3)(10)(11)  
441 IAC 99.106(252B)

Until a court suspends or terminates an ongoing support obligation, CSRU must enforce the obligation. Once the current support obligation is suspended, CSRU applies all payments to the accrued support debt. If no accrued support debt exists, all CSRU collection activities stop.

Although a suspension order is temporary until it has been on file for six months, the suspended order is effective on the date it is filed in the office of the clerk of court. Current support does not accrue while the support order is suspended.

### **Entering a Suspension on ICAR**

**Legal reference:** 45 CFR 201

The following information explains how to use ICAR screens during the suspension process.

#### **The OBLIG Screen**

The OBLIG screen includes a SUSPENSE field. See the screen print below for the location of this field.

D479HC09	IOWA COLLECTION AND REPORTING SYSTEM	DATE: 06/23/00
	OBLIGATION	TIME: 09:44:05
CASE NUMBER.....:		
COURT ORDER NUMBER.....:		
COURT COUNTY.....:	CHOICE OF LAW JUR.:	
FIPS CODE.....:	SATISFY OBLIGATION FOR MONTH:	
<b>SUSPENSE:</b> .....:	INTEREST:	
OBLIGATION TYPE.....:	(REIMBURSEMENT ACCT TYPE:     AMT DUE:     )	
OBLIGATION AMOUNT.....:	\$..00	
OBLIGATION FREQ.....:	(SEMI-MONTH DUE ON THE     AND THE     )	
EFFECTIVE DATE.....:	DEV(Y/N):     BY:     REASON:	
END DATE.....:		
PAYMENT FIPS:     SEND TO PAYEE:	PRIORITY INFO:	
LAST COURT ACTION.:	LAST COURT ACTION DATE.:	
UNEVEN OBLIGATION PER CHILD?	(Y/N) CSRU MOD     CORRECTION FLAG:	
DISPLAY DATE:	CORRECTION START DATE:	
COMMENTS:	CORRECTION RUN DATE:     0000	
PF2=ADD, PF3=MODIFY, PF4=DELETE, PF5=INQUIRY, PF7=PAGE BACK, PF8=PAGE FORWARD, PF9=REFRESH, PF11=GO TO COLA ADJUST. SCREEN		
NEXT SCREEN:     NOTES:		
PLEASE ENTER A CASE, COURT ORDER AND AN OBLIGATION		

Based on worker entries on the SUSPENSE screen, ICAR displays one of these codes in the SUSPENSE field:

- ◆ “P” indicates the obligation was suspended in the past.
- ◆ “C” indicates the obligation is currently suspended.
- ◆ “F” indicates the obligation is suspended in the future.

If no suspense records exist for the obligation, the SUSPENSE field is blank.

The following examples show how the SUSPENSE screen and the SUSPENSE field on the OBLIG screen work together.

Press PF1 for help text for the SUSPENSE field.

1. Current date is 08/01/2000. The suspense start date on the SUSPENSE screen is 06/01/2000 and the end date is 06/30/2000. A “P” is displayed in the SUSPENSE field on the OBLIG screen because the obligation was suspended in the past.
2. Current date is 08/01/2000. The suspense start date on the SUSPENSE screen is 06/01/2000 and the end date is 09/30/2000. A “C” is displayed in the SUSPENSE field on the OBLIG screen because the obligation is currently suspended.
3. Current date is 08/01/2000. The suspense start date on the SUSPENSE screen is 06/01/2001 and the end date is 08/31/2001. An “F” is displayed in the SUSPENSE field on the OBLIG screen because the obligation is to be suspended in the future.

### **The OBLIGHST Screen**

The “s” (SUSPENSE) field appears on the OBLIGHST screen. See the screen print below for the location of this field.





When you modify a suspense record by changing the SUSPEND TO DATE, SUSPEND FROM DATE, and/or SUSP AMT fields, ICAR generates a narrative (SUB 002). Enter the reason for modifying the suspension and press PF2.

When you delete a new suspense record by pressing the PF4 (Delete) key, ICAR generates a narrative (SUB 003). Enter the reason for deleting the suspension record and press PF2.

### **Changing the SUSPENSE Screen**

To change the SUSPENSE screen:

- ◆ Type “suspense” in the NEXT SCREEN field and press “enter.”
- ◆ Enter suspension dates from the state the suspension order is filed until the 18<sup>th</sup> birthday of the youngest child or the end date of the obligation. Do not end the obligation, **unless you are suspending an alimony or medical obligation.**

Suspension of alimony and medical obligations must be handled in a different manner than child support obligations.

Alimony is suspended when reconciliation is the basis for the suspension. When a suspension becomes effective, end any alimony obligation on the OBLIG screen with the effective date of the suspension of the child support obligation.

For example, the alimony and child support obligations started 02/10/1996 and the suspension for the child support obligation becomes effective 08/03/2001. End the alimony obligation by changing the end date on the OBLIG screen to 08/03/2001.

If the support order is reinstated, enter a new alimony obligation with a start date of the next payment due after the reinstatement of the order. For example, the order was originally due on the 10<sup>th</sup> of the month. The order is reinstated on 08/15/2001. The next due date for the alimony obligation is 07/10/2001, so the obligation start date is 07/10/2001.

If the order is reinstated because the suspension was accepted due to false pretenses, simply restore the original end date for the alimony obligation on the OBLIG screen.

Suspension of medical support obligations (MS) must be handled in the same manner as alimony.

- ◆ Set a calendar flag for six months and one day. Unless you reinstate the order, the ongoing support obligation will terminate and you will need to end the obligation on the OBLIG screen at that time.
- ◆ Make appropriate adjustments to enforcement actions.

**Note:** Refer to chapter 11-T, *DISTRIBUTION*, for additional information.

### **After the Suspension Process Is Completed**

**Legal reference:** 441 IAC 99.106(232B)

The obligor must notify appropriate parties in order to discontinue health insurance coverage and premium deductions. CSRU does not provide this service.

A suspension order does not suspend, waive, satisfy, or retroactively modify unpaid support balances accrued before the file date of the suspension order unless CSRU has approved a satisfaction request from the obligee/assignee. CSRU provides enforcement to collect arrearages accrued before the file date of the suspension order on balances not satisfied by the obligee.

### **Closing the Case**

**Legal reference:** Iowa Code section 252B.20(8)

Since the suspension order is final after it has been on file for six months, terminate the ongoing support obligation at that time. Determine if the case meets case closure criteria. Refer to the case closure process.

Do not apply case closure criteria until after the suspension order becomes final. However, if a non-public assistance obligee requests case closure, follow the appropriate procedures.

## **INITIATING THE SATISFACTION PROCESS**

**Legal reference:** Iowa Code section 252B.3

Upon receiving the completed form 470-3033, *Request to Suspend Support*, determine if the obligee or assignee that consented to the suspension indicated a desire to satisfy accrued support in the request form. Proceed with the satisfaction process if:

- ◆ Iowa has jurisdiction to modify the order, and
- ◆ You are in the process of suspending at least one Iowa order, and
- ◆ Either:
  - The obligee or assignee has indicated a desire to satisfy support or
  - An assignee that was not a party to the suspension has arrearages that could be satisfied on the suspended order.

### **Interstate Referral**

If CSRU is enforcing an Iowa order through an interstate referral and the obligor or obligee asks about a satisfaction, generate a status to the referring state's IV-D representative to notify the other state about the satisfaction request.

Send this status to the referring state's IV-D representative within five working days after you receive the initial inquiry, whether or not the change in the household has already taken place.

Do not wait for a response from the other state before proceeding to the next step in the satisfaction process. Do not set a calendar flag to send a second status if you receive no response from the other state.

### **Eligibility Criteria**

**Legal reference:** Iowa Code section 252B.20(1)  
441 IAC 99.102(252B) and 99.103(252B)

People who apply and meet all of the following suspension eligibility criteria can ask CSRU to satisfy support:

- ◆ CSRU is providing IV-D services,
- ◆ CSRU is suspending or has suspended the Iowa support order,
- ◆ The necessary parties consent to and return the signed, notarized form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*.

CSRU can satisfy delinquent child support only if it suspends the Iowa order under which delinquent support has accrued. If CSRU has not filed or is not in the process of filing a suspension order, CSRU cannot satisfy support due under that order and must continue enforcement services to collect accrued and accruing support.

### **Eligible Support Orders**

**Legal reference:** Iowa Code section 252B.20  
441 IAC 99.102(252B)

CSRU helps satisfy support for families whose support obligations were created by a support order entered in Iowa and subsequently suspended by CSRU. If an interstate referral is based on an Iowa order that is being or has been suspended, the order's support obligation is eligible for satisfaction.

Persons who reside in Iowa but who are subject to out-of-state orders may take action to satisfy the support in the state where the support order was entered. If the support obligation is satisfied in the state where the order was entered, CSRU honors the satisfaction. CSRU does not register an order only to satisfy support.

Only delinquent support is satisfied. Current support does not accrue after entry of a suspension order. If a customer requests satisfaction, CSRU assists in satisfying some or all of any delinquent child support due the obligee or assignee from the suspended Iowa order.

When the obligee or assignee completes form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*, and returns it to CSRU, the obligee or assignee indicates whether:

- ◆ The entire balance due that party should be satisfied or if
- ◆ All but a portion should be satisfied, reserving a portion of the balance for CSRU to continue to enforce against the obligor.

After entry of a suspension order, CSRU continues to enforce delinquent child support that the party chose not to satisfy as well as the accrued support due the state of Iowa and any other state, agency, or individual, or due under other orders which were not suspended. CSRU credits all collections on a case with a suspended support obligation to the delinquent support due.

#### **Necessary Parties Consent to Satisfaction**

**Legal reference:** Iowa Code section 252B.20(1)(c)

The party with a right to accrued support under the suspended court order must consent to the satisfaction. This includes the obligee, which may be a “redirection obligee” or the assignee, if any.

- ◆ If there is only one ICAR case and support has never been assigned to anyone other than the original obligee named in the order, only that obligee must consent to the satisfaction of accrued support.
- ◆ If the original obligee named in the order and a past or current assignee have separate ICAR cases, each obligee must consent to the satisfaction of accrued support due on that obligee’s case only. The assignee must consent to satisfaction of accrued support due on that assignee’s case only.
- ◆ If the original obligee named in the order and a past or current assignee shared the same ICAR case, the obligee and the assignee must both consent to the satisfaction of accrued support due on the same *Request and Affidavit to Satisfy Delinquent Child Support*.

For more information about how to prepare the *Request and Affidavit to Satisfy Delinquent Child Support*, see **Preparing Satisfaction Request Forms**.

Consent must be expressed in an affidavit that:

- ◆ Attests to the request for satisfaction and the consent of all parties who have a right to accrued support, and
- ◆ Bears the notarized signature of the party who has a right to accrued support.

If the person's right to receive child support is not contained in an existing order, the person should not sign the form.

A request is not complete unless CSRU receives the *Request and Affidavit to Satisfy Delinquent Child Support* form bearing the notarized signature of the party with a right to the accrued support being satisfied.

### **Preparing Satisfaction Request Forms**

CSRU can satisfy only arrearages that accrued under Iowa orders. If no party requested satisfaction services, do not send satisfaction forms to any party.

If a determination of controlling order has been completed, Iowa has the jurisdiction to proceed with the suspension, and you have sent form 470-3032, *Affidavit Regarding Suspension of Support*, to the parties, take the next steps, as explained below.

Send the satisfaction forms as indicated below to any party that requested satisfaction services on form 470-3033, *Request to Suspend Support*, or anytime after the suspension order is filed. This party can be:

- ◆ The original obligee listed on the order, or
- ◆ An individual or agency to whom current support was or is assigned (called an "assignee").

**Note:** Do not send these satisfaction request forms to the obligor. It is the obligee's choice whether to satisfy support due him or her. Once the obligee has decided to satisfy support and you have approved the request, notify the obligor. (It is up to the obligee to decide if the obligee wants to share this information with the obligor while making the decision.)

**Note:** For the satisfaction process, the assignee is usually an “obligee” on an ICAR case separate from that of the original obligee named in the court order. The forms do not refer to the assignee or the obligee by these terms, but instead contain the individual names as parties entitled to receive child support under the order being satisfied.

Before you prepare and mail the satisfaction forms, review all necessary information and cross-reference the parties’ names on ICAR to identify other cases on ICAR that contain the same court order that is suspended or being suspended.

Obligees on other ICAR cases with the same obligor and the children named in the court orders suspended or being suspended also have the right to satisfy support due them from the obligor. Send the satisfaction paperwork to other obligees that do not currently have support assigned or redirected to them under the order and are not party to the suspension but still have the right to satisfy support, to inform them of their option to satisfy.

After you identify the necessary parties eligible to satisfy support, follow these instructions:

- ◆ If there is only one ICAR case and support has never been assigned to anyone other than the original obligee, send form 470-3545, *Instructions for Satisfying Delinquent Child Support*, and form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*, to the obligee only.
- ◆ If the obligee and an assignee are both on one case, they need to complete only one *Request and Affidavit to Satisfy Delinquent Child Support* form, even if there are multiple Iowa support orders for which accrued support is being satisfied.

If there is more than one assignee, each assignee must sign a separate affidavit page of the *Request and Affidavit to Satisfy Delinquent Child Support*. The person requesting the satisfaction should get all necessary signatures on the *Request and Affidavit to Satisfy Delinquent Child Support*.

- ◆ If the original obligee named in the order and any other assignees have separate ICAR cases, send one *Instructions for Satisfying Delinquent Child Support* form and one *Request and Affidavit to Satisfy Delinquent Child Support* form to each obligee requesting satisfaction of arrearages due on their own case.

Each obligee must complete and return a *Request and Affidavit to Satisfy Delinquent Child Support* form to satisfy arrearages on their own case, even if there are multiple support orders for which accrued support is being satisfied.

Prepare and send the forms as follows:

- ◆ Prepare and generate the satisfaction forms noted above for the appropriate parties (or their attorneys) as indicated above. Keep one copy of each form for the case file.

Be sure to review each order being suspended to make sure it is eligible for satisfaction. Do not list on any of the satisfaction forms an order that clearly does not qualify for satisfaction.

For assistance in determining balances to enter on the satisfaction paperwork, see the *Satisfaction Balance Calculation Worksheet* in the 10-S-Appendix and 11-T, **DISTRIBUTION**. Examples:

1. Order 123 was entered in Iowa. The obligee has received FIP benefits since the court order was entered. All arrearages are due to the state of Iowa. **Do not include this order on the satisfaction forms**, because the obligee cannot satisfy amounts due the state.
2. Order 325 was entered in Colorado but has been registered in Iowa and Iowa has jurisdiction to suspend the order. Since Iowa does not satisfy money accrued under a foreign order, **do not include this order on the satisfaction forms**.
3. Order 456 was entered in Iowa. Arrearages are due to the state of Iowa and to the obligee. **Include this order on the satisfaction forms**, since the obligee has the right to satisfy amounts due him or her.
4. Order 982 was entered in Iowa and all arrearages are due to the obligee. **Include this order on the satisfaction forms**.

- ◆ Mail the packet to the party who requested the satisfaction or that party's attorney and (if applicable) any obligee/assignee who was not a party to the suspension and has satisfiable arrearages for the orders being suspended.
- ◆ Narrate the following:
  - The docket number and county of entry of each order for which you prepared an affidavit,
  - The name and address to whom you mailed the form, and
  - The date you mailed the form.

When a person asks for help before signing the form, assist by:

- ◆ Physically assisting a person in completing a form,
- ◆ Answering questions about the information requested on the form, and
- ◆ Answering questions about the satisfaction process.

## **RESPONDING TO THE SATISFACTION REQUEST**

**Legal reference:** Iowa Code section 252B.20(1)(2)  
441 IAC 99.101(252B), 99.104(252B)

A written satisfaction request consists of the information provided on form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*. When you receive the *Request and Affidavit to Satisfy Delinquent Child Support*, evaluate it by applying eligibility criteria to the information provided on the form. See **Eligibility Criteria** for more information.

Determine whether to:

- ◆ Accept the satisfaction request,
- ◆ Deny the request because it does not meet the eligibility criteria, or
- ◆ Return the request because it is incomplete.

After evaluating the satisfaction request and deciding whether to accept, return, or deny it, determine which of the necessary parties and attorneys to notify of your decision. See the chart under **Preparing Satisfaction Notice of Decision** for more detailed information.

Use the chart to define when to complete and issue form 470-3547, *Notice of Decision to Satisfy Delinquent Child Support*. Issue the satisfaction *Notice of Decision to Satisfy Delinquent Child Support* no later than ten working days after CSRU received the *Request and Affidavit to Satisfy Delinquent Child Support*, back from the party but not before you send form 470-3080, *Notice of Decision to Suspend Support Order*.

Narrate the following:

- ◆ The reason you accepted or denied the satisfaction request or returned the *Request and Affidavit to Satisfy Delinquent Child Support* for further information,
- ◆ To whom you sent the *Notice of Decision to Satisfy Delinquent Child Support*, and
- ◆ The date you mailed the *Notice of Decision to Satisfy Delinquent Child Support*, or provided it in person, if applicable.

If you accept the satisfaction request, set a calendar flag for ten working days to remind you to prepare form 470-3548, *Order Relating to Satisfaction of Child Support Obligation*. For more information, see **Preparing the Satisfaction Order**.

### **Accepting the Satisfaction Request**

Apply the following criteria to form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*. Issue form 470-3547, *Notice of Decision to Satisfy Delinquent Child Support*, to accept the request if:

- ◆ The forms are completed correctly and bear the notarized signatures of all necessary parties.
- ◆ CSRU is suspending or has already suspended the orders under which the accrued support is being satisfied.
- ◆ The arrears being satisfied are due the obligee and accrued under an order entered in Iowa.

### **Denying the Satisfaction Request**

Apply the following criteria to form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*. Issue form 470-3547, *Notice of Decision to Satisfy Delinquent Child Support*, to deny the request if:

- ◆ CSRU is not suspending or has not suspended the order for which satisfaction is requested.
- ◆ The accrued support to be satisfied accrued under another state's order.
- ◆ Someone other than the obligee, assignee, or redirection obligee made the request to satisfy.

## **Returning Satisfaction Forms**

To return form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*, to the party as incomplete, issue form 470-3547, *Notice of Decision to Satisfy Delinquent Child Support*, and return the original, incomplete request form to the party for completion and resubmission.

If the party completed the *Request and Affidavit to Satisfy Delinquent Child Support* form incorrectly, send a new *Request and Affidavit to Satisfy Delinquent Child Support* form with the original, incorrect form for completion and resubmission. Keep a copy of the incomplete or incorrectly completed form in the case file. See the section **Preparing Satisfaction Notice of Decision**.

The *Request and Affidavit to Satisfy Delinquent Child Support* may be incomplete because:

- ◆ The necessary party (obligee, assignee, redirection obligee) did not sign it.
- ◆ A notary public did not notarize the form.
- ◆ The form does not contain enough information to process the request.
- ◆ The form lacked the requested information.

If you cannot tell if the order meets the satisfaction criteria, return the incomplete forms with the *Notice of Decision to Satisfy Delinquent Child Support* explaining the reason you returned the form.

The *Request and Affidavit to Satisfy Delinquent Child Support* may be completed incorrectly if:

- ◆ A necessary party signed on the wrong signature line.
- ◆ The amount the obligee or assignee reserves is more than the balance due.

When you return a *Request and Affidavit to Satisfy Delinquent Child Support* form to a party, the *Notice of Decision to Satisfy Delinquent Child Support* explains that the party must re-submit the *Request and Affidavit to Satisfy Delinquent Child Support* in order for CSRU to proceed with the satisfaction request.

If you receive an incomplete or incorrectly completed *Request and Affidavit to Satisfy Delinquent Child Support* form that is plainly ineligible for satisfaction, do not *Decision to* request that the party resubmit a complete and accurate request form. Instead, keep the original form in the case file and issue a *Notice of Decision to Satisfy Delinquent Child Support* that denies the request for satisfaction.

One necessary party's signature does not appear on the *Request and Affidavit* form. However, the support order was entered in Nebraska. Do not return the incomplete form for the missing signature. Instead, deny the request on the basis that Iowa cannot satisfy accrued support due under another state's order.

**Note:** If information on a resubmitted form seems inconsistent with prior case information or appears questionable, investigate and attempt to identify the reason for the inconsistency before going on to the next step of the satisfaction process.

**Preparing Satisfaction Notice of Decision**

Use the following chart to determine who should receive form 470-3547, *Notice of Decision to Satisfy Delinquent Child Support*.

<b>If you:</b>	<b>Inform the following parties:</b>
Accept all of the orders for satisfaction:	<u>All</u> : the obligee, the obligor, and the assignee, if applicable. Remember to wait to accept the satisfaction until you send form 470-3080, <i>Notice of Decision to Suspend Support Order</i> .
Deny all of the orders for satisfaction:	<u>Requestor only</u> : the obligee or the assignee, if applicable.
Accept at least one order, but also deny an order:	<u>All</u> : the obligee, the obligor, and the assignee, if applicable.
Return the request for any of the orders:	<u>Requestor only</u> : the obligee or the assignee, if applicable.

Use the *Notice of Decision to Satisfy Delinquent Child Support* to communicate one of the following:

- ◆ CSRU **accepts** the satisfaction request. CSRU accepts the request for satisfaction and provides legal notice to the obligor, obligee, and assignee, if applicable.

Send the *Notice of Decision to Satisfy Delinquent Child Support* within ten working days but not before sending the suspension form 470-3080, *Notice of Decision to Suspend Support Order*, to the parties accepting the suspension request.

Complete a separate *Notice of Decision to Suspend Satisfy Delinquent Child Support*, for the obligor, obligee, and assignee, if applicable. Send the *Notice of Decision to Satisfy Delinquent Child Support* to all necessary parties only when you have accepted the satisfaction request.

- ◆ CSRU **denies** the satisfaction request. For more information on denial reasons, see the **Denying the Satisfaction Request**.

Send the *Notice of Decision to Satisfy Delinquent Child Support* to only the obligee and assignee, if applicable.

Do not send the *Notice of Decision to Satisfy Delinquent Child Support* to the obligor when denying the request unless it is necessary to send an *Amended Notice of Decision to Satisfy Delinquent Child Support* to the parties after sending a prior *Notice of Decision to Satisfy Delinquent Child Support* accepting the satisfaction.

An accepted *Notice of Decision to Suspend Support* was sent to the necessary parties. Because of this, an accepted *Notice of Decision to Satisfy Delinquent Support* was issued to the necessary parties for the satisfaction.

One of the parties intervenes, preventing CSRU from filing the *Order Suspending Support*. The CSRU worker must send an *Amended Notice of Decision to Satisfy Delinquent Child Support* to inform the parties that the satisfaction must now be denied due to the fact that the suspension did not occur.

- ◆ CSRU **returns** the satisfaction request form. CSRU returns an incomplete form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*, that must be completed and resubmitted before CSRU can proceed with the satisfaction.

## **RESPONDING TO THE SATISFACTION REQUEST**

### **Preparing Satisfaction Notice of Decision**

October 8, 2002

Iowa Department of Human Services

**Title 10** Support Establishment and Modification

**Chapter S** Suspension and Satisfaction of Support

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Send the *Notice of Decision to Satisfy Delinquent Child Support* with the incomplete *Request and Affidavit to Satisfy Delinquent Child Support* and a return envelope only to the party that needs to complete the form.

CSRU returns an incorrectly completed *Request and Affidavit to Satisfy Delinquent Child Support* form with a new *Request and Affidavit to Satisfy Delinquent Child Support* form that the party must complete correctly before CSRU can proceed.

Send the *Notice of Decision to Satisfy Delinquent Child Support* with the original form, a new form and a return envelope to the party that needs to correctly complete the form.

Send one *Notice of Decision to Satisfy Delinquent Child Support* to the appropriate parties even if the satisfaction affects more than one court order. Whenever you generate and send a *Notice of Decision to Satisfy Delinquent Child Support*, keep one copy for the case file.

Narrate the following:

- ◆ Whether you accepted the satisfaction request,
- ◆ The reason you denied the request, if applicable,
- ◆ The reason you returned the request, if applicable,
- ◆ To whom you sent the *Notice of Decision to Satisfy Delinquent Child Support*, and
- ◆ The date you mailed the *Notice of Decision to Satisfy Delinquent Child Support* or provided it in person, if applicable.

If you accept the satisfaction request, set a calendar flag for ten working days to prepare form 470-3548, *Order Relating to Satisfaction of Child Support Obligation*.

## **OBTAINING ORDER OF SATISFACTION**

**Legal reference:** Iowa Code section 252B.3

Wait ten working days after you send form 470-3547, *Notice of Decision to Satisfy Delinquent Child Support*, to the parties accepting the satisfaction before you prepare form 470-3548, *Order Relating to Satisfaction of Child Support Obligation*.

When the obligor receives the satisfaction *Notice of Decision to Satisfy Delinquent Child Support*, this is the first time that the obligor receives any information about a satisfaction. The obligor has ten days to contact CSRU to object to CSRU's filing of the satisfaction order.

After waiting ten days, send or deliver the *Order Relating to Satisfaction of Child Support Obligation* and the corresponding notarized form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*, to the CSRU attorney for the county where the support order was entered. This may be an attorney in your local office or in another office.

Submit the *Order Relating to Satisfaction of Child Support Obligation* and the corresponding *Request and Affidavit to Satisfy Delinquent Child Support* to the district court no later than five working days after its preparation, but not before filing form 470-3081, *Order Suspending Support*. If possible, you may file both the *Order Suspending Support* and the *Order Relating to Satisfaction of Child Support Obligation* at the same time.

After the district court judge enters the *Order Relating to Satisfaction of Child Support Obligation*, mail a copy of the filed *Order Relating to Satisfaction of Child Support Obligation* to:

- ◆ The obligor and all parties who signed the *Request and Affidavit to Satisfy Delinquent Child Support*, or
- ◆ Their respective attorneys.

**Note:** If the balance of the suspended orders falls below the amount the obligee wants to reserve (not satisfy) before CSRU files the satisfaction order, you must issue an *Amended Notice of Decision to Satisfy Delinquent Child Support* to the obligee or assignee with a new form 470-3545, *Instructions for Satisfying Delinquent Child Support*, and *Request and Affidavit to Satisfy Delinquent Child Support*.

CSRU must provide the obligee or assignee with the recalculated balances and the opportunity to change the amount satisfied or reserved in this situation.

A satisfaction order becomes final as of the date the order is filed with the clerk of court.

### **Preparing the Satisfaction Order**

Complete one form 470-3548, *Order Relating to Satisfaction of Child Support Obligation*, for each order under which accrued support is being satisfied using:

- ◆ The returned and completed form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*, and
- ◆ The docket number, county of entry, and file-stamped date of each suspended support order affected by the satisfaction request.

**Note:** When all support being satisfied accrued under the same court order, prepare only one satisfaction order if possible, even if multiple parties are satisfying support due them. However, do not hold up the satisfaction process waiting for other “obligees” to return their completed affidavits.

Generate two copies of each satisfaction order. Keep one copy in the case file. Attach the *Request and Affidavit(s) to Satisfy Delinquent Child Support* and form 470-3080, *Notice of Decision to Satisfy Delinquent Child Support*, to the corresponding satisfaction order.

### **Submitting Satisfaction Order and Affidavits**

Send or deliver form 470-3548, *Order Relating to Satisfaction of Child Support Obligation*, and form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*, to the CSRU attorney in the county or counties where the suspended support order was entered.

The *Order Relating to Satisfaction of Child Support Obligation* and *Request and Affidavit to Satisfy Delinquent Child Support* must be filed in the county where the suspended support order was entered. If the office that received the satisfaction request (referred to as the initiating office) does not serve the county where the support order was entered, the office prepares and forwards all appropriate legal documents to the filing office’s attorney.

The filing office’s attorney signs legal documents as necessary, presents them to the court, and attends hearings. The initiating office retains responsibility for answering all questions relating to the satisfaction process.

The initiating office also distributes photocopies of the file-stamped *Order Relating to Satisfaction of Child Support Obligation* to all necessary parties.

**Order Entered in a County Served by the Initiating Office**

Send or deliver form 470-3548, *Order Relating to Satisfaction of Child Support Obligation*, and form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*, to the district court no later than ten working days after the attorney receives the case file.

Keep a photocopy of the unsigned *Order Relating to Satisfaction of Child Support Obligation* and *Request and Affidavit to Satisfy Delinquent Child Support* in the case file. Forward the original of these forms to the proper district court in a county served by your CSRU office.

Narrate:

- ◆ The docket number and county name where the order was entered.
- ◆ The date you sent or delivered the satisfaction order form for judicial signature.

Set a calendar flag for 15 calendar days to check whether the *Order Relating to Satisfaction of Child Support Obligation* has been signed and entered.

**Order Entered in a County Not Served by the Initiating Office**

When the order must be entered in a county not served by the initiating office, the initiating office must:

- ◆ Forward the following documents to the filing office's attorney no later than five working days after the initiating office issues form 470-3547, *Notice of Decision to Satisfy Delinquent Child Support*, accepting a satisfaction request:
  - Copy of form 470-3081, *Order Suspending Support*,
  - Copy of form 470-3546, *Request and Affidavit to Satisfy Delinquent Child Support*,
  - Copy of each satisfaction *Notice of Decision to Satisfy Delinquent Child Support*,

- Original of form 470-3548, *Order Relating to Satisfaction of Child Support Obligation*,
  - Originals of the *Request and Affidavit to Satisfy Delinquent Child Support*,
  - Name and address of any necessary party not available in ICAR records, and
  - Original of the documents used to determine the controlling order.
- ◆ Keep in the initiating office's case file:
- Copy of the *Request and Affidavit to Satisfy Delinquent Child Support*,
  - Copy of the *Order Suspending Support*,
  - Copy of the satisfaction *Notice of Decision to Satisfy Delinquent Child Support* (one of each version),
  - Copy of the unsigned *Order Relating to Satisfaction of Child Support Obligation*, and
  - Copy of the documents used to determine the controlling order.
- ◆ Narrate the following:
- The list of documents sent to the filing office,
  - The name of the CSRU attorney, if known, and location of filing office, and
  - The date documents were sent to the filing office.
- ◆ Set a calendar flag for 15 calendar days to check whether the satisfaction order has been signed and entered.

The filing office's attorney must:

- ◆ Send or deliver the *Order Relating to Satisfaction of Child Support Obligation* and *Request and Affidavit to Satisfy Delinquent Child Support* to the district court no later than ten working days after receiving the documents from the initiating office.
- ◆ Keep a photocopy of the unsigned *Order Relating to Satisfaction of Child Support Obligation* and *Request and Affidavit to Satisfy Delinquent Child Support* until the signed original is returned from the district court.
- ◆ Forward the signed original *Order Relating to Satisfaction of Child Support Obligation* to the initiating office when it is returned from the district court.

### **Response to Order on Satisfaction**

When CSRU receives a copy of the file-stamped, signed form 470-3548, *Order Relating to Satisfaction of Child Support Obligation*, make a copy for the case file and distribute copies to all necessary parties. To do this:

- ◆ Provide one photocopy of the signed *Order Relating to Satisfaction of Child Support Obligation* to:
  - The obligee or the obligee's attorney.
  - The obligor or the obligor's attorney.
  - Each assignee or redirection obligee that is mentioned in the *Order Relating to Satisfaction of Child Support Obligation* or their respective attorneys.
  - The case file.
- ◆ Remove the copy of the unsigned *Order Relating to Satisfaction of Child Support Obligation* from the case file and discard it.
- ◆ Enter a satisfaction (SAT) for the order on each affected PAYHIST screen for the case within five days of receiving the signed order.
- ◆ Narrate the following:
  - The docket number, county name, and the entry date of the *Order Relating to Satisfaction of Child Support Obligation*. The *Order Relating to Satisfaction of Child Support Obligation* becomes effective on the date it is filed with the clerk of the court.
  - The names and addresses of persons to whom you sent a copy of the *Order Relating to Satisfaction of Child Support Obligation*.

If more than one CSRU office is involved in the satisfaction, the filing office sends a copy of the signed *Order Relating to Satisfaction of Child Support Obligation* to the initiating office no later than five working days after the filing office receives a copy of the signed *Order Relating to Satisfaction of Child Support Obligation* from the clerk of court.

The initiating office must distribute the order to all necessary parties no later than five working days after it receives the order.

**NARRATIVES**

October 8, 2002

**NARRATIVES**

.....  
Process: **SUB**            Number: **1**

Text: Suspension is entered because: (State the reason the suspension is being entered).

Screen:            Field:                            Entry:                            Flag:                            Status:

.....

Process: **SUB**            Number: **2**

Text: Suspension is modified because: (State the reason the suspension is being modified).

Screen:            Field:                            Entry:                            Flag:                            Status:

.....

Process: **SUB**            Number: **3**

Text: Suspension is deleted because: (State the reason the suspension is being deleted).

Screen:            Field:                            Entry:                            Flag:                            Status:

.....



April 18, 1995

GENERAL LETTER NO. 10-S-1

ISSUED BY: Bureau of Collections, Division of Policy Coordination

SUBJECT: Employees' Manual, Title 10, Chapter S, "Suspension of Support," Title page, new; Contents (pages 1 and 2), new; and pages 1 through 36, new.

### Summary

Suspension of Support is a new manual chapter. It provides written direction for the suspension service currently provided by CSRU. It is one of the first two chapters issued as part of the new Title 10 manual. This chapter includes:

- Time frames for each step in the suspension process.
- The new Notice of Decision "Pend" category, which is an alternative to accepting or denying requests from families who receive public assistance.
- CSRU and Income Maintenance interaction which is necessary before CSRU accepts requests from families who receive public assistance.
- Procedures for handling incomplete request forms.
- New timing considerations for submitting an Order Suspending Support.
- Responsibilities and interactions between the CSRU office that receives a request and the CSRU office that submits the Order Suspending Support.

### Effective Date

April 15, 1995

### Material Superseded

This is a new chapter, so there is no current manual material on the suspension process. However, the attached chapter supersedes Procedural Directive 62.

Additional Information

As of April 15, 1995, use only the Suspension forms available on ICAR. At that time, destroy the supply of paper suspension forms in your office. See General Letter No. 10-S-AP-1 for more information. If you have any questions, please route them through your supervisor.



THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
JESSIE K. RASMUSSEN, DIRECTOR

May 11, 1999

## **GENERAL LETTER NO. 10-S-2**

ISSUED BY: Bureau of Collections, Division of Child Support

SUBJECT: Employees' Manual, Title 10, Chapter S, *Suspension and Satisfaction of Support*, Title page, revised; Contents (pages 1 and 2), revised; pages 1 through 36, revised; and pages 37 through 48, new.

### **Summary**

Effective March 1, 1999, CSRU may assist obligees, assignees, and redirection obligees to satisfy some or all of any delinquent child support owed to them. The revised Title 10 Chapter S manual section explains the procedures and the forms needed in order to accomplish this. In addition, the Suspension section of the manual has been re-written to conform with UIFSA and other changes since the previous version.

### **Effective Date**

March 1, 1999

### **Material Superseded**

Remove the entire Employees' Manual, Title 10, Chapter S, and destroy it. This includes the Title Page, Contents (pages 1 and 2), and pages 1 through 36, all dated April 18, 1995.

### **Additional Information**

Refer questions about this general letter to your lead worker or supervisor or contact the central office distribution team.



October 8, 2002

**GENERAL LETTER NO. 10-S-3**

ISSUED BY: Bureau of Collections,  
Division of Child Support Recovery, Case Management, and Refugee Services

SUBJECT: Employees' Manual, Title 10, Chapter S, *SUSPENSION AND SATISFACTION OF SUPPORT*, Title page, revised; Contents (pages 1 and 2), revised; Contents (page 3), new; pages 1 through 48, revised; and pages 49 through 60, new.

**Summary**

This chapter is revised to reflect several policy changes relating to both the suspension and satisfaction processes. Policy changes include:

- ◆ Modifications to the request and affidavit procedures.
- ◆ Addition of determination of controlling order procedures.
- ◆ Notification to the obligee and assignee of the option to satisfy money due them.
- ◆ Simplification of forms and procedures.

**Effective Date**

Immediately.

**Material Superseded**

Remove the following pages from Employees' Manual, Title 10, Chapter S, and destroy them:

<u>Page</u>	<u>Date</u>
Title Page	May 11, 1999
Contents (pages 1 and 2)	May 11, 1999
1-48	May 11, 1999

**Additional Information**

Refer questions about this general letter to your regional collections administrator.