

14 services and all decisions of the hearing board shall be final.

Approved May 28, 1976

\*According to enrolled Act

## CHAPTER 1141

### LEGAL TREATMENT OF MALES AND FEMALES

H. F. 1063

AN ACT relating to certain statutory provisions affecting the legal treatment of male and female persons.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred forty-five point one (245.1), Code 1975, is  
2 amended by striking unnumbered paragraph two (2).

1 SEC. 2. Section two hundred forty-five point seven (245.7), Code 1975, is  
2 amended to read as follows:

3 **245.7 Term of commitments.** A female convicted of a felony shall not be  
4 detained in said reformatory under one commitment for a period longer than the  
5 maximum term of imprisonment provided by law for said felony. A female  
6 convicted of a crime ~~less than felony and sentenced to a term of less than one year~~  
7 shall not be detained therein ~~longer than five years under one commitment~~.

1 SEC. 3. Section two hundred fifty-two A point one (252A.1), unnumbered  
2 paragraph two (2), Code 1975, is amended to read as follows:

3 The purpose of this uniform chapter is to secure support in civil proceedings  
4 for dependent ~~wives spouses~~, children and poor relatives from persons legally  
5 responsible for their support.

1 SEC. 4. Section two hundred fifty-two A point two (252A.2), subsection four  
2 (4), Code 1975, is amended to read as follows:

3 4. "Dependent" shall mean and include a ~~wife spouse~~, child, mother, father,  
4 grandparent or grandchild who is in need of and entitled to support from a  
5 person who is declared to be legally liable for such support by the laws of the  
6 state or states wherein the petitioner and the respondent reside.

1 SEC. 5. Section two hundred fifty-two A point three (252A.3), subsections one  
2 (1), two (2), six (6) and seven (7), Code 1975, are amended to read as follows:

3 1. A ~~husband spouse~~ in one state is hereby declared to be liable for the support  
4 of his wife ~~or her husband~~ and any child or children under eighteen years of age  
5 and any other dependent residing or found in the same state or in another state  
6 having substantially similar or reciprocal laws, and, if possessed of sufficient  
7 means or able to earn such means, may be required to pay for their support a fair  
8 and reasonable sum according to his ~~or her~~ means, as may be determined by the  
9 court having jurisdiction of the respondent in a proceeding instituted under this  
10 chapter.

11 2. A ~~mother parent~~ in one state is hereby declared to be liable for the support  
12 of his ~~or her~~ child or children under eighteen years of age residing or found in the  
13 same state or in another state having substantially similar or reciprocal laws,  
14 whenever the father ~~or mother~~ of such child or children is dead, or cannot be  
15 found, or is incapable of supporting such child or children, and, if ~~she the liable~~  
16 ~~parent~~ is possessed of sufficient means or able to earn such means, ~~he or she~~ may  
17 be required to pay for the support of such child or children a fair and reasonable  
18 sum according to his ~~or her~~ means, as may be determined by the court having  
19 jurisdiction of the respondent in a proceeding instituted under this chapter.

20 6. A *man* or woman who was or is held out as *her husband* or his wife by a ~~man~~  
 21 *person* by virtue of a common law marriage recognized as valid by the laws of the  
 22 initiating state and of the responding state shall be deemed the legitimate *wife*  
 23 *spouse* of such ~~man~~ *person*.

24 7. Notwithstanding the fact that the respondent has obtained in any state or  
 25 country a final decree of divorce or separation from his wife *or her husband* or a  
 26 decree dissolving his *or her* marriage, the respondent shall be deemed legally  
 27 liable for the support of any dependent child of such marriage.

1 SEC. 6. Section two hundred fifty-two A point six (252A.6), subsections one  
 2 (1) and three (3), subsection four (4), unnumbered paragraph one (1), and  
 3 subsections ten (10) and thirteen (13), Code 1975, are amended to read as follows:

4 1. A proceeding under this chapter shall be commenced by a petitioner, or a  
 5 petitioner's representative, by filing a verified petition in the court in equity in the  
 6 county of the state wherein he *or she* resides or is domiciled, showing the name,  
 7 age, residence and circumstances of the petitioner, alleging that he *or she* is in  
 8 need of and is entitled to support from the respondent, giving ~~his~~ *the respondent's*  
 9 name, age, residence and circumstances, and praying that the respondent be  
 10 compelled to furnish such support. The petitioner may include in or attach to the  
 11 petition any information which may help in locating or identifying the respondent  
 12 including, but without limitation by enumeration, a photograph of the  
 13 respondent, a description of any distinguishing marks of his *or her* person, other  
 14 names and aliases by which he *or she* has been or is known, the name of his *or her*  
 15 employer, his *or her* fingerprints, or social security number.

16 3. If the court of this state acting as an initiating state finds that the petition  
 17 sets forth facts from which it may be determined that the respondent owes a duty  
 18 of support and that a court of the responding state may obtain jurisdiction of the  
 19 respondent or his *or her* property, it shall so certify and shall cause three copies of  
 20 (a) the petition (b) its certificate and (c) this chapter to be transmitted to the court  
 21 in the responding state. If the name and address of such court is unknown and  
 22 the responding state has an information agency comparable to that established in  
 23 the initiating state it shall cause such copies to be transmitted to the state  
 24 information agency or other proper official of the responding state, with a request  
 25 that it forward them to the proper court, and that the court of the responding  
 26 state acknowledge their receipt to the court of the initiating state.

27 4. When the court of this state, acting as a responding state, receives from the  
 28 court of an initiating state the aforesaid copies, it shall docket the cause, notify  
 29 the county attorney or other official acting as petitioner's representative, set a  
 30 time and place for a hearing, and take such action as is necessary in accordance  
 31 with the laws of this state to serve notice and thus obtain jurisdiction over the  
 32 respondent. If a court of the state, acting as a responding state, is unable to  
 33 obtain jurisdiction of the respondent or his *or her* property due to inaccuracies or  
 34 inadequacies in the petition or otherwise, the court shall communicate this fact to  
 35 the court in the initiating state, shall on its own initiative use all means at its  
 36 disposal to trace the respondent or his *or her* property, and shall hold the case  
 37 pending the receipt of more accurate information or an amended petition from  
 38 the court in the initiating state.

39 10. If a respondent, duly summoned by a court in the responding state,  
 40 willfully fails without good cause to appear as directed in the summons, he *or she*  
 41 shall be punished in the same manner and to the same extent as is provided by  
 42 law for the punishment of a defendant or witness who willfully disobeys a  
 43 summons or subpoena duly issued out of such court in any other action or  
 44 proceeding cognizable by said court.

45 13. A respondent who shall willfully fail to comply with or violate the terms or  
 46 conditions of the support order or of his *or her* probation shall be punished by the  
 47 court in the same manner and to the same extent as is provided by law for a  
 48 contempt of such court or a violation of probation ordered by such court in any  
 49 other suit or proceeding cognizable by such court.

1 SEC. 7. Section two hundred forty-five point six (245.6), Code 1975, is  
2 repealed.

Approved May 7, 1976

## CHAPTER 1142

### DISCHARGED INMATES OF PENAL INSTITUTIONS

S. F. 1139

AN ACT relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred forty-five point fourteen (245.14), Code 1975,  
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
3 one hundred forty-six (146), section one (1), is further amended by striking the  
4 section and inserting in lieu thereof the following:

5 **245.14 Clothing, money, and transportation.** When an inmate is discharged,  
6 paroled, or placed on work release, the warden or superintendent shall furnish  
7 her, at state expense, appropriate clothing and transportation to the place in this  
8 state indicated in the inmate's discharge, parole, or work release plan. When an  
9 inmate is discharged, paroled, or placed on work release, the warden or  
10 superintendent shall provide her, at state expense, money in accordance with the  
11 following schedule:

- 12 1. Upon discharge or parole, one hundred dollars.
- 13 2. Upon being placed on work release, fifty dollars.
- 14 3. Upon going from an educational work release to parole or discharge, fifty  
15 dollars.

16 Those inmates receiving payment under subsections two (2) or three (3) of this  
17 section shall not be eligible for payment under subsection one (1) of this section  
18 unless they are returned to the institution. The superintendent shall maintain an  
19 account of all funds expended pursuant to this section.

1 SEC. 2. Section two hundred forty-six point forty-four (246.44), Code 1975, as  
2 amended by the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
3 one hundred forty-six (146), section two (2), is further amended by striking the  
4 section and inserting in lieu thereof the following:

5 **246.44 Clothing, transportation and money.** When an inmate is discharged,  
6 paroled, or placed on work release, the warden or superintendent shall furnish  
7 him, at state expense, appropriate clothing and transportation to the place in this  
8 state indicated in the inmate's discharge, parole, or work release plan. When an  
9 inmate is discharged, paroled or placed on work release, the warden or  
10 superintendent shall provide him, at state expense, money in accordance with the  
11 following schedule:

- 12 1. Upon discharge or parole, one hundred dollars.
- 13 2. Upon being placed on work release, fifty dollars.
- 14 3. Upon going from an educational work release to parole or discharge, fifty  
15 dollars.

16 Those inmates receiving payment under subsections two (2) or three (3) of this  
17 section shall not be eligible for payment under subsection one (1) of this section