

CHAPTER 1276
AID TO DEPENDENT CHILDREN
H.F. 558

AN ACT revising Iowa's aid to dependent children law to conform to federal law and the practices of the department of human services.

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

Section 1. Section 239.1, Code Supplement 1983, is amended by striking the section and inserting in lieu thereof the following:

239.1 DEFINITIONS. As used in this chapter:

1. "Assistance" means a money payment made under this chapter on behalf of a dependent child.

2. "Dependent child" means a needy child under the age of eighteen years, or a needy person eighteen years of age who meets the additional eligibility criteria established by federal law or regulation, who has been deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, or partial or total unemployment of the parent. However, a child is not a dependent child solely by reason of a parent's absence from the home due to the parent's performance of active duty in the uniformed services of the United States.

3. "Department" means the department of human services.

4. "Director" means the director of the division of the department of human services to which the commissioner of human services assigns responsibility for the aid to dependent children program.

5. "Division" means the division of the department of human services to which the commissioner of human services assigns responsibility for the aid to dependent children program.

6. "Protective payee" means a protective payee selected in accordance with 45 C.F.R. sec. 234.60.

7. "Recipient" is a person to whom the assistance grant is made or a person whose needs are included in granting assistance.

8. "Specified relative" means a relative specified in 42 U.S.C. sec. 606 and in federal regulations adopted pursuant to that section.

9. "Vendor payment" means assistance paid to a third party and not to a specified relative with whom a dependent child is residing.

Sec. 2. Section 239.2, unnumbered paragraph 1, and subsections 1, 2, and 3, Code Supplement 1983, are amended by striking the paragraph and the subsections and inserting in lieu thereof the following:

Assistance shall be granted under this chapter to a dependent child who:

1. Is living in a suitable family home maintained by a specified relative.

2. Is living in this state other than for a temporary purpose, with a specified relative who is living in this state voluntarily with the intent of making the relative's home in this state and not for a temporary purpose.

Sec. 3. Section 239.3, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

~~Application~~ An application for assistance under this chapter shall be made to the county board of the county in which the dependent child resides or will reside in the event assistance is granted department. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state director. ~~Such~~ The application shall be made by an adult person or a person eighteen years of age or older the specified relative with whom the dependent child resides or will reside, and shall contain such the information as may be required by said on the application form. One application may be made for several children of the same family if they reside or will reside with the same person specified relative.

Sec. 4. Section 239.4, Code 1983, is amended to read as follows:

239.4 INVESTIGATION OF APPLICATION. Whenever a county board If the department receives a notification of the dependency of that a child is a dependent child or receives an application for assistance, an investigation and record of the circumstances shall promptly be made in order to ascertain the dependency of if the child is a dependent child and to ascertain the facts supporting the application.

In cases involving physical or mental incapacity or unfitness of either parent, the county board of social welfare department may require as a condition for granting assistance hereunder that such incapacity or unfitness be determined by a board of doctors which shall be selected by the county board of social welfare physician or be supported by pertinent medical evidence.

Sec. 5. Section 239.5, Code Supplement 1983, is amended to read as follows:

239.5 GRANTING OF ASSISTANCE AND AMOUNT OF ASSISTANCE—CO-OPERATION OF PARENT.

1. Upon the completion of an investigation the department shall decide whether the child is eligible for assistance under this chapter and determine the amount of the assistance. The department shall, within thirty days, notify the person specified relative with whom the child is living or will be living, of the decision. The department may petition the Iowa district court sitting in probate to establish, pursuant to chapter 633, a conservatorship over any recipient eligible for assistance under this chapter. If a conservatorship is established the recipient's assistance payments shall be made to the conservator. In addition to the assistance granted under this chapter, an amount not to exceed ten dollars per case per month may be allowed for conservatorship or guardianship fees if authorized by court order. The dependent child for whom the grant is made shall be originally charged to the county in which the child resides when application is made.

2. The county board, in accordance with rules and standards established by the state department of human services, shall fix the amount of assistance necessary for any dependent child. In determining the amount of assistance, the county board department shall take into consideration the income and resources of any the dependent child, the dependent child's parent or stepparent, or any other needy specified relative claiming assistance under this chapter. However, in fixing determining the amount of assistance for any child or family recipients, the county board, in accordance with rules established by the state department of human services, may disregard a reasonable amount of the income of the child or the family and resources, in order to encourage the family or any of its members recipients to become self-supporting. The term "income" as used herein means income remaining after deduction of expenses reasonably attributable to the earning or securing of that income in accordance with standards established by the department.

3. The county board, under the supervision of the state department of human services, shall establish services to help families and persons receiving assistance under this chapter to recipients become self-supporting; shall participate in the work and training program established by chapter 249C; and shall co-operate with other public agencies and with private agencies to secure employment, education, and vocational training for members of such families recipients. Assistance, when granted, shall be paid at least monthly to an adult person or a person eighteen years of age or older within the specified degrees of relationship and relative with whom the child is living, from the fund for aid to dependent children established by this chapter residing, upon the order of the state division, except that the county board.

4. The department may order the assistance payments made paid to another individual who is interested in or concerned with the welfare of the child or the person with whom the child is living when a protective payee if it has been demonstrated that the person specified relative with whom the child is living residing is unable to manage the assistance payments in the best interest interests of the child. Such A protective payments payment shall not be made beyond one year two years, except as provided in 45 C.F.R. sec. 234.60, and shall otherwise conform to the requirements of 42 U.S.C. sec. 606(b)(2) and the regulations established under the provisions of Title IV of the Social Security Act as amended by Public Law 90-248 adopted pursuant to that section. If consistent with these regulations, the department may petition the Iowa district court sitting in probate to establish, pursuant to chapter 633, a conservatorship over a recipient. If a conservatorship is established the recipient's assistance shall be paid to the conservator. In addition to the assistance, an amount not to exceed ten dollars per case per month may be allowed for conservatorship or guardianship fees if authorized by court order.

No payment for aid to dependent children shall be made unless and until the county board of social welfare, with the advice of the county attorney shall certify that the parent receiving the aid for the children is co-operating in legal actions and other efforts to obtain support money for said children from the persons legally responsible for said support.

5. A vendor payment may be made if the department determines payment to a third party is essential to assure the proper use of assistance on behalf of a recipient. A vendor payment shall be made in accordance with 45 C.F.R. sec. 234.60.

6. The division shall provide for the prompt notification of the department's child support recovery unit if assistance is provided to a child whose parent is absent from the home. An applicant for or a recipient of assistance shall, as a condition of eligibility, cooperate with the child support recovery unit and the department in identifying and locating the parent of the child, in enforcing rights to periodic support payments, and, if necessary, in establishing paternity of the child, unless the applicant or recipient has good cause for refusing to cooperate, as determined by the department in accordance with the best interests of the child and with standards prescribed in 45 C.F.R. sec. 232.40, et seq. If a specified relative with whom a child is residing is found to be ineligible for assistance because of failure to comply with the cooperation requirements of this subsection, assistance, determined without regard to the needs of the specified relative, shall be provided to a protective payee for the child. A protective payment made under this subsection is not subject to the two-year restriction in subsection 4.

7. The state comptroller shall, no later than January 1, 1977 and upon receipt of a written signed request from the person entitled to receive assistance established by this chapter a recipient, shall order that payments be made directly to a bank, savings and loan association, or credit union of his or her the recipient's choice.

Sec. 6. Section 239.6, Code 1983, is amended to read as follows:

239.6 PERIODIC RECONSIDERATION, CHANGES, AND TERMINATION OF GRANTS ASSISTANCE. Any or all assistance grants made under this chapter shall be Assistance is subject to reconsideration at any time the county board deems necessary every six months and shall may be reinvestigated and reconsidered by the county board as more frequently as may be required. After any such further an investigation, the county board shall make further report to the state director. Upon such report, assistance may be continued, renewed, suspended, changed in amount, or entirely withdrawn, as the findings of such reports the investigation warrant. As a condition of eligibility, the department may require periodic reports from recipients concerning their income, resources, family composition, and other circumstances.

Sec. 7. Section 239.8, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

239.8 OUT-OF-STATE ASSISTANCE. Out-of-state assistance shall be made only to a recipient who retains residency in this state and remains otherwise eligible for assistance. The department shall periodically determine eligibility for assistance to out-of-state recipients.

Sec. 8. Section 239.9, Code Supplement 1983, is amended by striking the section and inserting in lieu thereof the following:

239.9 FUNERAL EXPENSES. The department may pay, from funds appropriated to it for the purpose, a maximum of four hundred dollars toward funeral expenses on the death of a child who is receiving or has been authorized to receive assistance, provided:

1. The decedent does not leave an estate which may be probated with sufficient proceeds to allow for payment of the funeral claim.

2. Payments which are due the decedent's estate or beneficiary by reason of the liability of a life insurance, death or funeral benefit company, association, or society, or in the form of United States social security, railroad retirement, or veterans' benefits upon the death of the decedent, are deducted from the department's liability under this section.

Sec. 9. Section 239.12, Code Supplement 1983, is amended to read as follows:

239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is established in the state treasury an account to be known as the "Aid to Dependent Children Account" to which shall be credited all funds appropriated by the state for the payment of assistance and benefits under this chapter, and all other moneys received at any time for such purposes. Moneys assigned to the department under section ~~239.12~~ 239.3 and received by the child support recovery unit pursuant to section 252B.5 and 42 U.S.C. sec. 664 shall be credited to the account in the fiscal year in which the moneys are received. All assistance and benefits under this chapter shall be paid from the account.

Sec. 10. Section 239.17, Code 1983, is amended to read as follows:

239.17 RECOVERY OF ASSISTANCE OBTAINED BY FRAUDULENT ACT. Whosoever A person who obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a willfully false statement or representation, or by impersonation or any fraudulent device, any assistance as defined in this chapter to which the recipient is not entitled, shall be is personally liable for the amount of assistance thus obtained. Such The amount of the assistance may be recovered from the offender or his the offender's estate in an action brought or by claim filed in the name of the state, and upon recovery the state shall pay the county a portion thereof equal to the amount paid by the county with respect to such assistance and return the balance of such recovery to the fund for aid to dependent children and the recovered funds shall be deposited in the aid to dependent children account. The action or claim filed in the name of the state shall not be considered an election of remedies to the exclusion of other remedies.

Sec. 11. Section 239.18, Code Supplement 1983, is amended to read as follows:

239.18 STATE CONTROL EXCLUSIVE RULES. Questions of policy and control respecting administration of this chapter shall vest and remain in the state division of child and family services of the department of human services of the state of Iowa and the state director of said division for the purposes of administering all provisions of this chapter. In order to provide a uniform state-wide program for aid to dependent children, the state director department shall promulgate such adopt rules and regulations as may be pursuant to chapter 17A necessary to make the provisions of implement this chapter uniform in all of the counties of this state and to ensure federal financial participation in the program.

Sec. 12. Section 239.20, Code 1983, is amended to read as follows:

239.20 COUNTY ATTORNEY TO ENFORCE. It is the intent of the general assembly that violations Violations of law relating to the aid to dependent children, medical assistance, and supplemental assistance program shall be prosecuted by county attorneys. Area prosecutors of the office of the attorney general shall provide such assistance in prosecution as may be required assistance. It is the intent of the general assembly that the first priority for investigation and prosecution for which funds are provided by this Act shall be for fraudulent claims or practices by health care vendors and providers.

Sec. 13. Section 239.15, Code 1983, is repealed.

Approved May 14, 1984

CHAPTER 1277
IOWA VETERANS HOME
H.F. 2440

AN ACT relating to the Iowa veterans home and its administration.

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

Section 1. Section 219.1, Code 1983, is amended to read as follows:

219.1 PURPOSE OF HOME—FOR WHOM MAINTAINED.

1. The Iowa veterans home, located in Marshalltown, shall be maintained as a long-term health care facility providing multiple levels of care, with attendant health care services, for honorably discharged veterans and ~~for the~~ their dependent spouses and for surviving spouses of such honorably discharged veterans. Eligibility requirements for admission to the Iowa veterans home shall coincide with the eligibility requirements for hospitalization in a United States veterans administration facility pursuant to title 38, United States Code, ~~sections 210 and section~~ section 610, and regulations promulgated under such provisions that section as amended to January 1, ~~1975~~ 1984.

2. As used in this chapter:

- a. "Commissioner" means the commissioner of the department of human services.
- b. "Member" means a patient or resident of the home.