

~~“third party payor reimbursement” does not include reimbursement provided under chapter 249J.~~

Sec. 26. Section 230.20, subsections 5 and 6, Code 2009, are amended to read as follows:

5. An individual statement shall be prepared for a patient on or before the fifteenth day of the month following the month in which the patient leaves the mental health institute, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by sections 125.33 and 125.34 the general statement shall list the name of each patient chargeable to that county who was served by the mental health institute during the preceding month or calendar quarter, the amount due on account of each patient, and the specific dates for which any third party payor reimbursement received by the state is applied to the statement and billing, and the county shall be billed for eighty percent of the stated charge for each patient specified in this subsection. ~~For the purposes of this subsection, “third party payor reimbursement” does not include reimbursement provided under chapter 249J.~~ The statement prepared for each county shall be certified by the department and a duplicate statement shall be mailed to the auditor of that county.

6. All or any reasonable portion of the charges incurred for services provided to a patient, to the most recent date for which the charges have been computed, may be paid at any time by the patient or by any other person on the patient’s behalf. Any payment made by the patient or other person, and any federal financial assistance received pursuant to Title XVIII or XIX of the federal Social Security Act for services rendered to a patient, shall be credited against the patient’s account and, if the charges paid as described in this subsection have previously been billed to a county, reflected in the mental health institute’s next general statement to that county. ~~However, any payment made under chapter 249J shall not be reflected in the mental health institute’s next general statement to that county.~~

Sec. 27. Section 249A.11, Code 2009, is amended to read as follows:

249A.11 Payment for patient care segregated.

A state resource center or mental health institute, upon receipt of any payment made under this chapter for the care of any patient, shall segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds ~~except for any nonfederal funds received through the expansion population program pursuant to chapter 249J which shall be deposited in the IowaCare account created pursuant to section 249J.24.~~ The money segregated shall be deposited in the medical assistance fund of the department of human services.

Sec. 28. REPEAL. Chapter 219, Code 2009, is repealed.

Approved April 21, 2010

CHAPTER 1142

CHILD SUPPORT — MISCELLANEOUS CHANGES

S.F. 2158

AN ACT relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

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

Section 1. Section 252B.5, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Aid in establishing paternity and securing a court or administrative order for support pursuant to chapter 252A, 252C, 252F, or 600B, or any other chapter providing for the establishment of paternity or support. In an action to establish support, the resident parent may be a proper party defendant for purposes of determining medical support as provided in section 252E.1A upon service of notice as provided in this chapter and without a court order as provided in the rules of civil procedure. The unit's independent cause of action shall not bar a party from seeking support in a subsequent proceeding.

Sec. 2. Section 252F.1, subsection 4, Code Supplement 2009, is amended to read as follows:

4. "Party" means a putative father or a mother, as named in an action.

Sec. 3. Section 252F.4, subsections 1 through 4, Code Supplement 2009, are amended to read as follows:

1. If ~~both parties fail~~ each party fails to respond to the initial notice within twenty days after the date of service of the notice or ~~fail fails~~ to appear at a conference pursuant to section 252F.3 on the scheduled date of the conference, and paternity has not been contested and ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties, declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

2. If paternity is contested pursuant to section 252F.3, subsection 6, and the party contesting paternity fails to appear for a paternity test and fails to request a rescheduling pursuant to section 252F.3, or fails to appear for both the initial and the rescheduled paternity tests and ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

3. If a conference pursuant to section 252F.3 is held, and paternity is not contested, and ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties after the second notice has been sent declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

4. If paternity was contested and paternity testing was performed and the putative father was not excluded, if the test results indicate that the probability of the putative father's paternity is ninety-five percent or greater, if the test results are not timely challenged, and if ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

Sec. 4. Section 252H.7, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A parent may waive the ~~thirty-day~~ fifteen-day prereview waiting period provided for in section 252H.16.

Sec. 5. Section 252H.7, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Upon receipt of signed requests from both parents waiving the prereview waiting period, the unit may conduct a review of the support order prior to the expiration of the ~~thirty-day~~ fifteen-day period provided in section 252H.16.

Sec. 6. Section 252H.8, subsections 1 and 7, Code 2009, are amended to read as follows:

1. For actions initiated under section 252H.15, either parent or the unit may request a court hearing within ~~thirty~~ fifteen days from the date of issuance of the notice of decision under section 252H.16, or within ten days of the date of issuance of the second notice of decision under section 252H.17, whichever is later.

7. For actions initiated under section 252H.15, a hearing shall not be held for at least ~~thirty-one~~ sixteen days following the date of issuance of the notice of decision unless the parents have jointly waived, in writing, the ~~thirty-day~~ fifteen-day postreview period.

Sec. 7. Section 252H.14A, subsection 1, Code 2009, is amended to read as follows:

1. Notwithstanding section 252H.15, ~~to assist the unit in meeting the requirement for reviews and adjustments under the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171,~~ the unit may use procedures under this section to review a support order if all the following apply:

a. One of the following applies:

(1) The right to ongoing child support is assigned to the state of Iowa due to the receipt of family investment program assistance, and a review of the support order is required under section 7302 of the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171.

(2) A parent requests a review, provides the unit with financial information as part of that request, and the order meets the criteria for review under this subchapter.

b. The unit has access to information concerning the financial circumstances of each parent and one of the following applies:

(1) The parent is a recipient of family investment program assistance, medical assistance, or food assistance from the department.

(2) The parent's income is from supplemental security income paid pursuant to 42 U.S.C. § 1381a.

(3) The parent is a recipient of disability benefits under the Act because of the parent's disability.

(4) The parent is an inmate of an institution under the control of the department of corrections.

(5) The unit has access to information described in section 252B.7A, subsection 1, paragraph "c".

Sec. 8. Section 252H.16, subsection 2, Code 2009, is amended to read as follows:

2. Unless both parents have waived the prereview notice period as provided for in section 252H.7, the review shall not be conducted for at least ~~thirty~~ fifteen days from the date both parents were successfully served with the notice required in section 252H.15.

Sec. 9. Section 598.21B, subsection 2, paragraph e, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Unless the special circumstances of the case justify a deviation, the court or the child support recovery unit shall establish a monthly child support payment of ~~twenty-five dollars in accordance with the guidelines~~ for a parent who is nineteen years of age or younger, who has not received a high school or high school equivalency diploma, and to whom each of the following apply:

Sec. 10. RULES. Until the department of human services amends rules pursuant to chapter 17A necessary to conform with the sections of this Act amending sections 252H.7, 252H.8, 252H.14A, and 252H.16, any existing rule relating to review and adjustment of support orders shall apply as follows:

1. Any provision for a time limit that conflicts with a provision of this Act amending section 252H.7, 252H.8, or 252H.16, shall not apply.

2. Any rule that applies to review and adjustment of support orders shall also apply to review under section 252H.14A, as amended by this Act, except that a provision for a time

limit, notice, or other procedure which conflicts with a provision of section 252H.14A, as amended by this Act, shall not apply.

Approved April 21, 2010

CHAPTER 1143

CHILD IN NEED OF ASSISTANCE PROCEEDINGS — GUARDIANSHIPS — TRANSFER TO PROBATE COURT

S.F. 2200

AN ACT relating to transfer of guardianship for a child in need of assistance to the probate court.

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

Section 1. Section 232.104, subsection 7, Code 2009, is amended to read as follows:

7. *a.* Following an initial permanency hearing and the entry of a permanency order which places a child in the custody or guardianship of another person or agency, the court shall retain jurisdiction and annually review the order to ascertain whether the best interest of the child is being served. When the order places the child in the custody of the department for the purpose of long-term foster care placement in a facility, the review shall be in a hearing that shall not be waived or continued beyond twelve months after the initial permanency hearing or the last permanency review hearing. Any modification shall be accomplished through a hearing procedure following reasonable notice. During the hearing, all relevant and material evidence shall be admitted and procedural due process shall be provided to all parties.

b. In lieu of the procedures specified in paragraph “a”, the court may close the child in need of assistance case by transferring jurisdiction over the child’s guardianship to the probate court. The court shall inform the proposed guardian of the guardian’s reporting duties under section 633.669 and other duties under the probate code. Upon transferring jurisdiction, the court shall direct the probate clerk, once the proposed guardian has filed an oath of office and identification in accordance with section 602.6111, to issue letters of appointment for guardianship and docket the case in probate. Records contained in the probate case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency.

Sec. 2. Section 633.559, Code 2009, is amended to read as follows:

633.559 Preference as to appointment of guardian.

The Except for a minor child for whom the court’s jurisdiction over the child’s guardianship was established pursuant to transfer of the child’s case in accordance with section 232.104, the parents of a minor child, or either of them, if qualified and suitable, shall be preferred over all others for appointment as guardian. Preference shall then be given to any person, if qualified and suitable, nominated as guardian for a minor child by a will executed by the parent having custody of a minor child, and any qualified and suitable person requested by a minor fourteen years of age or older, or by standby petition executed by a person having physical and legal custody of a minor. Subject to these preferences, the court shall appoint as guardian a qualified and suitable person who is willing to serve in that capacity.

Sec. 3. Section 633.675, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding subsections 1 through 4, if the court appointed a guardian for a minor child for whom the court’s jurisdiction over the child’s guardianship was established pursuant to transfer of the child’s case in accordance with section 232.104, the court shall not enter an order terminating the guardianship before the child becomes age