

Reported Recommending.....
 Ind. Postponed.....
 Passed House.....
 Failed to Pass House.....
 Passed Senate.....
 Failed to Pass Senate.....

House File 289

February 11, 1943.
 Child Welfare.

By SCOTT of Fayette, KUESTER, McFARLANE, REED, BRYSON, DUFFIELD, FISHBAUGH, PRENTIS, COLBURN, HEFFNER, DONOHUE, HALL, ROBINSON, JOHNSON of Monona, DOUD, LATCHAW, WILSON of Calhoun, DVORAK, BOCKWOLDT, EDWARDS, SEEMANN, COWAN, WHITEHEAD, BALDWIN, SIEFKAS, COOPER, ANDERSON, FIMMEN, HOENESS, WICHMAN, STINEMATES, SCOTT of Sac, TYRRELL, DATISMAN, MARTIN, BURK, DODDS, GARDNER of Bremer, WALTER of Pottawattamie, MILLS, WELLINGTON, WEICHMAN, GOOD, KNUDSON, BLEWETT, BLATTI, KRUSE, RITCHIE, CARLSON, GRAFT, HUSTON, TE PASKE, KLEMESRUD, AVERY, GARDNER of Linn, WILSON of Monroe, GREENE, MILLER, WORMLEY, JESSEN, NOBLE, HUTCHISON, HEDIN, BONN, WALTER of Marshall, TATUM, HICKLIN, HAWKINS, PETERSON, KUHN, COX, GETSCHER and LAGE.

A BILL FOR

An Act to provide for a system of aid to dependent children in the several counties of the state, together with state aid therefor; to prescribe the powers and duties of the State Board of Social Welfare, the County Board of Social Welfare, and of Counties and their Boards of Supervisors with regard to such system of aid; to repeal sections thirty-six hundred forty-one (3641), thirty-six hundred forty-one and one-tenth (3641.1), thirty-six hundred forty-two (3642), and thirty-six hundred forty-three (3643), Code of 1939, and any other acts or parts of acts in conflict with this act, and to make an appropriation to carry out the provisions of this act.

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

1 Section 1. Definitions. As used in this Act:

2 1. "State board" means the state board of social
3 welfare provided for in section thirty-six hundred
4 sixty-one and four one-thousands (3661.004), Code
5 of Iowa, 1939.

6 2. "County board" means the county board of social
7 welfare provided for in section thirty-six hundred
8 sixty-one and ten one-thousandths (3661.010), Code of
9 Iowa, 1939.

10 3. A "dependent child" means a needy child under
11 the age of sixteen years or under the age of eighteen
12 years if found by the county board to be in regular
13 attendance at school, who has been deprived of parental
14 support and care by reason of death, divorce, continued
15 absence from home, or physical or mental incapacity of
16 either parent, and who is living with his father, mother,
17 grandfather, grandmother, brother, sister, stepfather,
18 stepmother, stepbrother, stepsister, uncle or aunt, in
19 a place of residence maintained by one or more of such
20 relatives as his or their home or in the home of one
21 into whose custody the child has been given by a court
22 of competent jurisdiction.

23 4. "Assistance" means money payments with respect
24 to a dependent child or children.

25 5. "Recipient" is the person to whom money payments

26 with respect to a dependent child or children are
27 made, and shall be confined to the relatives referred
28 to in paragraph three (3) of this section and a legally
29 appointed guardian, and the recipient in any case shall
30 be designated by the county board of social welfare.

1 Sec. 2. Eligibility for aid to dependent children.

2 Assistance shall be granted under this act to any
3 dependent child who:

4 1. Is living in a suitable family home maintained
5 by one or more of the persons referred to in paragraph
6 three (3) of this section.

7 2. Has resided in the state for one year
8 immediately preceding the application for such
9 assistance; or was born within the state within
10 one year immediately preceding the application, if
11 the mother has resided in the state for one year
12 immediately preceding the birth of said child,
13 without regard to the residence of the person
14 or persons with whom said child is living.

15 3. Is not in a public institution or because of
16 a physical or mental condition, is not in need of
17 continued care in a public institution.

18 4. The county board of social welfare finds is
19 qualified for aid.

1 Sec. 3. Application for aid. Application for

2 aid under this act shall be made to the county board
3 of the county in which the dependent child resides.
4 The application shall be in writing upon the form
5 prescribed by the state department. Such application
6 shall be made by an adult person with whom the
7 dependent child is living, or by the county probation
8 officer, and shall contain such information as may be
9 required upon the application form. One application
10 may be made for several children of the same family
11 if they reside or will reside with the same person.

1 Sec. 4. Investigation of application. Whenever
2 a county board receives an application for aid, an
3 investigation and record of the circumstances shall
4 promptly be made by the county board in order to
5 ascertain the dependency of the child and the facts
6 supporting the application and in order to obtain such
7 other information as may be necessary to determine
8 whether such application should be granted or the
9 amount of aid that should be granted.

10 The investigations shall include visits to the
11 home of the child and of the person with whom the child
12 will live during the time assistance is granted.

1 Sec. 5. Granting of aid and amount thereof.
2 Upon the completion of an investigation the county
3 board shall decide whether the child is eligible for
4 aid under the provisions of this act and determine

5 the amount of such aid. The county board shall
6 notify the person with whom the child is living or
7 will be living, of the decision made. The county
8 board may require, as a condition of granting aid,
9 that a legal guardianship be established over any
10 child or children and in such cases the payments by
11 way of aid shall be made to such guardian, when
12 appointed. The dependent child for whom the aid
13 is made shall be originally charged to the county in
14 which such child resides when application is made.

15 The amount of aid needed for any dependent child
16 shall be fixed by the county board with due regard
17 to the necessary expenditures of the family and the
18 conditions existing in each case, taking into considera-
19 tion any other income or resources of any child claiming
20 aid under this act and any private resources found to be
21 legally available to such child. Such aid when granted
22 shall be sufficient, when added to all other income and
23 support available to the child, to provide such child
24 with a reasonable subsistence compatible with decency
25 and health, provided, however, that no monthly aid shall
26 be made in excess of fifteen dollars (\$15.00) per month
27 for one child, and if there is more than one dependent
28 child who will receive assistance in the same home, the
29 grants of aid for said children shall not exceed the

31 For the first child not to exceed \$15.00 per month
32 For the second child not to exceed \$10.00 per month
33 For the third child not to exceed \$9.00 per month
34 For the fourth child not to exceed \$6.00 per month
35 For the fifth child not to exceed \$8.00 per month
36 and in no event more than \$50.00 per month for all children
37 in one home. Aid, when granted, shall be paid monthly to
38 the recipient from the County Fund for Aid to Dependent
39 Children provided for by this act.

1 Sec. 6. Periodic reconsideration, changes, and
2 termination of grants. Any or all aid made under this
3 act shall be subject to reconsideration at any time the
4 county board deems necessary. After any such further
5 investigation, aid may be continued, renewed, suspended,
6 changed in amount, or entirely withdrawn, as the find-
7 ings of the board may warrant.

1 Sec. 7. Appeal. If an application is not acted
2 upon by the county board within a reasonable time after
3 such application is made, if it is denied in whole or
4 in part, or if any award of assistance is modified,
5 suspended or cancelled under any provisions of this act,
6 the applicant or recipient may appeal to the juvenile
7 court by filing in the juvenile court a statement
8 executed by the applicant or recipient and stating that
9 appeal is being taken from the action of the county
10 board. The juvenile court upon the filing of such

11 statement shall give written notice thereof to the
12 county board and the chairman of the board of super-
13 visors and order all papers in the case certified up
14 to the court within ten days from the giving of the
15 notice, which notice may be given by mailing; thereupon
16 the court shall proceed to determine the appeal on a
17 hearing de novo after notifying all parties of the time
18 of hearing, and shall finally determine the matters
19 involved in said appeal. In such hearing no witness
20 fees shall be taxed as costs.

1 Sec. 8. Removal from county. When any child for
2 whose benefit a grant of aid has been made removes or
3 is removed from the county giving aid, it shall be the
4 duty of the recipient to immediately notify the county
5 board of the county giving aid of the fact of such
6 removal and of the city or town (or the nearest city
7 or town) and of the county to which the child has removed.
8 If the removal is into another county in the state, the
9 county which has been giving aid shall continue the aid
10 for a period of six months after the date of removal,
11 but if the removal is out of the state aid shall immediate-
12 ly cease. Thereafter any aid can be granted only in the
13 manner provided for herein as to obtaining aid, and can
14 be only in and from the county in which the child is
15 then living.

2 applications, investigations and records shall be
3 privileged communications and shall be confidential.
4 They shall be open to inspection and use only by
5 persons authorized by the state or the county in
6 connection with their official duties directly
7 connected with the administration of this act.

8 Any list or lists of names of applicants or
9 recipients of aid authorized by this act or other
10 lists compiled by the state department of social
11 welfare or its successors in the administration of this
12 act are hereby declared to be the personal property of
13 the State of Iowa; and no employee of the State of Iowa,
14 or any other person shall give, sell or furnish such list
15 or lists to any person or persons for any purpose except
16 for use in the administration of this act, and as other-
17 wise herein provided. No person shall buy, give, furnish,
18 sell or use such list or lists, or any plate or card from
19 which any such list could be prepared, belonging to or used
20 in the administration of aid to dependent children in the
21 State of Iowa for any commercial or political purpose,
22 and the violation of any of the provisions hereof is
23 hereby made a misdemeanor, punishable by a fine of not to
24 exceed one thousand dollars or by imprisonment in the
25 county jail not to exceed one year, or by both such fine
26 and imprisonment.

1 Sec. 10. The board of supervisors of such county

2 at the time of the preparation of the county budget in
3 the year 1943 shall prepare on forms to be prescribed
4 by the state comptroller a budget of the proposed
5 expenditures by the county for the year 1944 for aid
6 to dependent children, and in addition shall show the
7 amount expended by the county for the year 1942 and
8 for the first six (6) months of the year 1943 under the
9 provisions of Sections thirty-six hundred forty-one
10 (3641) to thirty-six hundred forty-three (3643) inclusive,
11 Code of 1939, which shall be known as the County Aid to
12 Dependent Children Budget. In each year following the
13 year 1943, the board of supervisors of each county
14 at the time of the preparation of the regular county
15 budget for the following year shall prepare the County
16 Aid to Dependent Children Budget on forms to be
17 prescribed by the State Comptroller showing the amount
18 expended during the eighteen (18) months preceding July
19 1st of that year, and the amount which it is estimated
20 to be expended for Aid to Dependent Children during the
22 following calendar year. Said Aid to Dependent Children
22 Budget shall be transmitted to the State Comptroller on
23 or before September first.

1 Sec. 11. The State Appeal Board shall, on or before
2 October first, with the advice of the State Board,
3 determine the amount that shall be budgeted by the
4 county for Aid to Dependent Children for the ensuing

5 calendar year. The State Appeal Board in determining
6 the amount that shall be budgeted for a county shall
7 consider the amount of the total appropriation made
8 by way of state aid to the counties for aid to
9 dependent children, and adjust the budget of the
10 several counties of the state in such manner that each
11 county shall receive as state aid from the appropriation
12 therefor in the ratio of one dollar of state aid to two
13 dollars of county funds.

1 Sec. 12. The State Appeal Board shall transmit to each
2 county of the state on or before November 15th the Final
3 Aid to Dependent Children Budget as the said Board has
4 determined it.

1 Sec. 13. The board of supervisors of each county upon
2 receipt of the final Aid to Dependent Children Budget shall
3 determine the amount necessary to be levied on the poor
4 fund in order to raise the funds necessary for the county's
5 share in the Aid to Dependent Children Fund, in addition
6 to the sums required for other poor relief, but the total
7 levy in the poor fund for all purposes shall not exceed
8 the limitations prescribed by law for levy for the poor
9 fund, except that in counties having a population of
10 sixty thousand (60,000) or more, the board of super-
11 visors may levy annually a tax not to exceed one-fourth
12 mill to carry out the provisions of this act.

1 Sec. 14. There is hereby established in each county

2 a fund to be known as the Aid to Dependent Children Fund
3 to which shall be credited all funds appropriated by the
4 county budget for aid to dependent children and all state
5 aid for said purpose. All aid under this act shall be
6 paid from said fund. The county board of supervisors
7 shall, within twenty (20) days following the end of the
8 quarters ending March 31st, June 30th, September 30th,
9 and December 31st, report to the State Comptroller the
10 total amount of aid paid during the preceding quarter
11 for dependent children chargeable to the county. The
12 comptroller shall forthwith draw a warrant payable to
13 the county auditor upon the appropriation of funds for
14 state aid for an amount sufficient to reimburse the
15 county for one-third of the amount reported paid out by
16 the county, but not to exceed one-fourth of the county's
17 annual allotment of state aid, which payment shall be
18 credited to the county's Aid to Dependent Children Fund.

1 Sec. 15. Aid not assignable. Aid granted under
2 this act shall not be transferable or assignable at
3 law or in equity, and none of the money paid or payable
4 under this act shall be subject to execution, levy,
5 attachment, garnishment, or other legal process, or to
6 the operation of any bankruptcy or insolvency law.

1 Sec. 16. Fraudulent acts. Whoever obtains, or
2 attempts to obtain, or aids or abets any person to
3 obtain, by means of a wilfully false statement or represen-

4 tation, or by impersonation, or any fraudulent device, any
5 aid under this act to which the recipient is not entitled,
6 shall be guilty of a misdemeanor, and, upon conviction
7 thereof, shall be punishable by fine, not exceeding
8 five hundred dollars or by imprisonment in the county
9 jail for not more than three months, or by both such
10 fine and imprisonment.

1 Sec. 17. Recovery of aid obtained by fraudulent
2 act. Whosoever obtains, or attempts to obtain, or
3 aids or abets any person to obtain, by means of a wilfully
4 false statement or representation, or by impersonation, or
5 any fraudulent device, any assistance as defined in this
6 act to which the recipient is not entitled, shall be
7 personally liable for the amount of aid thus obtained.
8 Such amount may be recovered from the offender or his
9 estate in an action brought or by claim filed in the name
10 of the state, and upon recovery the state shall pay the
11 county a portion thereof equal to the amount paid by the
12 county with respect to such aid, and return the balance of
13 such recovery to the "fund for aid to dependent children."

1 Sec. 18. Constitutionality. If any portion of this
2 act shall be held invalid, the remaining provisions shall
3 be given full force and effect as if the part held invalid
4 had not been included herein.

1 Sec. 19. Commencement of aid payments. This act
2 shall take effect as provided by law except as hereafter

3 stated, but aid payments hereunder shall not begin until
4 January 1, 1944.

1 Sec. 20. Appropriation. There is hereby appropriated
2 from the general fund of the state, for the purposes of this
3 act, the sum of two hundred fifty thousand dollars
4 (\$250,000.00) for the year ending June 30, 1944, and
5 the sum of five hundred thousand dollars (\$500,000)
6 for the year ending June 30, 1945.

1 Sec. 21. Repeal. Sections thirty-six hundred
2 forty-one (3641), thirty-six hundred forty-one and
3 one-tenth (3641.1), thirty-six hundred forty-two (3642),
4 and thirty-six hundred forty-three (3643), Code of Iowa,
5 1939, are hereby repealed but it is provided that such
6 repeal shall not take effect, and payment of widows'
7 pensions under the repealed statutes shall not cease,
8 until January 1, 1944. All other acts or parts of acts
9 in conflict herewith are hereby repealed.