

March 16, 1955.
Passed on file

Senate File 415
By SOCIAL SECURITY COMMITTEE.

Passed Senate, Date.....
Vote: Ayes..... Nays.....
Passed House, Date.....
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to amend chapter two hundred fifty-two A (252 A), Code 1954, relating to uniform support of dependents, to permit actions to be commenced by an agency granting support, to simplify procedures, and to bring the Iowa law in closer uniformity with statutes of other states.

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

1 Section 1. Section two hundred fifty-two A point
2 three (252 A.3) Code 1954, is amended by adding the following
3 subsection:

4 "Duties of support applicable under this chapter
5 are those imposed or imposable under the laws of any state
6 where the respondent was present during the period for which
7 support is sought. The respondent is presumed to have been
8 present in the responding state during the period for which
9 support is sought until otherwise shown."

1 Sec. 2. Section two hundred fifty-two A point five
2 (252 A.5) Code 1954, is amended by adding the following sub-
3 section:

4 "Whenever the state or a political subdivision thereof
5 furnishes support to a dependent, it has the same right through

6 proceedings instituted by the petitioner's representative to
7 invoke the provisions hereof as the dependent to whom the
8 support was furnished, for the purpose of securing reimbursement
9 of expenditures so made and of obtaining continuing support;
10 the petition in such case may be verified by any official having
11 knowledge of such expenditures and consent of the dependent
12 shall not be required in order to institute proceedings under
13 this chapter. ”.

1 Sec. 3. Section two hundred fifty-two A point six
2 (252 A.6) Code 1954, is amended by inserting after the word
3 “petitioner” in line two (2) of subsection one (1), a comma
4 (,) and inserting after the comma, the following: “or by a
5 petitioner’s representative.”.

1 Sec. 4. Section two hundred fifty-two A point six
2 (252 A.6) Code 1954, is further amended by inserting after
3 the word “court” in line three (3) of subsection one (1),
4 the words “in equity”.

1 Sec. 5. Section two hundred fifty-two A point six
2 (252 A.6) Code 1951, is further amended by adding at the end
3 of subsection one (1), the following:

4 “The petitioner may include in or attach to the petition
5 any information which may help in locating or identifying the
6 respondent including, but without limitation by enumeration,
7 a photograph of the respondent, a description of any distinguish-
8 ing marks of his person, other names and aliases by which he has
9 been or is known, the name of his employer, his finger prints,

10 or Social Security number.”.

1 Sec. 6. Section two hundred fifty-two A point six
2 (252 A.6) Code 1954, is further amended by striking therefrom
3 subsection three (3) thereof, and by inserting in lieu thereof,
4 the following:

5 “If the court of this state acting as an initiating
6 state finds that the petition sets forth facts from which it
7 may be determined that the respondent owes a duty of support
8 and that a court of the responding state may obtain jurisdiction
9 of the respondent or his property, it shall so certify and
10 shall cause three copies of (1) the petition (2) its certificate
11 and (3) this act to be transmitted to the court in the respond-
12 ing state. If the name and address of such court is unknown
13 and the responding state has an information agency comparable
14 to that established in the initiating state it shall cause such
15 copies to be transmitted to the state information agency or
16 other proper official of the responding state, with a request
17 that it forward them to the proper court, and that the court
18 of the responding state acknowledge their receipt to the court
19 of the initiating state.”.

1 Sec. 7. Section two hundred fifty-two A point six
2 (252 A.6) Code 1954, is further amended by striking therefrom
3 subsection four (4) and inserting in lieu thereof, the following:

4 “When the court of this state, acting as a responding
5 state, receives from the court of an initiating state the afore-
6 said copies, it shall docket the cause, notify the County Attorney

7 or other official acting as petitioner's representative, set a
8 time and place for a hearing, and take such action as is necessary
9 in accordance with the laws of this state to serve notice and
10 thus obtain jurisdiction over the respondent. If a court of the
11 state, acting as a responding state, is unable to obtain juris-
12 diction of the respondent or his property due to inaccuracies or
13 inadequacies in the petition or otherwise, the court shall communi-
14 cate this fact to the court in the initiating state, shall on its
15 own initiative use all means at its disposal to trace the respond-
16 ent or his property, and shall hold the case pending the receipt
17 of more accurate information or an amended petition from the
18 court in the initiating state."

1 Sec. 8. Section two hundred fifty-two A point six
2 (252 A.6) Code 1954, is further amended by striking therefrom
3 subsection twelve (12) thereof and inserting in lieu thereof,
4 the following:

5 "The court making such order may require the respondent
6 to make payment at specified intervals to the clerk of the
7 district court, or to the dependent, or to any state or county
8 agency, and to report personally to the sheriff or any other
9 official, at such times as may be deemed necessary."

1 Sec. 9 Section two hundred fifty-two A point six
2 (252 A.6) Code 1954, is further amended by striking therefrom
3 subsection fourteen (14) thereof, and inserting in lieu thereof,
4 the following:

5 "The court of this state when acting as a responding

6 state shall have the following duties which may be carried out
7 through the clerk of the court: Upon receipt of a payment made
8 by the respondent pursuant to any order of the court or other-
9 wise to transmit the same forthwith to the court of the initiat-
10 ing state, and upon request to furnish to the court of the
11 initiating state a certified statement of all payments made by
12 the respondent.”.

1 Sec. 10. Section two hundred fifty-two A point six
2 (252 A.6) Code 1954, is further amended by striking therefrom
3 subsection fifteen (15), and inserting in lieu thereof, the
4 following:

5 “Any order of support issued by a court of the state
6 acting as a responding state shall not supersede any previous
7 order of support issued in a divorce or separate maintenance
8 action, but the amounts for a particular period paid pursuant
9 to either order shall be credited against amounts accruing
10 or accrued for the same period under both.”.

1 Sec. 11. Chapter two hundred fifty-two A (252 A)
2 Code 1954, is amended by adding thereto the following section:

3 “A court of the state acting either as an initiating
4 or responding state may in its discretion direct that any part
5 of or all fees and costs incurred in this state, including
6 without limitation by enumeration, fees for filing, service
7 of process, seizure of property, and stenographic services of
8 both petitioner and respondent, or either, shall be paid by
9 the county where said court is located. Where the action is

10 brought by an agency of the state or county, there shall be no
11 filing fee.”.

1 Sec. 12. Chapter two hundred fifty-two A (252 A) Code
2 1954, is amended by adding thereto the following section:

3 “When the court of this state, acting either as an
4 initiating or responding state, has reason to believe that the
5 respondent may flee the jurisdiction it may as an initiating
6 state request in its certificate that the court of the respond-
7 ing state obtain the body of the respondent by appropriate
8 process if that be permissible under the law of the responding
9 state; or it may as a responding state, obtain the body of the
10 respondent by appropriate process.”.

1 Sec. 13. Chapter two hundred fifty-two A (252 A) Code 1954.
2 is amended by adding thereto the following section:

3 “The state department of social welfare is hereby designated
4 as the state information agency under this act, and it shall be
5 its duty to compile a list of the courts and their addresses
6 in this state having jurisdiction under this act and transmit
7 the same to the state information agency of every other state
8 which has adopted this or a substantially similar act and to
9 maintain a register of such lists received from other states.”.

EXPLANATION OF S. F. 415

This bill which adopts provisions of a recommend uniform act, makes provision for action to be instituted by the State or County in cases where the dependent relative neglects or refuses to file the petition, and therefore, would enable the agencies furnishing assistance to reduce needless costs. Further, the bill modifies the technical requirements in the former Act which are not in accordance with recommended legislation and the requirements of most other states, creates a central State information agency, and provides for the apprehension of nonpaying respondent in cases where there is a possibility that he may leave the State and thus avoid a Court hearing.

1 Amend Senate File 415 as follows:

2 Amend section eleven (11) by striking all of said section
3 following the word “section” in line two (2) thereof and inserting
4 in lieu thereof the following: “Actual costs incurred in this state
5 incidental to any action brought under the provisions of this chapter
6 shall be advanced by the initiating party or agency unless otherwise
7 order by the court. Where the action is brought by an agency of
8 the state or county there shall be no filing fee”.