

Reprint 2/14

Human Resources
C. Miller, Chair
Mann
Soorholtz

FILED JAN 25 1984

SENATE FILE 2091

BY VANDE HOEF

Passed Senate, Date 2-8-84 (p. 352) Passed House, Date 2/8/96 P. 352

Vote: Ayes 44 Nays 0 Vote: Ayes 44 Nays 0

Approved May 2, 1984

A BILL FOR

1 An Act relating to the acquisition of legal settlement by
2 persons hospitalized in or receiving treatment at a
3 state mental health institute.

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4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2091

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S-5095

7

1 Amend Senate File 2091 as follows:

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2 1. Page 1, by striking lines 20 through 27 and
3 inserting in lieu thereof the following: "institution
4 assumes the settlement of his the child's custodial
5 parent as prescribed in subsections 5 and 6.

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6 Settlement of the minor child changes with the
7 settlement of his the child's custodial parent, except
8 that the child retains the settlement that his the
9 child's custodial parent has on the child's eighteenth
10 birthday until he the child is discharged from the
11 institution, at which time he the child acquires his
12 the child's own settlement, as provided in this section
13 by continuously residing in a county for one year."

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14 2. Page 1, by inserting after line 32 the
15 following:

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16 "An emancipated minor acquires a legal settlement
17 in the minor's own right. An emancipated minor is
18 one who is absent from the minor's parents with the
19 consent of the parents, is self-supporting, and has
20 assumed a new relationship inconsistent with being
21 a part of the family of the parents.

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22 A minor, placed in the care of a public agency
23 or facility as custodian or guardian, takes the legal
24 settlement that the parents had upon severance of
25 the parental relationship, and retains that legal
26 settlement until a natural person is appointed
27 custodian or guardian at which time the minor takes
28 the legal settlement of the natural person or until
29 the minor attains the age of eighteen."

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30 3. Title page, line 3, by inserting after the
31 word "institute" the words "and by institutionalized,
32 emancipated, and other minors".

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S-5095 FILED
FEBRUARY 7, 1984
Adopted 2/8 (p. 352)

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BY TOM MANN, JR.
RICHARD VANDE HOEF

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S. 2091

1 Section 1. Section 252.16, Code 1983, is amended to read
2 as follows:

3 252.16 SETTLEMENT--HOW ACQUIRED. A legal settlement in
4 this state may be acquired as follows:

5 1. Any A person continuously residing in any a county
6 in this state for a period of one year acquires a settlement
7 in that county except as provided in subsection 7.

8 2. Any A person having acquired a settlement in any a
9 county of this state shall not acquire a settlement in any
10 other county until ~~such~~ the person shall have has continuously
11 resided in ~~said~~ the county for a period of one year except
12 as provided in subsection 7.

5095 13 3. A person who is an inmate of or is supported by an
14 institution whether organized for pecuniary profit or not
15 or an institution supported by charitable or public funds
16 in a county in this state ~~shall~~ does not acquire a settlement
17 in the county unless the person before becoming an inmate
18 in the institution or being supported by an institution has
19 a settlement in the county. A minor child residing in an
20 institution assumes the settlement of ~~his~~ the child's parent
21 as prescribed in subsections 5 and 6. Settlement of the minor
22 child changes with the settlement of ~~his~~ the child's parent,
23 except that the child retains the settlement that ~~his~~ the
24 child's parent has on the child's eighteenth birthday until
25 ~~he~~ the child is discharged from the institution, at which
26 time ~~he~~ the child acquires ~~his~~ the child's own settlement,
27 as provided in this section.

28 4. Minor children who reside with both parents take the
29 settlement of the parents. If the minor child resides on
30 a permanent basis with only one parent or a guardian, the
31 minor child takes the settlement of the parent or guardian
32 with whom the child resides.

5095 33 5. Any A person with settlement in this state who enlists
34 in or is inducted into the military or naval service of the
35 United States ~~shall retain such~~ retains the settlement during

1 the period of his military or naval service. Any A person
2 without settlement in this state who is serving in said the
3 military or naval service within the borders of this state
4 shall does not acquire a settlement during the period of such
5 service.

6 6. ~~The provisions of subsections~~ Subsections 1, 2, and
7 3, and 7 of this section shall do not apply to any a blind
8 person who is receiving assistance under the laws of this
9 state. ~~Any such~~ A blind person receiving assistance who has
10 resided in any one county of this state for a period of six
11 months ~~shall have acquired~~ acquires legal settlement for
12 support as provided in this chapter.

13 7. A person hospitalized in or receiving treatment at
14 a state mental health institute does not acquire legal settle-
15 ment in the county in which the institute is located unless
16 the person is discharged from the institute, continuously
17 resides in the county for a period of one year subsequent
18 to the discharge, and during that year is not hospitalized
19 in and does not receive treatment at the institute.

20 Sec. 2. Section 252.22, unnumbered paragraph 1, Code 1983,
21 is amended to read as follows:

22 When relief is granted to a poor person having a settlement
23 in another county, the auditor shall at once by mail notify
24 the auditor of the county of his settlement of such that fact,
25 and, within fifteen days after receipt of such the notice,
26 such the auditor shall inform the auditor of the county grant-
27 ing relief if the claim of settlement is disputed. If it
28 is not, the poor person, at the request of the auditor or
29 board of supervisors of the county of his settlement, may
30 be maintained where he the person then is at the expense of
31 such the county, and without affecting his legal settlement
32 as provided in section 252.16.

33 EXPLANATION

34 This bill provides an exception to the general rule that
35 a person acquires legal settlement in a county after residing

1 in the county for one year. A former state mental health
2 institute patient would not acquire legal settlement in the
3 county in which the institute is located unless the patient
4 is discharged, continuously resides in the county for one
5 year subsequent to the discharge, and is not hospitalized
6 in and does not receive treatment at the institute during
7 that year.

8 The bill would become law July 1 following enactment and
9 would apply to the time periods beginning on or after July
10 1.

11 SENATE FILE 2091
12 FISCAL NOTE

13 REQUESTED BY SENATOR VANDEHOEF

14 In compliance with a written request there is hereby submitted a
15 Fiscal Note for Senate File 2091 pursuant to Joint Rule 17.

16 Senate File 2091 exempts a former state mental health institute
17 patient from acquiring legal settlement in the county in which the
18 institute is located unless the patient is discharged from the
19 institute and maintains residence in the county continuously for
one year without receiving any services from the mental health
institute during that year.

20 FISCAL IMPACT: It is anticipated that Senate File 2091 will not
21 have a fiscal impact on the state general fund.

(3614S, 84-077A, DAW)

22 Source: Department of Human Services

24 RECEIVED BY THE SECRETARY OF THE SENATE, FEBRUARY 8, 1984
25 FILED: BY DENNIS C. PROUTY, DIRECTOR
26 FEBRUARY 13, 1984 LEGISLATIVE FISCAL BUREAU

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Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

SENATE FILE

2091

BY VANDE HOEF

See 2 per 5270 to Do Pass 2/23 (p. 574)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 8, 1984)

Re Passed Senate, Date 4-2-84 (p. 1215) Passed House, Date 3-26-84 (p. 1279)

Vote: Ayes 41 Nays 0 Vote: Ayes 98 Nays 0

Approved 5/2/84

A BILL FOR

1 An Act relating to the acquisition of legal settlement by
 2 persons hospitalized in or receiving treatment at a
 3 state mental health institute and by institutionalized,
 4 emancipated, and other minors.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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_____ = New Language
 by the Senate

1 Section 1. Section 252.16, Code 1983, is amended to read
2 as follows:

3 252.16 SETTLEMENT--HOW ACQUIRED. A legal settlement in
4 this state may be acquired as follows:

5 1. Any A person continuously residing in any a county
6 in this state for a period of one year acquires a settlement
7 in that county except as provided in subsection 7.

5270 8 2. Any A person having acquired a settlement in any a
9 county of this state shall not acquire a settlement in any
10 other county until ~~such~~ the person shall-have has continuously
11 resided in ~~said~~ the county for a period of one year except
12 as provided in subsection 7.

5 13 3. A person who is an inmate of or is supported by an
14 institution whether organized for pecuniary profit or not
15 or an institution supported by charitable or public funds
16 in a county in this state ~~shall~~ does not acquire a settlement
17 in the county unless the person before becoming an inmate
18 in the institution or being supported by an institution has
19 a settlement in the county. A minor child residing in an
20 institution assumes the settlement of ~~his~~ the child's custodial
21 parent as-prescribed-in-subsections-5-and-6. Settlement of
22 the minor child changes with the settlement of ~~his~~ the child's
23 custodial parent, except that the child retains the settlement
24 that his the child's custodial parent has on the child's
25 eighteenth birthday until he the child is discharged from
26 the institution, at which time he the child acquires his the
27 child's own settlement, as-provided-in-this-section by
28 continuously residing in a county for one year.

29 4. Minor children who reside with both parents take the
30 settlement of the parents. If the minor child resides on
31 a permanent basis with only one parent or a guardian, the
32 minor child takes the settlement of the parent or guardian
33 with whom the child resides.

34 An emancipated minor acquires a legal settlement in the
35 minor's own right. An emancipated minor is one who is absent

1 from the minor's parents with the consent of the parents,
 2 is self-supporting, and has assumed a new relationship
 3 inconsistent with being a part of the family of the parents.

4 A minor, placed in the care of a public agency or facility
 5 as custodian or guardian, takes the legal settlement that
 6 the parents had upon severance of the parental relationship,
 7 and retains that legal settlement until a natural person is
 8 appointed custodian or guardian at which time the minor takes
 9 the legal settlement of the natural person or until the minor
 10 attains the age of eighteen.

5270 11 5. Any A person with settlement in this state who enlists
 12 in or is inducted into the military or naval service of the
 13 United States ~~shall retain such~~ retains the settlement during
 14 the period of his military or naval service. Any A person
 15 without settlement in this state who is serving in said the
 16 military or naval service within the borders of this state
 17 ~~shall~~ does not acquire a settlement during the period of such
 18 service.

19 6. ~~The provisions of subsections~~ Subsections 1, 2, and
 20 3, and 7 of this section shall do not apply to any a blind
 21 person who is receiving assistance under the laws of this
 22 state. Any such A blind person receiving assistance who has
 23 resided in any one county of this state for a period of six
 24 months ~~shall have acquired~~ acquires legal settlement for
 25 support as provided in this chapter.

527 26 7. A person hospitalized in or receiving treatment at
 27 a state mental health institute does not acquire legal settle-
 28 ment in the county in which the institute is located unless
 29 the person is discharged from the institute, continuously
 30 resides in the county for a period of one year subsequent
 31 to the discharge, and during that year is not hospitalized
 32 in and does not receive treatment at the institute.

33 Sec. 2. Section 252.22, unnumbered paragraph 1, Code 1983,
 34 is amended to read as follows:

35 When relief is granted to a poor person having a settlement

1 in another county, the auditor shall at once by mail notify
2 the auditor of the county of ~~his~~ such that fact,
3 and, within fifteen days after receipt of ~~such~~ the notice,
4 ~~such~~ the auditor shall inform the auditor of the county grant-
5 ing relief if the claim of settlement is disputed. If it
6 is not, the poor person, at the request of the auditor or
7 board of supervisors of the county of ~~his~~ settlement, may
8 be maintained where ~~he~~ the person then is at the expense of
5371 9 ~~such~~ the county, and without affecting ~~his~~ legal settlement
10 as provided in section 252.16.

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SENATE FILE 2091

H-5270

1 Amend Senate File 2091 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 11, by inserting after the word
4 "the" the word "other".

5 2. Page 1, line 13, by inserting after the words
6 "who is" the words "an inpatient, a resident, or".

7 3. Page 1, line 17, by inserting after the word
8 "becoming" the words "an inpatient, a resident, or".

9 4. Page 2, by striking line 10, and inserting
10 in lieu thereof the words "person attains the age
11 of eighteen and acquires another legal settlement
12 in the person's own right".

13 5. Page 2, by striking lines 11 through 18 and
14 inserting in lieu thereof the following:

15 "5. Any A person with settlement in this state
16 who ~~enlists-in-or-is-inducted-into-the-military-or~~
17 ~~naval~~ becomes a member on active duty of an armed
18 service of the United States ~~shall-retain-such~~ retains
19 the settlement during the period of ~~his-military-or~~
20 ~~naval-service~~ active duty. Any A person without
21 settlement in this state who is ~~servng-in-said~~
22 ~~military-or-naval~~ a member on active duty of an armed
23 service of the United States within the borders of
24 this state ~~shall does not~~ acquire settlement during
25 the period of ~~such-service~~ active duty."

26 6. Page 2, line 27, by inserting after the word
27 "institute" the words "or state hospital-school".

28 7. Page 2, line 28, by inserting after the word
29 "institute" the words "or hospital-school".

30 8. Page 2, line 29, by inserting after the word
31 "institute" the words "or hospital-school".

32 9. Page 2, line 32, by inserting after the word
33 "institute" the words "or hospital-school".

34 10. Title page, line 3, by inserting after the
35 word "institute" the words "or state hospital-school".

H-5270 FILED FEB. 24, 1984 BY COMMITTEE ON HUMAN RESOURCES

Adopted 3/26 (p. 1278)

SENATE FILE 2091

H-5371

1 Amend Senate File 2091 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 9, by inserting after the word
4 "county" the words "of legal settlement".

H-5371 FILED MARCH 2, 1984 BY SPEAR of Lee

Adopted 3/26 (p. 1278)

HOUSE AMENDMENT TO SENATE FILE 2091

S-5589

- 1 Amend Senate File 2091 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "the" the word "other".
- 5 2. Page 1, line 13, by inserting after the words
- 6 "who is" the words "an inpatient, a resident, or".
- 7 3. Page 1, line 17, by inserting after the word
- 8 "becoming" the words "an inpatient, a resident, or".
- 9 4. Page 2, by striking line 10, and inserting
- 10 in lieu thereof the words "person attains the age
- 11 of eighteen and acquires another legal settlement
- 12 in the person's own right".
- 13 5. Page 2, by striking lines 11 through 18 and
- 14 inserting in lieu thereof the following:
- 15 "5. Any A person with settlement in this state
- 16 who ~~exists-in-or-is-inducted-into-the-military-or~~
- 17 ~~naval~~ becomes a member on active duty of an armed
- 18 service of the United States ~~shall-retain-such~~ retains
- 19 the settlement during the period of ~~his-military-or~~
- 20 ~~naval-service~~ active duty. Any A person without
- 21 settlement in this state who is ~~-serving-in-said~~
- 22 ~~military-or-naval~~ a member on active duty of an armed
- 23 service of the United States within the borders of
- 24 this state ~~shall~~ does not acquire settlement during
- 25 the period of ~~such-service~~ active duty."
- 26 6. Page 2, line 27, by inserting after the word
- 27 "institute" the words "or state hospital-school".
- 28 7. Page 2, line 28, by inserting after the word
- 29 "institute" the words "or hospital-school".
- 30 8. Page 2, line 29, by inserting after the word
- 31 "institute" the words "or hospital-school".
- 32 9. Page 2, line 32, by inserting after the word
- 33 "institute" the words "or hospital-school".
- 34 10. Page 3, line 9, by inserting after the word
- 35 "county" the words "of legal settlement".
- 36 11. Title page, line 3, by inserting after the
- 37 word "institute" the words "or state hospital-school".

S-5589 FILED
MARCH 28, 1984

RECEIVED FROM THE HOUSE
Senate concurred 4/2 (p. 1214)

SENATE FILE 2091

AN ACT

RELATING TO THE ACQUISITION OF LEGAL SETTLEMENT BY PERSONS HOSPITALIZED IN OR RECEIVING TREATMENT AT A STATE MENTAL HEALTH INSTITUTE OR STATE HOSPITAL-SCHOOL AND BY INSTITUTIONALIZED, EMANCIPATED, AND OTHER MINORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 252.16, Code 1983, is amended to read as follows:

252.16 SETTLEMENT--HOW ACQUIRED. A legal settlement in this state may be acquired as follows:

1. Any A person continuously residing in any a county in this state for a period of one year acquires a settlement in that county except as provided in subsection 7.

2. Any A person having acquired a settlement in any a county of this state shall not acquire a settlement in any other county until such the person ~~shall have~~ has continuously resided in ~~said~~ the other county for a period of one year except as provided in subsection 7.

3. A person who is an inpatient, a resident, or an inmate of or is supported by an institution whether organized for pecuniary profit or not or an institution supported by charitable or public funds in a county in this state ~~shall~~ does not acquire a settlement in the county unless the person before becoming an inpatient, a resident, or an inmate in the institution or being supported by an institution has a settlement in the county. A minor child residing in an institution assumes the settlement of ~~his~~ the child's custodial parent as prescribed in subsections 5 and 6. Settlement of the minor child changes with the settlement of ~~his~~ the child's custodial parent, except that the child retains the settlement that ~~his~~ the child's custodial parent has on the child's eighteenth birthday until ~~he~~ the child is discharged from the institution, at which time ~~he~~ the child acquires ~~his~~ the child's own settlement, as provided in this section by continuously residing in a county for one year.

4. Minor children who reside with both parents take the settlement of the parents. If the minor child resides on a permanent basis with only one parent or a guardian, the minor child takes the settlement of the parent or guardian with whom the child resides.

An emancipated minor acquires a legal settlement in the minor's own right. An emancipated minor is one who is absent from the minor's parents with the consent of the parents, is self-supporting, and has assumed a new relationship inconsistent with being a part of the family of the parents.

A minor, placed in the care of a public agency or facility as custodian or guardian, takes the legal settlement that the parents had upon severance of the parental relationship, and retains that legal settlement until a natural person is appointed custodian or guardian at which time the minor takes the legal settlement of the natural person or until the minor person attains the age of eighteen and acquires another legal settlement in the person's own right.

5. ~~Any A~~ person with settlement in this state who ~~enlists in or is inducted into the military or naval~~ becomes a member on active duty of an armed service of the United States shall ~~retain such~~ retains the settlement during the period of his ~~military or naval service~~ active duty. Any A person without settlement in this state who is ~~serving in said military or naval~~ a member on active duty of an armed service of the United States within the borders of this state shall ~~does~~ not acquire settlement during the period of ~~such service~~ active duty.

6. ~~The provisions of subsections~~ Subsections 1, 2, and 3, and 7 ~~of this section shall~~ do not apply to any a blind person who is receiving assistance under the laws of this state. ~~Any such~~ A blind person receiving assistance who has resided in any one county of this state for a period of six months ~~shall have acquired~~ acquires legal settlement for support as provided in this chapter.

7. A person hospitalized in or receiving treatment at a state mental health institute or state hospital-school ~~does not acquire legal settlement in the county in which the institute or hospital-school is located unless the person is discharged from the institute or hospital-school, continuously resides in the county for a period of one year subsequent to the discharge, and during that year is not hospitalized in and does not receive treatment at the institute or hospital-school.~~

Sec. 2. Section 252.22, unnumbered paragraph 1, Code 1983, is amended to read as follows:

When relief is granted to a poor person having a settlement in another county, the auditor shall at once by mail notify the auditor of the county of his settlement of ~~such~~ that fact, and, within fifteen days after receipt of ~~such~~ the notice, ~~such~~ the auditor shall inform the auditor of the county granting relief if the claim of settlement is disputed. If it is not, the poor person, at the request of the auditor or

board of supervisors of the county of his settlement, may be maintained where he the person then is at the expense of ~~such~~ the county of legal settlement, and without affecting his legal settlement as provided in section 252.16.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2091, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 2, 1984

TERRY E. BRANSTAD
Governor