

Juvenile Do Pass 4/18 (p. 1650)  
Hear " Do Pass 4/20 (p. 2454)

FILED APR 13 1984

SENATE FILE 2363

BY COMMITTEE ON APPROPRIATIONS  
*Approved 4/18 (p. 1649)*

Passed Senate, Date 4-19-84 (p. 1668) Passed House, Date 4-20-84 (p. 2468)

Vote: Ayes 46 Nays 1 Vote: Ayes 84 Nays 12

Approved May 18, 1984

## A BILL FOR

1 An Act relating to codified provisions affecting appropriations  
2 to the department of human services for the medical assistance  
3 program, for the state supplementary assistance program,  
4 and for the payment of certain court costs, transportation  
5 costs, attorney fees, and treatment or care expenses for  
6 children provided services under the juvenile code.

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

SENATE FILE 2363

(A)

S-6004

- 1 Amend Senate File 2363 as follows:
- 2 1. By striking page 1, line 1 through page 4,
- 3 line 6.
- 4 2. Page 7, by striking lines 16 and 17.
- 5 3. Title page, by striking lines 3 through 6 and
- 6 inserting in lieu thereof the words "and state
- 7 supplementary assistance programs."
- 8 4. By renumbering as necessary.

S-6004 FILED & ADOPTED  
APRIL 19, 1984 (p. 1667)

BY CHARLES BRUNER  
C. JOSEPH COLEMAN TOM MANN, JR.  
DALE L. TIEDEN JULIA GENTLEMAN

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6304 1 Section 1. Section 232.11, subsection 5, Code 1983, is  
2 amended to read as follows:

3 5. If the court determines, after an inquiry which includes  
4 notice and reasonable opportunity to be heard that the parent,  
5 guardian or custodian has the ability to pay in whole or in  
6 part for the attorney appointed for the child, the court ~~may~~  
7 shall order that person to pay such-sums-as for the attorney  
8 in accordance with the schedule of charges established by  
9 the department pursuant to section 232.141, subsection 5,  
10 unless the court finds that a different order is more  
11 appropriate in the-manner-and-to-whom which case the court  
12 directs shall explain its deviation from the schedule of  
13 charges in the order. If the person so ordered fails to  
14 comply with the order without good reason, the court shall  
15 enter judgment against ~~him-or-her~~ that person.

16 Sec. 2. Section 232.71, subsection 12, Code Supplement  
17 1983, is amended to read as follows:

18 12. In every case involving child abuse which results  
19 in a child protective judicial proceeding, whether or not  
20 the proceeding arises under this chapter, a guardian ad litem  
21 shall be appointed by the court to represent the child in  
22 the proceedings. Before a guardian ad litem is appointed  
23 pursuant to this section, the court shall require the person  
24 responsible for the care of the child to complete under oath  
25 a detailed financial statement. If, on the basis of that  
26 financial statement, the court deems that the person  
27 responsible for the care of the child is able to bear the  
28 cost of the guardian ad litem, the court shall ~~so~~ order the  
29 person responsible for the care of the child to pay for the  
30 guardian ad litem in accordance with the schedule of charges  
31 established by the department pursuant to section 232.141,  
32 subsection 5, unless the court finds that a different order  
33 is more appropriate in which case the court shall explain  
34 its deviation from the schedule of charges in the order.  
35 In cases where the person responsible for the care of the

1 child is unable to bear the cost of the guardian ad litem,  
2 the expense shall be paid out of the county treasury.

3 Sec. 3. Section 232.89, subsection 3, Code Supplement  
4 1983, is amended to read as follows:

5 3. The court shall determine, after giving the parent,  
6 guardian or custodian an opportunity to be heard, whether  
7 ~~such~~ the person has the ability to pay in whole or in part  
8 for counsel appointed for the child. If the court determines  
9 that ~~such~~ the person possesses sufficient financial ability,  
10 the court shall then consult with the department of human  
11 services, the juvenile probation office or other authorized  
12 agency or individual regarding the likelihood of impairment  
13 of the relationship between the child and ~~his-or-her~~ the  
14 child's parent, guardian or custodian as a result of ordering  
15 the parent, guardian or custodian to pay for the child's  
16 counsel. If impairment is deemed unlikely, the court shall  
17 order that person to pay ~~such-sums-as~~ for the attorney in  
18 accordance with the schedule of charges established by the  
19 department pursuant to section 232.141, subsection 5, unless  
20 the court finds that a different order is more appropriate  
21 in the-manner-and-to-whom which case the court directs shall  
22 explain its deviation from the schedule of charges in the  
23 order. If the person so ordered fails to comply with the  
24 order without good reason, the court shall enter judgment  
25 against ~~him-or-her~~ the person. If impairment is deemed likely  
26 or if the court determines that the parent, guardian or  
27 custodian cannot pay any part of the expenses of counsel  
28 appointed to represent the child, counsel shall be reimbursed  
29 pursuant to section 232.141, subsection 1, paragraph "d".

30 Sec. 4. Section 232.141, subsection 2, Code 1983, is  
31 amended to read as follows:

32 2. ~~Whenever~~ When legal custody of a minor is transferred  
33 by the court or ~~whenever-the~~ a minor is placed by the court  
34 with someone other than the parents or ~~whenever-a-minor~~ is  
35 given physical or mental examinations or treatment under order

1 of the court and no provision is otherwise made by law for  
2 payment for the care, examination, or treatment of the minor,  
3 the costs shall be charged upon the funds of the county in  
4 which the proceedings are held upon certification of the judge  
5 to the board of supervisors. Except where the parent-child  
6 relationship is terminated, the court ~~may~~ shall inquire into  
7 the ability of the parents to support the minor and after  
8 giving the parents a reasonable opportunity to be heard ~~may~~  
9 shall order the parents to pay ~~in-the-manner-and-to-whom-the~~  
10 ~~court-may-direct,-such-sums-as-will-cover-in-whole-or-in-part~~  
11 ~~the-cost-of-care,-examination,-or-treatment-of-the-minor~~ the  
12 expenses related to the minor, as provided in subsection 1,  
13 paragraphs "a" through "e", in accordance with the schedule  
14 of charges established by the department pursuant to subsection  
15 5, unless the court finds that a different order is more  
16 appropriate in which case the court shall explain its deviation  
17 from the schedule of charges in the order. An order entered  
18 under this section ~~shall~~ does not obligate a parent paying  
19 child support under a custody decree, except that any part  
20 of ~~such~~ a monthly support payment may be used to satisfy the  
21 obligations imposed by an order entered under this section.  
22 If the parents fail to pay the ~~sum~~ expenses without good  
23 reason, the parents may be proceeded against for contempt  
24 or the court may inform the county attorney who shall proceed  
25 against the parents to collect the unpaid ~~sums~~ expenses or  
26 both. ~~Any-such-sums-ordered-by-the-court-shall-be~~ The order  
27 requiring the payment of expenses is a judgment against each  
28 of the parents and a lien as provided in section 624.23.  
29 If all or any part of the ~~sums~~ expenses that the parents are  
30 ordered to pay is subsequently paid by the county, the judgment  
31 and lien ~~shall-thereafter~~ be are against each of the parents  
32 in favor of the county to the extent of ~~such~~ the payments.

6004 33 Sec. 5. Section 232.141, Code 1983, is amended by adding  
34 the following new subsection:

35 NEW SUBSECTION. 5. The department in consultation with

1 the state court administrator shall establish a schedule of  
 2 charges for the expenses of attorneys and of treatment or  
 3 care, as provided in subsection 1, paragraphs "d" and "e",  
 4 on a graduated scale related to the income and resources of  
 5 the person responsible for the expenses, by rules adopted  
 6 pursuant to chapter 17A.

7 Sec. 6. Section 249.9, Code Supplement 1983, is amended  
 8 to read as follows:

9 249.9 FUNERAL EXPENSES. The department may pay, from  
 10 funds appropriated to it for the purpose, a maximum of four  
 11 hundred dollars toward funeral expenses on the death of a  
 12 person receiving state supplementary assistance or who received  
 13 assistance under a previous categorical assistance program  
 14 prior to January 1, 1974, provided:

15 ~~1. The total expense of the person's funeral does not~~  
 16 ~~exceed one thousand dollars.~~

17 2 1. The decedent does not leave an estate which may be  
 18 probated with sufficient proceeds to allow a for payment of  
 19 the funeral claim of at least one thousand dollars.

20 3 2. Payments which are due the decedent's estate or  
 21 beneficiary by reason of the liability of a life insurance,  
 22 death or funeral benefit company, association or society,  
 23 or in the form of United States social security, railroad  
 24 retirement, or veterans' benefits upon the death of the  
 25 decedent, are deducted from the department's liability under  
 26 this section.

27 Sec. 7. Section 249A.2, Code Supplement 1983, is amended  
 28 to read as follows:

29 249A.2 DEFINITIONS. When As used herein in this chapter:

30 1. ~~The terms "department" or "state department" shall~~  
 31 mean "Department" means the state department of human services.

32 2. ~~The term "commissioner" shall mean "Commissioner" means~~  
 33 the commissioner of the department of human services.

34 3. ~~The term "county "County board" shall mean means the~~  
 35 county board of social welfare created by chapter 234-1

1 appointed pursuant to section 234.9.

2 4. "Recipient" ~~shall-mean~~ means a person who receives  
3 medical assistance under this chapter.

4 5. "Medical assistance" ~~shall-mean~~ means payment of all  
5 or part of the costs of the care and services ~~enumerated-in~~  
6 required to be provided by Title XIX, United States of the  
7 federal Social Security Act, section 1905(a), paragraphs (1)  
8 through (5), inclusive, Title XIX, United States Code and  
9 (17), as codified in 42 U.S.C. section sec. 1396d(a),  
10 paragraphs pars. (1) through (5), inclusive, as amended to  
11 January 15, 1974 and (17).

12 6. "Additional medical assistance" ~~shall-mean~~ means payment  
13 of all or part of the costs of any or all of the care and  
14 services ~~enumerated-in~~ authorized to be provided by Title  
15 XIX, United States of the federal Social Security Act, section  
16 1905(a), paragraphs (6), (7), and (9) to (17), Title XIX,  
17 United States Code (16), and (18), as codified in 42 U.S.C.  
18 section sec. 1396d(a), paragraphs pars. (6), (7), and (9)  
19 to (17), as amended to January 15, 1974 (16), and (18).

20 7. "Discretionary medical assistance" means medical  
21 assistance or additional medical assistance provided to  
22 individuals whose income and resources are in excess of  
23 eligibility limitations but are insufficient to meet all of  
24 the costs of necessary medical care and services, provided  
25 that if the assistance includes services in institutions for  
26 mental diseases or intermediate care facility services for  
27 the mentally retarded, or both, for any group of such  
28 individuals, the assistance also includes for all covered  
29 groups of such individuals at least the care and services  
30 enumerated in Title XIX of the federal Social Security Act,  
31 section 1905(a), paragraphs (1) through (5), and (17), as  
32 codified in 42 U.S.C. sec. 1396d(a), pars. (1) through (5),  
33 and (17), or any seven of the care and services enumerated  
34 in Title XIX of the federal Social Security Act, section  
35 1905(a), paragraphs (1) through (7) and (9) through (18),

1 as codified in 42 U.S.C. sec. 1396d(a), pars. (1) through  
2 (7), and (9) through (18).

3 Sec. 8. Section 249A.3, subsection 2, paragraphs f and  
4 g, Code 1983, are amended by striking the paragraphs and  
5 inserting in lieu thereof the following:

6 f. Individuals under twenty-one years of age who qualify  
7 on a financial basis for, but who are otherwise ineligible  
8 to receive aid to dependent children.

9 g. Individuals and families who would be eligible under  
10 subsection 1 or 2 except for excess income or resources, or  
11 a reasonable category of those individuals and families.

12 Sec. 9. Section 249A.3, subsection 4, Code 1983, is amended  
13 by striking the subsection and inserting in lieu thereof the  
14 following:

15 4. Assistance shall not be granted under this chapter  
16 to:

17 a. An individual or family whose income, considered to  
18 be available to the individual or family, exceeds federally  
19 prescribed limitations.

20 b. An individual or family whose resources, considered  
21 to be available to the individual or family, exceed federally  
22 prescribed limitations.

23 Sec. 10. Section 249A.3, Code 1983, is amended by adding  
24 the following new subsection after subsection 3 and renumbering  
25 the subsequent subsections:

26 NEW SUBSECTION. 4. Discretionary medical assistance,  
27 within the limits of available funds and in accordance with  
28 section 249A.4, subsections 1 and 2, may be provided to or  
29 on behalf of those individuals and families described in  
30 subsection 2, paragraph "g".

31 Sec. 11. Section 249A.12, Code Supplement 1983, is amended  
32 by striking the section and inserting in lieu thereof the  
33 following:

34 249A.12 ASSISTANCE TO RESIDENTS OF INTERMEDIATE CARE  
35 FACILITIES FOR THE MENTALLY RETARDED.

1 1. Assistance may be furnished under this chapter to an  
2 otherwise eligible recipient who is a resident of a health  
3 care facility licensed under chapter 135C and certified as  
4 an intermediate care facility for the mentally retarded.

5 2. A county shall reimburse the department on a monthly  
6 basis for that portion of the cost of assistance provided  
7 under this section to a recipient with legal settlement in  
8 the county, which is not paid from federal funds, if the  
9 recipient's placement has been approved by the appropriate  
10 review organization as medically necessary and appropriate.  
11 The department shall place all reimbursements from counties  
12 in the appropriation for medical assistance, and may use the  
13 reimbursed funds in the same manner and for any purpose for  
14 which the appropriation for medical assistance may be used.

15 Sec. 12. Section 249A.9, Code 1983, is repealed.

16 Sec. 13. Sections 1 through 5 of this Act take effect  
17 January 1 following enactment.

18 EXPLANATION

19 Sections 1 through 5 of this bill require able parents,  
20 guardians, and custodians to pay certain court costs,  
21 transportation costs, attorney fees, and treatment or care  
22 expenses for children provided services under the juvenile  
23 code, in accordance with a schedule of charges to be  
24 established by the department by rule, unless the court enters  
25 an order deviating from the schedule and explains the  
26 deviation. Sections 1 through 4 refer to a new subsection  
27 5 of section 232.141, which is created in section 5 of this  
28 bill.

29 Section 6 removes the dollar limitation on total funeral  
30 expenses for state supplementary assistance recipients, but  
31 does not affect the funeral benefit maximum of \$400.

32 Section 7 updates the definitions in the medical assistance  
33 chapter to reflect changes in the federal law. A definition  
34 of discretionary medical assistance is added, which is the  
35 assistance which can be provided pursuant to federal law to

1 those groups of individuals commonly referred to as the  
2 "medically needy." Section 8 reorders the group priorities  
3 for medical assistance by increasing the priority of  
4 individuals under 21 years of age who qualify financially  
5 but not otherwise for aid to dependent children. The group  
6 of individuals who are institutionalized due to mental disease  
7 is expanded to include medically needy groups of individuals  
8 and families. The medically needy groups are given an  
9 assistance priority below that of the earlier mentioned group  
10 of individuals under 21 years of age. Section 9 deletes the  
11 specific income and resource eligibility limitations for  
12 medical assistance recipients and instead adopts the federally  
13 prescribed limitations by reference. Section 10 authorizes  
14 the payment of discretionary medical assistance to medically  
15 needy individuals and families.

16 Section 11 requires the county to reimburse the department  
17 of human services monthly for the cost of medical assistance,  
18 not paid from federal funds, to county residents in certified  
19 intermediate care facilities for the mentally retarded,  
20 provided the residents' placement has been approved by the  
21 appropriate review organization as medically necessary and  
22 appropriate.

23 Section 12 repeals section 249A.9 which deals with the  
24 prohibition of deductions from a medical assistance provider  
25 payment due to an additional payment to the provider by the  
26 recipient.

27 Sections 6 through 12 take effect July 1 following  
28 enactment. Sections 1 through 5 take effect January 1  
29 following enactment.

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assistance under a previous categorical assistance program prior to January 1, 1974, provided:

~~1. The total expense of the person's funeral does not exceed one thousand dollars.~~

2 1. The decedent does not leave an estate which may be probated with sufficient proceeds to allow a for payment of the funeral claim of at least one thousand dollars.

3 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. 2. Section 249A.2, Code Supplement 1983, is amended to read as follows:

249A.2 DEFINITIONS. When As used herein in this chapter:

1. ~~The terms "department" or "state department" shall mean "Department"~~ means the state department of human services.

2. ~~The term "commissioner" shall mean "Commissioner"~~ means the commissioner of the department of human services.

3. ~~The term "county "County board" shall mean means the county board of social welfare created by chapter 234.1 appointed pursuant to section 234.9.~~

4. "Recipient" ~~shall mean means~~ means a person who receives medical assistance under this chapter.

5. "Medical assistance" ~~shall mean means~~ means payment of all or part of the costs of the care and services ~~enumerated in required to be provided by Title XIX, United States of the federal Social Security Act, section 1905(a), paragraphs (1) through (5), inclusive (Title XIX, United States Code and (17), as codified in 42 U.S.C. section sec. 1396d(a), paragraphs pars. (1) through (5), inclusive), as amended to January 15, 1974 and (17).~~

SENATE FILE 2363

AN ACT

RELATING TO CODIFIED PROVISIONS AFFECTING APPROPRIATIONS TO THE DEPARTMENT OF HUMAN SERVICES FOR THE MEDICAL ASSISTANCE AND STATE SUPPLEMENTARY ASSISTANCE PROGRAMS.

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

Section 1. Section 249.9, Code Supplement 1983, is amended to read as follows:

249.9 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 person receiving state supplementary assistance or who received

6. "Additional medical assistance" ~~shall mean~~ means payment of all or part of the costs of any or all of the care and services ~~enumerated in~~ authorized to be provided by Title XIX, ~~United States of the federal~~ Social Security Act, section 1905(a), paragraphs (6), (7), and (9) to ~~(17)-(18)~~ United States Code (16), and (18), as codified in 42 U.S.C. section sec. 1396d(a), paragraphs pars. (6), (7), and (9) to (17), as amended to January 15, 1974 (16), and (18).

7. "Discretionary medical assistance" means medical assistance or additional medical assistance provided to individuals whose income and resources are in excess of eligibility limitations but are insufficient to meet all of the costs of necessary medical care and services, provided that if the assistance includes services in institutions for mental diseases or intermediate care facility services for the mentally retarded, or both, for any group of such individuals, the assistance also includes for all covered groups of such individuals at least the care and services enumerated in Title XIX of the federal Social Security Act, section 1905(a), paragraphs (1) through (5), and (17), as codified in 42 U.S.C. sec. 1396d(a), pars. (1) through (5), and (17), or any seven of the care and services enumerated in Title XIX of the federal Social Security Act, section 1905(a), paragraphs (1) through (7) and (9) through (18), as codified in 42 U.S.C. sec. 1396d(a), pars. (1) through (7), and (9) through (18).

Sec. 3. Section 249A.3, subsection 2, paragraphs f and g, Code 1983, are amended by striking the paragraphs and inserting in lieu thereof the following:

f. Individuals under twenty-one years of age who qualify on a financial basis for, but who are otherwise ineligible to receive aid to dependent children.

g. Individuals and families who would be eligible under subsection 1 or 2 except for excess income or resources, or a reasonable category of those individuals and families.

Sec. 4. Section 249A.3, subsection 4, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

4. Assistance shall not be granted under this chapter to:

a. An individual or family whose income, considered to be available to the individual or family, exceeds federally prescribed limitations.

b. An individual or family whose resources, considered to be available to the individual or family, exceed federally prescribed limitations.

Sec. 5. Section 249A.3, Code 1983, is amended by adding the following new subsection after subsection 3 and renumbering the subsequent subsections:

NEW SUBSECTION. 4. Discretionary medical assistance, within the limits of available funds and in accordance with section 249A.4, subsections 1 and 2, may be provided to or on behalf of those individuals and families described in subsection 2, paragraph "g".

Sec. 6. Section 249A.12, Code Supplement 1983, is amended by striking the section and inserting in lieu thereof the following:

249A.12 ASSISTANCE TO RESIDENTS OF INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED.

1. Assistance may be furnished under this chapter to an otherwise eligible recipient who is a resident of a health care facility licensed under chapter 135C and certified as an intermediate care facility for the mentally retarded.

2. A county shall reimburse the department on a monthly basis for that portion of the cost of assistance provided under this section to a recipient with legal settlement in the county, which is not paid from federal funds, if the recipient's placement has been approved by the appropriate review organization as medically necessary and appropriate. The department shall place all reimbursements from counties

in the appropriation for medical assistance, and may use the reimbursed funds in the same manner and for any purpose for which the appropriation for medical assistance may be used.

Sec. 7. Section 249A.9, Code 1983, is repealed.

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CHARLES P. MILLER  
President Pro Tempore of the  
Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2363, Seventieth General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved May 18, 1984

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TERRY E. BRANSTAD  
Governor