

FILED FEB 15 1990

SENATE FILE 2348
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2105)

Passed Senate, Date 2/21/90 (p.657) Passed House, Date _____
Vote: Ayes 43 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the assignment of support rights for children
2 receiving foster care services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 234.39A ASSIGNMENT OF SUPPORT
2 RIGHTS.

3 1. A person entitled to periodic support payments pursuant
4 to an order or judgment entered in an action for support, who
5 is or is the parent or guardian of a child receiving foster
6 care services pursuant to this chapter, is deemed to have
7 assigned to the department of human services current and
8 accrued support payments attributable to the child to the
9 extent of public funds expended pursuant to this chapter.

10 2. If the child ceases to receive foster care services
11 pursuant to this chapter, the assignment of current and
12 accrued support in excess of unreimbursed public funds
13 expended pursuant to this chapter is automatically terminated.
14 Accrued support, up to the amount of unreimbursed public funds
15 expended pursuant to this chapter, remains assigned.

16 3. The department shall notify the clerk of the district
17 court if a child entitled to support payments is receiving
18 foster care services pursuant to this chapter. Upon
19 notification by the department that a child entitled to
20 periodic support payments is receiving such foster care
21 services, the clerk shall make a notation of the automatic
22 assignment in the judgment docket and lien index. The
23 notation constitutes constructive notice of assignment. All
24 support payments shall be paid pursuant to chapter 252B. The
25 clerk shall furnish the department with copies of all orders
26 or decrees awarding support for a child who is receiving such
27 foster care services.

28 EXPLANATION

29 This bill provides that a person entitled to periodic
30 support payments pursuant to an order or judgment entered in
31 any action for support, who also is or has a child receiving
32 foster care services pursuant to chapter 234, is deemed to
33 have assigned to the department of human services current and
34 accrued support payments attributable to the child to the
35 extent of public funds expended pursuant to chapter 234.

LSB 7322SV 73

BRUNER, CH.
RIRDAN
TAYLOR

SSB 2105
HUMAN RESOURCES

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BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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BACKGROUND STATEMENT
SUBMITTED BY THE AGENCY

Section 471(a)(17) of the federal Social Security Act requires states to take steps to secure an assignment to the state of any rights to support on behalf of each child receiving foster care maintenance payments under Title IV-E.

Chapter 234 of the Iowa Code directs the establishment of parental liability in foster care cases but does not make reference to the need for an assignment of support.

Chapter 239 makes the required assignment a part of the application for aid to dependent children, effective as of the date the person is determined eligible for assistance. This automatic assignment simplifies the assignment process and assures the ability of the state to recover child support to which it is entitled. Corresponding language is needed in chapter 234 so that the same procedures can be applied in foster care cases.