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SENATE FILE 2303
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 2225)

Passed Senate, Date ^(p.665) 3-15-94 Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the support obligations of the parents of a
2 minor mother and father of a child and the creation of a lien
3 on the real property of the parents, and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2303

1 Section 1. Section 252.5, Code 1993, is amended to read as
2 follows:

3 252.5 REMOTE RELATIVES.

4 In the absence or inability of nearer relatives, the same
5 liability shall extend to grandparents, ~~if-of-ability-without~~
6 ~~personal-labor~~ as provided under section 252A.3, subsection
7 10, and to the grandchildren who are of ability by personal
8 labor or otherwise.

9 Sec. 2. Section 252A.3, Code Supplement 1993, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 10. If a child's parents are minors and
12 are unable to personally support the child, the parents of the
13 minors are obligated for the child's support and are subject
14 to section 600B.4B.

15 Sec. 3. NEW SECTION. 600B.4B LIEN ESTABLISHED --
16 OBLIGATION FOR SUPPORT -- PARENTS OF MINOR FATHER AND MOTHER
17 OF A CHILD.

18 1. If paternity of a child is legally established and the
19 mother and father of the child are minors, the parents of the
20 minor mother and father are liable for the support of the
21 child until the minor mother or father of the child attains
22 majority, until the minor mother or father is no longer
23 claimed as a dependent on the income tax forms of the parents
24 of the minor mother or father as applicable, until the minor
25 mother or father is otherwise personally able to provide
26 support for the child, or until the obligation of the minor
27 father is discharged pursuant to section 600B.5.

28 2. At the time that paternity is legally established, the
29 parents of the minor mother and father shall submit to the
30 court an accounting of all income and real property in which
31 the parents of the minor mother and father have any rights,
32 title, or interest including, but not limited to, any equity
33 in a home or other real property of the parents of the minor
34 mother and father.

35 3. The court shall enter an order establishing the amount

1 of support for which the parents of the minor mother and
2 father are liable in accordance with section 598.21,
3 subsection 4, and up to fifty percent of the costs associated
4 with prenatal, delivery, and post-natal medical services of
5 the child and the mother. The court shall also enter an order
6 for the filing of a notice of a lien with the clerk of the
7 district court in the county where the property is located.
8 The lien attaches at the time the notice of the lien is filed
9 and continues until discharged as provided in subsection 4. A
10 lien filed for child support under this section has priority
11 over a lien filed for any other purpose with the exception of
12 a home mortgage lien.

13 4. At the time the minor mother or father of the child
14 attains majority, is able to personally provide support for
15 the child, is no longer claimed as a dependent on the income
16 tax form of the parents of the minor mother or father as
17 applicable, or the minor father is discharged from the
18 obligation for support pursuant to section 600B.5, the parents
19 of the minor mother or father, as applicable, shall file an
20 affidavit with the clerk of the district court in which the
21 order for support and notice of lien is filed demonstrating
22 the basis for transfer of the obligation of support of the
23 child to the child's mother or father, as applicable, or to
24 another person, as applicable. If the court finds that the
25 basis for transfer is adequately demonstrated, the court shall
26 enter an order discharging the obligation of support of the
27 parents of the minor mother or father, as applicable and
28 transferring the obligation for support and any accrued or
29 accruing support to the mother or father of the child or to
30 another person, as applicable.

31 5. If the parents of the minor mother or father
32 demonstrate financial inability to pay any costs associated
33 with the establishment of paternity or with filing fees under
34 this section, notwithstanding any other provision to the
35 contrary, the costs shall be paid by the department of human

1 services in accordance with a sliding fee schedule established
2 by the department.

3 6. The amount of the obligation for support of the parents
4 of a minor mother or father may be modified by the court upon
5 petition of the parents. The court may modify the amount of
6 the obligation for support based upon consideration of the
7 parents' ability to pay the support and shall make reasonable
8 allowances for the protection of property, including
9 investments, on which the parents' personal current and future
10 support is based.

11 7. A parent of a minor mother or father who knowingly and
12 intentionally submits information to the court which
13 misrepresents the financial standing of the parents is guilty
14 of a simple misdemeanor.

15 8. If the parents of the minor mother or father fail to
16 provide support to the child under this section, the support
17 obligations of the parents shall be referred to the child
18 support recovery unit and all proceedings used by the unit in
19 collection of support shall be applicable.

20 9. For the purposes of this section, "minor" means minor
21 as defined in section 599.1.

22 EXPLANATION

23 This bill provides for the establishment of a lien against
24 all real property of the parents of a minor mother and father
25 of a child for payment of support of the child and for payment
26 of costs associated with the birth of the child. The bill
27 provides for the establishment of the support obligation
28 against the parents of the minor mother and father, for
29 establishment of the lien, and for discharging or transferring
30 of the obligation of support under specific circumstances, and
31 provides a criminal penalty and alternatives for collection of
32 support.

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