

FILED MAY 8 1975

SENATE FILE 518

By COMMITTEE ON HUMAN RESOURCES

Passed Senate, Date 6-2-75 (1671) Passed House, Date 6-19-75 (2676)

Vote: Ayes 44 Nays 0 Vote: Ayes 75 Nays 9

Approved 7-17-75

*S. Concurred 6/19/75 (2210)  
40-5*

## A BILL FOR

1 An Act creating a child support recovery unit within the  
2 department of social services, prescribing the powers  
3 and duties thereof, and providing for the assignment of  
4 rights to child support payments by any person who receives  
5 public assistance and providing a penalty.

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

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1 Section 1. NEW SECTION. DEFINITIONS. As used in sections  
2 two (2) through ten (10) of this Act, unless the context  
3 otherwise requires:

4 1. "Child" includes but shall not be limited to a  
5 stepchild, foster child or legally adopted child and means  
6 a child actually or apparently under eighteen years of age,  
7 and a dependent person eighteen years of age or over who is  
8 unable to maintain himself and is likely to become a public  
9 charge. "Child" includes "dependent children" as defined  
10 in section two hundred thirty-nine point one (239.1),  
11 subsection three (3) of the Code.

12 2. "Resident parent" means the parent with whom the child  
13 is residing at the time the support collection or paternity  
14 determination services provided in sections five (5) and six  
15 (6) of this Act are requested or commenced.

16 3. "Absent parent" means the parent who either cannot  
17 be located or who is located and is not residing with the  
18 child at the time the support collection or paternity  
19 determination services provided in sections five (5) and six  
20 (6) of this Act are requested or commenced.

21 4. "Department" means the department of social services.

22 5. "Commissioner" means the commissioner of the depart-  
23 ment of social services.

24 6. "Unit" means the child support recovery unit created  
25 in section two (2) of this Act.

26 Sec. 2. NEW SECTION. UNIT ESTABLISHED. There is created  
27 within the department of social services a child support  
28 recovery unit for the purpose of providing the services  
29 required in sections three (3) through six (6) of this Act.

30 Sec. 3. NEW SECTION. DUTY OF DEPARTMENT TO ENFORCE CHILD  
31 SUPPORT. Upon receipt by the department of an application  
32 for public assistance on behalf of a child and determination  
33 by the department that the child has been abandoned by its  
34 parents or that the child and one parent have been abandoned  
35 by the other parent or that the parent or other person

1 responsible for the care, support or maintenance of the child  
2 has failed or neglected to give proper care or support to  
3 the child, the department shall take appropriate action under  
4 the provisions of this Act or under other appropriate statutes  
5 of this state including but not limited to chapters two hundred  
6 thirty-nine (239), two hundred fifty-two A (252A), five hundred  
7 ninety-eight (598), and six hundred seventy-five (675) of  
8 the Code, to insure that the parent or other person responsible  
9 for the support of the child fulfills the support obligation.

10 Sec. 4. NEW SECTION. NONASSISTANCE CASES. The child  
11 support and paternity determination services established by  
12 the department pursuant to this Act and other appropriate  
13 services provided by law including but not limited to the  
14 provisions of chapters two hundred thirty-nine (239), two  
15 hundred fifty-two A (252A), five hundred ninety-eight (598)  
16 and six hundred seventy-five (675) of the Code shall be made  
17 available by the unit to any individual not otherwise eligible  
18 as a public assistance recipient upon application by the  
19 individual for the services. The application shall be filed  
20 with the department. The commissioner may require an  
21 application fee not to exceed twenty dollars as determined  
22 by the commissioner. The commissioner may require an  
23 additional fee to cover the costs incurred by the department  
24 in providing the support collection and paternity determination  
25 services. The commissioner shall, by regulation, establish  
26 and make available to all applicants for support enforcement  
27 and paternity determination services a fee schedule, however,  
28 the fee shall not exceed ten percent of any support money  
29 recovered by department action. The fee for support col-  
30 lection and paternity determination services shall be agreed  
31 upon in writing by the individual requesting the services.  
32 The application fee and the additional fee for services pro-  
33 vided may be deducted from the amount of the support money  
34 recovered by the department. Fees collected pursuant to  
35 this section shall be remitted to the treasurer of state who

1 shall deposit them in the general fund of the state. The  
2 commissioner or a designee and the treasurer of state shall  
3 keep an accurate record of funds so remitted and deposited.

4 Sec. 5. NEW SECTION. SERVICES OF UNIT. The child support  
5 recovery unit shall provide the following services:

6 1. Assistance in the location of an absent parent or any  
7 other person who has an obligation to support the child of  
8 the resident parent.

9 2. Aid in establishing paternity and securing a court  
10 order for support pursuant to chapter six hundred seventy-  
11 five (675) of the Code.

12 3. Aid in enforcing through court proceedings an existing  
13 court order for support issued pursuant to chapters two hundred  
14 fifty-two A (252A), five hundred ninety-eight (598), and six  
15 hundred seventy-five (675) of the Code.

16 Sec. 6. NEW SECTION. ADDITIONAL SERVICES IN ASSISTANCE  
17 CASES. In addition to the services enumerated in section  
18 five (5) of this Act, the unit may provide the following  
19 services in the case of a dependent child for whom public  
20 assistance is being provided:

21 1. Represent the child in obtaining a support order neces-  
22 sary to meet the child's needs or in enforcing a similar order  
23 previously entered.

24 2. Appear as a friend of the court in dissolution of mar-  
25 riage and separate maintenance proceedings, or proceedings  
26 supplemental thereto, when either or both of the parties to  
27 the proceedings are receiving public assistance, for the  
28 purpose of advising the court of the financial interest of  
29 the state in the proceeding.

30 3. Appear on behalf of the resident parent of a child  
31 for whom public assistance is being provided, upon request  
32 by the parent, for the purpose of assisting the parent in  
33 securing a modification of a dissolution or separate  
34 maintenance decree which provided no support or inadequate  
35 support for the child. However, the unit may appear on behalf

1 of the resident parent pursuant to this subsection only when  
2 the court determines that the resident parent is financially  
3 unable to employ legal counsel and is unable to engage free  
4 legal counsel. If the resident parent does not request the  
5 appearance of a unit representative, or does not qualify for  
6 representation pursuant to this subsection, the unit may  
7 appear as a friend of the court pursuant to subsection two  
8 (2) of this section, however, the unit shall not otherwise  
9 participate in the proceeding.

10 4. If public assistance has been applied for or granted  
11 on behalf of a child of parents who are legally separated  
12 or whose marriage has been legally dissolved, the unit may  
13 apply to the district court for a court order directing either  
14 or both parents to show cause for the following:

15 a. Why an order of support for the child should not be  
16 entered, or

17 b. Why the amount of support previously ordered should  
18 not be increased, or

19 c. Why the parent should not be held in contempt for  
20 failure to comply with a support order previously entered.

21 5. Initiate any civil procedures deemed necessary by the  
22 department to secure reimbursement from the parent of a child  
23 for money expended by the state in providing public assistance  
24 or services to the child.

25 Sec. 7. NEW SECTION. LEGAL SERVICES EMPLOYED. Notwith-  
26 standing the provisions of section thirteen point seven (13.7)  
27 of the Code, the unit and the state may be represented by  
28 a qualified attorney who is a regular salaried employee of  
29 the department and is designated by it for this purpose in  
30 any civil action in which the unit may participate according  
31 to the provisions of this Act.

32 Sec. 8. NEW SECTION. CENTRAL INFORMATION CENTER. The  
33 department shall establish within the unit an information  
34 and administration coordinating center which shall serve as  
35 a registry for the receipt of information and for answering

1 interstate inquiries concerning absent parents and shall  
2 coordinate and supervise unit activities. The information  
3 and administration coordinating center shall promote  
4 cooperation between the unit and law enforcement agencies  
5 to facilitate the effective operation of the unit.

6 Sec. 9. NEW SECTION. AVAILABILITY OF RECORDS. The  
7 commissioner may request from state, county and local agencies,  
8 information and assistance deemed necessary to carry out the  
9 provisions of this Act. State, county and local agencies,  
10 officers and employees shall cooperate with the unit in lo-  
11 cating absent parents of children on whose behalf public as-  
12 sistance is being provided and shall on request supply the  
13 department with available information relative to the loca-  
14 tion, income and property holdings of the absent parent, not-  
15 withstanding any provisions of law making such information  
16 confidential.

17 Information recorded by the department pursuant to this  
18 section shall be available only to the unit, attorneys  
19 prosecuting a case in which the unit may participate according  
20 to sections five (5) and six (6) of this Act, courts having  
21 jurisdiction in support or abandonment proceedings, and  
22 agencies in other states charged with support collection and  
23 paternity determination responsibilities as determined by  
24 the rules of the department and the provisions of Title four  
25 (IV) of the United States Social Security Act.

26 Sec. 10. NEW SECTION. CRIMINAL PENALTIES.

27 1. Any person who willfully requests, obtains, or seeks  
28 to obtain paternity determination and support collection data  
29 available under section nine (9) of this Act under false pre-  
30 tenses, or who willfully communicates or seeks to communicate  
31 such data to any agency or person except in accordance with  
32 this Act, shall, upon conviction, for each such offense be  
33 punished by a fine of not more than one thousand dollars or  
34 by imprisonment in the state penitentiary for not more than  
35 two years, or by both fine and imprisonment. Any person who

1 knowingly, but without criminal purposes, communicates or  
2 seeks to communicate paternity determination and support col-  
3 lection data except in accordance with this Act shall for  
4 each such offense be fined not more than one hundred dollars  
5 or be imprisoned not more than ten days.

6 2. Any reasonable grounds for belief that a public employee  
7 has violated any provision of this Act shall be grounds for  
8 immediate removal from all access to paternity determination  
9 and support collection data recorded under section nine (9)  
10 of this Act.

11 Sec. 11. Chapter two hundred fifty-two A (252A), Code  
12 1975, is amended by adding the following new section:

13 NEW SECTION. WELFARE RECIPIENTS--ASSIGNMENT OF SUPPORT  
14 PAYMENTS. Persons entitled to periodic support payments  
15 pursuant to an order or judgment entered in a uniform support  
16 action pursuant to this chapter, who are also welfare  
17 recipients, shall assign their rights to the payments to the  
18 department of social services. The clerk of court shall  
19 forward support payments received pursuant to section two  
20 hundred fifty-two A point six (252A.6) of the Code to the  
21 department, unless the court has ordered the payments made  
22 directly to the department under subsection twelve (12) of  
23 that section. The department shall have the right to secure  
24 support payments in default through proceedings prescribed  
25 in chapter two hundred fifty-two A (252A) of the Code. The  
26 clerk shall furnish the department with copies of all orders  
27 or decrees awarding support to parties having custody of minor  
28 children when the parties are receiving welfare assistance.

29 Sec. 12. Section five hundred ninety-eight point thirty-  
30 four (598.34), Code 1975, is amended to read as follows:

31 598.34 WELFARE RECIPIENTS--AGREEMENTS-RATIFIED ASSIGNMENT  
32 OF SUPPORT PAYMENTS. ~~The county board of social welfare in~~  
33 ~~any county is authorized to enter into the following agreement~~  
34 ~~with the court, which may ratify such agreement by a majority~~  
35 ~~vote of the district judges assigned to the judicial district~~

1 ~~where such board is located.~~

2 Any-person Persons entitled to periodic support payments  
3 pursuant to an order or judgment entered in an action for  
4 dissolution of marriage, who ~~is~~ are also a welfare ~~recipient~~  
5 recipients, shall assign ~~his~~ their rights to such payments  
6 to the ~~county board of social welfare granting such assistance~~  
7 department of social services. The clerk of court shall for-  
8 ward support payments received pursuant to section 598.22  
9 to ~~such board.---Such sums may serve to reduce the amount of~~  
10 ~~the welfare payments granted such recipients.---The board of~~  
11 social welfare the department, which shall have the right  
12 to secure support payments in default through proceedings  
13 provided for in chapter 252A or section 598.24.

14 The clerk shall furnish ~~such welfare agency~~ the department  
15 with copies of all orders or decrees awarding support to  
16 parties having custody of minor children when such parties  
17 are receiving welfare assistance.

18 Sec. 13. Chapter six hundred seventy-five (675), Code  
19 1975, is amended by adding the following new section:

20 NEW SECTION. WELFARE RECIPIENTS--ASSIGNMENT OF SUPPORT  
21 PAYMENTS. Persons entitled to periodic support payments pur-  
22 suant to an order or judgment entered in a paternity action  
23 pursuant to this chapter, who are also welfare recipients,  
24 shall assign their rights to the payments to the department  
25 of social services. The clerk of court shall forward support  
26 payments received pursuant to section six hundred seventy-  
27 five point twenty-five (675.25) of the Code to the department,  
28 which shall have the right to secure support payments in  
29 default through proceedings prescribed in chapter two hundred  
30 fifty-two A (252A) or section six hundred seventy-five point  
31 thirty-seven (675.37) of the Code. The clerk shall furnish  
32 the department with copies of all orders or decrees awarding  
33 support to parties having custody of minor children when the  
34 parties are receiving welfare assistance.

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## 1 EXPLANATION

2 This bill creates a child support recovery unit within  
3 the department of social services to provide support collection  
4 and paternity determination services. The services are  
5 available to all individuals, however, a distinction is drawn  
6 between the level of services offered to public assistance  
7 recipients and other individuals. An application fee not  
8 exceeding \$20 and an additional fee to defray the unit's  
9 expenses in providing the services may be charged. The  
10 additional fee may not exceed ten percent of the amount of  
11 support money collected by the unit.

12 A penalty for violating provisions controlling the avail-  
13 ability of information collected and recorded by the unit  
14 is provided.

15 This bill also allows the assignment of welfare recipient's  
16 rights to support payments to the department of social ser-  
17 vices rather than to county boards of social welfare, thereby  
18 eliminating the necessity for agreements with the courts to  
19 implement the assignment procedure. In addition, this bill  
20 eliminates the ambiguous statement which presently provides  
21 "Such sums may serve to reduce the amount of the welfare  
22 payments granted to such recipient." Under the assignment,  
23 the department, rather than the recipient, receives the child  
24 support, therefore the recipient's grant is not actually  
25 reduced.

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HOUSE AMENDMENT TO SENATE FILE 518

S-4276

1 Amend Senate File 518, as passed by the Senate,  
2 as follows:

3 1. Page 4, by striking lines 25 through 31 and  
4 inserting in lieu thereof the following:

5 "Sec. 7. NEW SECTION. LEGAL SERVICES. The  
6 attorney general may perform the legal services  
7 for the child support recovery program and may  
8 enforce all laws for the recovery of child support  
9 from responsible relatives. The attorney general  
10 shall have power to file and prosecute:

11 a. contempt of court proceedings to enforce any  
12 order of court pertaining to child support.

13 b. cases under chapter two hundred fifty-two A  
14 (252A), Code 1975, the Uniform Support of Dependents  
15 Law.

16 c. an information charging desertion under the  
17 provisions of chapter seven hundred thirty-one  
18 (731), Code 1975.

19 d. any other lawful action which will secure  
20 collection of support for minor children.

21 For the aforesaid purposes, the attorney  
22 general shall have the same power to commence, file  
23 and prosecute any action or information in the proper  
24 jurisdiction, which the county attorney could file or  
25 prosecute in that jurisdiction. This shall in no  
26 way relieve any county attorney from his or her  
27 duties, or the supervisory power of the attorney  
28 general, in recovery of child support."

S-4276 FILED  
JUNE 19, 1975

RECEIVED FROM THE HOUSE

*Senate concurred 6/19 (2210)*

1 Amend Senate File 518, as passed by the Senate,  
2 as follows:  
3 1. Page 4, by striking lines 25 through 31 and  
4 inserting in lieu thereof the following:  
5 "Sec. 7. NEW SECTION. LEGAL SERVICES. The  
6 attorney general may perform the legal services  
7 for the child support recovery program and may  
8 enforce all laws for the recovery of child support  
9 from responsible relatives. The attorney general  
10 shall have power to file and prosecute:  
11 a. contempt of court proceedings to enforce any  
12 order of court pertaining to child support.  
13 b. cases under chapter two hundred fifty-two A  
14 (252A), Code 1975, the Uniform Support of Dependents  
15 Law.  
16 c. an information charging desertion under the  
17 provisions of chapter seven hundred thirty-one  
18 (731), Code 1975.  
19 d. any other lawful action which will secure  
20 collection of support for minor children.  
21 For the aforesaid purposes, the attorney  
22 general shall have the same power to commence, file  
23 and prosecute any action or information in the proper  
24 jurisdiction, which the county attorney could file or  
25 prosecute in that jurisdiction. This shall in no  
26 way relieve any county attorney from his or her  
27 duties, or the supervisory power of the attorney  
28 general, in recovery of child support."

H-4234 FILED - *Adopted 6/19*  
JUNE 12, 1975

BY OAKLEY of Clinton  
JESSE of Polk

1 Amend Senate File 518, as amended and passed by  
 2 the Senate. as follows:  
 3 1. Page 4, by striking everything in lines 10  
 4 through 24.  
 5 2. Page 6, line 17, by striking the word "shall"  
 6 and inserting in lieu thereof the word "may".  
 7 3. Page 6, line 25, by inserting after the word  
 8 "Code" the following: ", of those support payments  
 9 assigned to the department."  
 10 4. Page 7, line 5, by striking the word "shall"  
 11 and inserting in lieu thereof the following: "~~shall~~"  
 12 "may".  
 13 5. Page 7, line 13, by inserting after the figure  
 14 "598.24" the following: "of those support payments  
 15 assigned to the department".  
 16 6. Page 7, line 24, by striking the word "shall"  
 17 and inserting in lieu thereof the word "may".

H-4058 FILED (*Withdrawn 2675 6/19*) BY HARGRAVE of Johnson  
 JUNE 4, 1975

## Senate File 518

H-4217

1 Amend Senate File 518, as passed by the Senate,  
 2 as follows:  
 3 1. Page 4, by striking lines 25 through 31 and  
 4 inserting in lieu thereof the following:  
 5 "Sec. 7. NEW SECTION. LEGAL SERVICES. The  
 6 attorney general shall perform the legal services  
 7 for the child support recovery program and shall  
 8 enforce all laws for the recovery of child support  
 9 from responsible relatives. The attorney general  
 10 shall have power to file and prosecute:  
 11 a. contempt of court proceedings to enforce any  
 12 order of court pertaining to child support.  
 13 b. cases under Chapter 252A, the Uniform  
 14 Reciprocal Enforcement of Support Act or Uniform  
 15 Support of Dependents Law.  
 16 c. an information charging desertion under the  
 17 provisions of Chapter 731.  
 18 d. any other lawful action which will secure  
 19 collection of support for minor children.  
 20 For the aforesaid purposes, the attorney  
 21 general shall have the same power to commence, file  
 22 and prosecute any action or information in the proper  
 23 jurisdiction, which the county attorney could file or  
 24 prosecute in that jurisdiction."

H-4217 FILED (*Withdrawn 6/19*) BY OAKLEY of Clinton  
 JUNE 11, 1975

SENATE FILE 518

AN ACT

CREATING A CHILD SUPPORT RECOVERY UNIT WITHIN THE DEPARTMENT OF SOCIAL SERVICES, PRESCRIBING THE POWERS AND DUTIES THEREOF, AND PROVIDING FOR THE ASSIGNMENT OF RIGHTS TO CHILD SUPPORT PAYMENTS BY ANY PERSON WHO RECEIVES PUBLIC ASSISTANCE AND PROVIDING A PENALTY.

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

Section 1. NEW SECTION. DEFINITIONS. As used in sections two (2) through ten (10) of this Act, unless the context otherwise requires:

1. "Child" includes but shall not be limited to a stepchild, foster child or legally adopted child and means a child actually or apparently under eighteen years of age, and a dependent person eighteen years of age or over who is unable to maintain himself and is likely to become a public charge. "Child" includes "dependent children" as defined in section two hundred thirty-nine point one (239.1), subsection three (3) of the Code.

2. "Resident parent" means the parent with whom the child is residing at the time the support collection or paternity determination services provided in sections five (5) and six (6) of this Act are requested or commenced.

3. "Absent parent" means the parent who either cannot be located or who is located and is not residing with the child at the time the support collection or paternity determination services provided in sections five (5) and six (6) of this Act are requested or commenced.

4. "Department" means the department of social services.

5. "Commissioner" means the commissioner of the department of social services.

6. "Unit" means the child support recovery unit created in section two (2) of this Act.

Sec. 2. NEW SECTION. UNIT ESTABLISHED. There is created

within the department of social services a child support recovery unit for the purpose of providing the services required in sections three (3) through six (6) of this Act.

Sec. 3. NEW SECTION. DUTY OF DEPARTMENT TO ENFORCE CHILD SUPPORT. Upon receipt by the department of an application for public assistance on behalf of a child and determination by the department that the child has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person responsible for the care, support or maintenance of the child has failed or neglected to give proper care or support to the child, the department shall take appropriate action under the provisions of this Act or under other appropriate statutes of this state including but not limited to chapters two hundred thirty-nine (239), two hundred fifty-two A (252A), five hundred ninety-eight (598), and six hundred seventy-five (675) of the Code, to insure that the parent or other person responsible for the support of the child fulfills the support obligation.

Sec. 4. NEW SECTION. NONASSISTANCE CASES. The child support and paternity determination services established by the department pursuant to this Act and other appropriate services provided by law including but not limited to the provisions of chapters two hundred thirty-nine (239), two hundred fifty-two A (252A), five hundred ninety-eight (598) and six hundred seventy-five (675) of the Code shall be made available by the unit to any individual not otherwise eligible as a public assistance recipient upon application by the individual for the services. The application shall be filed with the department. The commissioner may require an application fee not to exceed twenty dollars as determined by the commissioner. The commissioner may require an additional fee to cover the costs incurred by the department in providing the support collection and paternity determination services. The commissioner shall, by regulation, establish and make available to all applicants for support enforcement and paternity determination services a fee schedule, however, the fee shall not exceed ten percent of any support money

recovered by department action. The fee for support collection and paternity determination services shall be agreed upon in writing by the individual requesting the services. The application fee and the additional fee for services provided may be deducted from the amount of the support money recovered by the department. Fees collected pursuant to this section shall be remitted to the treasurer of state who shall deposit them in the general fund of the state. The commissioner or a designee and the treasurer of state shall keep an accurate record of funds so remitted and deposited.

Sec. 5. NEW SECTION. SERVICES OF UNIT. The child support recovery unit shall provide the following services:

1. Assistance in the location of an absent parent or any other person who has an obligation to support the child of the resident parent.
2. Aid in establishing paternity and securing a court order for support pursuant to chapter six hundred seventy-five (675) of the Code.
3. Aid in enforcing through court proceedings an existing court order for support issued pursuant to chapters two hundred fifty-two A (252A), five hundred ninety-eight (598), and six hundred seventy-five (675) of the Code.

Sec. 6. NEW SECTION. ADDITIONAL SERVICES IN ASSISTANCE CASES. In addition to the services enumerated in section five (5) of this Act, the unit may provide the following services in the case of a dependent child for whom public assistance is being provided:

1. Represent the child in obtaining a support order necessary to meet the child's needs or in enforcing a similar order previously entered.
2. Appear as a friend of the court in dissolution of marriage and separate maintenance proceedings, or proceedings supplemental thereto, when either or both of the parties to the proceedings are receiving public assistance, for the purpose of advising the court of the financial interest of the state in the proceeding.
3. Appear on behalf of the resident parent of a child

for whom public assistance is being provided, upon request by the parent, for the purpose of assisting the parent in securing a modification of a dissolution or separate maintenance decree which provided no support or inadequate support for the child. However, the unit may appear on behalf of the resident parent pursuant to this subsection only when the court determines that the resident parent is financially unable to employ legal counsel and is unable to engage free legal counsel. If the resident parent does not request the appearance of a unit representative, or does not qualify for representation pursuant to this subsection, the unit may appear as a friend of the court pursuant to subsection two (2) of this section, however, the unit shall not otherwise participate in the proceeding.

4. If public assistance has been applied for or granted on behalf of a child of parents who are legally separated or whose marriage has been legally dissolved, the unit may apply to the district court for a court order directing either or both parents to show cause for the following:

- a. Why an order of support for the child should not be entered, or
- b. Why the amount of support previously ordered should not be increased, or
- c. Why the parent should not be held in contempt for failure to comply with a support order previously entered.

5. Initiate any civil procedures deemed necessary by the department to secure reimbursement from the parent of a child for money expended by the state in providing public assistance or services to the child.

Sec. 7. NEW SECTION. LEGAL SERVICES. The attorney general may perform the legal services for the child support recovery program and may enforce all laws for the recovery of child support from responsible relatives. The attorney general shall have power to file and prosecute:

- a. contempt of court proceedings to enforce any order of court pertaining to child support.
- b. cases under chapter two hundred fifty-two A (252A),

Code 1975, the Uniform Support of Dependents Law.

c. an information charging desertion under the provisions of chapter seven hundred thirty-one (731), Code 1975.

d. any other lawful action which will secure collection of support for minor children.

For the aforesaid purposes, the attorney general shall have the same power to commence, file and prosecute any action or information in the proper jurisdiction, which the county attorney could file or prosecute in that jurisdiction. This shall in no way relieve any county attorney from his or her duties, or the supervisory power of the attorney general, in recovery of child support.

Sec. 8. NEW SECTION. CENTRAL INFORMATION CENTER. The department shall establish within the unit an information and administration coordinating center which shall serve as a registry for the receipt of information and for answering interstate inquiries concerning absent parents and shall coordinate and supervise unit activities. The information and administration coordinating center shall promote cooperation between the unit and law enforcement agencies to facilitate the effective operation of the unit.

Sec. 9. NEW SECTION. AVAILABILITY OF RECORDS. The commissioner may request from state, county and local agencies, information and assistance deemed necessary to carry out the provisions of this Act. State, county and local agencies, officers and employees shall cooperate with the unit in locating absent parents of children on whose behalf public assistance is being provided and shall on request supply the department with available information relative to the location, income and property holdings of the absent parent, notwithstanding any provisions of law making such information confidential.

Information recorded by the department pursuant to this section shall be available only to the unit, attorneys prosecuting a case in which the unit may participate according to sections five (5) and six (6) of this Act, courts having jurisdiction in support or abandonment proceedings, and

agencies in other states charged with support collection and paternity determination responsibilities as determined by the rules of the department and the provisions of Title four (IV) of the United States Social Security Act.

Sec. 10. NEW SECTION. CRIMINAL PENALTIES.

1. Any person who willfully requests, obtains, or seeks to obtain paternity determination and support collection data available under section nine (9) of this Act under false pretenses, or who willfully communicates or seeks to communicate such data to any agency or person except in accordance with this Act, shall, upon conviction, for each such offense be punished by a fine of not more than one thousand dollars or by imprisonment in the state penitentiary for not more than two years, or by both fine and imprisonment. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate paternity determination and support collection data except in accordance with this Act shall for each such offense be fined not more than one hundred dollars or be imprisoned not more than ten days.

2. Any reasonable grounds for belief that a public employee has violated any provision of this Act shall be grounds for immediate removal from all access to paternity determination and support collection data recorded under section nine (9) of this Act.

Sec. 11. Chapter two hundred fifty-two A (252A), Code 1975, is amended by adding the following new section:

NEW SECTION. WELFARE RECIPIENTS--ASSIGNMENT OF SUPPORT PAYMENTS. Persons entitled to periodic support payments pursuant to an order or judgment entered in a uniform support action pursuant to this chapter, who are also welfare recipients, shall assign their rights to the payments to the department of social services. The clerk of court shall forward support payments received pursuant to section two hundred fifty-two A point six (252A.6) of the Code to the department, unless the court has ordered the payments made directly to the department under subsection twelve (12) of that section. The department shall have the right to secure

support payments in default through proceedings prescribed in chapter two hundred fifty-two A (252A) of the Code. The clerk shall furnish the department with copies of all orders or decrees awarding support to parties having custody of minor children when the parties are receiving welfare assistance.

Sec. 12. Section five hundred ninety-eight point thirty-four (598.34), Code 1975, is amended to read as follows:

598.34 WELFARE RECIPIENTS--AGREEMENTS-RATIFIED ASSIGNMENT OF SUPPORT PAYMENTS. ~~The county board of social welfare in any county is authorized to enter into the following agreement with the court, which may ratify such agreement by a majority vote of the district judges assigned to the judicial district where such board is located.~~

Any person Persons entitled to periodic support payments pursuant to an order or judgment entered in an action for dissolution of marriage, who is are also a welfare recipient recipients, shall assign his their rights to such payments to the county board of social welfare granting such assistance department of social services. ~~The clerk of court shall forward support payments received pursuant to section 598.22 to such board.--Such sums may serve to reduce the amount of the welfare payments granted such recipients.--The board of social welfare~~ the department, which shall have the right to secure support payments in default through proceedings provided for in chapter 252A or section 598.24.

The clerk shall furnish such welfare agency the department with copies of all orders or decrees awarding support to parties having custody of minor children when such parties are receiving welfare assistance.

Sec. 13. Chapter six hundred seventy-five (675), Code 1975, is amended by adding the following new section:

NEW SECTION. WELFARE RECIPIENTS--ASSIGNMENT OF SUPPORT PAYMENTS. Persons entitled to periodic support payments pursuant to an order or judgment entered in a paternity action pursuant to this chapter, who are also welfare recipients, shall assign their rights to the payments to the department of social services. The clerk of court shall forward support

payments received pursuant to section six hundred seventy-five point twenty-five (675.25) of the Code to the department, which shall have the right to secure support payments in default through proceedings prescribed in chapter two hundred fifty-two A (252A) or section six hundred seventy-five point thirty-seven (675.37) of the Code. The clerk shall furnish the department with copies of all orders or decrees awarding support to parties having custody of minor children when the parties are receiving welfare assistance.

ARTHUR A. NEU  
President of the Senate

DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 518, Sixty-sixth General Assembly.

CLARK R. RASMUSSEN  
Secretary of the Senate

Approved \_\_\_\_\_, 1975

ROBERT D. RAY  
Governor