

Reprint 2/7/84

HOUSE FILE 558

BY COMMITTEE ON HUMAN RESOURCES

MAR 22 1983

Place On Calendar

(Formerly Study Bill 230)

Passed House, Date 3-6-84 (p 126) Passed Senate, Date _____
Vote: Ayes 93 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act revising Iowa's aid to dependent children law to
2 conform to federal law and the practices of the
3 department of social services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 558

1 Section 1. Section 239.1, Code 1983, is amended by striking
2 the section and inserting in lieu thereof the following:

3 239.1 DEFINITIONS. As used in this chapter:

- 4 1. "Assistance" means a money payment made under this
5 chapter on behalf of a dependent child.
- 6 2. "Dependent child" means a needy child under the age
7 of eighteen years who has been deprived of parental support
8 or care by reason of death, continued absence from home,
9 physical or mental incapacity, or partial or total unemployment
10 of the parent. However, a child is not a dependent child
11 solely by reason of a parent's absence from the home due to
12 the parent's performance of active duty in the uniformed
13 services of the United States.
- 14 3. "Department" means the department of social services.
- 15 4. "Director" means the director of the division of the
16 department of social services to which the commissioner of
17 social services assigns responsibility for the aid to dependent
18 children program.
- 19 5. "Division" means the division of the department of
20 social services to which the commissioner of social services
21 assigns responsibility for the aid to dependent children
22 program.
- 23 6. "Protective payee" means a protective payee selected
24 in accordance with 45 C.F.R. sec. 234.60.
- 25 7. "Recipient" is a person to whom the assistance grant
26 is made or a person whose needs are included in granting
27 assistance.
- 28 8. "Specified relative" means a relative specified in
29 42 U.S.C. sec. 606 and in federal regulations adopted pursuant
30 to that section.
- 31 9. "Vendor payment" means assistance paid to a third party
32 and not to a specified relative with whom a dependent child
33 is residing.

34 Sec. 2. Section 239.2, unnumbered paragraph 1, and
35 subsections 1, 2, and 3, Code 1983, are amended by striking

1 the paragraph and the subsections and inserting in lieu thereof
2 the following:

3 Assistance shall be granted under this chapter to a
4 dependent child who:

5 1. Is living in a suitable family home maintained by a
6 specified relative.

7 2. Is living in this state other than for a temporary
8 purpose, with a specified relative who is living in this state
9 voluntarily with the intent of making the relative's home
10 in this state and not for a temporary purpose.

11 Sec. 3. Section 239.3, unnumbered paragraph 1, Code 1983,
12 is amended to read as follows:

13 ~~Application~~ An application for assistance ~~under this chapter~~
14 shall be made to the ~~county-board-of-the-county-in-which-the~~
15 ~~dependent-child-resides-or-will-reside-in-the-event-assistance~~
16 ~~is-granted~~ department. The application shall be in writing
17 or reduced to writing in the manner and upon the form
18 prescribed by the state director. ~~Such~~ The application shall
19 be made by ~~an-adult-person-or-a-person-eighteen-years-of-age~~
20 ~~or-older~~ the specified relative with whom the dependent child
21 resides or will reside, and shall contain ~~such~~ the information
22 ~~as-may-be~~ required ~~by-said~~ on the application form. One
23 application may be made for several children of the same
24 family if they reside or will reside with the same ~~person~~
25 specified relative.

26 Sec. 4. Section 239.4, Code 1983, is amended to read as
27 follows:

28 239.4 INVESTIGATION OF APPLICATION. ~~Whenever-a-county~~
29 ~~board~~ If the department receives a notification ~~of-the~~
30 ~~dependency-of~~ that a child is a dependent child or receives
31 an application for assistance, an investigation and record
32 of the circumstances shall promptly be made in order to
33 ascertain ~~the-dependency-of~~ if the child is a dependent child
34 and to ascertain the facts supporting the application.

35 In cases involving physical or mental incapacity or

1 ~~unfitness~~ of either parent, the ~~county-board-of-social-welfare~~
2 department may require as a condition for granting assistance
3 ~~hereunder~~ that such incapacity ~~or-unfitness~~ be determined
4 by a ~~board-of-doctors-which-shall-be-selected-by-the-county~~
5 ~~board-of-social-welfare~~ physician or be supported by pertinent
6 medical evidence.

7 Sec. 5. Section 239.5, Code 1983, is amended to read as
8 follows:

9 239.5 GRANTING OF ASSISTANCE AND AMOUNT OF ASSISTANCE-
10 -CO-OPERATION OF PARENT.

11 1. Upon the completion of an investigation the department
12 shall decide whether the child is eligible for assistance
13 ~~under-this-chapter~~ and determine the amount of the assistance.
14 The department shall, within thirty days, notify the ~~person~~
15 specified relative with whom the child is living or will be
16 living, of the decision. ~~The-department-may-petition-the~~
17 ~~Iowa-district-court-sitting-in-probate-to-establish,-pursuant~~
18 ~~to-chapter-633,-a-conservatorship-over-any-recipient-eligible~~
19 ~~for-assistance-under-this-chapter.--If-a-conservatorship-is~~
20 ~~established-the-recipient's-assistance-payments-shall-be-made~~
21 ~~to-the-conservator.--In-addition-to-the-assistance-granted~~
22 ~~under-this-chapter,-an-amount-not-to-exceed-ten-dollars-per~~
23 ~~case-per-month-may-be-allowed-for-conservatorship-or~~
24 ~~guardianship-fees-if-authorized-by-court-order.--The-dependent~~
25 ~~child-for-whom-the-grant-is-made-shall-be-originally-charged~~
26 ~~to-the-county-in-which-the-child-resides-when-application~~
27 ~~is-made-~~

28 2. ~~The-county-board,-in-accordance-with-rules-and-standards~~
29 ~~established-by-the-state-department-of-social-services,-shall~~
30 ~~fix-the-amount-of-assistance-necessary-for-any-dependent~~
31 ~~child-~~ In determining the amount of assistance, the county
32 ~~board~~ department shall take into consideration the income
33 and resources of any the dependent child, the dependent child's
34 parent or stepparent, or any other needy specified relative
35 claiming assistance ~~under-this-chapter~~. However, in ~~fixing~~

1 determining the amount of assistance for any-child-or-family
2 recipients, the county-board,-in-accordance-with-rules
3 established-by-the-state department of social-services, may
4 disregard a reasonable amount of the income of the-child-or
5 the-family and resources, in order to encourage the family
6 or-any-of-its-members recipients to become self-supporting.
7 The term "income" as used-herein means income remaining after
8 deduction of expenses reasonably attributable to the earning
9 or securing of that income in accordance with standards
10 established by the department.

11 3. The county-board,-under-the-supervision-of-the-state
12 department of social-services, shall establish services to
13 help families-and-persons-receiving-assistance-under-this
14 chapter-to recipients become self-supporting; shall participate
15 in the work and training program established by chapter 249C;
16 and shall co-operate with other public agencies and with
17 private agencies to secure employment, education, and
18 vocational training for members-of-such-families recipients.
19 Assistance, when granted, shall be paid at least monthly to
20 an-adult-person-or-a-person-eighteen-years-of-age-or-older
21 within the specified degrees-of-relationship-and relative
22 with whom the child is living,-from-the-fund-for-aid-to
23 dependent-children-established-by-this-chapter residing, upon
24 the order of the state division, -except-that-the-county-board.

25 4. The department may order the assistance payments-made
26 paid to another-individual-who-is-interested-in-or-concerned
27 with-the-welfare-of-the-child-or-the-person-with-whom-the
28 child-is-living-when a protective payee if it has been
29 demonstrated that the person specified relative with whom
30 the child is living residing is unable to manage the assistance
31 payments in the best interest interests of the child. Such
32 A protective payments payment shall not be made beyond one
33 year two years, except as provided in 45 C.F.R. sec. 234.60,
34 and shall otherwise conform to the requirements of 42 U.S.C.
35 sec. 606(b)(2) and the regulations established-under-the

1 ~~provisions of Title IV of the Social Security Act as amended~~
2 ~~by Public Law 90-248 adopted pursuant to that section. If~~
3 ~~consistent with these regulations, the department may petition~~
4 ~~the Iowa district court sitting in probate to establish,~~
5 ~~pursuant to chapter 633, a conservatorship over a recipient.~~
6 ~~If a conservatorship is established the recipient's assistance~~
7 ~~shall be paid to the conservator. In addition to the~~
8 ~~assistance, an amount not to exceed ten dollars per case per~~
9 ~~month may be allowed for conservatorship or guardianship fees~~
10 ~~if authorized by court order.~~

11 ~~No payment for aid to dependent children shall be made~~
12 ~~unless and until the county board of social welfare, with~~
13 ~~the advice of the county attorney shall certify that the~~
14 ~~parent receiving the aid for the children is co-operating~~
15 ~~in legal actions and other efforts to obtain support money~~
16 ~~for said children from the persons legally responsible for~~
17 ~~said support.~~

18 5. A vendor payment may be made if the department
19 determines payment to a third party is essential to assure
20 the proper use of assistance on behalf of a recipient. A
21 vendor payment shall be made in accordance with 45 C.F.R.
22 sec. 234.60.

23 6. The division shall provide for the prompt notification
24 of the department's child support recovery unit if assistance
25 is provided to a child whose parent is absent from the home.
26 An applicant for or a recipient of assistance shall, as a
27 condition of eligibility, cooperate with the child support
28 recovery unit and the department in identifying and locating
29 the parent of the child, in enforcing rights to periodic
30 support payments, and, if necessary, in establishing paternity
31 of the child, unless the applicant or recipient has good cause
32 for refusing to cooperate, as determined by the department
33 in accordance with the best interests of the child and with
34 standards prescribed in 45 C.F.R. sec. 232.40, et seq. If
35 a specified relative with whom a child is residing is found

1 to be ineligible for assistance because of failure to comply
 2 with the cooperation requirements of this subsection,
 3 assistance, determined without regard to the needs of the
 4 specified relative, shall be provided to a protective payee
 5 for the child. A protective payment made under this subsection
 6 is not subject to the two-year restriction in subsection 4.

7 7. The state comptroller shall, no later than January
 8 17, 1977, and upon receipt of a written signed request from
 9 the person entitled to receive assistance established by this
 10 chapter a recipient, shall order that payments be made directly
 11 to a bank, savings and loan association, or credit union of
 12 his or her the recipient's choice.

13 Sec. 6. Section 239.6, Code 1983, is amended to read as
 14 follows:

15 239.6 PERIODIC RECONSIDERATION, CHANGES, AND TERMINATION
 16 OF GRANTS ASSISTANCE. ~~Any or all assistance grants made under~~
 17 ~~this chapter shall be~~ Assistance is subject to reconsideration
 18 ~~at any time the county board deems necessary every six months~~
 19 ~~and shall may be reinvestigated and reconsidered by the county~~
 20 ~~board as more frequently as may be required. After any such~~
 21 ~~further an investigation, the county board shall make further~~
 22 ~~report to the state director. Upon such report, assistance~~
 23 may be continued, renewed, suspended, changed in amount, or
 24 entirely withdrawn, as the findings of ~~such reports~~ the
 25 investigation warrant. As a condition of eligibility, the
 26 department may require periodic reports from recipients
 27 concerning their income, resources, family composition, and
 28 other circumstances.

29 Sec. 7. Section 239.8, Code 1983, is amended by striking
 30 the section and inserting in lieu thereof the following:

31 239.8 OUT-OF-STATE ASSISTANCE. Out-of-state assistance
 32 shall be made only to a recipient who retains residency in
 33 this state and remains otherwise eligible for assistance.
 34 The department shall periodically determine eligibility for
 35 assistance to out-of-state recipients.

1 Sec. 8. Section 239.9, Code 1983, is amended to read as
2 follows:

3 239.9 FUNERAL EXPENSES. Upon the death of any a child
4 ~~for whose benefit assistance payments are being made or have~~
5 ~~been authorized~~ who is a recipient or who would have been
6 eligible for assistance, a reasonable funeral expense for
7 the burial of ~~such~~ the child may be paid by the ~~state division~~
8 ~~department~~, provided ~~such~~ the expenses do not exceed ~~two~~ four
9 hundred ~~fifty~~ dollars, and the estate of the deceased or any
10 life insurance or payments by any death or funeral benefit
11 association or society paid by reason of the death of ~~such~~
12 the child to the child's estate or to any person legally
13 liable for ~~his~~ the child's support, are insufficient to defray
14 ~~such~~ the funeral expenses. ~~The person to whom such funeral~~
15 ~~expenses are paid as above provided is hereby prohibited from~~
16 ~~soliciting, accepting, or contracting to receive any further~~
17 ~~compensation for services rendered or articles furnished in~~
18 ~~connection with such funeral except on written approval of~~
19 ~~the county board of the county to which the assistance is~~
20 ~~chargeable and subject to such rules and regulations as the~~
21 ~~state director shall prescribe.~~

22 Sec. 9. Section 239.17, Code 1983, is amended to read
23 as follows:

24 239.17 RECOVERY OF ASSISTANCE OBTAINED BY FRAUDULENT ACT.
25 ~~Whoever~~ A person who obtains, or attempts to obtain, or
26 aids or abets any person to obtain, by means of a willfully
27 false statement or representation, or by impersonation or
28 any fraudulent device, ~~any~~ assistance ~~as defined in this~~
29 ~~chapter~~ to which the recipient is not entitled, ~~shall be~~ is
30 personally liable for the amount of assistance thus obtained.
31 ~~Such~~ The amount of the assistance may be recovered from the
32 offender or ~~his~~ the offender's estate in an action brought
33 or by claim filed in the name of the state, ~~and upon recovery~~
34 ~~the state shall pay the county a portion thereof equal to~~
35 ~~the amount paid by the county with respect to such assistance~~

1 ~~and return the balance of such recovery to the fund for aid~~
 2 ~~to dependent children and the recovered funds shall be~~
 3 ~~deposited in the aid to dependent children account.~~

4 Sec. 10. Section 239.18, Code 1983, is amended to read
 5 as follows:

6 239.18 ~~STATE-CONTROL-EXCLUSIVE RULES.~~ ~~Questions of policy~~
 7 ~~and control respecting administration of this chapter shall~~
 8 ~~vest and remain in the state division of child and family~~
 9 ~~services of the department of social services of the state~~
 10 ~~of Iowa and the state director of said division for the~~
 11 ~~purposes of administering all provisions of this chapter.~~
 12 In order to provide a uniform state-wide program for aid to
 13 dependent children, the ~~state director~~ department shall
 14 ~~promulgate such~~ adopt rules and ~~regulations as may be~~ pursuant
 15 to chapter 17 necessary to ~~make the provisions of~~ implement
 16 this chapter uniform in all of the counties of this state
 17 and to ensure federal financial participation in the program.

18 Sec. 11. Section 239.20, Code 1983, is amended to read
 19 as follows:

20 239.20 ~~COUNTY ATTORNEY TO ENFORCE.~~ ~~It is the intent of~~
 21 ~~the general assembly that violations~~ Violations of law relating
 22 to the aid to dependent children, ~~medical assistance, and~~
 23 ~~supplemental assistance~~ program shall be prosecuted by county
 24 attorneys. Area prosecutors of the office of the attorney
 25 general shall provide ~~such assistance in~~ prosecution as may
 26 ~~be required~~ assistance. ~~It is the intent of the general~~
 27 ~~assembly that the first priority for investigation and~~
 28 ~~prosecution for which funds are provided by this Act shall~~
 29 ~~be for fraudulent claims or practices by health care vendors~~
 30 ~~and providers.~~

31 Sec. 12. Section 239.15, Code 1983, is repealed.

32 EXPLANATION

33 This bill revises chapter 239 relating to Iowa's aid to
 34 dependent children program to conform to federal law and the
 35 practices of the department of social services in administering

1 the program. All references to county responsibilities are
2 deleted as the program is administered by the state.
3 References to foster care are deleted since federal law no
4 longer provides for foster care funding under the aid to
5 dependent children program. The bill amends or adds
6 definitions of assistance, dependent child, protective payee,
7 recipient, specified relative, and vendor payment. The absence
8 of a parent due to military service alone does not make a
9 child a dependent child.

10 The residency requirement is updated to conform to federal
11 case law. The prohibition of aid to institutionalized children
12 is deleted to conform to federal law. Requirements for
13 protective and vendor payments are added. Cooperation in
14 enforcing rights to periodic support payments is required
15 and sanctions are provided. Notification to the child support
16 recovery unit is required if assistance is provided to a child
17 whose parent is absent from the home.

18 The bill takes effect July 1 following enactment.
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HOUSE FILE 558

5334

1 Amend House File 558 as follows:

- 2 1. Page 1, line 1, by inserting after the word
- 3 "Code" the word "Supplement".
- 4 2. Page 1, line 7, by inserting after the word
- 5 "years" the words ", or a needy person eighteen years
- 6 of age who meets the additional eligibility criteria
- 7 established by federal law or regulation,".
- 8 3. Page 1, line 8, by inserting after the word
- 9 "from" the word "the".
- 10 4. Page 1, line 14, by striking the word "social"
- 11 and inserting in lieu thereof the word "human".
- 12 5. Page 1, line 16, by striking the word "social"
- 13 and inserting in lieu thereof the word "human".
- 14 6. Page 1, line 17, by striking the word "social"
- 15 and inserting in lieu thereof the word "human".
- 16 7. Page 1, line 20, by striking the word "social"
- 17 and inserting in lieu thereof the word "human".
- 18 8. Page 1, line 20, by striking the words "of
- 19 social" and inserting in lieu thereof the words "of
- 20 human".
- 21 9. Page 1, line 35, by inserting after the word
- 22 "Code" the word "Supplement".
- 23 10. Page 2, line 11, by inserting after the word
- 24 "Code" the word "Supplement".
- 25 11. Page 3, line 7, by inserting after the word
- 26 "Code" the word "Supplement".
- 27 12. Page 3, line 29, by striking the word "~~social~~"
- 28 and inserting in lieu thereof the word "human".
- 29 13. Page 4, line 3, by striking the word "~~social~~"
- 30 and inserting in lieu thereof the word "human".
- 31 14. Page 4, line 12, by striking the word "~~social~~"
- 32 and inserting in lieu thereof the word "human".
- 33 15. Page 7, by striking lines 1 through 21 and
- 34 inserting in lieu thereof the following:
- 35 "Sec. 8. Section 239.9, Code Supplement 1983,
- 36 is amended by striking the section and inserting in
- 37 lieu thereof the following:
- 38 239.9 FUNERAL EXPENSES. The department may pay,
- 39 from funds appropriated to it for the purpose, a
- 40 maximum of four hundred dollars toward funeral expenses
- 41 on the death of a child who is receiving or has been
- 42 authorized to receive assistance, provided:
- 43 1. The decedent does not leave an estate which
- 44 may be probated with sufficient proceeds to allow
- 45 for payment of the funeral claim.
- 46 2. Payments which are due the decedent's estate
- 47 or beneficiary by reason of the liability of a life
- 48 insurance, death or funeral benefit company,
- 49 association, or society, or in the form of United
- States social security, railroad retirement, or

1 veterans' benefits upon the death of the decedent,
2 are deducted from the department's liability under
3 this section.

4 Sec. 9. Section 239.12, Code Supplement 1983,
5 is amended to read as follows:

6 239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There
7 is established in the state treasury an account to
8 be known as the "Aid to Dependent Children Account"
9 to which shall be credited all funds appropriated
10 by the state for the payment of assistance ~~and-benefits~~
11 ~~under this chapter~~, and all other moneys received
12 at any time for such purposes. Moneys assigned to
13 the department under section ~~239-12~~ 239.3 and received
14 by the child support recovery unit pursuant to section
15 252B.5 and 42 U.S.C. sec. 664 shall be credited to
16 the account in the fiscal year in which the moneys
17 are received. All assistance ~~and-benefits-under-this~~
18 ~~chapter~~ shall be paid from the account."

19 16. Page 8, line 3, by inserting after the word
20 "account." the words "The action or claim filed in
21 the name of the state shall not be considered an
22 election of remedies to the exclusion of other
23 remedies."

24 17. Page 8, line 4, by inserting after the word
25 "Code" the word "Supplement".

26 18. Page 8, line 9, by striking the word "social"
27 and inserting in lieu thereof the word "human".

28 19. Page 8, line 15, by striking the figure "17"
29 and inserting in lieu thereof the figure "17A".

30 20. Title page, line 3, by striking the word
31 "social" and inserting in lieu thereof the word
32 "human".

33 21. By renumbering as necessary.

H-5334 FILED FEB. 28, 1984 BY COMMITTEE ON HUMAN RESOURCES
Adopted 3/6 (p. 725)

HOUSE FILE 558

H-3458

1 Amend House File 558 as follows:

2 1. Page 6, by inserting after line 12 the follow-
3 ing:

4 "8. The department shall not withhold an amount
5 greater than five percent of the schedule of basic
6 needs in recouping an overpayment due to an error
7 by a recipient under the aid to families with dependent
8 children program, unless the recipient elects to have
9 a greater amount withheld. If an overpayment is due
10 to an error by the department, the department shall
11 not withhold an amount greater than one percent of
12 the schedule of basic needs, unless the recipient
13 elects to have a greater amount withheld."

H-3458 FILED MARCH 30, 1983 BY VAN CAMP of Scott

4/5 3/6 (p. 725)

*Sen. Dennis Reardon 3/6/84 Amend per 558,1
Do Pass 3/17 (p. 820)*

HOUSE FILE 558

Human Resources
Sporholtz, Chair
C. Miller
Gratias

HOUSE FILE 558

BY COMMITTEE ON HUMAN RESOURCES

(As Amended and Passed by the House)

Passed House, Date 3-6-84 (p. 726) Passed Senate, Date 3-30-84 (p. 1191)

Vote: Ayes 92 Nays 0 Vote: Ayes 43 Nays 0

Approved May 14, 1984
Re passed Senate 4-11-84 (p. 1444)
48-0

A BILL FOR

1 An Act revising Iowa's aid to dependent children law to
2 conform to federal law and the practices of the
3 department of human services.

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

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House Amendments _____

HF 558

1 Section 1. Section 239.1, Code Supplement 1983, is amended
2 by striking the section and inserting in lieu thereof the
3 following:

4 239.1 DEFINITIONS. As used in this chapter:

5 1. "Assistance" means a money payment made under this
6 chapter on behalf of a dependent child.

7 2. "Dependent child" means a needy child under the age
8 of eighteen years, or a needy person eighteen years of age
9 who meets the additional eligibility criteria established
10 by federal law or regulation, who has been deprived of parental
11 support or care by reason of death, continued absence from
12 the home, physical or mental incapacity, or partial or total
13 unemployment of the parent. However, a child is not a
14 dependent child solely by reason of a parent's absence from
15 the home due to the parent's performance of active duty in
16 the uniformed services of the United States.

17 3. "Department" means the department of human services.

18 4. "Director" means the director of the division of the
19 department of human services to which the commissioner of
20 human services assigns responsibility for the aid to dependent
21 children program.

22 5. "Division" means the division of the department of
23 human services to which the commissioner of human services
24 assigns responsibility for the aid to dependent children
25 program.

26 6. "Protective payee" means a protective payee selected
27 in accordance with 45 C.F.R. sec. 234.60.

28 7. "Recipient" is a person to whom the assistance grant
29 is made or a person whose needs are included in granting
30 assistance.

31 8. "Specified relative" means a relative specified in
32 42 U.S.C. sec. 606 and in federal regulations adopted pursuant
33 to that section.

34 9. "Vendor payment" means assistance paid to a third party
35 and not to a specified relative with whom a dependent child

1 is residing.

2 Sec. 2. Section 239.2, unnumbered paragraph 1, and
3 subsections 1, 2, and 3, Code Supplement 1983, are amended
4 by striking the paragraph and the subsections and inserting
5 in lieu thereof the following:

6 Assistance shall be granted under this chapter to a
7 dependent child who:

8 1. Is living in a suitable family home maintained by a
9 specified relative.

10 2. Is living in this state other than for a temporary
11 purpose, with a specified relative who is living in this state
12 voluntarily with the intent of making the relative's home
13 in this state and not for a temporary purpose.

14 Sec. 3. Section 239.3, unnumbered paragraph 1, Code
15 Supplement 1983, is amended to read as follows:

16 ~~Application~~ An application for assistance ~~under this chapter~~
17 shall be made to the ~~county board of the county in which the~~
18 ~~dependent child resides or will reside in the event assistance~~
19 ~~is granted~~ department. The application shall be in writing
20 or reduced to writing in the manner and upon the form
21 prescribed by the state director. ~~Such~~ The application shall
22 be made by ~~an adult person or a person eighteen years of age~~
23 ~~or older~~ the specified relative with whom the dependent child
24 resides or will reside, and shall contain ~~such~~ the information
25 ~~as may be required by said~~ on the application form. One
26 application may be made for several children of the same
27 family if they reside or will reside with the same ~~person~~
28 specified relative.

29 Sec. 4. Section 239.4, Code 1983, is amended to read as
30 follows:

31 239.4 INVESTIGATION OF APPLICATION. ~~Whenever a county~~
32 ~~board~~ If the department receives a notification ~~of the~~
33 ~~dependency of that~~ a child is a dependent child or receives
34 an application for assistance, an investigation and record
35 of the circumstances shall promptly be made in order to

1 ascertain ~~the-dependency-of~~ if the child is a dependent child
2 and to ascertain the facts supporting the application.

3 In cases involving physical or mental incapacity or
4 ~~unfitness~~ of either parent, the ~~county-board-of-social-welfare~~
5 department may require as a condition for granting assistance
6 ~~hereunder~~ that such incapacity ~~or-unfitness~~ be determined
7 by a ~~board-of-doctors-which-shall-be-selected-by-the-county~~
8 ~~board-of-social-welfare~~ physician or be supported by pertinent
9 medical evidence.

10 Sec. 5. Section 239.5, Code Supplement 1983, is amended
11 to read as follows:

12 239.5 GRANTING OF ASSISTANCE AND AMOUNT OF ASSISTANCE-
13 -CO-OPERATION OF PARENT.

14 1. Upon the completion of an investigation the department
15 shall decide whether the child is eligible for assistance
16 ~~under-this-chapter~~ and determine the amount of the assistance.
17 The department shall, within thirty days, notify the person
18 specified relative with whom the child is living or will be
19 living, of the decision. ~~The-department-may-petition-the~~
20 ~~Iowa-district-court-sitting-in-probate-to-establish,-pursuant~~
21 ~~to-chapter-633,-a-conservatorship-over-any-recipient-eligible~~
22 ~~for-assistance-under-this-chapter.--If-a-conservatorship-is~~
23 ~~established-the-recipient's-assistance-payments-shall-be-made~~
24 ~~to-the-conservator.--In-addition-to-the-assistance-granted~~
25 ~~under-this-chapter,-an-amount-not-to-exceed-ten-dollars-per~~
26 ~~case-per-month-may-be-allowed-for-conservatorship-or~~
27 ~~guardianship-fees-if-authorized-by-court-order.--The-dependent~~
28 ~~child-for-whom-the-grant-is-made-shall-be-originally-charged~~
29 ~~to-the-county-in-which-the-child-resides-when-application~~
30 ~~is-made-~~

31 2. The county board, ~~in-accordance-with-rules-and-standards~~
32 ~~established-by-the-state-department-of-human-services,-shall~~
33 ~~fix-the-amount-of-assistance-necessary-for-any-dependent~~
34 ~~child-~~ In determining the amount of assistance, the county
35 board department shall take into consideration the income

1 and resources of any the dependent child, the dependent child's
 2 parent or stepparent, or any other needy specified relative
 3 claiming assistance ~~under this chapter~~. However, in fixing
 4 determining the amount of assistance for ~~any child or family~~
 5 recipients, the county board, in accordance with rules
 6 ~~established by the state~~ department of human services, may
 7 disregard a reasonable amount of the income ~~of the child or~~
 8 ~~the family and resources~~, in order to encourage the family
 9 ~~or any of its members~~ recipients to become self-supporting.
 10 The term "income" ~~as used herein~~ means income remaining after
 11 deduction of expenses reasonably attributable to the earning
 12 or securing of that income in accordance with standards
 13 established by the department.

14 3. The ~~county board, under the supervision of the state~~
 15 department of human services, shall establish services to
 16 help ~~families and persons receiving assistance under this~~
 17 ~~chapter to~~ recipients become self-supporting; shall participate
 18 in the work and training program established by chapter 249C;
 19 and shall co-operate with other public agencies and with
 20 private agencies to secure employment, education, and
 21 vocational training for ~~members of such families~~ recipients.
 22 Assistance, when granted, shall be paid at least monthly to
 23 ~~an adult person or a person eighteen years of age or older~~
 24 within the specified degrees of relationship and relative
 25 with whom the child is ~~living, from the fund for aid to~~
 26 ~~dependent children established by this chapter~~ residing, upon
 27 the order of the state division, ~~except that the county board,~~

28 4. The department may order the assistance ~~payments made~~
 29 paid to ~~another individual who is interested in or concerned~~
 30 ~~with the welfare of the child or the person with whom the~~
 31 ~~child is living when~~ a protective payee if it has been
 32 demonstrated that the person specified relative with whom
 33 the child is ~~living~~ residing is unable to manage the assistance
 34 payments in the best interest interests of the child. Such
 35 A protective payments payment shall not be made beyond one

1 year two years, except as provided in 45 C.F.R. sec. 234.60,
2 and shall otherwise conform to the requirements of 42 U.S.C.
3 sec. 606(b)(2) and the regulations established under the
4 provisions of Title IV of the Social Security Act as amended
5 by Public Law 90-248 adopted pursuant to that section. If
6 consistent with these regulations, the department may petition
7 the Iowa district court sitting in probate to establish,
8 pursuant to chapter 633, a conservatorship over a recipient.
9 If a conservatorship is established the recipient's assistance
10 shall be paid to the conservator. In addition to the
11 assistance, an amount not to exceed ten dollars per case per
12 month may be allowed for conservatorship or guardianship fees
13 if authorized by court order.

14 ~~No payment for aid to dependent children shall be made~~
15 ~~unless and until the county board of social welfare, with~~
16 ~~the advice of the county attorney shall certify that the~~
17 ~~parent receiving the aid for the children is co-operating~~
18 ~~in legal actions and other efforts to obtain support money~~
19 ~~for said children from the persons legally responsible for~~
20 ~~said support.~~

21 5. A vendor payment may be made if the department
22 determines payment to a third party is essential to assure
23 the proper use of assistance on behalf of a recipient. A
24 vendor payment shall be made in accordance with 45 C.F.R.
25 sec. 234.60.

26 6. The division shall provide for the prompt notification
27 of the department's child support recovery unit if assistance
28 is provided to a child whose parent is absent from the home.
29 An applicant for or a recipient of assistance shall, as a
30 condition of eligibility, cooperate with the child support
31 recovery unit and the department in identifying and locating
32 the parent of the child, in enforcing rights to periodic
33 support payments, and, if necessary, in establishing paternity
34 of the child, unless the applicant or recipient has good cause
35 for refusing to cooperate, as determined by the department

1 in accordance with the best interests of the child and with
 2 standards prescribed in 45 C.F.R. sec. 232.40, et seq. If
 3 a specified relative with whom a child is residing is found
 4 to be ineligible for assistance because of failure to comply
 5 with the cooperation requirements of this subsection,
 6 assistance, determined without regard to the needs of the
 7 specified relative, shall be provided to a protective payee
 8 for the child. A protective payment made under this subsection
 9 is not subject to the two-year restriction in subsection 4.

10 7. The state comptroller shall, ~~no later than January~~
 11 ~~1, 1977~~ and upon receipt of a written signed request from
 12 ~~the person entitled to receive assistance established by this~~
 13 ~~chapter~~ a recipient, shall order that payments be made directly
 14 to a bank, savings and loan association, or credit union of
 15 ~~his or her~~ the recipient's choice.

16 Sec. 6. Section 239.6, Code 1983, is amended to read as
 17 follows:

18 239.6 PERIODIC RECONSIDERATION, CHANGES, AND TERMINATION
 19 OF GRANTS ASSISTANCE. Any or all assistance grants made under
 20 this chapter shall be Assistance is subject to reconsideration
 21 at any time the county board deems necessary every six months
 22 and shall may be reinvestigated and reconsidered by the county
 23 board as more frequently as may be required. After any such
 24 further an investigation, the county board shall make further
 25 report to the state director. Upon such report, assistance
 26 may be continued, renewed, suspended, changed in amount, or
 27 entirely withdrawn, as the findings of such reports the
 28 investigation warrant. As a condition of eligibility, the
 29 department may require periodic reports from recipients
 30 concerning their income, resources, family composition, and
 31 other circumstances.

32 Sec. 7. Section 239.8, Code 1983, is amended by striking
 33 the section and inserting in lieu thereof the following:

34 239.8 OUT-OF-STATE ASSISTANCE. Out-of-state assistance
 35 shall be made only to a recipient who retains residency in

1 this state and remains otherwise eligible for assistance.
2 The department shall periodically determine eligibility for
3 assistance to out-of-state recipients.

4 Sec. 8. Section 239.9, Code Supplement 1983, is amended
5 by striking the section and inserting in lieu thereof the
6 following:

7 239.9 FUNERAL EXPENSES. The department may pay, from
8 funds appropriated to it for the purpose, a maximum of four
9 hundred dollars toward funeral expenses on the death of a
10 child who is receiving or has been authorized to receive
11 assistance, provided:

12 1. The decedent does not leave an estate which may be
13 probated with sufficient proceeds to allow for payment of
14 the funeral claim.

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

22 Sec. 9. Section 239.12, Code Supplement 1983, is amended
23 to read as follows:

24 239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is
25 established in the state treasury an account to be known as
26 the "Aid to Dependent Children Account" to which shall be
27 credited all funds appropriated by the state for the payment
28 of assistance ~~and-benefits-under-this-chapter~~, and all other
29 moneys received at any time for such purposes. Moneys assigned
30 to the department under section ~~239-12~~ 239.3 and received
31 by the child support recovery unit pursuant to section 252B.5
32 and 42 U.S.C. sec. 664 shall be credited to the account in
33 the fiscal year in which the moneys are received. All
34 assistance ~~and-benefits-under-this-chapter~~ shall be paid from
35 the account.

1 Sec. 10. Section 239.17, Code 1983, is amended to read
2 as follows:

3 239.17 RECOVERY OF ASSISTANCE OBTAINED BY FRAUDULENT ACT.
4 ~~Whosoever~~ A person who obtains, or attempts to obtain, or
5 aids or abets any person to obtain, by means of a willfully
6 false statement or representation, or by impersonation or
7 any fraudulent device, ~~any assistance as defined in this~~
8 ~~chapter~~ to which the recipient is not entitled, ~~shall be~~ is
9 personally liable for the amount of assistance thus obtained.
10 ~~Such~~ The amount of the assistance may be recovered from the
11 offender or ~~his~~ the offender's estate in an action brought
12 or by claim filed in the name of the state, ~~and upon recovery~~
13 ~~the state shall pay the county a portion thereof equal to~~
14 ~~the amount paid by the county with respect to such assistance~~
15 ~~and return the balance of such recovery to the fund for aid~~
16 ~~to dependent children~~ and the recovered funds shall be
17 deposited in the aid to dependent children account. The
18 action or claim filed in the name of the state shall not be
19 considered an election of remedies to the exclusion of other
20 remedies.

21 Sec. 11. Section 239.18, Code Supplement 1983, is amended
22 to read as follows:

23 239.18 STATE-CONTROL-EXCLUSIVE RULES. ~~Questions of policy~~
24 ~~and control respecting administration of this chapter shall~~
25 ~~vest and remain in the state division of child and family~~
26 ~~services of the department of human services of the state~~
27 ~~of Iowa and the state director of said division for the~~
28 ~~purposes of administering all provisions of this chapter.~~
29 In order to provide a uniform state-wide program for aid to
30 dependent children, the ~~state director~~ department shall
31 promulgate such adopt rules and regulations as may be pursuant
32 to chapter 17A necessary to make the provisions of implement
33 this chapter uniform in all of the counties of this state
34 and to ensure federal financial participation in the program.

35 Sec. 12. Section 239.20, Code 1983, is amended to read

1 as follows:

2 239.20 COUNTY ATTORNEY TO ENFORCE. ~~It is the intent of~~
3 ~~the general assembly that violations~~ Violations of law relating
4 to the aid to dependent children, ~~medical assistance, and~~
5 ~~supplemental assistance~~ program shall be prosecuted by county
6 attorneys. Area prosecutors of the office of the attorney
7 general shall provide ~~such assistance in~~ prosecution as may
8 ~~be required~~ assistance. ~~It is the intent of the general~~
9 ~~assembly that the first priority for investigation and~~
10 ~~prosecution for which funds are provided by this Act shall~~
11 ~~be for fraudulent claims or practices by health care vendors~~
12 ~~and providers.~~

5542

13 Sec. 13. Section 239.15, Code 1983, is repealed.

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HOUSE FILE 558

S-5398

1 Amend House File 558, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 28, by inserting after the word
4 "relative." the words "The application form shall
5 include information relating to both the assistance
6 for funeral expenses provided under this chapter and
7 the opportunity to make anatomical donations under
8 chapter 142 or 142A."

S-5398 FILED
MARCH 14, 1984

BY CHARLES P. MILLER

Adopted 3/30 (p 1190)

HOUSE FILE 558

S-5392

1 Amend House File 558 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by striking lines 4 through 35.
4 2. By renumbering as necessary.

S-5392 FILED
MARCH 14, 1984

BY COMMITTEE ON HUMAN RESOURCES
BOB CARR, CHAIR

Adopted 3/30 (p 1189)

HOUSE FILE 558

S-5542

1 Amend House File 558, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, by inserting after line 13 the
4 following:
5 "Sec. 14. STUDY OF FUNERAL EXPENSES. The depart-
6 ment of human services in collaboration with the
7 counties shall study the feasibility of purchasing
8 group or individual funeral expense insurance policies
9 or life insurance policies covering funeral expenses
10 for those recipients of assistance under the aid to
11 families with dependent children program or under
12 the state supplementary assistance program. The
13 department shall report its findings, including the
14 cost of purchasing such insurance coverage, and any
15 recommendations relating to the study, to the social
16 services appropriations subcommittee of the stand-
17 ing appropriations committees by January 15, 1985."

S-5542 FILED
MARCH 27, 1984

BY CHARLES P. MILLER

Adopted 3/30 (p 1190)

SENATE AMENDMENT TO HOUSE FILE 558

H-6035

1 Amend House File 558 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, line 28, by inserting after the word
4 "relative." the words "The application form shall
5 include information relating to both the assistance
6 for funeral expenses provided under this chapter and
7 the opportunity to make anatomical donations under
8 chapter 142 or 142A."

9 2. Page 7, by striking lines 4 through 35.

10 3. Page 9, by inserting after line 13 the
11 following:

12 "Sec. 14. STUDY OF FUNERAL EXPENSES. The depart-
13 ment of human services in collaboration with the
14 counties shall study the feasibility of purchasing
15 group or individual funeral expense insurance policies
16 or life insurance policies covering funeral expenses
17 for those recipients of assistance under the aid to
18 families with dependent children program or under
19 the state supplementary assistance program. The
20 department shall report its findings, including the
21 cost of purchasing such insurance coverage, and any
22 recommendations relating to the study, to the social
23 services appropriations subcommittee of the stand-
24 ing appropriations committees by January 15, 1985."

25 4. Renumbering as necessary.

H-6035 FILED APRIL 2, 1984

RECEIVED FROM THE SENATE

*House amended & referred to committee 4/4 (p. 1648)
Motion to reconsider (p. 1069) w/2 4/9
Senate recalled 4/11 (p. 1444)*

HOUSE FILE 558

H-6061

1 Amend Senate amendment, H-6035, to House File 558,
2 as amended, passed and reprinted by the House as
3 follows:

4 1. Page 1, by striking lines 3 through 8.

5 2. Page 1, by striking line 9.

H-6061 FILED APRIL 3, 1984

BY MULLINS of Kossuth

Adopted 4/4 (p. 1647)

HOUSE FILE 558

AN ACT

REVISING IOWA'S AID TO DEPENDENT CHILDREN LAW TO CONFORM TO FEDERAL LAW AND THE PRACTICES OF THE DEPARTMENT OF HUMAN SERVICES.

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

Section 1. Section 239.1, Code Supplement 1983, is amended by striking the section and inserting in lieu thereof the following:

239.1 DEFINITIONS. As used in this chapter:

1. "Assistance" means a money payment made under this chapter on behalf of a dependent child.
2. "Dependent child" means a needy child under the age of eighteen years, or a needy person eighteen years of age who meets the additional eligibility criteria established by federal law or regulation, who has been deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, or partial or total unemployment of the parent. However, a child is not a dependent child solely by reason of a parent's absence from the home due to the parent's performance of active duty in the uniformed services of the United States.
3. "Department" means the department of human services.
4. "Director" means the director of the division of the department of human services to which the commissioner of human services assigns responsibility for the aid to dependent children program.
5. "Division" means the division of the department of human services to which the commissioner of human services assigns responsibility for the aid to dependent children program.

6. "Protective payee" means a protective payee selected in accordance with 45 C.F.R. sec. 234.60.

7. "Recipient" is a person to whom the assistance grant is made or a person whose needs are included in granting assistance.

8. "Specified relative" means a relative specified in 42 U.S.C. sec. 606 and in federal regulations adopted pursuant to that section.

9. "Vendor payment" means assistance paid to a third party and not to a specified relative with whom a dependent child is residing.

Sec. 2. Section 239.2, unnumbered paragraph 1, and subsections 1, 2, and 3, Code Supplement 1983, are amended by striking the paragraph and the subsections and inserting in lieu thereof the following:

Assistance shall be granted under this chapter to a dependent child who:

1. Is living in a suitable family home maintained by a specified relative.
2. Is living in this state other than for a temporary purpose, with a specified relative who is living in this state voluntarily with the intent of making the relative's home in this state and not for a temporary purpose.

Sec. 3. Section 239.3, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

~~Application~~ An application for assistance ~~under this chapter shall be made to the county board of the county in which the dependent child resides or will reside in the event assistance is granted~~ department. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state director. ~~See~~ The application shall be made by ~~an adult person or a person eighteen years of age or older~~ the specified relative with whom the dependent child resides or will reside, and shall contain ~~such~~ the information ~~as may be required by said~~ on the application form. One application may be made for several children of the same family if they reside or will reside with the same person specified relative.

Sec. 4. Section 239.4, Code 1963, is amended to read as follows:

239.4 INVESTIGATION OF APPLICATION. Whenever a county board of social welfare receives a notification of the dependency of a child or receives an application for assistance, an investigation and record of the circumstances shall promptly be made in order to ascertain if the child is a dependent child and to ascertain the facts supporting the application.

In cases involving physical or mental incapacity or unfitness of either parent, the county board of social welfare department may require as a condition for granting assistance hereunder that such incapacity or unfitness be determined by a board of doctors which shall be selected by the county board of social welfare physician or be supported by pertinent medical evidence.

Sec. 5. Section 239.5, Code Supplement 1963, is amended to read as follows:

239.5 GRANTING OF ASSISTANCE AND AMOUNT OF ASSISTANCE-CO-OPERATION OF PARENT.

1. Upon the completion of an investigation the department shall decide whether the child is eligible for assistance under this chapter and determine the amount of the assistance. The department shall, within thirty days, notify the person specified relative with whom the child is living or will be living, of the decision. The department may petition the Iowa district court sitting in probate to establish a permanent conservatorship over any recipient eligible for assistance under this chapter. If a conservatorship is established the recipient's assistance payments shall be made to the conservator. In addition to the assistance granted under this chapter an amount not to exceed ten dollars per case per month may be allowed for conservatorship or guardianship fees if authorized by court order. The dependent child for whom the grant is made shall be originally charged to the county in which the child resides when application is made.

2. The county board of social welfare shall take into consideration the income and resources of any dependent child, the dependent child's parent or stepparent, or any other needy person claiming assistance under this chapter. However, in fixing the amount of assistance for any child or family recipients, the county board of social welfare may disregard a reasonable amount of the income and resources, in order to encourage the family or any of its members recipients to become self-supporting. The term "income" as used herein means income remaining after deduction of expenses reasonably attributable to the earning or securing of that income in accordance with standards established by the department.

3. The county board of social welfare shall establish services to help families and persons receiving assistance under this chapter to recipients become self-supporting; shall participate in the work and training program established by chapter 249C; and shall co-operate with other public agencies and with private agencies to secure employment, education, and vocational training for members of such families recipients. Assistance, when granted, shall be paid at least monthly to an adult person or a person eighteen years of age or older with the specified degree of relationship and relative with whom the child is living from the fund for aid to dependent children established by this chapter. Upon the order of the state division, except that the county board.

4. The department may order the assistance payments made paid to another individual who is interested in or concerned with the welfare of the child or the person with whom the child is living when a protective case if it has been demonstrated that the person specified relative with whom

the child is ~~living~~ residing is unable to manage the assistance payments in the best interest interests of the child. Such A protective payments payment shall not be made beyond one year two years, except as provided in 45 C.F.R. sec. 234.60, and shall otherwise conform to the requirements of 42 U.S.C. sec. 605(b)(2) and the regulations established under the provisions of Title IV of the Social Security Act as amended by Public Law 90-248 adopted pursuant to that section. If consistent with these regulations, the department may petition the lower district court sitting in probate to establish, pursuant to chapter 633, a conservatorship over a recipient. If a conservatorship is established the recipient's assistance shall be paid to the conservator. In addition to the assistance, an amount not to exceed ten dollars per case per month may be allowed for conservatorship or guardianship fees if authorized by court order.

~~No payment for aid to dependent children shall be made unless and until the county board of social welfare, with the advice of the county attorney shall certify that the parent receiving the aid for the children is co-operating in legal actions and other efforts to obtain support money for said children from the persons legally responsible for said support.~~

4. A vendor payment may be made if the department determines payment to a third party is essential to assure the proper use of assistance on behalf of a recipient. A vendor payment shall be made in accordance with 45 C.F.R. sec. 234.60

5. The division shall provide for the prompt notification of the department's child support recovery unit if assistance is provided to a child whose parent is absent from the home. An applicant for or a recipient of assistance shall, as a condition of eligibility, cooperate with the child support recovery unit and the department in identifying and locating the parent of the child, in enforcing rights to periodic support payments, and, if necessary, in establishing paternity of the child, unless the applicant or recipient has good cause

for refusing to cooperate, as determined by the department in accordance with the best interests of the child and with standards prescribed in 45 C.F.R. sec. 232.40, et seq. If a specified relative with whom a child is residing is found to be ineligible for assistance because of failure to comply with the cooperation requirements of this subsection, assistance, determined without regard to the needs of the specified relative, shall be provided to a protective payee for the child. A protective payment made under this subsection is not subject to the two-year restriction in subsection 4.

7. The state comptroller shall, ~~no later than January 17, 1977~~ and upon receipt of a written signed request from the person entitled to receive assistance established by this chapter a recipient, shall order that payments be made directly to a bank, savings and loan association, or credit union of his or her the recipient's choice.

Sec. 6. Section 239.6, Code 1983, is amended to read as follows:

239.6 PERIODIC RECONSIDERATION, CHANGES, AND TERMINATION OF GRANTS ASSISTANCE. ~~Any or all assistance grants made under this chapter shall be~~ Assistance is subject to reconsideration at any time the county board deems necessary every six months and shall may be reinvestigated and reconsidered by the county board as more frequently as may be required. After any such further an investigation, the county board shall make further report to the state director. Upon such report, assistance may be continued, renewed, suspended, changed in amount, or entirely withdrawn, as the findings of such reports the investigation warrant. As a condition of eligibility, the department may require periodic reports from recipients concerning their income, resources, family composition, and other circumstances.

Sec. 7. Section 239.8, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

239.8 OUT-OF-STATE ASSISTANCE. Out-of-state assistance shall be made only to a recipient who retains residency in this state and remains otherwise eligible for assistance.

The department shall periodically determine eligibility for assistance to out-of-state recipients.

Sec. 8. Section 239.9, Code Supplement 1983, is amended by striking the section and inserting in lieu thereof the following:

239.9 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 child who is receiving or has been authorized to receive assistance, provided:

1. The decedent does not leave an estate which may be probated with sufficient proceeds to allow for payment of the funeral claim.

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. 9. Section 239.12, Code Supplement 1983, is amended to read as follows:

239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is established in the state treasury an account to be known as the "Aid to Dependent Children Account" to which shall be credited all funds appropriated by the state for the payment of assistance ~~and benefits under this chapter~~, and all other moneys received at any time for such purposes. Moneys assigned to the department under section 239.12 ~~239.3~~ and received by the child support recovery unit pursuant to section 252B.5 and 42 U.S.C. sec. 664 shall be credited to the account in the fiscal year in which the moneys are received. All assistance ~~and benefits under this chapter~~ shall be paid from the account.

Sec. 10. Section 239.17, Code 1983, is amended to read as follows:

239.17 RECOVERY OF ASSISTANCE OBTAINED BY FRAUDULENT ACT. ~~Whenever a person who obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a willfully false statement or representation, or by impersonation or any fraudulent device, any assistance as defined in this chapter to which the recipient is not entitled, shall be personally liable for the amount of assistance thus obtained. Such The amount of the assistance may be recovered from the offender or his the offender's estate in an action brought or by claim filed in the name of the state; and upon recovery the state shall pay the county a portion thereof equal to the amount paid by the county with respect to such assistance and return the balance of such recovery to the fund for aid to dependent children and the recovered funds shall be deposited in the aid to dependent children account. The action or claim filed in the name of the state shall not be considered an election of remedies to the exclusion of other remedies.~~

Sec. 11. Section 239.18, Code Supplement 1983, is amended to read as follows:

239.18 STATE-CONTROL-EXCLUSIVE RULES. ~~Questions of policy and control respecting administration of this chapter shall vest and remain in the state division of child and family services of the department of human services of the state of Iowa and the state director of hard division for the purposes of administering all provisions of this chapter.~~ In order to provide a uniform state-wide program for aid to dependent children, the state director ~~department~~ shall promulgate such adopt rules and regulations as may be pursuant to chapter 17A necessary to make the provisions of implement this chapter uniform in all of the counties of this state and to ensure federal financial participation in the program.

Sec. 12. Section 239.20, Code 1983, is amended to read as follows:

239.20 COUNTY ATTORNEY TO ENFORCE. ~~It is the intent of the general assembly that violations~~ Violations of law relating to the aid to dependent children, medical assistance, and

supplemental-assistance program shall be prosecuted by county attorneys. Area prosecutors of the office of the attorney general shall provide ~~such-assistance-in~~ prosecution as may be required assistance. ~~It-is-the-intent-of-the-general assembly-that-the-first-priority-for-investigation-and prosecution-for-which-funds-are-provided-by-this-Act-shall be-for-fraudulent-claims-or-practices-by-health-care-vendors and-providers-~~

Sec. 13. Section 239.15, Code 1983, is repealed.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 558, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 14, 1984

TERRY E. BRANSTAD
Governor