

Sen. Hum. Resources 2/22 S. Res 2/28 (p 806)

FEB 14 1990

HOUSE FILE 2421

BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(SUCCESSOR TO HSB 712)

Passed House, Date 2/19/90 (p. 456) Passed Senate, Date 3/13/90 (p. 1026)

Vote: Ayes 96 Nays 0 Vote: Ayes 46 Nays 0

Approved March 23, 1990

**A BILL FOR**

1 An Act providing authority under certain conditions for the  
2 release of information by the child support recovery unit to  
3 certain persons and to other units of the department of human  
4 services.

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

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HF 2421

1 Section 1. Section 252B.9, unnumbered paragraph 2, Code  
2 Supplement 1989, is amended to read as follows:  
3 Information recorded by the department pursuant to this  
4 section shall be available only to the unit, attorneys  
5 prosecuting a case in which the unit may participate according  
6 to sections 252B.5 and 252B.6, courts having jurisdiction in  
7 support or abandonment proceedings, and agencies in other  
8 states charged with support collection and paternity  
9 determination responsibilities, ~~and a resident parent, legal~~  
10 ~~guardian, attorney, or agent of a child who is not receiving~~  
11 ~~assistance under Title IV-A of the federal Social Security Act~~  
12 as determined by the rules of the department and the  
13 provisions of Title IV of the United States federal Social  
14 Security Act. However, information relating to the location  
15 of an absent parent shall be made available, pursuant to  
16 federal regulations, to a resident parent, legal guardian,  
17 attorney, or agent of a child who is not receiving assistance  
18 under Title IV-A of the federal Social Security Act. Unless  
19 otherwise prohibited by federal statute or regulation, the  
20 child support recovery unit shall release information relating  
21 to an absent parent to another unit of the department pursuant  
22 to a written request for the information approved by the  
23 director.

24 EXPLANATION

25 This bill permits the child support recovery unit of the  
26 department of human services to release information relating  
27 to an absent parent to certain persons and to another unit of  
28 the department under certain conditions.

29 Unless prohibited by federal regulation, information  
30 relating to the location of an absent parent is available to  
31 the resident parent, guardian, attorney, or agent of a child  
32 who is not receiving assistance under the federal Social  
33 Security Act, Title IV.

34 Unless prohibited by federal statute or regulation, the  
35 release of information relating to an absent parent is also

1 permitted if the other unit of the department submits a  
2 written request for the information which is approved by the  
3 director of human services.

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*No W*

HOUSE FILE 2151  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Child Protection

*Seaford  
Nielsen  
Haverland  
Kistler  
Spencer*

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act providing authority under certain conditions for the  
2 release of information by the child support recovery unit to  
3 certain persons and to other units of the department of human  
4 services.

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

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1 Section 1. Section 252B.9, unnumbered paragraph 2, Code  
2 Supplement 1989, is amended to read as follows:

3 Information recorded by the department pursuant to this  
4 section shall be available only to the unit, attorneys  
5 prosecuting a case in which the unit may participate according  
6 to sections 252B.5 and 252B.6, courts having jurisdiction in  
7 support or abandonment proceedings, and agencies in other  
8 states charged with support collection and paternity  
9 determination responsibilities, ~~and a resident parent, legal~~  
10 ~~guardian, attorney, or agent of a child who is not receiving~~  
11 ~~assistance under Title IV-A of the federal Social Security Act~~  
12 as determined by the rules of the department and the  
13 provisions of Title IV of the United States federal Social  
14 Security Act. However, information relating to the location  
15 of an absent parent shall be made available, pursuant to  
16 federal regulations, to a resident parent, legal guardian,  
17 attorney, or agent of a child who is not receiving assistance  
18 under Title IV-A of the federal Social Security Act. Unless  
19 otherwise prohibited by federal statute or regulation, the  
20 child support recovery unit shall release information relating  
21 to an absent parent to another unit of the department pursuant  
22 to a written request for the information approved by the  
23 director.

24 EXPLANATION

25 This bill permits the child support recovery unit of the  
26 department of human services to release information relating  
27 to an absent parent to certain persons and to another unit of  
28 the department under certain conditions.

29 Unless prohibited by federal regulation, information  
30 relating to the location of an absent parent is available to  
31 the resident parent, guardian, attorney, or agent of a child  
32 who is not receiving assistance under the federal Social  
33 Security Act, Title IV.

34 Unless prohibited by federal statute or regulation, the  
35 release of information relating to an absent parent is also

1 permitted if the other unit of the department submits a  
2 written request for the information which is approved by the  
3 director of human services.

4 BACKGROUND STATEMENT

5 SUBMITTED BY THE AGENCY

6 Federal regulations limit the information which can be  
7 released to a resident parent, legal guardian, attorney, or  
8 agent of a child who is not receiving assistance under Title  
9 IV-A of the federal Social Security Act to absent parent  
10 location information.

11 In addition, confidentiality safeguards prohibit the child  
12 support recovery unit of the department of human services  
13 (CSRU) from sharing absent parent information with other units  
14 within the department. In child welfare cases involving  
15 abuse, neglect, and termination of parental rights, the CSRU  
16 is unable to share absent parent location information with  
17 department staff who are charged with the legal responsibility  
18 to serve notice on the absent parent.

19 Code of Iowa, section 252B.9, makes information concerning  
20 the absent parent available only to CSRU staff, attorneys  
21 prosecuting a case in which the unit may participate, agencies  
22 in other states charged with responsibility for child support  
23 enforcement, certain other persons, and courts having  
24 jurisdiction in support or abandonment proceedings.

25 45 C.F.R. § 303.70, regarding state use of the federal  
26 parent locator service (FPLS), requires that requests to the  
27 FPLS be accompanied by a statement signed by the director of  
28 human services that the request is being made solely to locate  
29 a person for the purpose of establishing paternity or securing  
30 support or in connection with a parental kidnapping or child  
31 custody case.

32 Section 6103(1)(6) of the Internal Revenue Code permits the  
33 IRS to disclose return information to federal, state, and  
34 local child support enforcement agencies for the purpose of  
35 establishing and enforcing support obligations and locating

1 individuals owing support obligations. The child support en-  
2 forcement agency may not disclose federal return information  
3 to third parties or in litigation relating to establishing or  
4 collecting child support obligations. However, if the in-  
5 formation is verified by an independent source, the informa-  
6 tion from the other source may be disclosed.

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to a written request for the information approved by the director.

HOUSE FILE 2421

AN ACT

PROVIDING AUTHORITY UNDER CERTAIN CONDITIONS FOR THE RELEASE OF INFORMATION BY THE CHILD SUPPORT RECOVERY UNIT TO CERTAIN PERSONS AND TO OTHER UNITS OF THE DEPARTMENT OF HUMAN SERVICES.

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

Section 1. Section 252B.9, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

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 252B.5 and 252B.6, courts having jurisdiction in support or abandonment proceedings, and agencies in other states charged with support collection and paternity determination responsibilities, and a resident parent, legal guardian, attorney, or agent of a child who is not receiving assistance under Title IV-A of the federal Social Security Act as determined by the rules of the department and the provisions of Title IV of the United States federal Social Security Act. However, information relating to the location of an absent parent shall be made available, pursuant to federal regulations, to a resident parent, legal guardian, attorney, or agent of a child who is not receiving assistance under Title IV-A of the federal Social Security Act. Unless otherwise prohibited by federal statute or regulation, the child support recovery unit shall release information relating to an absent parent to another unit of the department pursuant

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DONALD D. AVENSON  
Speaker of the House

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2421, Seventy-third General Assembly.

Approved March 23, 1990  
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JOSEPH O'HERN  
Chief Clerk of the House

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TERRY E. BRANSTAD  
Governor