

FEB 6 1996
JUDICIARY

HOUSE FILE
BY HEATON

2155

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for repayment of the costs chargeable to a
2 county for services provided under the juvenile code.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2155

1 Section 1. NEW SECTION. 232.144 PAYMENT OBLIGATION BY
2 PARENT FOR COSTS PAID BY COUNTY.

3 For the purposes of this section, "parent" means the parent
4 awarded legal custody and physical care of a child. It is the
5 intent of this chapter that an individual receiving services
6 chargeable to a county under this chapter and the individual's
7 parent shall have primary responsibility for paying the costs
8 attributable to the services ordered or otherwise provided
9 under this chapter. The payment obligation established under
10 this section shall be consistent with the limitations on legal
11 liability for support established under sections 222.78 and
12 230.15, and by any other statute limiting legal responsibility
13 for support which may be imposed on a person for the cost of
14 services. For any service provided under this chapter, to the
15 extent the cost of the service is charged in whole or in part
16 to a county, a dispositional order of the juvenile court or an
17 administrative order entered pursuant to chapter 252C shall
18 establish after notice and a reasonable opportunity to be
19 heard is provided to a parent, the amount of the parent's
20 payment obligation for the cost of the services. The order
21 may be entered in conjunction with a support order entered on
22 behalf of the department of human services under section
23 234.39 for services paid for by the department. The court or
24 the department of human services in establishing support by
25 administrative order, shall establish the amount of the
26 parent's support obligation, the amount of the parent's
27 payment obligation, and the amount of support debt accrued and
28 accruing in accordance with the child support guidelines
29 prescribed under section 598.21, subsection 4. However, the
30 court, or the department of human services in establishing
31 support by administrative order, may deviate from the
32 prescribed guidelines after considering a recommendation by
33 the department for expenses charged to the county related to
34 goals and objectives of a case permanency plan as defined
35 under section 237.15, and upon written findings of fact which

1 specify the reason for deviation and the prescribed guidelines
2 amount. Any order creating a payment obligation shall direct
3 payment of the debt obligation to the collection services
4 center for final payment to the county. The order shall be
5 filed with the clerk of the district court in which the
6 responsible parent resides and has the same force and effect
7 as a judgment when entered in the judgment docket and lien
8 index. The collection services center shall disburse the
9 payments pursuant to the order and record the disbursements.
10 If payments are not made as ordered, the child support
11 recovery unit may certify a default to the court and the court
12 may, on its own motion, proceed under section 598.22 or 598.23
13 or the child support recovery unit may enforce the judgment as
14 allowed by law. An order entered under this section may be
15 modified only in accordance with the guidelines prescribed
16 under section 598.21, subsection 8.

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EXPLANATION

18 This bill provides for repayment by a parent of the costs
19 chargeable to a county for services provided a juvenile under
20 chapter 232. The bill provides that a parent is the parent
21 with legal custody of a child.

22 The bill provides for establishment of a payment obligation
23 order by the juvenile court or by an administrative order by
24 the department of human services which may be established in
25 conjunction with the establishment of a support order. The
26 amount of the payment obligation is subject to any limitations
27 in law and is to be established in accordance with the uniform
28 child support guidelines except that the order may deviate
29 from the guidelines to reflect the expenses associated with a
30 case permanency plan which are charged to the county.
31 Payments are to be directed to the department of human
32 services collection services center for final payment to the
33 county. A failure to pay may result in assignment of earnings
34 or income under section 598.22 or contempt proceedings under
35 section 598.23.