

JAN 29 1997
JUDICIARY

HOUSE FILE 101
BY HEATON

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 101

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

3 1. For the purposes of this section, "parent" means the
4 parent with legal custody and physical care of a child. It is
5 the intent of this chapter that a child receiving services
6 chargeable to a county under this chapter and the child's
7 parent shall have primary responsibility for paying the costs
8 attributable to the services ordered or otherwise provided
9 under this chapter.

10 2. For any service provided under this chapter, to the
11 extent the cost of the service is charged in whole or in part
12 to a county, a dispositional order of the juvenile court or an
13 administrative order entered pursuant to chapter 252C shall
14 establish after notice and a reasonable opportunity to be
15 heard is provided to a parent, the amount of the parent's
16 payment obligation for the cost of the services. The order
17 may be entered in conjunction with a support order entered on
18 behalf of the department of human services under section
19 234.39 for services paid for by the department.

20 3. The court or the department of human services in
21 establishing support by administrative order, shall establish
22 the amount of the parent's support obligation, the amount of
23 the parent's payment obligation, and the amount of support
24 debt accrued and accruing in accordance with the child support
25 guidelines prescribed under section 598.21, subsection 4.
26 However, the court, or the department of human services in
27 establishing support by administrative order, may deviate from
28 the prescribed guidelines after considering a recommendation
29 by the department for expenses charged to the county related
30 to goals and objectives of a case permanency plan as defined
31 under section 237.15, and upon written findings of fact which
32 specify the reason for deviation and the prescribed guidelines
33 amount. The payment obligation established under this section
34 shall be consistent with the applicable limitations on legal
35 liability for support established under sections 222.78 and

1 230.15, and by any other statute limiting legal responsibility
2 for support which may be imposed on a person for the cost of
3 services.

4 4. Any order creating a payment obligation shall direct
5 payment of the debt obligation to the collection services
6 center for final payment to the county. The order shall be
7 filed with the clerk of the district court in which the
8 responsible parent resides and has the same force and effect
9 as a judgment when entered in the judgment docket and lien
10 index. The collection services center shall disburse the
11 payments pursuant to the order and record the disbursements.
12 If payments are not made as ordered, the child support
13 recovery unit within the department of human services may
14 certify a default to the court and the court may, on its own
15 motion, proceed under section 598.22 or 598.23 or the child
16 support recovery unit may enforce the judgment as allowed by
17 law. An order entered under this section may be modified only
18 in accordance with the guidelines prescribed under section
19 598.21, subsection 8.

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EXPLANATION

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

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

1 county. A failure to pay may result in assignment of earnings
2 or income under section 598.22 or contempt proceedings under
3 section 598.23.

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