

FILED JAN 25 2000

SENATE FILE 2040

BY LAMBERTI

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

A BILL FOR

1 An Act relating to the assignment of child support to the
 2 department of human services for a child in need of assistance
 3 placed in the custody of the department.

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

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SF 2040
 HUMAN RESOURCES

1 Section 1. Section 232.141, subsection 1, Code Supplement
2 1999, is amended to read as follows:

3 1. Except as otherwise provided by law, the court shall
4 inquire into the ability of the child or the child's parent to
5 pay expenses incurred pursuant to subsection 2 and subsection
6 4 and, after giving the parent a reasonable opportunity to be
7 heard, the court may order the parent to pay all or part of
8 the costs of the child's care, examination, treatment, legal
9 expenses, or other expenses. An order entered under this
10 section does not obligate a parent paying child support under
11 a custody decree, except that part of the monthly support
12 payment may be used to satisfy the obligations imposed by the
13 order entered pursuant to this section and except as provided
14 in subsection 9. If a parent fails to pay as ordered, without
15 good reason, the court may proceed against the parent for
16 contempt and may inform the county attorney who shall proceed
17 against the parent to collect the unpaid amount. Any payment
18 ordered by the court shall be a judgment against each of the
19 child's parents and a lien as provided in section 624.23. If
20 all or part of the amount that the parents are ordered to pay
21 is subsequently paid by the county or state, the judgment and
22 lien shall thereafter be against each of the parents in favor
23 of the county to the extent of the county's payments and in
24 favor of the state to the extent of the state's payments.

25 Sec. 2. Section 232.141, Code Supplement 1999, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 9. Notwithstanding any provision of law
28 to the contrary, if a child is adjudicated a child in need of
29 assistance under this chapter, the parental rights of the
30 parents are not terminated, and the child is placed in the
31 custody of the department, a parent of the child entitled to
32 periodic support payments pursuant to an order or judgment
33 entered in any action for support, is deemed to have assigned
34 to the department current and accruing support payments
35 attributable to the child to the extent funds are expended for

1 care of the child by the department, effective as of the date
2 the child is placed in the custody of the department. The
3 department shall notify the clerk of the district court when a
4 child entitled to support payments is placed in the custody of
5 the department. Upon notification by the department that a
6 child entitled to periodic support payments is placed in the
7 custody of the department, the clerk of the district court
8 shall make a notation of the automatic assignment in the
9 judgment docket and lien index. The notation constitutes
10 constructive notice of assignment. The clerk of the district
11 court shall furnish the department with copies of all orders
12 and decrees awarding support for a child placed in the custody
13 of the department. The clerk shall also direct the payment of
14 support to the collection services center for the use of the
15 department for the care of the child. The collection services
16 center shall disburse the payments and record the
17 disbursements. If payments are not made as ordered, the child
18 support recovery unit may certify a default to the court, and
19 the court may, on its own motion, proceed under section 598.22
20 or 598.23 or the child support recovery unit may enforce the
21 judgment as otherwise allowed by law. At the time the
22 placement of the child in the custody of the department
23 ceases, the assignment of support shall be automatically
24 terminated. Unpaid support accrued under the assignment of
25 support rights during the time that the child is placed with
26 the department remains due to the department up to the amount
27 of unreimbursed funds expended. The department shall notify
28 the clerk of the district court of the automatic termination
29 of the assignment. Unless otherwise specified in the support
30 order, an equal and proportionate share of any child support
31 awarded shall be presumed to be payable on behalf of each
32 child subject to the order or judgment for purposes of an
33 assignment under this subsection.

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EXPLANATION

35 This bill provides that if a child is adjudicated a child

1 in need of assistance, the parental rights of the parents are
2 not terminated and the disposition of the child is placement
3 in the custody of the department of human services, a parent
4 who is entitled to periodic support payments for the child
5 placed in the custody of the department is deemed to have
6 assigned current and accruing support payments attributable to
7 the child to the department to the extent funds are expended
8 for care of the child by the department, effective as of the
9 date the child's custody is placed with the department. The
10 bill provides for notification of the clerk of the district
11 court of the assignment and for termination of the assignment
12 when the child's placement with the department terminates.
13 The bill also provides for direction of payments of support by
14 the clerk of the district court to the collection services
15 center. Any unpaid support which accrues during the time of
16 the placement remains due the department after the termination
17 of the placement and assignment of support. For purposes of
18 the assignment, unless the support order or judgment otherwise
19 provides, an equal and proportionate share of the support
20 amount is presumed payable on behalf of each child subject to
21 the order or judgment for purposes of assignment.

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