

MAR 4 2003
HUMAN RESOURCES

HOUSE FILE 406
BY HEATON

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

A BILL FOR

1 An Act providing for assignment of child support to the
2 department of human services for provision of care to a child
3 in a psychiatric medical institution for children.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 406

1 Section 1. NEW SECTION. 234.9 ASSIGNMENT OF SUPPORT --
2 PSYCHIATRIC MEDICAL INSTITUTION FOR CHILDREN.

3 1. A person entitled to periodic support payments pursuant
4 to an order or judgment entered in any action for support, who
5 also is or has a child receiving child welfare services
6 through a psychiatric medical institution for children, is
7 deemed to have assigned to the department current and accruing
8 support payments attributable to the child effective as of the
9 date the child begins receiving such services, to the extent
10 of expenditure of child welfare funds. The department shall
11 notify the clerk of the district court when a child entitled
12 to support payments is receiving child welfare services
13 through a psychiatric medical institution for children. Upon
14 notification by the department, the clerk of the district
15 court shall make a notation of the automatic assignment in the
16 judgment docket and lien index. The notation constitutes
17 constructive notice of assignment. The clerk of court shall
18 furnish the department with copies of all orders and decrees
19 awarding support when the child is receiving services through
20 a psychiatric medical institution for children.

21 2. At the time the child ceases to receive child welfare
22 services through the psychiatric medical institution for
23 children, 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 was receiving
26 services remains due to the department up to the amount of
27 unreimbursed funds expended. The department shall notify the
28 clerk of court of the automatic termination of the assignment.
29 Unless otherwise specified in the support order, an equal and
30 proportionate share of any child support awarded shall be
31 presumed to be payable on behalf of each child subject to the
32 order or judgment for purposes of an assignment under this
33 section.

34 EXPLANATION

35 This bill provides for assignment of child support to the

1 department of human services for the costs of child welfare
2 services provided to the child through a psychiatric medical
3 institution for children. The bill directs the department to
4 notify the clerk of the district court when a child entitled
5 to support payments is receiving services through a
6 psychiatric medical institution for children. The bill
7 directs the clerk of the district court, upon notification by
8 the department, to make a notation of the automatic assignment
9 in the judgment docket and lien index. The notation
10 constitutes constructive notice of assignment. At the time
11 the child ceases to receive services, the assignment of
12 support is to be automatically terminated. Unpaid support
13 accrued under the assignment of support rights during the time
14 that the child was receiving services remains due to the
15 department up to the amount of unreimbursed funds expended.
16 The bill directs the department to notify the clerk of court
17 of the automatic termination of the assignment. Unless
18 otherwise specified in the support order, an equal and
19 proportionate share of any child support awarded is presumed
20 to be payable on behalf of each child subject to the order or
21 judgment for purposes of an assignment under the bill.

22
23
24
25
26
27
28
29
30
31
32
33
34
35