

MAR 7 2003  
Place On Calendar

Withdrawn  
3/19/04

HOUSE FILE 481  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 146)

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

**A BILL FOR**

1 An Act relating to family investment program eligibility  
2 requirements involving motor vehicle equity and required  
3 school attendance and including an applicability provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 481

1 Section 1. Section 239B.7, subsection 8, Code 2003, is  
2 amended to read as follows:

3 8. MOTOR VEHICLE DISREGARD. The department shall  
4 disregard the first ~~three~~ six thousand ~~eight-hundred-eighty-~~  
5 ~~nine~~ dollars in equity value of a motor vehicle. Beginning  
6 ~~July-17-1997,-and-continuing-in-succeeding-fiscal-years,-the~~  
7 The motor vehicle equity value disregarded by the department  
8 shall be increased annually by the latest increase in the  
9 consumer price index for used vehicles during the previous  
10 state fiscal year. ~~This-disregard-shall-be-applicable-to-each~~  
11 ~~adult-and-to-each-working-individual-in-a-family-who-is~~  
12 ~~nineteen-years-of-age-or-younger.~~ The amount of a motor  
13 vehicle's equity in excess of the amount of the motor vehicle  
14 disregard shall apply to the resource limitation established  
15 in subsection 9.

16 Sec. 2. Section 299.6, unnumbered paragraph 7, Code 2003,  
17 is amended by striking the unnumbered paragraph.

18 Sec. 3. Section 299.6A, subsection 1, Code 2003, is  
19 amended to read as follows:

20 1. In lieu of a criminal proceeding under section 299.6, a  
21 county attorney may bring a civil action against a parent,  
22 guardian, or legal or actual custodian of a child who is of  
23 compulsory attendance age, has not completed educational  
24 requirements, and is truant, if the parent, guardian, or legal  
25 or actual custodian has failed to cause the child to attend a  
26 public school, an accredited nonpublic school, or competent  
27 private instruction in the manner provided in this chapter.  
28 If the court finds that the parent, guardian, or legal or  
29 actual custodian has failed to cause the child to attend as  
30 required in this section, the court shall assess a civil  
31 penalty of not less than one hundred but not more than one  
32 thousand dollars, for each violation established. ~~However,-if~~  
33 ~~the-court-finds-that-the-parent,-guardian,-or-legal-or-actual~~  
34 ~~custodian-of-the-child-has-been-subject-to-sanction-under~~  
35 ~~section-239B.2A-as-a-result-of-the-child's-truancy,-the-court~~

~~1 may-waive-the-civil-penalty-under-this-section-~~

2 Sec. 4. Section 299.12, subsections 2 and 4, Code 2003,  
3 are amended to read as follows:

4 2. This section is not applicable to a child who is  
5 receiving competent private instruction in accordance with the  
6 requirements of chapter 299A. If a child is not in compliance  
7 with the attendance requirements established under section  
8 299.1, and has not completed educational requirements through  
9 the sixth grade, and the school has used every means available  
10 to assure the child does attend, the school truancy officer  
11 shall contact the child's parent, guardian, or legal or actual  
12 custodian to participate in an attendance cooperation meeting.  
13 The parties to the attendance cooperation meeting may include  
14 the child and shall include the child's parent, guardian, or  
15 legal or actual custodian and the school truancy officer. ~~If~~  
16 ~~the-child-is-a-member-of-a-family-receiving-assistance-under~~  
17 ~~the-family-investment-program, the-department-of-human~~  
18 ~~services-shall-be-notified-and-shall-make-the-contacts-for~~  
19 ~~participation-in-the-attendance-cooperation-meeting-in-lieu-of~~  
20 ~~the-school-truancy-officer.--For-a-child-who-is-a-member-of-a~~  
21 ~~family-receiving-assistance-under-the-family-investment~~  
22 ~~program, the-attendance-cooperation-meeting-shall-include-the~~  
23 ~~child's-parent-or-specified-relative-whose-needs-are-included~~  
24 ~~in-the-child's-assistance-grant-and-a-representative-of-the~~  
25 ~~department-of-human-services.~~ The school truancy officer or  
26 ~~the-representative-of-the-department-of-human-services~~  
27 contacting the participants in the attendance cooperation  
28 meeting may invite other school officials, a designee of the  
29 juvenile court, the county attorney or the county attorney's  
30 designee, or other persons deemed appropriate to participate  
31 in the attendance cooperation meeting.

32 4. If the parties to an attendance cooperation meeting  
33 determine that a monitor would improve compliance with the  
34 attendance cooperation agreement, the parties may designate a  
35 person to monitor the agreement. The monitor shall be a

1 designee of the public school board or governing body of the  
2 accredited nonpublic school, ~~or a designee of the department~~  
3 ~~of human services, if the department made the contacts for the~~  
4 ~~attendance cooperation meeting.~~ The monitor may be a  
5 volunteer if the volunteer is approved by all parties to the  
6 agreement and receives a written authorization for access to  
7 confidential information and for performing monitor activities  
8 from the child's parent, guardian, or custodian. A monitor  
9 shall contact parties to the attendance cooperation agreement  
10 on a periodic basis as appropriate to monitor performance of  
11 the agreement.

12 Sec. 5. Section 299.12, subsection 6, Code 2003, is  
13 amended by striking the subsection.

14 Sec. 6. Section 299.13, Code 2003, is amended to read as  
15 follows:

16 299.13 CIVIL ENFORCEMENT.

17 A person shall not disseminate or redisseminate information  
18 shared with the person pursuant to section ~~239B-2A~~, 299.5A, or  
19 299.12, unless specifically authorized to do so by section  
20 217.30, ~~239B-2A~~, 299.5A, or 299.12. Unless a prohibited  
21 dissemination or redissemination of information is subject to  
22 injunction or sanction under other state or federal law, an  
23 action for judicial enforcement may be brought in accordance  
24 with this section. An aggrieved person, the attorney general,  
25 or a county attorney may seek judicial enforcement of the  
26 requirements of this section in an action brought against the  
27 public school or accredited nonpublic school or any other  
28 person who has been granted access to information pursuant to  
29 section ~~239B-2A~~, 299.5A, or 299.12. Suits to enforce this  
30 section shall be brought in the district court for the county  
31 in which the information was disseminated or redisseminated.  
32 Upon a finding by a preponderance of the evidence that a  
33 person has violated this section, the court shall issue an  
34 injunction punishable by civil contempt ordering the person in  
35 violation of this section to comply with the requirements of,

1 and to refrain from any violations of section 239B.2A, 299.5A  
2 or 299.12 with respect to the dissemination or redissemination  
3 of information shared with the person pursuant to section  
4 239B.2A, 299.5A or 299.12.

5 Sec. 7. CODE EDITOR. In codifying the provisions of this  
6 Act, the Code editor shall revise the section 299.12 headnote  
7 to eliminate the reference to the family investment program.

8 Sec. 8. Section 239B.2A, Code 2003, is repealed.

9 Sec. 9. APPLICABILITY. The provisions of this Act  
10 amending section 239B.7 are applicable during the fiscal year  
11 commencing July 1, 2003, on a date identified in  
12 administrative rule adopted for this purpose by the  
13 department. The first annual increase in the motor vehicle  
14 equity value shall be made on July 1 of the succeeding fiscal  
15 year.

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#### EXPLANATION

17 This bill relates to family investment program (FIP)  
18 eligibility requirements involving motor vehicle equity and  
19 required school attendance.

20 Under current law in Code section 239B.7, a certain amount  
21 of the equity value of a motor vehicle is disregarded in  
22 determining a family's initial and continuing eligibility for  
23 the program. The base amount of \$3,889 was established in  
24 1997, subject to an annual increase for inflation. The  
25 disregard was applicable to each adult and working individual  
26 age 19 or younger. The bill establishes a new base amount of  
27 \$6,000, subject to inflation, and eliminates the individual  
28 applicability of the disregard.

29 The bill provisions relating to the motor vehicle disregard  
30 are initially applicable during fiscal year 2003-2004 on a  
31 date identified in administrative rule adopted by the  
32 department of human services. The first annual increase in  
33 the motor vehicle equity value disregard shall be made on July  
34 1 of the succeeding fiscal year.

35 The bill repeals Code section 239B.2A, which requires the

1 parent or other specified relative of a child receiving cash  
2 assistance under FIP to cooperate with efforts to ensure the  
3 child completes educational requirements through the sixth  
4 grade. The agreement to cooperate is a condition required of  
5 those applying for FIP and for continued eligibility for FIP  
6 assistance. A failure to cooperate makes the family subject  
7 to a sanction reducing the family's cash benefit. Under 2002  
8 Iowa Acts, Second Extraordinary Session, chapter 1003, section  
9 148, the school attendance requirement was suspended for the  
10 period beginning July 1, 2002, and ending June 30, 2003.

11 In addition, the bill eliminates corresponding references  
12 that provide for the department of human services' involvement  
13 in the truancy process outlined in Code chapter 299, relating  
14 to compulsory school attendance. The eliminated provisions  
15 include authority for a school truancy officer to release  
16 information to the department and for the department to  
17 provide information to the officer. The Code editor is  
18 directed to revise a headnote in Code chapter 229 to eliminate  
19 a reference to FIP.

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H-1065

1 Amend House File 481 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 232.2, subsection 12, Code  
5 2003, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. d. The violation of section 299.6  
8 by a child twelve years of age or older.

9 Sec. \_\_\_\_\_. Section 232.22, subsection 8, Code 2003,  
10 is amended to read as follows:

11 8. Notwithstanding any other provision of the Code  
12 to the contrary, a child shall not be placed in  
13 detention for a violation of section 123.47 or 299.6,  
14 or for failure to comply with a dispositional order  
15 which provides for performance of community service  
16 for a violation of section 123.47 or 299.6."

17 2. Page 1, by inserting after line 15 the  
18 following:

19 "Sec. \_\_\_\_\_. Section 299.5A, unnumbered paragraph 4,  
20 Code 2003, is amended to read as follows:

21 The school district shall be responsible for  
22 monitoring any agreements arrived at through  
23 mediation. If a parent, guardian, or legal or actual  
24 custodian, or the child if the child is twelve years  
25 of age or older, refuses to engage in mediation or  
26 violates a term of the agreement, the matter shall be  
27 rereferred to the county attorney for prosecution  
28 under section 299.6. The county attorney's office or  
29 the mediation service shall require the parent,  
30 guardian, or legal or actual custodian and the school  
31 to pay a fee to help defray the administrative cost of  
32 mediation services. The county attorney's office or  
33 the mediation service shall establish a sliding scale  
34 of fees to be charged parents, guardians, and legal or  
35 actual custodians based upon ability to pay. A  
36 parent, guardian, or legal or actual custodian shall  
37 not be denied the services of a mediator solely  
38 because of inability to pay the fee.

39 Sec. \_\_\_\_\_. Section 299.6, unnumbered paragraph 1,  
40 Code 2003, is amended to read as follows:

41 Any person who violates a mediation agreement under  
42 section 299.5A, who is referred for prosecution under  
43 section 299.5A and is convicted of a violation of any  
44 of the provisions of sections 299.1 through 299.5, who  
45 violates any of the provisions of sections 299.1  
46 through 299.5, or who refuses to participate in  
47 mediation under section 299.5A, for a first offense,  
48 is guilty of a simple misdemeanor. If a child twelve  
49 years of age or older violates a mediation agreement  
50 under section 299.5A, or refuses to participate in

H-1065

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Page 2

1 mediation under section 299.5A, the child commits a  
2 delinquent act."

By MASCHER of Johnson

H-1065 FILED MARCH 17, 2003

Succ Jed By  
SF 0481

HSB 146  
HUMAN RESOURCES

*Reddick  
Dyreson  
Germann*

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

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

**A BILL FOR**

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2 requirements involving motor vehicle equity and required  
3 school attendance and including an applicability provision.

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

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5 ~~nine~~ dollars in equity value of a motor vehicle. Beginning  
6 ~~July 1, 1997, and continuing in succeeding fiscal years, the~~  
7 The motor vehicle equity value disregarded by the department  
8 shall be increased annually by the latest increase in the  
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25 or actual custodian has failed to cause the child to attend a  
26 public school, an accredited nonpublic school, or competent  
27 private instruction in the manner provided in this chapter.  
28 If the court finds that the parent, guardian, or legal or  
29 actual custodian has failed to cause the child to attend as  
30 required in this section, the court shall assess a civil  
31 penalty of not less than one hundred but not more than one  
32 thousand dollars, for each violation established. ~~However, if~~  
33 ~~the court finds that the parent, guardian, or legal or actual~~  
34 ~~custodian of the child has been subject to sanction under~~  
35 ~~section 239B.2A as a result of the child's truancy, the court~~

1 ~~may-waive-the-civil-penalty-under-this-section.~~

2 Sec. 4. Section 299.12, subsections 2 and 4, Code 2003,  
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4 2. This section is not applicable to a child who is  
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34 injunction punishable by civil contempt ordering the person in  
35 violation of this section to comply with the requirements of,

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10 amending section 239B.7 are applicable during the fiscal year  
11 commencing July 1, 2003, on a date identified in  
12 administrative rule adopted for this purpose by the  
13 department. The first annual increase in the motor vehicle  
14 equity value shall be made on July 1 of the succeeding fiscal  
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