

Senate Study Bill 3082 - Introduced

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

A BILL FOR

- 1 An Act relating to child support enforcement including
- 2 protection of child support information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 252B.5, subsection 9, paragraph b,
2 unnumbered paragraph 1, Code 2011, is amended to read as
3 follows:

4 ~~Notwithstanding section 252B.9, the~~ The unit may forward
5 information to the department of administrative services as
6 necessary to implement this subsection, including but not
7 limited to both of the following:

8 Sec. 2. Section 252B.9, subsection 2, unnumbered paragraph
9 1, Code 2011, is amended to read as follows:

10 Notwithstanding other statutory provisions to the contrary,
11 including but not limited to chapters 22 and 217, as the
12 chapters relate to confidentiality of records maintained by
13 the department, the payment records of the collection services
14 center maintained under section 252B.13A ~~are public records~~
15 may be released, except when prohibited by federal law or
16 regulation, only as follows:

17 Sec. 3. Section 252B.9, subsection 2, paragraph a, Code
18 2011, is amended to read as follows:

19 a. Payment records of the collection services center ~~which~~
20 ~~are maintained pursuant to chapter 598 are public records and~~
21 ~~may be released upon request~~ for the administration of a plan
22 or program approved for the supplemental nutrition assistance
23 program or under Tit. IV, XIX, or XXI of the federal Social
24 Security Act, as amended, and as otherwise permitted under
25 Tit. IV-D of the federal Social Security Act, as amended.

26 ~~Payment records of the clerk of the district court, to which~~
27 ~~the department has access to meet the requirements of a state~~
28 ~~disbursement unit, are also public records and may be released~~
29 ~~upon request.~~ A payment record shall not include address or
30 location information.

31 Sec. 4. Section 252B.9, subsection 2, paragraph b,
32 unnumbered paragraph 1, Code 2011, is amended to read as
33 follows:

34 ~~Except as otherwise provided in subsection 1, the~~ The
35 department shall not may release details related to payment

1 records or provide alternative formats for release of the
2 information, ~~with the following additional exceptions:~~ for the
3 administration of a plan or program under Tit. IV-D of the
4 federal Social Security Act, as amended, including as follows:

5 Sec. 5. Section 252B.9, subsection 2, paragraph b,
6 subparagraph (1), Code 2011, is amended to read as follows:

7 (1) The unit or collection services center may provide
8 ~~additional~~ detail or present the information in an alternative
9 format to an individual or to the individual's legal
10 representative if the individual owes or is owed a support
11 obligation, to an agency assigned the obligation as the result
12 of receipt by a party of public assistance, to an agency
13 charged with enforcing child support pursuant to Tit. IV-D of
14 the federal Social Security Act, as amended, or to the court.

15 Sec. 6. Section 252B.9, subsection 3, paragraph e, Code
16 2011, is amended to read as follows:

17 e. Information may be released if directly connected with
18 any of the following:

19 (1) The administration of ~~the~~ a plan or program approved for
20 the supplemental nutrition assistance program or under Tit.
21 I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI, IV, XIX, or XX XXI, or
22 ~~the supplemental security income program established under Tit.~~
23 ~~XVI,~~ of the federal Social Security Act, as amended.

24 (2) Any investigations, prosecutions, or criminal or civil
25 proceeding conducted in connection with the administration of
26 any such plan or program.

27 ~~(3) The administration of any other federal or federally~~
28 ~~assisted program which provides assistance in cash or in kind~~
29 ~~or provides services, directly to individuals on the basis of~~
30 ~~need.~~

31 ~~(4)~~ (3) Reporting to an appropriate agency or official of
32 any such plan or program, information on known or suspected
33 instances of physical or mental injury, sexual abuse or
34 exploitation, or negligent treatment or maltreatment of a child
35 who is the subject of a child support enforcement action under

1 circumstances which indicate that the child's health or welfare
2 is threatened.

3 Sec. 7. Section 252B.9, subsection 3, paragraph g, Code
4 2011, is amended to read as follows:

5 g. The child support recovery unit ~~shall~~ may release
6 information ~~relating to an absent parent to another unit of the~~
7 ~~department pursuant to a written request for the information~~
8 ~~approved by the director or the director's designee for~~
9 the administration of a plan or program approved for the
10 supplemental nutrition assistance program or under Tit. IV,
11 XIX, or XXI of the federal Social Security Act, as amended,
12 specified under subsection 2 or this subsection, to the extent
13 the release of information does not interfere with the unit
14 meeting its own obligations under Tit. IV-D of the federal
15 Social Security Act, as amended, and subject to requirements
16 prescribed by the federal office of child support enforcement
17 of the United States department of health and human services.

18 Sec. 8. Section 252B.9A, subsection 1, Code 2011, is amended
19 to read as follows:

20 1. A person, except a court or government agency, who is an
21 authorized person to receive specified confidential information
22 under 42 U.S.C. § 653, may submit a written request to the unit
23 for disclosure of specified confidential information regarding
24 a nonrequesting party. The written request shall comply with
25 federal law and regulations, including any attestation and any
26 payment to the federal office of child support enforcement
27 of the United States department of health and human services
28 required by federal law or regulation, and shall include a
29 sworn statement attesting to the reason why the requester is
30 an authorized person under 42 U.S.C. § 653, including that
31 the requester would use the confidential information only for
32 purposes permitted in that section.

33 Sec. 9. Section 252G.5, subsections 2 and 3, Code 2011, are
34 amended to read as follows:

35 2. State agencies as specified under 42 U.S.C. § 653A which

1 utilize income information for the determination of eligibility
2 or calculation of payments for benefit or entitlement payments
3 unless prohibited under federal law.

4 3. State agencies ~~which utilize income information for~~
5 ~~the recoupment of debts to the state~~ operating employment
6 security and workers' compensation programs for the purposes
7 of administering such programs unless prohibited under federal
8 law.

9 Sec. 10. Section 598.22, subsection 3, Code 2011, is amended
10 to read as follows:

11 3. An order or judgment entered by the court for temporary
12 or permanent support or for income withholding shall be filed
13 with the clerk. The orders have the same force and effect as
14 judgments when entered in the judgment docket and lien index
15 and are records open to the public. Unless otherwise provided
16 by federal law, if it is possible to identify the support
17 order to which a payment is to be applied, and if sufficient
18 information identifying the obligee is provided, the clerk or
19 the collection services center, as appropriate, shall disburse
20 the payments received pursuant to the orders or judgments
21 within two working days of the receipt of the payments.

22 All moneys received or disbursed under this section shall
23 be entered in records kept by the clerk, or the collection
24 services center, as appropriate, ~~which~~ and the records kept
25 by the clerk shall be available to the public. The clerk
26 or the collection services center shall not enter any moneys
27 paid in the record book if not paid directly to the clerk or
28 the center, as appropriate, except as provided for trusts and
29 federal social security disability payments in this section,
30 and for tax refunds or rebates in section 602.8102, subsection
31 47.

32 Sec. 11. Section 598.26, subsection 1, Code 2011, is amended
33 to read as follows:

34 1. Until a decree of dissolution has been entered, the
35 record and evidence shall be closed to all but the court, its

1 officers, and the child support recovery unit of the department
2 of human services pursuant to section 252B.9. However,
3 the payment records of a temporary support order, ~~whether~~
4 maintained by the clerk of the district court ~~or the department~~
5 ~~of human services~~, are public records and may be released upon
6 request. Payment records shall not include address or location
7 information. No other person shall permit a copy of any of
8 the testimony, or pleading, or the substance ~~thereof~~ of any
9 testimony or pleading, to be made available to any person other
10 than a party to the action or a party's attorney. Nothing in
11 this subsection shall be construed to prohibit publication
12 of the original notice as provided by the rules of civil
13 procedure.

14 EXPLANATION

15 This bill amends provisions regarding the use and disclosure
16 of confidential information relating to child support
17 enforcement in accordance with new federal regulations. The
18 bill, in accordance with these federal regulations, restricts
19 the use and disclosure of such information, including payment
20 records, to only the administration of the child support
21 program under Title IV-D of the federal Social Security Act,
22 for a plan or program approved for the supplemental nutrition
23 assistance program, and to provide information to other
24 government agencies for programs under Title IV (temporary
25 assistance for needy families, family investment program, and
26 child welfare), Title XIX (Medicaid), and Title XXI (state
27 children's health insurance program) of the federal Social
28 Security Act. The bill also requires evidence that a person is
29 authorized under federal law in order to access parent locator
30 services, and limits the government agencies that may have
31 access to the Iowa central employee registry.