

**House File 584 - Introduced**

HOUSE FILE 584

BY KACENA

**A BILL FOR**

1 An Act relating to the diversion of social security disability  
2 dependent benefits assigned to the state for a child in  
3 foster care.

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

1 Section 1. Section 234.39, Code 2019, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. Notwithstanding any provision to the  
4 contrary, any portion of a parent's periodic support payments  
5 assigned to the department pursuant to subsection 2 that  
6 constitute dependent benefits paid for the child as a result  
7 of disability benefits awarded to the child's parent under  
8 the federal Social Security Act pursuant to section 598.22C  
9 shall not be used by the department to defray the costs of care  
10 and services to the child in foster care, but shall instead  
11 be deposited by the department in a savings account to be  
12 transferred to the child when the child attains eighteen years  
13 of age.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 Under current law, a parent or guardian of a child receiving  
18 foster care services has primary responsibility for paying the  
19 costs of the foster care and services. When a child is placed  
20 in foster care, a person entitled to periodic support payments  
21 who also is or has a child receiving foster care services is  
22 deemed to have assigned to the department of human services,  
23 the current and accruing support payments attributable to the  
24 child. Under Code section 598C.22 (child support — social  
25 security disability dependent benefits), unless the court  
26 otherwise provides, dependent benefits paid to the child  
27 support obligee as a result of disability benefits awarded to  
28 the child support obligor fully satisfy and substitute for the  
29 support obligations for the same period of time for which the  
30 benefits are awarded and are included in the income of the  
31 disabled parent when calculating the support obligation.

32 Under the bill, if the assigned support obligation includes  
33 these dependent benefits, that portion of the assigned amount  
34 shall not be used by the department to defray the costs of care  
35 and services to the child in foster care, but shall instead

H.F. 584

1 be deposited by the department in a savings account to be  
2 transferred to the child when the child attains 18 years of  
3 age.