

CHAPTER 129

SALARY OF JUVENILE COURT PROBATION OFFICER

S. F. 178

AN ACT to amend section three thousand six hundred twelve (3612), code, 1939, concerning the compensation of probation officers in counties of less than thirty thousand (30000) population.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Amend Section three thousand six hundred twelve
 2 (3612), Code, 1939, as follows:
 3 "Strike all of subsection one (1) and insert in lieu thereof:
 4 'In and for any county having a population of less than thirty thou-
 5 sand, not more than one probation officer who may serve part time
 6 or in special cases only as may be required, who, on approval of the
 7 judge of the district court in that county, may be paid the sum of five
 8 dollars per day or fifty cents per hour for services actually rendered,
 9 in no event more than eighteen hundred dollars per year.'"

Approved March 30th, 1943.

CHAPTER 130

AID TO DEPENDENT CHILDREN ACT

S. F. 239

AN ACT to provide a program of uniform state wide aid to dependent children; to prescribe the powers and duties of the state board of social welfare; the state department of social welfare; the county board of social welfare; and all counties and their boards of supervisors with regard to the foregoing matters; to provide for the application and granting of aid and the amount thereof; to provide for reconsideration, changes and termination of aid; to provide for appeals to the state board; to provide for the removal to other counties; to provide for funeral expenses; to provide for the confidential nature of reports; to provide for county appropriations and for a fund for aid to dependent children; to provide against fraudulent acts and the assignment of payments and the recovery of payments fraudulently obtained; to provide for the commencement of payments under this act; and to repeal sections thirty-six hundred forty-one (3641), thirty-six hundred forty-one and one-tenth (3641.1); thirty-six hundred forty-two (3642), and thirty-six hundred forty-three (3643), code of 1939, relating to widows' pensions; to repeal all other acts or parts of acts in conflict herewith; and to make an appropriation to carry out the provisions of this act.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. **Definitions.** As used in this Act:
 2 1. "State department" means the state department of social welfare
 3 provided for in section thirty-six hundred sixty-one and three
 4 one-thousandths (3661.003), Code of Iowa, 1939.
 5 2. "State board" means the state board of social welfare provided
 6 for in section thirty-six hundred sixty-one and four one-thousandths
 7 (3661.004), Code of Iowa, 1939.
 8 3. "County board" means the county board of social welfare pro-
 9 vided for in section thirty-six hundred sixty-one and ten one-
 10 thousandths (3661.010), Code of Iowa, 1939.

11 4. A "dependent child" means a needy child under the age of sixteen
12 years, or under the age of eighteen years found to be regularly attend-
13 ing school, who has been deprived of parental support and care by
14 reason of death, continued absence from home, or physical or mental
15 incapacity or unfitness of either parent, and who is living with his
16 father, mother, grandfather, grandmother, brother, sister, stepfather,
17 stepmother, stepbrother, stepsister, uncle or aunt, in a place of resi-
18 dence maintained by one or more of such relatives as his or their home.

19 5. "Assistance" means money payments with respect to a dependent
20 child or children, including funeral expenses.

21 6. "Recipient" is the person to whom money payments with respect
22 to a dependent child or children are made.

1 **SEC. 2. Eligibility for aid to dependent children.** Assistance shall
2 be granted under this act to any needy dependent child who:

3 1. Is living in a suitable family home maintained by one or more of
4 the persons referred to in sub-section four (4) of section one (1) of
5 this act.

6 2. Has resided in the state for one year immediately preceding the
7 application for such assistance; or was born within the state within
8 one year immediately preceding the application, if the mother has
9 resided in the state for one year immediately preceding the birth of
10 said child, without regard to the residence of the person or persons
11 with whom said child is living.

12 3. Is not in a public institution and because of a physical or mental
13 condition, in need of continued care therein.

1 **SEC. 3. Application for assistance.** Application for assistance
2 under this act shall be made to the county board of the county in which
3 the dependent child resides or will reside in the event assistance is
4 granted. The application shall be in writing or reduced to writing in
5 the manner and upon the form prescribed by the state board. Such
6 application shall be made by an adult person with whom the dependent
7 child resides or will reside, and shall contain such information as may
8 be required by said application form. One application may be made
9 for several children of the same family if they reside or will reside
10 with the same person.

1 **SEC. 4. Investigation of application.** Whenever a county board
2 receives a notification of the dependency of a child or an application
3 for assistance, an investigation and record of the circumstances shall
4 promptly be made in order to ascertain the dependency of the child
5 and the facts supporting the application.

6 The investigations shall include visits to the home of the child and
7 of the person with whom the child will live during the time assistance
8 is granted.

1 **SEC. 5 Granting of assistance and amount of assistance.** Upon
2 the completion of an investigation the county board shall decide
3 whether the child is eligible for assistance under the provisions of this
4 act and determine the amount of such assistance. The county board
5 shall, within thirty days, notify the person with whom the child is
6 living or will be living, of the decision made. The county board may
7 require, as a condition of granting assistance, that a legal guardian-
8 ship be established over any child or children and in such cases the

9 assistance payments shall be made to such guardian, when appointed,
10 but no guardian shall be allowed to receive any assistance payments
11 for any dependent child or children unless such guardian shall bear
12 a relationship to the child or children embraced by paragraph four (4),
13 section one (1) of this Act. The dependent child for whom the grant
14 is made shall be originally charged to the county in which such child
15 resides when application is made.

16 The county board shall, on the basis of actual need, fix the amount
17 of assistance necessary for any dependent child, subject to the ap-
18 proval of the state department, with due regard to the necessary
19 expenditures of the family and the conditions existing in each case,
20 taking into consideration any other income or resources of any child
21 claiming assistance under this act and any private resources found
22 to be available to such child. Such assistance when granted shall be
23 sufficient, when added to all other income and support available to
24 the child, to provide such child with a reasonable subsistence com-
25 patible with decency and health, provided, however, that no monthly
26 assistance grant shall be made in excess of fifteen dollars per month
27 for one child, or, if there is more than one dependent child who will
28 receive assistance in the same home, the grant shall not exceed fifteen
29 dollars per month for one child and an additional ten dollars per
30 month for each additional child in the same home, and in no event
31 no more than fifty dollars per month for all children in one home.
32 Assistance, when granted, shall be paid monthly to an adult person
33 within the specified degrees of relationship and with whom the child
34 is living, from the fund for aid to dependent children established by
35 this Act, upon the order of the state department.

1 **SEC. 6. Periodic reconsideration, changes, and termination of**
2 **grants.** Any or all assistance grants made under this act shall be
3 subject to reconsideration at any time the county board deems neces-
4 sary and shall be reinvestigated and reconsidered by the county board
5 as frequently as may be required. After any such further investiga-
6 tion, the county board shall make further report to the state depart-
7 ment. Upon such report, assistance may be continued, renewed,
8 suspended, changed in amount, or entirely withdrawn, as the findings
9 of such reports warrant.

1 **SEC. 7. Appeal.** If an application is not acted upon by the county
2 board or the state department within a reasonable time after such
3 application is made, if it is denied in whole or in part, or if any award
4 of assistance is modified, suspended, or cancelled under any provision
5 of this act, the applicant or recipient may appeal to the state board.
6 The state board shall, upon receipt of such appeal, give appellant
7 reasonable notice and opportunity for a fair hearing before the state
8 board or its duly authorized representative or representatives.

9 An applicant whose application for assistance has been rejected, or
10 a recipient whose certificate for assistance has been cancelled or
11 modified, after a review hearing hereinabove provided, within thirty
12 days after notice of such action is given, may appeal from the decision
13 of the state board to the district court of the county in which the
14 applicant or recipient resides, by serving a ten days notice of such
15 appeal upon any member of the state board, in the manner required
16 for the service of an original notice in any civil action. Upon the

17 service of such notice, the state board shall furnish the applicant with
18 a copy of the application and all supporting papers, a transcript of
19 the testimony taken in a hearing, if any, and a copy of its decision.
20 The district court shall act as an appellate court to review the decision
21 of the state board to determine whether or not it has therein com-
22 mitted fraud or abused its discretion. The costs may be taxed to
23 appellant where the appeal is affirmed or may be remitted.

1 **SEC. 8. Removal from county.** When any child for whose benefit
2 a grant of assistance has been made removes or is removed from the
3 county giving assistance, it shall be the duty of the recipient to im-
4 mediately notify the county board of the county giving assistance of
5 the fact of such removal and of the city or town (or the nearest city
6 or town) and of the county to which the child has removed. If the
7 removal is into another county in the state, the county which has
8 been giving assistance shall continue the assistance for a period of
9 six months after the date of removal, but if the removal is out of the
10 state assistance shall immediately cease. Thereafter any assistance
11 can be granted only in the manner provided for herein as to obtaining
12 assistance, and can be only in and from the county in which the child
13 is then living.

1 **SEC. 9. Funeral expenses.** Upon the death of any child for whose
2 benefit assistance payments are being made or have been authorized,
3 a reasonable funeral expense for the burial of such child may be
4 paid by the state department, provided such expenses do not exceed
5 one hundred dollars, and the estate of the deceased or any life insur-
6 ance or payments by any death or funeral benefit association or
7 society paid by reason of the death of such child to the child's estate
8 or to any person legally liable for his support, are insufficient to defray
9 such funeral expenses. The person to whom such funeral expenses
10 are paid as above provided is hereby prohibited from soliciting, ac-
11 cepting, or contracting to receive any further compensation for
12 services rendered or articles furnished in connection with such funeral
13 except on written approval of the county board of the county to
14 which the assistance is chargeable and subject to such rules and
15 regulations as the state board shall prescribe.

1 **SEC. 10. Confidential nature of records.** All applications, inves-
2 tigations and records shall be privileged communications and shall be
3 confidential. They shall be subject to inspection and use only by per-
4 sons authorized by the state or county in connection with their official
5 duties directly connected with the administration of this act.

6 Any list or lists of names of applicants or recipients of assistance
7 authorized by this act or other lists compiled by the state department
8 of social welfare or its successors in the administration of this act are
9 hereby declared to be the personal property of the State of Iowa;
10 and no employee of the State of Iowa, or any other person shall give,
11 sell or furnish such lists or list to any persons or person for any pur-
12 pose except for use in the administration of this act, and as otherwise
13 herein provided. No person shall buy, give, furnish, sell or use such
14 list or lists, or any plate or card from which any such list could be
15 prepared, belonging to or used in the administration of aid to dependent
16 children in the State of Iowa for any commercial or political purpose,

17 and the violation of any of the provisions hereof is hereby made a
18 misdemeanor, punishable by a fine of not to exceed one thousand
19 dollars, or by imprisonment in the county jail not to exceed one year,
20 or by both such fine and imprisonment.

1 **SEC. 11. County appropriations.** The county board of supervisors
2 in each county in this state shall appropriate annually, and pay in the
3 manner hereinafter specified from the county poor fund, such sum
4 as shall result in the payment by such county of that portion of all
5 assistance and benefits payable with respect to dependent children
6 chargeable to the county under this act, which shall equal one-half
7 of all such assistance and benefits chargeable to the county exclusive
8 of such receipts and contributions to such fund other than state or
9 county funds, as may from time to time be legally received from any
10 source and credited to the state department and shall include in the
11 tax levy for such county the sum or sums so appropriated for that
12 purpose. The sums necessary as above provided shall be originally
13 determined upon the basis of an annual budget prepared by the county
14 board and approved by the state department. Should the sum so appro-
15 priated, however, be expended or exhausted during the year for
16 which it was appropriated, such additional sum shall be appropriated
17 by the board of supervisors from the county poor fund as shall be
18 sufficient to meet the obligation of the county to pay its share as
19 heretofore provided of all assistance and benefits with respect to
20 dependent children chargeable to the county. The appropriation pro-
21 vided in this section shall not exceed statutory tax limitations now
22 or hereafter provided, except that in counties having a population of
23 sixty thousand, or more, the board of supervisors may levy annually an
24 additional tax not to exceed one-fourth mill to carry out the provisions
25 of this act; and in counties having a population of over thirty-five
26 thousand and less than sixty thousand, the board of supervisors may
27 levy annually an additional tax not to exceed one-eighth mill to carry
28 out the provisions of this act.

1 **SEC. 12. Fund for aid to dependent children; reimbursement to**
2 **state.** There is hereby established in the state treasury a fund to
3 be known as the "fund for aid to dependent children" to which shall
4 be credited all funds appropriated by the state for the payment of
5 administrative expenses, assistance and benefits under this act, all
6 moneys received at any time for such purposes, and all funds paid
7 by counties to the state department as provided by this act. All
8 assistance and benefits under this act, and the administrative ex-
9 penses incident thereto, except compensation and expenses paid to
10 the county board members, shall be paid from said fund. The state
11 department shall report to the county board quarterly the total amount
12 of assistance and benefits paid during the preceding quarter to re-
13 cipients chargeable to the county. The county board shall promptly
14 report the same to the county board of supervisors which shall then
15 order paid from the county poor fund a sum representing the county's
16 share thereof determined in the manner heretofore provided, which
17 payment shall be credited to the fund for aid to dependent children.

1 **SEC. 13. Assistance not assignable.** Assistance granted under this
2 act shall not be transferable or assignable at law or in equity, and

3 none of the money paid or payable under this act shall be subject to
4 execution, levy attachment, garnishment, or other legal process, or
5 to the operation of any bankruptcy or insolvency law.

1 **SEC. 14. Fraudulent acts.** Whoever obtains, or attempts to ob-
2 tain, or aids or abets any person to obtain, by means of a wilfully
3 false statement or representation, or by impersonation, or any fraudu-
4 lent device, any assistance under this act to which the recipient is
5 not entitled, shall be guilty of a misdemeanor, and, upon conviction
6 thereof, shall be punishable by fine, not exceeding five hundred dollars
7 or by imprisonment in the county jail for not more than three months,
8 or by both such fine and imprisonment.

1 **SEC. 15.** No contribution or grant shall be received or accepted if
2 any condition is attached as to its use or administration other than
3 that it be used for assistance to dependent children as provided in this
4 act.

5 If any contribution or grant has been accepted, and thereafter the
6 same is discontinued or rejected, the county tax levy for the purpose
7 of this act shall not be increased more than one-half ($\frac{1}{2}$) mill and the
8 state appropriation shall not be increased more than seven hundred
9 fifty thousand dollars (\$750,000.00) in any one fiscal year by reason
10 of such discontinuance or rejection of any such contribution or grant.

1 **SEC. 16.** The selection of all persons as employees of the state
2 board in the administration of this act shall be governed by the pro-
3 visions of section three thousand six hundred sixty-one and nine thou-
4 sandths (3661.009), Code, 1939.

1 **SEC. 17. Recovery of assistance obtained by fraudulent act.** Who-
2 soever obtains, or attempts to obtain, or aids or abets any person to
3 obtain, by means of a wilfully false statement or representation, or
4 by impersonation or any fraudulent device, any assistance as defined
5 in this act to which the recipient is not entitled, shall be personally
6 liable for the amount of assistance thus obtained. Such amount may
7 be recovered from the offender or his estate in an action brought or
8 by claim filed in the name of the state, and upon recovery the state
9 shall pay the county a portion thereof equal to the amount paid by
10 the county with respect to such assistance and return the balance of
11 such recovery to the "fund for aid to dependent children".

1 **SEC. 18.** Questions of policy and control respecting administration
2 of this act shall vest and remain in the state agency of the State of
3 Iowa for the purposes of administering all provisions of this act. In
4 order to provide a uniform state-wide program for aid to dependent
5 children, the state board shall promulgate such rules and regulations
6 as may be necessary to make the provisions of this act uniform in
7 all of the counties of this State.

1 **SEC. 19. Constitutionality.** If any portion of this act shall be held
2 invalid, the remaining provisions shall be given full force and effect as
3 if the part held invalid had not been included herein.

1 **SEC. 20. Commencement of assistance payments.** This act shall
2 take effect as provided by law except as hereafter stated, but assistance
3 payments hereunder shall not begin until January 1, 1944.

1 SEC. 21. **Appropriation.** There is hereby appropriated from the
 2 general fund of the state, for the purposes of this act, the sum of
 3 three hundred seventy-five thousand dollars for the year ending
 4 June 30, 1944, and the sum of seven hundred fifty thousand dollars
 5 for the year ending June 30, 1945.

1 SEC. 22. **Repeal.** Sections thirty-six hundred forty-one (3641),
 2 thirty-six hundred forty-one and one-tenth (3641.1), thirty-six hun-
 3 dred forty-two (3642) and thirty-six hundred forty-three (3643),
 4 Code of Iowa, 1939, are hereby repealed but it is provided that such
 5 repeal shall not take effect, and payment of widows' pensions under
 6 the repealed statutes shall not cease, until January 1, 1944. All other
 7 acts or parts of acts in conflict herewith are hereby repealed.

Approved April 10th, 1943.

CHAPTER 131

PENITENTIARY AND MEN'S REFORMATORY

H. F. 138

AN ACT to amend section three thousand seven hundred forty-one (3741), code, 1939; to repeal section three thousand seven hundred forty-two (3742), code, 1939, relating to salaries at the state penitentiary and men's reformatory and to enact a substitute therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three thousand seven hundred forty-one (3741),
 2 Code, 1939, is hereby amended by striking therefrom all of lines five
 3 (5) to eight (8) inclusive, and inserting in lieu thereof the following:
 4 "2. Deputy warden, one hundred seventy-five dollars.
 5 3. Assistant deputy warden, one hundred fifty dollars.
 6 4. Chief clerk, two hundred dollars, of which fifty dollars shall be
 7 from the prison industry fund,"
 8 and by striking from said section all of lines eleven (11) to sixteen
 9 (16) inclusive and inserting in lieu thereof the following:
 10 "7. Physician, one hundred fifty dollars.
 11 8. Storekeeper, one hundred forty dollars.
 12 9. Record clerk, one hundred fifty dollars.
 13 10. Receiving officer, one hundred twenty-five dollars."

1 SEC. 2. Section three thousand seven hundred forty-two (3742),
 2 Code, 1939, is hereby repealed, and the following enacted in lieu there-
 3 of:
 4 "Captains, inspectors, turnkeys and guards shall receive the follow-
 5 ing monthly salaries, and in addition thereto shall receive from the
 6 institution a midshift meal when on duty:
 7 1. Captains, inspectors and turnkeys, one hundred thirty dollars.
 8 2. Guards, first class, one hundred twenty-five dollars.
 9 3. Guards, second class, one hundred ten dollars.
 10 4. Guards, third class, one hundred dollars."