

CHAPTER 151

CHILD SUPPORT RECOVERY

S. F. 518

AN ACT creating a child support recovery unit within the department of social services, prescribing the powers and duties thereof, and providing for the assignment of rights to child support payments by any person who receives public assistance and providing a penalty.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in sections two
 2 (2) through ten (10) of this Act, unless the context otherwise requires:
 3 1. "Child" includes but shall not be limited to a stepchild, foster
 4 child or legally adopted child and means a child actually or apparent-
 5 ly under eighteen years of age, and a dependent person eighteen years
 6 of age or over who is unable to maintain himself and is likely to be-
 7 come a public charge. "Child" includes "dependent children" as de-
 8 fined in section two hundred thirty-nine point one (239.1), subsection
 9 three (3) of the Code.
 10 2. "Resident parent" means the parent with whom the child is resid-
 11 ing at the time the support collection or paternity determination ser-
 12 vices provided in sections five (5) and six (6) of this Act are requested
 13 or commenced.
 14 3. "Absent parent" means the parent who either cannot be located or
 15 who is located and is not residing with the child at the time the sup-
 16 port collection or paternity determination services provided in sections
 17 five (5) and six (6) of this Act are requested or commenced.
 18 4. "Department" means the department of social services.
 19 5. "Commissioner" means the commissioner of the department of so-
 20 cial services.
 21 6. "Unit" means the child support recovery unit created in section
 22 two (2) of this Act.

1 SEC. 2. NEW SECTION. **Unit established.** There is created within
 2 the department of social services a child support recovery unit for the
 3 purpose of providing the services required in sections three (3) through
 4 six (6) of this Act.

1 SEC. 3. NEW SECTION. **Duty of department to enforce child sup-**
 2 **port.** Upon receipt by the department of an application for public as-
 3 sistance on behalf of a child and determination by the department that
 4 the child has been abandoned by its parents or that the child and one
 5 parent have been abandoned by the other parent or that the parent or
 6 other person responsible for the care, support or maintenance of the
 7 child has failed or neglected to give proper care or support to the child,
 8 the department shall take appropriate action under the provisions of
 9 this Act or under other appropriate statutes of this state including but
 10 not limited to chapters two hundred thirty-nine (239), two hundred
 11 fifty-two A (252A), five hundred ninety-eight (598), and six hundred
 12 seventy-five (675) of the Code, to insure that the parent or other person
 13 responsible for the support of the child fulfills the support obligation.

1 SEC. 4. NEW SECTION. **Nonassistance cases.** The child support
 2 and paternity determination services established by the department
 3 pursuant to this Act and other appropriate services provided by law in-
 4 cluding but not limited to the provisions of chapters two hundred thirty-
 5 nine (239), two hundred fifty-two A (252A), five hundred ninety-
 6 eight (598) and six hundred seventy-five (675) of the Code shall be
 7 made available by the unit to any individual not otherwise eligible as

8 a public assistance recipient upon application by the individual for the
 9 services. The application shall be filed with the department. The com-
 10 missioner may require an application fee not to exceed twenty dollars
 11 as determined by the commissioner. The commissioner may require an
 12 additional fee to cover the costs incurred by the department in provid-
 13 ing the support collection and paternity determination services. The
 14 commissioner shall, by regulation, establish and make available to all
 15 applicants for support enforcement and paternity determination ser-
 16 vices a fee schedule, however, the fee shall not exceed ten percent of
 17 any support money recovered by department action. The fee for sup-
 18 port collection and paternity determination services shall be agreed
 19 upon in writing by the individual requesting the services. The applica-
 20 tion fee and the additional fee for services provided may be deducted
 21 from the amount of the support money recovered by the department.
 22 Fees collected pursuant to this section shall be remitted to the treasurer
 23 of state who shall deposit them in the general fund of the state. The
 24 commissioner or a designee and the treasurer of state shall keep an ac-
 25 curate record of funds so remitted and deposited.

1 **SEC. 5. NEW SECTION. Services of unit.** The child support recov-
 2 ery unit shall provide the following services:

- 3 1. Assistance in the location of an absent parent or any other person
 4 who has an obligation to support the child of the resident parent.
- 5 2. Aid in establishing paternity and securing a court order for sup-
 6 port pursuant to chapter six hundred seventy-five (675) of the Code.
- 7 3. Aid in enforcing through court proceedings an existing court order
 8 for support issued pursuant to chapters two hundred fifty-two A
 9 (252A), five hundred ninety-eight (598), and six hundred seventy-five
 10 (675) of the Code.

1 **SEC. 6. NEW SECTION. Additional services in assistance**
 2 **cases.** In addition to the services enumerated in section five (5) of
 3 this Act, the unit may provide the following services in the case of a
 4 dependent child for whom public assistance is being provided:

- 5 1. Represent the child in obtaining a support order necessary to
 6 meet the child's needs or in enforcing a similar order previously en-
 7 tered.
- 8 2. Appear as a friend of the court in dissolution of marriage and sepa-
 9 rate maintenance proceedings, or proceedings supplemental thereto,
 10 when either or both of the parties to the proceedings are receiving pub-
 11 lic assistance, for the purpose of advising the court of the financial in-
 12 terest of the state in the proceeding.
- 13 3. Appear on behalf of the resident parent of a child for whom pub-
 14 lic assistance is being provided, upon request by the parent, for the
 15 purpose of assisting the parent in securing a modification of a dissolu-
 16 tion or separate maintenance decree which provided no support or in-
 17 adequate support for the child. However, the unit may appear on
 18 behalf of the resident parent pursuant to this subsection only when the
 19 court determines that the resident parent is financially unable to em-
 20 ploy legal counsel and is unable to engage free legal counsel. If the
 21 resident parent does not request the appearance of a unit representa-
 22 tive, or does not qualify for representation pursuant to this subsection,
 23 the unit may appear as a friend of the court pursuant to subsection two
 24 (2) of this section, however, the unit shall not otherwise participate in
 25 the proceeding.
- 26 4. If public assistance has been applied for or granted on behalf of a
 27 child of parents who are legally separated or whose marriage has been

28 legally dissolved, the unit may apply to the district court for a court
 29 order directing either or both parents to show cause for the following:
 30 a. Why an order of support for the child should not be entered, or
 31 b. Why the amount of support previously ordered should not be in-
 32 creased, or
 33 c. Why the parent should not be held in contempt for failure to com-
 34 ply with a support order previously entered.
 35 5 Initiate any civil procedures deemed necessary by the department
 36 to secure reimbursement from the parent of a child for money expend-
 37 ed by the state in providing public assistance or services to the child.

1 SEC. 7. NEW SECTION. **Legal services.** The attorney general
 2 may perform the legal services for the child support recovery program
 3 and may enforce all laws for the recovery of child support from respon-
 4 sible relatives. The attorney general shall have power to file and prose-
 5 cute:

- 6 a. contempt of court proceedings to enforce any order of court per-
 7 taining to child support.
- 8 b. cases under chapter two hundred fifty-two A (252A), Code 1975,
 9 the Uniform Support of Dependents Law.
- 10 c. an information charging desertion under the provisions of chapter
 11 seven hundred thirty-one (731), Code 1975.
- 12 d. any other lawful action which will secure collection of support for
 13 minor children.

14 For the aforesaid purposes, the attorney general shall have the same
 15 power to commence, file and prosecute any action or information in
 16 the proper jurisdiction, which the county attorney could file or prose-
 17 cute in that jurisdiction. This shall in no way relieve any county attor-
 18 ney from his or her duties, or the supervisory power of the attorney
 19 general, in recovery of child support.

1 SEC. 8. NEW SECTION. **Central information center.** The depart-
 2 ment shall establish within the unit an information and administration
 3 coordinating center which shall serve as a registry for the receipt of in-
 4 formation and for answering interstate inquiries concerning absent par-
 5 ents and shall coordinate and supervise unit activities. The infor-
 6 mation and administration coordinating center shall promote
 7 cooperation between the unit and law enforcement agencies to
 8 facilitate the effective operation of the unit.

1 SEC. 9. NEW SECTION. **Availability of records.** The commis-
 2 sioner may request from state, county and local agencies, information and
 3 assistance deemed necessary to carry out the provisions of this Act.
 4 State, county and local agencies, officers and employees shall cooper-
 5 ate with the unit in locating absent parents of children on whose behalf
 6 public assistance is being provided and shall on request supply the de-
 7 partment with available information relative to the location, income
 8 and property holdings of the absent parent, notwithstanding any pro-
 9 visions of law making such information confidential.

10 Information recorded by the department pursuant to this section
 11 shall be available only to the unit, attorneys prosecuting a case in
 12 which the unit may participate according to sections five (5) and six (6)
 13 of this Act, courts having jurisdiction in support or abandonment pro-
 14 ceedings, and agencies in other states charged with support collection
 15 and paternity determination responsibilities as determined by the rules
 16 of the department and the provisions of Title four (IV) of the United
 17 States Social Security Act.

1 SEC. 10. NEW SECTION. **Criminal penalties.**

2 1. Any person who willfully requests, obtains, or seeks to obtain pa-
 3 ternity determination and support collection data available under sec-
 4 tion nine (9) of this Act under false pretenses, or who willfully
 5 communicates or seeks to communicate such data to any agency or per-
 6 son except in accordance with this Act, shall, upon conviction, for each
 7 such offense be punished by a fine of not more than one thousand dol-
 8 lars or by imprisonment in the state penitentiary for not more than
 9 two years, or by both fine and imprisonment. Any person who know-
 10 ingly, but without criminal purposes, communicates or seeks to commu-
 11 nicate paternity determination and support collection data except in
 12 accordance with this Act shall for each such offense be fined not more
 13 than one hundred dollars or be imprisoned not more than ten days.
 14 2. Any reasonable grounds for belief that a public employee has vio-
 15 lated any provision of this Act shall be grounds for immediate removal
 16 from all access to paternity determination and support collection data
 17 recorded under section nine (9) of this Act.

1 SEC. 11. Chapter two hundred fifty-two A (252A), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. **Welfare recipients—assignment of support pay-**
 4 **ments.** Persons entitled to periodic support payments pursuant to an
 5 order or judgment entered in a uniform support action pursuant to this
 6 chapter, who are also welfare recipients, shall assign their rights to the
 7 payments to the department of social services. The clerk of court shall
 8 forward support payments received pursuant to section two hundred
 9 fifty-two A point six (252A.6) of the Code to the department, unless
 10 the court has ordered the payments made directly to the department
 11 under subsection twelve (12) of that section. The department shall have
 12 the right to secure support payments in default through proceedings
 13 prescribed in chapter two hundred fifty-two A (252A) of the Code. The
 14 clerk shall furnish the department with copies of all orders or decrees
 15 awarding support to parties having custody of minor children when the
 16 parties are receiving welfare assistance.

1 SEC. 12. Section five hundred ninety-eight point thirty-four
 2 (598.34), Code 1975, is amended to read as follows:

3 **598.34 Welfare recipients—agreements ratified assignment of**
 4 **support payments.** ~~The county board of social welfare in any county~~
 5 ~~is authorized to enter into the following agreement with the court,~~
 6 ~~which may ratify such agreement by a majority vote of the district~~
 7 ~~judges assigned to the judicial district where such board is located.~~
 8 ~~Any person~~ Persons entitled to periodic support payments pursuant
 9 to an order or judgment entered in an action for dissolution of mar-
 10 riage, who ~~is~~ ~~are~~ also a welfare recipient recipients, shall assign his
 11 their rights to such payments to the ~~county board of social welfare~~
 12 granting such assistance department of social services. The clerk of
 13 court shall forward support payments received pursuant to section
 14 598.22 to such board. Such sums may serve to reduce the amount of the
 15 welfare payments granted such recipients. The board of social welfare
 16 the department, which shall have the right to secure support pay-
 17 ments in default through proceedings provided for in chapter 252A or
 18 section 598.24.

19 The clerk shall furnish such welfare agency the department with
 20 copies of all orders or decrees awarding support to parties having custo-
 21 dy of minor children when such parties are receiving welfare assistance.

1 SEC. 13. Chapter six hundred seventy-five (675), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. **Welfare recipients—assignment of support pay-**
 4 **ments.** Persons entitled to periodic support payments pursuant to an
 5 order or judgment entered in a paternity action pursuant to this chap-
 6 ter, who are also welfare recipients, shall assign their rights to the pay-
 7 ments to the department of social services. The clerk of court shall
 8 forward support payments received pursuant to section six hundred
 9 seventy-five point twenty-five (675.25) of the Code to the department,
 10 which shall have the right to secure support payments in default
 11 through proceedings prescribed in chapter two hundred fifty-two A
 12 (252A) or section six hundred seventy-five point thirty-seven (675.37)
 13 of the Code. The clerk shall furnish the department with copies of all
 14 orders or decrees awarding support to parties having custody of minor
 15 children when the parties are receiving welfare assistance.

Approved July 17, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 152

PUBLIC INSTRUCTION BOARD

H. F. 275

AN ACT relating to the date of organization of the state board of public instruction.

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

1 SECTION 1. Section two hundred fifty-seven point eight (257.8),
 2 Code 1975, is amended to read as follows:
 3 **257.8 Regular and special meetings.** The state board shall hold
 4 at least six regular meetings each year, ~~the first of which shall be on~~
 5 ~~the second secular day of January.~~ *The first regular meeting shall be*
 6 *held on the second Thursday in January for purposes of organiza-*
 7 *tion.* Special meetings of the state board may be called by the presi-
 8 dent or by any five members of the board on five days' notice given to
 9 each member. All meetings shall be held at the office of the depart-
 10 ment of public instruction unless a different place within the state of
 11 Iowa is designated by the state board or in the notice of the meeting.

Approved May 2, 1975