

IN THE SENATE

SENATE BILL NO. 1038

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PUBLIC ASSISTANCE; AMENDING SECTION 56-203B, IDAHO CODE, TO  
2 PROHIBIT PUBLIC ASSISTANCE RECIPIENTS FROM ACCEPTING DIRECT PAYMENT OF  
3 CHILD SUPPORT OR FORGIVING UNPAID CHILD SUPPORT AND TO MAKE TECHNICAL  
4 CORRECTIONS.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 56-203B, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 56-203B. PAYMENT OF PUBLIC ASSISTANCE FOR CHILD CONSTITUTES DEBT TO  
10 DEPARTMENT BY PARENTS -- LIMITATIONS -- DEPARTMENT SUBROGATED TO RIGHTS. Any  
11 payment of public assistance money made to or for the benefit of any de-  
12 pendent child or children creates a debt due or owing to the department by  
13 the parent or others who are responsible for support of such children in  
14 an amount equal to the support obligation as is subsequently determined  
15 by court order pursuant to the Idaho child support guidelines, which debt  
16 arises at the end of the first month for which the payment of public assis-  
17 tance commences. If a judgment entered by the court under the Idaho child  
18 support guidelines is more than the public assistance expended, the amount  
19 in excess of the public assistance expended shall be payable to the custodial  
20 parent or caretaker. Provided, that where there has been a district court  
21 order, the debt shall be limited to the amount provided for by said order.  
22 The department shall have the right to petition the appropriate district  
23 court for modification of a district court order on the same grounds as a  
24 party to said cause. Where a child has been placed in foster care, and a writ-  
25 ten agreement for payment of support has been entered into by the responsible  
26 parent or parents and the department, the debt shall be limited to the amount  
27 provided for in said agreement. Provided, that if a court order for support  
28 is or has been entered, the provisions of said order shall prevail over the  
29 agreement.

30 The department shall be subrogated to the right of said child or chil-  
31 dren or person having the care, custody and control of said child or children  
32 to prosecute or maintain any support action existing under the laws of the  
33 state of Idaho to obtain reimbursement of moneys thus expended. If a dis-  
34 trict court order enters judgment for an amount of support to be paid by an  
35 obligor parent, the department shall be subrogated to the debt created by  
36 such order, and said money judgment shall be deemed to be in favor of the  
37 department. This subrogation shall specifically be applicable to temporary  
38 spouse support orders, family maintenance orders and alimony orders up to  
39 the amount paid by the department in public assistance moneys to or for the  
40 benefit of a dependent child or children but allocated to the benefit of said  
41 children on the basis of providing necessities for the caretaker of said  
42 children.

1 Debt under this section shall not be incurred by, nor at any time be col-  
2 lected from, a parent or other person who would be or is eligible for or who  
3 is the recipient of public assistance moneys for the benefit of minor depen-  
4 dent children for the period such person or persons are in such status and the  
5 collection of the debt from such person would not be in the fiscal interest of  
6 the state or would not be in the best interest of the child~~(ren)~~ or children  
7 for whom such person owes support.

8 Any person who is the recipient of public assistance moneys for the ben-  
9 efit of any minor dependent child or children and who is ordered to receive  
10 child support payments shall not have authority to accept direct payments or  
11 forgive any child support obligations owed while continuing to receive pub-  
12 lic assistance benefits. Any attempt by a public assistance recipient to  
13 forgive or satisfy a support judgment shall have no legal effect.