

*Sen. Judiciary*

FILED MAR 20 1989

SENATE FILE 507  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 238)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to juvenile justice by providing certain  
2 requirements regarding shelter care, detention hearings, the  
3 state juvenile institutions, and the costs of a child's care,  
4 and providing effective dates.

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

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*SF 507*

1 Section 1. Section 217.8, Code 1989, is amended to read as  
2 follows:

3 217.8 DIVISION OF CHILD AND FAMILY SERVICES.

4 The administrator of the division of child and family  
5 services shall be qualified by training, experience and  
6 education in the field of welfare and social problems. The  
7 administrator shall be entrusted with the administration of  
8 programs involving neglected, dependent and delinquent  
9 children, child welfare, aid to dependent children, and aid to  
10 disabled persons and shall administer and be in control of the  
11 ~~Iowa-juvenile-home~~, the state training school, and other  
12 related programs established for the general welfare of  
13 families, adults and children as directed by the director.

14 Sec. 2. Section 218.1, subsection 9, Code 1989, is amended  
15 by striking the subsection.

16 Sec. 3. Section 218.3, subsection 1, Code 1989, is amended  
17 to read as follows:

18 1. The administrator of the division of child and family  
19 services of the department of human services shall have  
20 primary authority and responsibility relative to ~~the following~~  
21 ~~institutions:--The~~ the state training school, ~~and the Iowa~~  
22 ~~juvenile-home.~~

23 Sec. 4. Section 218.9, unnumbered paragraph 2, Code 1989,  
24 is amended to read as follows:

25 The administrator of the division of child and family  
26 services of the department of human services, subject to the  
27 approval of the director of human services shall appoint the  
28 ~~superintendents~~ superintendent of the ~~juvenile-home, and the~~  
29 state training school.

30 Section 5. Section 232.44, subsection 1, Code 1989, is  
31 amended to read as follows:

32 1. A hearing shall be held within forty-eight hours,  
33 excluding Saturdays, Sundays, and legal holidays, of the time  
34 of the child's admission to a shelter care facility, and  
35 within twenty-four hours, excluding Saturdays, Sundays, and

1 legal holidays, of the time of a child's admission to a  
2 detention facility. The hearing shall not be waived. If the  
3 hearing is not held within the time specified, the child shall  
4 be released from shelter care or detention. Prior to the  
5 hearing a petition shall be filed, except where if the child  
6 is already under the supervision of a juvenile court under a  
7 prior judgment.

8 Sec. 6. Section 232.44, Code 1989, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 10A. If a child remains in shelter care  
11 or detention for a period exceeding twenty-eight days, the  
12 court shall hold a review hearing to determine whether to  
13 authorize continued shelter care or detention. The child, the  
14 child's counsel, the child's guardian ad litem, and the  
15 child's parent, guardian, or custodian shall be notified of  
16 the review hearing not less than twenty-four hours before the  
17 hearing is scheduled to take place. At the hearing all  
18 relevant and material evidence shall be admitted. At the  
19 conclusion of the hearing, the court may issue an order  
20 authorizing either shelter care or detention until the  
21 adjudicatory hearing is held or for a period not exceeding  
22 seven days, whichever is shorter. If a child is held in  
23 shelter care or detention by a court order and has not been  
24 released or has not appeared at an adjudicatory hearing before  
25 the expiration of the order, an additional review hearing,  
26 which shall not be waived, shall automatically be scheduled  
27 for the next court day following the expiration of the order.

28 Sec. 7. Section 232.52, subsection 2, paragraph e, Code  
29 1989, is amended to read as follows:

30 e. An order transferring the guardianship of the child,  
31 subject to the continuing jurisdiction of the court for the  
32 purposes of section 232.54, to the director of the department  
33 of human services for purposes of placement in the state  
34 training school or other facility provided that all of the  
35 following conditions exist:

1 (1) The child is at least twelve years of age, ~~and.~~

2 (2) The court finds ~~such~~ the placement to be in the best  
3 interests of the child or necessary to the protection of the  
4 public.

5 (3) The child's placement will not cause the number of  
6 children placed at the state training school to exceed the  
7 goal established under section 242.5.

8 Sec. 8. Section 232.102, subsection 3, Code 1989, is  
9 amended by striking the subsection.

10 Sec. 9. Section 234.39, unnumbered paragraph 1, Code 1989,  
11 is amended to read as follows:

12 It is the intent of this chapter that individuals served by  
13 the department of human services, and their respective parents  
14 or guardians, ~~shall~~ have primary responsibility for paying the  
15 cost of care and services provided by the department, to the  
16 extent consistent with their incomes and resources. The  
17 department shall establish a schedule of charges to be made  
18 for care and services provided, on a graduated scale related  
19 to the income and resources of the person responsible for  
20 payment, by rules adopted pursuant to chapter 17A. ~~The~~  
21 ~~schedule-of-charges-established-and-adopted-under-this-section~~  
22 ~~shall-not-be-inconsistent-with-the-limitations-on-legal~~  
23 ~~liability-established-under-sections-222-78-and-230-25, and by~~  
24 ~~any-other-statute-limiting-legal-liability-which-may-be~~  
25 ~~imposed-on-any-person-for-the-cost-of-care-and-services~~  
26 ~~provided-by-the-department-of-human-services.~~

27 Sec. 10. Section 242.1, Code 1989, is amended to read as  
28 follows:

29 242.1 OFFICIAL DESIGNATION.

30 The training school for juvenile delinquents at Eldora and  
31 the unit for delinquent juveniles ~~at the Iowa juvenile home at~~  
32 Toledo shall together be known as the "state training school".  
33 For the purpose of this chapter ~~the word "administrator" shall~~  
34 mean means the administrator of the division of child and  
35 family services of the department of human services.

1     Sec. 11. Section 242.5, Code 1989, is amended to read as  
2 follows:

3     242.5   PROCEDURE TO COMMIT.

4     1. The procedure for the commitment of children to the  
5 state training school, except as otherwise provided, shall be  
6 the same as provided in chapter 232.

7     2. The department of human services shall adopt rules  
8 which establish a goal for the number of children placed at  
9 the state training school at any one time. The rules shall be  
10 based upon consideration of the funding provided to the state  
11 training school, staffing levels, and other factors related to  
12 the best interests of the children placed at the state  
13 training school.

14    Sec. 12. NEW SECTION. 242.17   COST OF CARE.

15    If a child receives unearned income, including but not  
16 limited to public assistance and child support, the department  
17 shall reserve a portion of the unearned income for the use of  
18 the child as a personal allowance and apply the remaining  
19 portion to the cost of the child's custody, care, and  
20 maintenance provided pursuant to this chapter.

21    Sec. 13. Section 244.3, Code 1989, is amended by striking  
22 the section and inserting in lieu thereof the following:

23    Admission to the home is limited to children who have been  
24 found, under chapter 232, to have committed delinquent acts  
25 and have been committed to the state training school.

26    Sec. 14. Section 244.4, Code 1989, is amended to read as  
27 follows:

28    244.4   PROCEDURE.

29    1. The procedure for commitment to ~~said-homes shall be the~~  
30 ~~same as the~~ home is as provided by chapter 232.

31    2. The department of human services shall adopt rules  
32 which establish a goal for the number of children placed at  
33 the home at any one time. The rules shall be based upon  
34 consideration of the funding provided to the home, staffing  
35 levels, and other factors related to the best interests of the

1 children placed at the home.

2 Sec. 15. NEW SECTION. 244.16 COST OF CARE.

3 If a child receives unearned income, including but not  
4 limited to public assistance and child support, the department  
5 shall reserve a portion of the unearned income for the use of  
6 the child as a personal allowance and apply the remaining  
7 portion equally to the state and county liability for the cost  
8 of the child's support and maintenance provided pursuant to  
9 this chapter.

10 Sec. 16. Section 259A.6, Code 1989, is amended to read as  
11 follows:

12 259A.6 RESIDENTS OF JUVENILE INSTITUTIONS AND JUVENILE  
13 PROBATIONERS.

14 Notwithstanding the provisions of section 259A.2 a minor  
15 who is a resident of a state training school ~~or the Iowa~~  
16 ~~juvenile-home~~ or a minor who is placed under the supervision  
17 of a juvenile probation office may make application for a high  
18 school equivalency diploma and upon successful completion of  
19 the program receive a high school equivalency diploma.

20 Sec. 17. Section 282.28, Code 1989, is amended to read as  
21 follows:

22 282.28 CHILDREN AT ~~ELBORA-AND-WOLBERG~~ THE STATE TRAINING  
23 SCHOOL.

24 Annually, the area education agency in which the state  
25 training school and the ~~Iowa juvenile-home unit for delinquent~~  
26 ~~juveniles at Toledo~~ are located and the department of human  
27 services on behalf of the training school and ~~juvenile-home~~  
28 ~~the unit for delinquent juveniles at Toledo~~ shall submit an  
29 annual joint application by January 1 for the next succeeding  
30 school year to the department of education describing the  
31 proposed special education instructional and support programs  
32 and service improvements for the training school and ~~juvenile~~  
33 ~~home the unit for delinquent juveniles at Toledo.~~ The  
34 department of education shall review and approve or modify the  
35 program and proposed budget by February 1 and shall notify the

1 area education agency and the department of human services of  
2 the approved budget. The moneys for the approved budget shall  
3 supplement and not supplant moneys equal to the moneys  
4 expended for education for the fiscal year beginning July 1,  
5 1986 by the department of human services. The moneys for the  
6 approved budget shall be used to ensure that the training  
7 school and juvenile-home the unit for delinquent juveniles at  
8 Toledo comply with appropriate administrative rules relating  
9 to special education adopted by the department of education.

10 The area education agency shall submit a claim to the  
11 department of education by August 1 following the school year  
12 for the actual costs of the special education programs and  
13 services provided at the training school and juvenile-home the  
14 unit for delinquent juveniles at Toledo. The department shall  
15 review and approve or modify the claims by September 1 and  
16 shall notify the department of revenue and finance of the  
17 approved claim amount. The total amount of the approved claim  
18 shall be paid by the department of revenue and finance to the  
19 area education agency by October 1. The total amount paid by  
20 the department of revenue and finance shall be deducted  
21 monthly from the state foundation aid paid under section  
22 442.26 during the remainder of that fiscal year to all school  
23 districts in the state. The portion of the total amount of  
24 the approved claim that shall be deducted from the state aid  
25 of a school district shall be the same as the ratio that the  
26 budget enrollment for the budget year of the school district  
27 bears to the total budget enrollment in the state for that  
28 budget year. The department of revenue and finance shall  
29 transfer the total amount of the approved claim from the  
30 moneys appropriated under section 442.26 for payment to the  
31 area education agency.

32 Sec. 18. Section 331.424, subsection 1, paragraph a,  
33 subparagraph (5), Code 1989, is amended by striking the  
34 subparagraph.

35 Sec. 19. Section 331.756, subsection 51, Code 1989, is



1 hearing cannot be waived.

2 A provision relating to the responsibility for the costs of  
3 foster care which requires the department of human services to  
4 develop a schedule of charges consistent with ability to pay  
5 is amended by striking requirements to comply with limitations  
6 on the financial liability of parents of children with mental  
7 retardation or mental illness.

8 A dispositional order for placement of a child at the state  
9 training school or the Iowa juvenile home is made contingent  
10 upon population goals at each institution. The department of  
11 human services is required to adopt rules for the goals  
12 according to certain criteria. The provision relating to the  
13 Iowa juvenile home is stricken effective July 1, 1991.

14 Effective July 1, 1990, current admission criteria for the  
15 Iowa juvenile home are stricken and replaced with a provision  
16 which limits placement to children who have committed a  
17 delinquent act, and have been committed to the state training  
18 school.

19 If a child receives unearned income such as public  
20 assistance or child support, the department is required to  
21 apply the income toward the costs of a child's care at either  
22 of the state juvenile institutions after reserving a portion  
23 for the child's personal allowance. Until July 1, 1991, when  
24 CINA children will no longer be living at the Iowa juvenile  
25 home, if a CINA child is placed at the home, the moneys are  
26 applied and divided between the state's and the county's costs  
27 for the child's care.

28 Effective July 1, 1991, the Iowa juvenile home will be  
29 available only to children who have committed a delinquent act  
30 and have been ordered by the court to the state training  
31 school. Chapter 244 is repealed as of that date.

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**SENATE FILE 507  
FISCAL NOTE**

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A fiscal note for **SENATE FILE 507** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 507 strikes the statutes pertaining to the Iowa Juvenile Home at Toledo, effective July 1, 1991. The facility at Toledo will remain as a State Training School unit for delinquent juveniles. The bill provides that a child can be sent to the juvenile institutions only if the child's placement will not cause the population to exceed the goal promulgated by the Department of Human Services. The goal shall be based upon consideration of the funding provided, staffing levels, and other factors related to the best interests of children placed at the institution.

The bill allows the Department of Human Services to increase the financial liability assessed against parents of residents of the juvenile institution. The bill also provides that a child who receives unearned income such as public assistance or child support will have the income applied toward the costs of the child's care. Until July 1, 1991, income of children who have been adjudicated CINA (Child In Need of Assistance) will be applied and divided between the state's and the county's costs for the child's care.

Fiscal Effect:

Senate File 507 is estimated to increase the amount of revenue to the General Fund by approximately \$100,000 per year. This amount may decrease in future years as the populations at the juvenile institutions decline.

Source: Department of Human Services

(LSB 1768sv, JMN)

FILED MARCH 29, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

GENTLEMAN, CH.  
HORN  
MANN

SSB 238  
JUDICIARY

SENATE FILE 507  
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to juvenile justice by providing certain  
2 requirements regarding shelter care, detention hearings, the  
3 state juvenile institutions, and the costs of a child's care,  
4 and providing effective dates.

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

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1 Section 1. Section 217.8, Code 1989, is amended to read as  
2 follows:

3 217.8 DIVISION OF CHILD AND FAMILY SERVICES.

4 The administrator of the division of child and family  
5 services shall be qualified by training, experience and  
6 education in the field of welfare and social problems. The  
7 administrator shall be entrusted with the administration of  
8 programs involving neglected, dependent and delinquent  
9 children, child welfare, aid to dependent children, and aid to  
10 disabled persons and shall administer and be in control of the  
11 Iowa-juvenile-home, the state training school, and other  
12 related programs established for the general welfare of  
13 families, adults and children as directed by the director.

14 Sec. 2. Section 218.1, subsection 9, Code 1989, is amended  
15 by striking the subsection.

16 Sec. 3. Section 218.3, subsection 1, Code 1989, is amended  
17 to read as follows:

18 1. The administrator of the division of child and family  
19 services of the department of human services shall have  
20 primary authority and responsibility relative to the following  
21 institutions:--The the state training school,--and--the--Iowa  
22 juvenile-home.

23 Sec. 4. Section 218.9, unnumbered paragraph 2, Code 1989,  
24 is amended to read as follows:

25 The administrator of the division of child and family  
26 services of the department of human services, subject to the  
27 approval of the director of human services shall appoint the  
28 superintendents superintendent of the juvenile-home,--and--the  
29 state training school.

30 Section 5. Section 232.44, subsection 1, Code 1989, is  
31 amended to read as follows:

32 1. A hearing shall be held within forty-eight hours,  
33 excluding Saturdays, Sundays, and legal holidays, of the time  
34 of the child's admission to a shelter care facility, and  
35 within twenty-four hours, excluding Saturdays, Sundays, and

1 legal holidays, of the time of a child's admission to a  
2 detention facility. The hearing shall not be waived. If the  
3 hearing is not held within the time specified, the child shall  
4 be released from shelter care or detention. Prior to the  
5 hearing a petition shall be filed, except where if the child  
6 is already under the supervision of a juvenile court under a  
7 prior judgment.

8 Sec. 6. Section 232.44, Code 1989, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 10A. If a child remains in shelter care  
11 or detention for a period exceeding twenty-eight days, the  
12 court shall hold a review hearing to determine whether to  
13 authorize continued shelter care or detention. The child, the  
14 child's counsel, the child's guardian ad litem, and the  
15 child's parent, guardian, or custodian shall be notified of  
16 the review hearing not less than twenty-four hours before the  
17 hearing is scheduled to take place. At the hearing all  
18 relevant and material evidence shall be admitted. At the  
19 conclusion of the hearing, the court may issue an order  
20 authorizing either shelter care or detention until the  
21 adjudicatory hearing is held or for a period not exceeding  
22 seven days, whichever is shorter. If a child is held in  
23 shelter care or detention by a court order and has not been  
24 released or has not appeared at an adjudicatory hearing before  
25 the expiration of the order, an additional review hearing,  
26 which shall not be waived, shall automatically be scheduled  
27 for the next court day following the expiration of the order.

28 Sec. 7. Section 232.52, subsection 2, paragraph e, Code  
29 1989, is amended to read as follows:

30 e. An order transferring the guardianship of the child,  
31 subject to the continuing jurisdiction of the court for the  
32 purposes of section 232.54, to the director of the department  
33 of human services for purposes of placement in the state  
34 training school or other facility provided that all of the  
35 following conditions exist:

1 (1) The child is at least twelve years of age ~~and.~~

2 (2) The court finds such the placement to be in the best  
3 interests of the child or necessary to the protection of the  
4 public.

5 (3) The child's placement will not cause the number of  
6 children placed at the state training school to exceed the  
7 goal established under section 242.5.

8 Sec. 8. Section 232.102, subsection 3, Code 1989, is  
9 amended by striking the subsection.

10 Sec. 9. Section 234.39, unnumbered paragraph 1, Code 1989,  
11 is amended to read as follows:

12 It is the intent of this chapter that individuals served by  
13 the department of human services, and their respective parents  
14 or guardians, ~~shall~~ have primary responsibility for paying the  
15 cost of care and services provided by the department, to the  
16 extent consistent with their incomes and resources. The  
17 department shall establish a schedule of charges to be made  
18 for care and services provided, on a graduated scale related  
19 to the income and resources of the person responsible for  
20 payment, by rules adopted pursuant to chapter 17A. ~~The~~  
21 ~~schedule-of-charges-established-and-adopted-under-this-section~~  
22 ~~shall-not-be-inconsistent-with-the-limitations-on-legal~~  
23 ~~liability-established-under-sections-222-78-and-230-157-and-by~~  
24 ~~any-other-statute-limiting-legal-liability-which-may-be~~  
25 ~~imposed-on-any-person-for-the-cost-of-care-and-services~~  
26 ~~provided-by-the-department-of-human-services.~~

27 Sec. 10. Section 242.1, Code 1989, is amended to read as  
28 follows:

29 242.1 OFFICIAL DESIGNATION.

30 The training school for juvenile delinquents at Eldora and  
31 the unit for delinquent juveniles ~~at the Iowa juvenile home at~~  
32 Toledo shall together be known as the "state training school".  
33 For the purpose of this chapter ~~the word~~ "administrator" ~~shall~~  
34 mean means the administrator of the division of child and  
35 family services of the department of human services.

1 Sec. 11. Section 242.5, Code 1989, is amended to read as  
2 follows:

3 242.5 PROCEDURE TO COMMIT.

4 1. The procedure for the commitment of children to the  
5 state training school, except as otherwise provided, shall be  
6 the same as provided in chapter 232.

7 2. The department of human services shall adopt rules  
8 which establish a goal for the number of children placed at  
9 the state training school at any one time. The rules shall be  
10 based upon consideration of the funding provided to the state  
11 training school, staffing levels, and other factors related to  
12 the best interests of the children placed at the state  
13 training school.

14 Sec. 12. NEW SECTION. 242.17 COST OF CARE.

15 If a child receives unearned income, including but not  
16 limited to public assistance and child support, the department  
17 shall reserve a portion of the unearned income for the use of  
18 the child as a personal allowance and apply the remaining  
19 portion to the cost of the child's custody, care, and  
20 maintenance provided pursuant to this chapter.

21 Sec. 13. Section 244.3, Code 1989, is amended by striking  
22 the section and inserting in lieu thereof the following:

23 Admission to the home is limited to children who have been  
24 found, under chapter 232, to have committed delinquent acts  
25 and have been committed to the state training school.

26 Sec. 14. Section 244.4, Code 1989, is amended to read as  
27 follows:

28 244.4 PROCEDURE.

29 1. The procedure for commitment to ~~said-homes shall-be-the~~  
30 ~~same-as the home is~~ as provided by chapter 232.

31 2. The department of human services shall adopt rules  
32 which establish a goal for the number of children placed at  
33 the home at any one time. The rules shall be based upon  
34 consideration of the funding provided to the home, staffing  
35 levels, and other factors related to the best interests of the

1 children placed at the home.

2 Sec. 15. NEW SECTION. 244.16 COST OF CARE.

3 If a child receives unearned income, including but not  
4 limited to public assistance and child support, the department  
5 shall reserve a portion of the unearned income for the use of  
6 the child as a personal allowance and apply the remaining  
7 portion equally to the state and county liability for the cost  
8 of the child's support and maintenance provided pursuant to  
9 this chapter.

10 Sec. 16. Section 259A.6, Code 1989, is amended to read as  
11 follows:

12 259A.6 RESIDENTS OF JUVENILE INSTITUTIONS AND JUVENILE  
13 PROBATIONERS.

14 Notwithstanding the provisions of section 259A.2 a minor  
15 who is a resident of a state training school ~~or the Iowa~~  
16 ~~juvenile-home~~ or a minor who is placed under the supervision  
17 of a juvenile probation office may make application for a high  
18 school equivalency diploma and upon successful completion of  
19 the program receive a high school equivalency diploma.

20 Sec. 17. Section 282.28, Code 1989, is amended to read as  
21 follows:

22 282.28 CHILDREN AT ~~EBDORA-AND-TOLEDO~~ THE STATE TRAINING  
23 SCHOOL.

24 Annually, the area education agency in which the state  
25 training school and the ~~Iowa juvenile-home~~ unit for delinquent  
26 juveniles at Toledo are located and the department of human  
27 services on behalf of the training school and ~~juvenile-home~~  
28 the unit for delinquent juveniles at Toledo shall submit an  
29 annual joint application by January 1 for the next succeeding  
30 school year to the department of education describing the  
31 proposed special education instructional and support programs  
32 and service improvements for the training school and ~~juvenile~~  
33 ~~home~~ the unit for delinquent juveniles at Toledo. The  
34 department of education shall review and approve or modify the  
35 program and proposed budget by February 1 and shall notify the

1 area education agency and the department of human services of  
2 the approved budget. The moneys for the approved budget shall  
3 supplement and not supplant moneys equal to the moneys  
4 expended for education for the fiscal year beginning July 1,  
5 1986 by the department of human services. The moneys for the  
6 approved budget shall be used to ensure that the training  
7 school and ~~juvenile-home~~ the unit for delinquent juveniles at  
8 Toledo comply with appropriate administrative rules relating  
9 to special education adopted by the department of education.

10 The area education agency shall submit a claim to the  
11 department of education by August 1 following the school year  
12 for the actual costs of the special education programs and  
13 services provided at the training school and ~~juvenile-home~~ the  
14 unit for delinquent juveniles at Toledo. The department shall  
15 review and approve or modify the claims by September 1 and  
16 shall notify the department of revenue and finance of the  
17 approved claim amount. The total amount of the approved claim  
18 shall be paid by the department of revenue and finance to the  
19 area education agency by October 1. The total amount paid by  
20 the department of revenue and finance shall be deducted  
21 monthly from the state foundation aid paid under section  
22 442.26 during the remainder of that fiscal year to all school  
23 districts in the state. The portion of the total amount of  
24 the approved claim that shall be deducted from the state aid  
25 of a school district shall be the same as the ratio that the  
26 budget enrollment for the budget year of the school district  
27 bears to the total budget enrollment in the state for that  
28 budget year. The department of revenue and finance shall  
29 transfer the total amount of the approved claim from the  
30 moneys appropriated under section 442.26 for payment to the  
31 area education agency.

32 Sec. 18. Section 331.424, subsection 1, paragraph a,  
33 subparagraph (5), Code 1989, is amended by striking the  
34 subparagraph.

35 Sec. 19. Section 331.756, subsection 51, Code 1989, is

1 amended by striking the subsection.

2 Sec. 20. PLACEMENT AT THE IOWA JUVENILE HOME: POPULATION  
3 GOAL. Notwithstanding section 232.102, subsection 3, a child  
4 shall not be placed at the Iowa juvenile home at Toledo if the  
5 child's placement will cause the number of children placed at  
6 the juvenile home to exceed the goal established under section  
7 244.4.

8 Sec. 21. Chapter 244, Code 1989, as amended by this Act,  
9 is repealed.

10 Sec. 22. Section 13 of this Act takes effect on July 1,  
11 1990.

12 Sec. 23. Sections 1 through 4, 8, 10, and 16 through 19,  
13 and 21 of this Act take effect on July 1, 1991.

14 EXPLANATION

15 This bill relates to juvenile justice in regard to  
16 requirements for shelter care, detention hearings, disposition  
17 orders, limits on the number of children placed at the  
18 juvenile institutions, and provisions for the costs of a  
19 child's care. The Iowa juvenile home chapter and related  
20 provisions are stricken or repealed effective July 1, 1991.  
21 The facility at Toledo will remain as a state training school  
22 unit for delinquent juveniles.

23 The bill prohibits anyone from waiving the hearing required  
24 under current law following a child's initial admission to a  
25 shelter care or detention facility. A review hearing is  
26 required to be held if a child remains in shelter care or  
27 detention for 28 days to determine whether to authorize the  
28 child's continued stay. Certain persons are required to be  
29 notified of the review hearing at least 24 hours prior to the  
30 hearing. The court may order that the child be held for up to  
31 seven additional days or until the adjudicatory hearing is  
32 held, whichever time is shorter. If the adjudicatory hearing  
33 is not held and the hold order for additional days expires, an  
34 additional review hearing is required to be scheduled for the  
35 day following the order's expiration. The additional review

1 hearing cannot be waived.

2 A provision relating to the responsibility for the costs of  
3 foster care which requires the department of human services to  
4 develop a schedule of charges consistent with ability to pay  
5 is amended by striking requirements to comply with limitations  
6 on the financial liability of parents of children with mental  
7 retardation or mental illness.

8 A dispositional order for placement of a child at the state  
9 training school or the Iowa juvenile home is made contingent  
10 upon population goals at each institution. The department of  
11 human services is required to adopt rules for the goals  
12 according to certain criteria. The provision relating to the  
13 Iowa juvenile home is stricken effective July 1, 1991.

14 Effective July 1, 1990, current admission criteria for the  
15 Iowa juvenile home are stricken and replaced with a provision  
16 which limits placement to children who have committed a  
17 delinquent act, and have been committed to the state training  
18 school.

19 If a child receives unearned income such as public  
20 assistance or child support, the department is required to  
21 apply the income toward the costs of a child's care at either  
22 of the state juvenile institutions after reserving a portion  
23 for the child's personal allowance. Until July 1, 1991, when  
24 CINA children will no longer be living at to the Iowa juvenile  
25 home, if a CINA child is placed at the home, the moneys are  
26 applied and divided between the state's and the county's costs  
27 for the child's care.

28 Effective July 1, 1991, the Iowa juvenile home will be  
29 available only to children who have committed a delinquent act  
30 and have been ordered by the court to the state training  
31 school. Chapter 244 is repealed as of that date.

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