

F I N A L R E P O R T

CHILD PROTECTION STUDY COMMITTEE

December, 1985

CREATION

The Child Protection Study Committee was created by the Legislative Council and charged with the task of recommending legislation to achieve protection for juvenile runaways, including exploration of laws and services relating to status offenders in general. The members serving on the Study Committee were:

Senator Thomas Mann, Jr., Co-chairperson
Representative Tom Fey, Co-chairperson
Senator Milo Colton
Senator Julia Gentleman
Senator Arthur A. Small, Jr.
Senator Ray Taylor
Representative Janet Carl
Representative Sue Mullins
Representative Don Shoning
Representative Al Sturgeon

MEETINGS OF THE STUDY COMMITTEE

The Child Protection Study Committee was initially authorized one meeting day but subsequently was authorized a second meeting day by the Legislative Council. The Committee met at the State House on September 25, 1985 and November 18, 1985.

FIRST MEETING

The Committee used its first meeting to receive oral and written testimony from the following experts in the area of juvenile law or juvenile services and other interested persons:

Mr. Tim Buzzell and Mr. Dave White, Criminal and Juvenile Justice Planning Agency
Ms. Merlie Howell, Coalition for Family and Children's Services
Ms. Josephine Gittler, University of Iowa College of Law
Mr. Bob Sheehan, Boys and Girls Home and Family Services Center, Sioux City
Ms. Pat Hendrickson, Scott County Juvenile Court
Mr. Jerry Kopke, Polk County Juvenile Home
Ms. Susan Gehring, Iowa Runaway, Homeless and Missing Youth Protection and Education Center
Mr. Jeff Hackett, Director, Florence Crittendon Home, Sioux City

Mr. Warren Montgomery, Sioux City School System
Ms. Marilyn Lantz, Youth Law Center of Polk County
Ms. Sarah Craig, Des Moines
Ms. Linda Holub, Juvenile Justice Chairperson, Iowa PTA

Representatives of the Criminal and Juvenile Justice Planning Agency provided copies of the following three memoranda prepared by the Agency: (1) Offenders in General; (2) Status Offenders and Juvenile Court Jurisdiction; and (3) Services to Status Offenders.

TESTIMONY

The Committee received testimony relating to the multifaceted issues of protecting runaway children. Topics of discussion included the following:

1. The extension of juvenile court jurisdiction over chronic runaways and truants.
2. Authorization for the secure confinement of runaways and truants.
3. Federal funding conformity issues relating to secure confinement.
4. Availability of services to runaways and truants and their families.
5. Utilization or lack of utilization of FINA proceedings.
6. The protection of runaways and truants through an increase in the age of consent for participation in a sex act.
7. Imposition of stiffer penalties for child exploitation.
8. Creation of more staff secure facilities.
9. Increased funding for existing facilities.
10. The closing of service gaps.
11. Development of pilot projects to expand services.
12. The lack of a need for major changes in the juvenile justice code. (Ninety percent of adjudicated delinquents are not held in secure detention facilities even though the juvenile justice code provides for such secure detention.)
13. The need for greater utilization of present juvenile justice procedures and the need for the provision of more family crisis intervention services.

14. Incentives to provide community actions and community-based resources to deal with runaway problems.

15. Correction of serious public misconceptions concerning runaway children.

16. Education on predispositions of runaways and on-going prevention and early intervention programs.

17. Findings of the Teen Prostitution Subcommittee of the Sioux City Task Force for the Protection of Children.

18. State intervention as a two-edged sword -- helpful in some cases; disruptive in others.

19. Overburdened juvenile court system -- present resources cannot be stretched to handle more juvenile cases involving coercive state intervention.

20. Authorizing the short-term secure confinement of runaways for the purpose of counseling, review, and evaluation.

21. Revision of state truancy laws.

COMMITTEE INFORMATION AND MEMORANDA

Pursuant to requests from Committee members, the following memoranda and information were compiled for the Committee:

1. A summary of foster care recoveries submitted by the Department of Human Services.

2. A U.S. Department of Justice report comparing involvement in delinquent behavior and status offenses.

3. An article detailing the effects of Washington State's removal of juvenile jurisdiction over status offenders.

4. A memorandum analyzing the results of a questionnaire survey conducted by the Legislative Service Bureau on the utilization of FINA proceedings.

The questionnaire surveyed county attorneys, chief juvenile court officers, and juvenile judges and referees identified by the chief judges of the judicial districts. Some of the conclusions drawn from the survey were as follows:

a. FINA proceedings are seldom being utilized and a great deal of lack of familiarity with the FINA provisions exists.

b. Lack of understanding as to the utility of the proceedings exists.

c. Considerable disagreement exists, even among the more knowledgeable actors, of the utility and effectiveness of the proceedings.

d. Empirical experience and data is nonexistent concerning the practical aspects of the proceedings' utility and effectiveness.

5. A legal memorandum prepared by the Legislative Service Bureau on federal law requirements for the receipt of federal juvenile justice program grants.

6. An Act relating to the establishment by the department of human services of runaway prevention services and requiring a study by the department of the feasibility of establishing sliding-fee payment schedules for departmental services provided to children and their families.

SECOND MEETING -- TESTIMONY

At its second meeting the Committee received oral or written testimony from the following experts in the area of juvenile law or juvenile services:

1. Professor Josephine Gittler, University of Iowa College of Law.

At the request of the Study Committee, Ms. Gittler provided an explanation of FINA proceedings and a proposed preamble to the FINA provisions. According to Ms. Gittler, the provisions were designed to allow the juvenile court to function in a mediation role when completely voluntary solutions had failed to resolve a breakdown in a family relationship.

Ms. Gittler also outlined the following three areas of concern of the legislative interim study committees which recommended the revision of Iowa's juvenile justice code, effective in 1979:

a. Juvenile court jurisdiction and procedures.

b. Juvenile court structure and personnel organization.

c. Restructuring of both voluntary and coercive services which could or should be made available to troubled juveniles and their families.

2. Sergeant Robert Rote, Youth Section, Des Moines Police Department.

3. Dr. Donner Dewdney, Child Psychiatrist, Des Moines.

COMMITTEE ACTIONS AND RECOMMENDATIONS

The Committee formally acted on the following legislative proposals:

1. Failed to give unanimous Committee consent to a request to the Legislative Service Bureau to draft two bills authorizing the secure confinement of chronic runaways, the first to be drafted to the CHINA statute and the second to be drafted to the FINA statute. Representative Sturgeon and Senator Small requested individual bill drafts from the Legislative Service Bureau.

2. Tabled the proposal to add a preamble to the FINA statute.

3. Failed to approve the modification to section 232.126 of the Iowa Code relating to the initial appointment of a guardian ad litem in FINA proceedings (LSB 7110H.301).

4. Failed to approve the forwarding of House File 701, vetoed by the Governor, to the General Assembly for further consideration.

5. Approved, with the Committee's recommendation, a bill draft relating to runaway prevention services and sliding-fee payment schedules for the provision of services to children and their families (LSB 7110S (8.1)), as amended (LSB 7110H.302). The bill draft is attached.

6. Failed to approve a bill draft, as amended, raising the age of consent for participation in a sex act.

SENATE/HOUSE FILE _____
BY CHILD PROTECTION STUDY
COMMITTEE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment by the department of human
2 services of runaway prevention services and requiring a study
3 by the department of the feasibility of establishing sliding-
4 fee payment schedules for departmental services provided to
5 children and their families.

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

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S.F. _____ H.F. _____

1 Section 1. RUNAWAY PREVENTION SERVICES. Of the funds
2 appropriated to the department of human services for
3 community-based programs and allocated for community-based
4 juvenile services grants, the department may use up to one
5 hundred fifty thousand dollars to provide grants for essential
6 services to children who are at risk of running away and the
7 children's families.

8 Sec. 2. SLIDING-FEE PAYMENT SCHEDULES FOR CHILDREN'S
9 SERVICES. The department of human services shall study the
10 feasibility of establishing sliding-fee payment schedules for
11 all services provided by the department to children and their
12 families. The payment schedules shall be based on the ability
13 of the children's parents, guardians, or custodians to pay for
14 the services, the nature of the services, and other relevant
15 factors. The department shall report its findings to the
16 general assembly by January 15, 1987.

17 EXPLANATION

18 This bill authorizes the department of human services to
19 provide runaway prevention services with funds allocated for
20 community-based juvenile services grants.

21 The bill also requires the department to study the
22 feasibility of establishing sliding-fee payment schedules for
23 all departmental services provided to children and their
24 families and to report its findings to the general assembly by
25 January 15, 1987.

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