

EMPLOYMENT OF THE UNEMPLOYED STUDY COMMITTEE

Report to the Legislative Council  
and the Members of the  
Second Session of the Sixty-sixth General Assembly  
State of Iowa  
1976

F I N A L R E P O R T

OF THE

EMPLOYMENT OF THE UNEMPLOYED STUDY COMMITTEE

Senate Concurrent Resolution 67 and Senate Concurrent Resolution 38 assigned to the Employment of the Unemployed Study Committee by the Legislative Council both address the problems of a declining job market and burgeoning assistance roles and raise questions concerning the merits of the traditional AFDC system and the desirability of the state supplementing that program and unemployment compensation benefits with work programs that offer recipients the opportunity to move back into the labor force. These two questions were among those considered by the Study Committee during the interim.

Legislative members appointed to the Study Committee by the Legislative Council were:

Representative Jerome Fitzgerald  
Representative Gregory D. Cusack  
Representative LaVern R. Harvey  
Representative Thomas J. Jochum  
Representative Thomas J. Tauke  
Senator Leonard C. Andersen  
Senator William E. Gluba  
Senator Hilarius L. Heying  
Senator Cloyd E. Robinson  
Senator Ray Taylor

The Study Committee elected Representative Fitzgerald as Chairperson and Senator Gluba as Vice Chairperson. At its first meeting the Study Committee determined that the creation of subcommittees would expedite the interim study. Subcommittees on the Employment of the Temporarily Unemployed, the present Aid to Families with Dependent Children program (AFDC), and the Employment of the Elderly and Youth were appointed at that time. Committee recommendations reflect suggestions made by the respective Subcommittees.

At successive meetings the Study Committee and its Subcommittees met with representatives from the Department of Social Services, the Iowa Development Commission, the Employment Security Commission, the Merit Employment Department, the Office for Planning and Programming, the Comptrollers Office, the United States Department of Health, Education and Welfare, the Conservation Commission, the Commission on the Aging and numerous private agencies plus a group of AFDC recipients from the Davenport area. The Study Committee examined present work and training programs for the elderly, youth and AFDC recipients and discussed proposals to provide increased training and job opportunities for AFDC recipients and to enhance the incentive for recipients to work, to provide

alternatives to traditional unemployment compensation benefits which include a work element and to encourage state agencies to offer employment opportunities on a flexible hours basis. At its November 11 meeting the Study Committee issued the following recommendations, all by a unanimous vote of those Study Committee members present.

1. THE GREEN THUMB PROGRAM AND RELATED AMENDMENTS TO SENATE FILE 573.

The Study Committee recommends the following amendments to Senate File 573 passed by the First Session of the Sixty-sixth General Assembly (See BILL I attached):

1. The present program allows for the employment of participants in horticultural related fields. At the suggestion of the Conservation Commission, the Study Committee recommends that this definition be expanded to include conservation and outdoor recreation fields so that additional employment opportunities are open to program participants.

2. Because the Conservation Commission has experienced numerous problems in initiating the program and as a result actual employment of participants will not commence until the beginning of the work season in the spring of 1976, the Study Committee recommends that present funding for the program be extended through December 31, 1976.

3. The Study Committee recommends that the deadline for the Conservation Commission's report on the program to the General Assembly be changed to January 1, 1977 so that the report is immediately available to the Sixty-seventh General Assembly upon its convening.

4. The present statute has been interpreted as prohibiting the employment of participants at any wage except the current federal minimum wage. The Conservation Commission has expressed the desire to hire an elderly person to supervise the program and would like to provide reasonable compensation for this person. The Study Committee recommends that the language in the present statute be changed to afford the Conservation Commission some discretion in hiring individuals at a compensation rate that exceeds the current federal minimum wage.

5. It is the consensus of the Study Committee that green thumb participants be exempted from merit employment, unemployment compensation and Iowa public employee retirement system requirements and benefits.

In addition to amending those sections of Senate File 573 relating to the green thumb programs, BILL I also requires reports by the Commission on the Aging, the State Department of Transportation, the Office for Planning and Programming and the

Department of Health concerning nutrition, transportation and home winterizing programs and well-elderly clinics respectively and extends the funding for all programs in Senate File 573 except nutrition programs, the mobile dental unit and funds appropriated for the administration of chapter 135C of the Code through June 30, 1977 or December 31 in the case of the green thumb program. It is the opinion of the Study Committee that the latter change would lend continuity to these programs which otherwise might be disrupted because under the present law they are required to submit a report to the General Assembly including future funding recommendations six months after state funds for the programs run out.

The recommendation to extend present funding for certain programs does not mean that the Study Committee recommended not to continue funding for nutrition programs, the mobile dental unit and for the administration of chapter 135C of the Code. Rather, it was assumed by Study Committee members that any future funding requests for these programs would be contained in the appropriate agency's budget request with final funding recommendations being made by the various appropriations subcommittees.

## II. FLEXIBLY SCHEDULED JOB OPPORTUNITIES.

The Study Committee recommends that state agencies initiate efforts to offer a reasonable number of employment opportunities on a flexible hours basis. RESOLUTIONS I, II, and III implement this recommendation. Because flexible scheduling will offer more job opportunities for women as well as students and elderly and handicapped individuals, this concept may also prove beneficial as an incentive for AFDC recipients to work. The Study Committee emphasizes that flexible scheduling should not interfere with normal agency operations and that fringe benefits should be offered to flexitime employees. Representatives from the Merit Employment Department and the Comptrollers Office have agreed to identify and attempt to work out any problems arising from this condition and to gather statistics concerning the feasibility of a flexible hours policy for state government, including the anticipated response from potential participants. Their findings will be reported to the Second Session of the Sixty-sixth General Assembly upon its convening.

## III. YOUTH EMPLOYMENT PROGRAMS.

In examining youth employment programs currently offered by the state, the Study Committee finds that a variety of effective programs exist, with funding for expansion of existing capabilities to meet present demands being the primary issue at this point.

## IV. EMPLOYMENT OPPORTUNITIES FOR AFDC RECIPIENTS.

After examining three alternative proposals for employing AFDC recipients prepared by the Department of Social Services at the Study Committee's request, the Study Committee recommends

that more emphasis be placed on the Work Incentive program (WIN) and the Individual Education and Training Plan program (IETP) both of which are manpower programs currently offered through the Department of Social Services. Due to funding constraints the WIN program is offered in only 59 counties and a freeze has been placed on the availability of IETP services to eligible clients. The Department has agreed to present its recommendations regarding increasing the availability of services offered by these programs to the appropriate subcommittees of the Standing Committees on Appropriations for consideration.

In addition to maximizing utilization of present manpower programs, the Study Committee also expressed an interest in the second proposal presented by the Department of Social Services which would create a public service employment program for AFDC recipients. Jobs for this program would be provided by state agencies and would be in response to needs which currently exist but are not being met. It is anticipated that participants would be moved into regular merit positions, perhaps even into merit slots that are specifically designated for AFDC recipients, as recipients are trained and job openings become available. The Study Committee feels that this proposal could provide the state with productive employees while concurrently reducing direct cash welfare expenditures. The Department has agreed to further develop this concept for consideration by the appropriate subcommittees of the standing committees on appropriations during the upcoming legislative session.

#### V. DEMONSTRATION PROJECT--ALTERNATIVE WORK AND ASSISTANCE PROGRAM.

The Study Committee examined and discussed at length the current AFDC system and features in the present system that discourage participants from seeking employment. It was recognized that economic trends and structures also effect both the willingness of recipients to seek and accept employment and the availability of jobs themselves and that ultimately the problems of unemployment and increasing government transfer payments cannot be fully resolved without the development of more jobs in the overall economy. As a partial solution to the problem, however, the Subcommittee on AFDC conceived a proposal for a demonstration project which would offer unique community service employment opportunities to recipients through agreements with local service agencies. Recipients would be provided a financial incentive to negotiate a position with a service agency and it is hoped that the project, in addition to providing employment for recipients and services for the community would also emphasize the development of proper work habits and would encourage the eventual movement of participants into the regular labor force. Many problems in the specific design of the demonstration project remain, especially in structuring the program around federal AFDC and food stamp program regulations so that any increase in benefits provided by the state is not canceled out by corresponding decreases in benefits provided pursuant to federal law. A group of community organizers, social workers and recipients from the Davenport area will continue to work on this project and any final product will be submitted to the appropriate standing committee for consideration.

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

## A BILL FOR

1 An Act amending certain programs for elderly, handicapped  
2 and low income persons.

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

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1 Section 1. Acts of the Sixty-sixth General Assembly, 1975  
2 Session, chapter one hundred ten (110), section one (1), is  
3 amended to read as follows:

4 SECTION 1. NEW SECTION. There is established a "green  
5 thumb" program to be administered by the state conservation  
6 commission. The purpose of the program is to encourage and  
7 promote meaningful employment of senior citizens in ~~herti-~~  
8 ~~cultural~~ conservation and outdoor recreation related fields.

9 Sec. 2. Acts of the Sixty-sixth General Assembly, 1975  
10 Session, chapter one hundred ten (110), section four (4),  
11 subsections four (4) and five (5), are amended to read as  
12 follows:

13 4. A person employed shall be paid at least the mini-  
14 mum wage as established by federal law.

15 5. A person shall be employed for the purpose of doing  
16 a job in a ~~horticulatural~~ conservation and outdoor recrea-  
17 tion related field that is both meaningful and respectable.

18 Sec. 3. Acts of the Sixty-sixth General Assembly, 1975  
19 Session, chapter one hundred ten (110), section four (4),  
20 is amended by adding the following new subsection:

21 NEW SUBSECTION. Notwithstanding the provisions of chap-  
22 ters nineteen A (19A), ninety-six (96), and ninety-seven B  
23 (97B) of the Code, persons employed through the "green thumb"  
24 program shall be exempt from merit system requirements, shall  
25 not be eligible for membership in the Iowa public employees  
26 retirement system, and shall not be eligible to receive un-  
27 employment compensation benefits.

28 Sec. 4. Acts of the Sixty-sixth General Assembly, 1975  
29 Session, chapter one hundred ten (110), section five (5),  
30 is amended to read as follows:

31 SEC. 5. The state conservation commission shall submit  
32 a report to the First Session of the Sixty-seventh General  
33 Assembly not later than thirty-days-after-its-convening Jan-  
34 uary 1, 1977. This report shall contain a critical evaluation  
35 of the effectiveness of the "green thumb" program and make

1 recommendations as to future funding of the program.

2 Sec. 5. Acts of the Sixty-sixth General Assembly, 1975  
3 Session, chapter one hundred ten (110), section six (6),  
4 is amended to read as follows:

5 SEC. 6. There is established ~~a one-year~~ an experimental  
6 retired Iowan employment program to be administered by the  
7 commission on aging. The purpose of the program is to en-  
8 courage and promote the meaningful employment of retired  
9 citizens of the state. The Iowa employment security com-  
10 mission shall cooperate with the commission on aging in  
11 the administration of the retired Iowan employment program.

12 Sec. 6. Acts of the Sixty-sixth General Assembly, 1975  
13 Session, chapter one hundred ten (110), section twelve (12),  
14 is amended to read as follows:

15 SEC. 12. There is appropriated from the general fund of  
16 the state for the fiscal year period beginning July 1, 1975  
17 and ending June 30, ~~1976~~ 1977 to the state department of  
18 health the sum of one hundred fifty thousand (150,000) dol-  
19 lars, or so much thereof as is necessary, to establish not  
20 more than five well-elderly demonstration clinics for the  
21 purpose of delivering health supervision services. At least  
22 two clinics shall be located in a rural area and shall of-  
23 fer services to a multi-county area. A well-elderly clinic  
24 is a clinic for the development of a program of preventive  
25 medicine to serve persons sixty years of age and older. The  
26 clinics may be staffed with physicians, as defined in sec-  
27 tion one hundred thirty-five C point one (135C.1) of the  
28 Code, or persons designated by physicians and shall provide  
29 referral services to skilled care. The department shall  
30 establish fees on a sliding scale for services provided  
31 through the clinics. The department of health shall sub-  
32 mit a report to the First Session of the Sixty-seventh Gen-  
33 eral Assembly not later than thirty days after its conven-  
34 ing. The report shall contain a critical evaluation of the  
35 effectiveness of the well-elderly clinics including recom-

1 mendations as to future funding for the project.

2     Sec. 7. Acts of the Sixty-sixth General Assembly, 1975  
3 Session, chapter one hundred ten (110), section fourteen  
4 (14), is amended to read as follows:

5     SEC. 14. There is appropriated from the general fund of  
6 the state for the fiscal year period beginning July 1, 1975  
7 and ending June 30, ~~1976~~ 1977 to the office for planning  
8 and programming the sum of eighty thousand (80,000) dollars,  
9 or so much thereof as is necessary to carry out the provi-  
10 sions of section fifteen (15) of this Act.

11     Sec. 8. Acts of the Sixty-sixth General Assembly, 1975  
12 Session, chapter one hundred ten (110), section sixteen (16),  
13 is amended to read as follows:

14     SEC. 16. There is appropriated from the general fund of  
15 the state to the "green thumb" fund created in section two  
16 (2) of this Act, for the fiscal years period beginning July  
17 1, 1974 and ending ~~June 30~~ December 31, 1976, the sum of two  
18 hundred fifty thousand (250,000) dollars, or so much thereof  
19 as is necessary, to be used according to the provisions of  
20 sections one (1) through five (5) of this Act.

21     Sec. 9. Acts of the Sixty-sixth General Assembly, 1975  
22 Session, chapter one hundred ten (110), section seventeen  
23 (17), is amended to read as follows:

24     SEC. 17. There is appropriated from the general fund of  
25 the state to the retired Iowan employment fund created in  
26 section seven (7) of this Act for the fiscal year period be-  
27 ginning July 1, 1975 and ending June 30, ~~1976~~ 1977, the sum  
28 of one hundred thousand (100,000) dollars, or so much thereof  
29 as is necessary, to be used according to the provisions of  
30 sections six (6) through ten (10) of this Act.

31     Sec. 10. Acts of the Sixty-sixth General Assembly, 1975  
32 Session, chapter one hundred ten (110), section eighteen (18),  
33 unnumbered paragraph one (1), subsection three (3), and unnum-  
34 bered paragraph two (2), are amended to read as follows:

35     There is appropriated from the general fund of the state

1 to the state department of transportation for the fiscal year  
2 period beginning July 1, 1975 and ending June 30, 1976 1977,  
3 the following amounts, or so much thereof as is necessary,  
4 to be used for the purposes designated:

5 3. COORDINATION OF TRANSPORTATION  
6 SERVICES PROJECT.

7 For a project to be conducted by  
8 the state department of transporta-  
9 tion for the purpose of coordinating  
10 existing transportation services for  
11 the elderly and handicapped in a des-  
12 ignated region ..... \$50,000

13 Funds appropriated by this subsection may be used to designate  
14 a region that could potentially benefit from a coordination of  
15 services to prepare and implement the project plan including  
16 the costs of personnel, initial operating expenses and expenses  
17 incurred because of the increased utilization of existing ve-  
18 hicles and to evaluate the project. ~~The state department of~~  
19 ~~transportation shall prepare a final report of the project for~~  
20 ~~presentation to the 1976 Session of the Sixty-sixth General~~  
21 ~~Assembly not later than May 17, 1976.~~

22 The state department of transportation shall consult with  
23 the commission on aging and the governor's committee on em-  
24 ployment of the handicapped before expending funds appropri-  
25 ated by this section for the purposes designated. The state  
26 department of transportation shall prepare a progress report  
27 on the transportation projects funded by this section for  
28 presentation to the 1976 Session of the Sixty-sixth General  
29 Assembly not later than May 1, 1976. The department shall  
30 submit a final report on the transportation projects funded  
31 by this section to the First Session of the Sixty-seventh  
32 General Assembly not later than thirty days after its con-  
33 vening. The final reports shall provide a critical evalua-  
34 tion of the effectiveness of the transportation projects  
35 including recommendations as to future funding of the proj-

1 acts.

2     Sec. 11. The commission on aging shall submit a report  
3 on the nutrition programs funded pursuant to Acts of the  
4 Sixty-sixth General Assembly, 1975 Session, chapter one hun-  
5 dred ten (110), section eleven (11) to the second regular  
6 session of the Sixty-sixth General Assembly prior to its  
7 adjournment. The report shall contain a critical evalua-  
8 tion of the effectiveness of the nutrition programs and  
9 shall include recommendations as to future funding of the  
10 programs.

11     Sec. 12. The office for planning and programming shall  
12 submit a report on the winterizing program created pursuant  
13 to Acts of the Sixty-sixth General Assembly, 1975 Session,  
14 chapter one hundred ten (110), section fifteen (15), to the  
15 Sixty-seventh General Assembly not later than thirty days  
16 after its convening. The report shall evaluate whether the  
17 funds distributed for winterizing projects were used effec-  
18 tively and shall include recommendations concerning future  
19 funding for winterizing assistance.

20                                   EXPLANATION

21     This bill extends the appropriations made in Senate File  
22 573 passed by the First Session of the Sixty-sixth General  
23 Assembly for green thumb, and retired Iowan employment pro-  
24 grams, well-elderly clinics, transportation projects and  
25 winterizing assistance. Reports to the general assembly  
26 are also required for nutrition programs, the transporta-  
27 tion projects, the well-elderly clinics, and the winterizing  
28 assistance program.

29     The bill also expands the definition of employment op-  
30 portunities which may be offered under green thumb programs  
31 to include employment in conservation and outdoor recreation  
32 fields, provides that green thumb participants shall receive  
33 at least the federal minimum wage, and exempts green thumb  
34 participants from merit system requirements and Iowa public  
35 employees retirement and unemployment compensation benefits.

LSB 3155  
dd/jw/

RESOLUTION 1.

STUDY COMMITTEE RESOLUTION

WHEREAS, there are many Iowans who have skills and talents to offer the state who are barred from state employment because their circumstances do not permit them to accept a full-time job; and

WHEREAS, one remedy for this situation is flexibly scheduled job opportunities including part-time, gliding and tandem positions with fringe benefits offered on a sliding scale; and

WHEREAS, statistics indicate that flexible scheduling does work and that the system provides advantages to the employer in terms of productivity and morale and to potential employees, who are primarily women, elderly, handicapped and students, in need of employment; NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATIVE EMPLOYMENT OF THE UNEMPLOYED STUDY COMMITTEE, That the heads of all state agencies are requested to make reasonable efforts to offer a reasonable number of positions within their respective agencies on a flexible hours basis which positions shall provide for sliding scale fringe benefits and shall not impede normal agency operations.

RESOLUTION II.

STUDY COMMITTEE RESOLUTION

WHEREAS, there are many Iowans who have skills and talents to offer the state who are barred from state employment because their circumstances do not permit them to accept a full-time job; and

WHEREAS, one remedy for this situation is flexibly scheduled job opportunities including part-time, gliding and tandem positions with fringe benefits offered on a sliding scale; and

WHEREAS, statistics indicate that flexible scheduling does work and that the system provides advantages to the employer in terms of productivity and morale and to potential employees, who are primarily women, elderly, handicapped and students, in need of employment; NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATIVE EMPLOYMENT OF THE UNEMPLOYED STUDY COMMITTEE, That the governor of the state of Iowa is requested to direct the heads of all state agencies to investigate and develop a plan as soon as is feasible for offering a reasonable number of positions within their respective agencies on a flexible hours basis which plan shall address the problems created by flexible scheduling for employee fringe benefits and agency operations; and

BE IT FURTHER RESOLVED, That the governor or his designee is requested to report to the general assembly by February 1, 1976 concerning the content and progress of state agency plans for offering flexibly scheduled job opportunities.

RESOLUTION III

HOUSE CONCURRENT RESOLUTION NO. \_\_\_\_\_

By

1 WHEREAS, there are many Iowans who have skills and talents  
2 to offer the state who are barred from state employment because  
3 their circumstances do not permit them to accept a full-time  
4 job; and

5 WHEREAS, one remedy for this situation is flexibly scheduled  
6 job opportunities including part-time, gliding and tandem  
7 positions with fringe benefits offered on a sliding scale;  
8 and

9 WHEREAS, statistics indicate that flexible scheduling does  
10 work and that the system provides advantages to the employer  
11 in terms of productivity and morale and to potential employees,  
12 who are primarily women, elderly, handicapped and students  
13 in need of employment; NOW THEREFORE,

14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE  
15 CONCURRING, That the heads of all state agencies are requested  
16 to make reasonable efforts to offer employment within their  
17 respective agencies on a flexible hours basis, which employment  
18 shall provide sliding scale fringe benefits to flexitime  
19 employees and shall not impede normal agency operations.

20 BE IT FURTHER RESOLVED, That the governor of the state  
21 of Iowa is requested to direct the heads of all state agencies  
22 to investigate and develop a plan as soon as is feasible for  
23 offering a reasonable number of positions within their  
24 respective agencies on a flexible hours basis, which plan  
25 shall address the problems created by flexible scheduling  
26 for employee fringe benefits and agency operations; and

27 BE IT FURTHER RESOLVED, That the governor or his designee  
28 is requested to report to the general assembly concerning  
29 the content and progress of state agency plans and efforts  
30 to offer flexibly scheduled job opportunities.

F I N A L   R E P O R T

JUVENILE JUSTICE STUDY COMMITTEE

House Concurrent Resolution 25, introduced during the 1975 Session of the Sixty-sixth General Assembly, requested that the Iowa Legislative Council create a study committee for the 1975 legislative interim to continue the study of the Iowa Juvenile Justice System which had been conducted during the 1974 legislative interim. The membership of the Study Committee is as follows:

Senator Minnette F. Doderer, Chairperson  
Representative Thomas J. Higgins, Vice Chairperson  
Senator Philip B. Hill  
Senator E. Kevin Kelly  
Senator Karl Nolan  
Senator Bass Van Cilst  
Representative Glen E. Bortell  
Representative Julia Gentleman  
Representative Emil J. Husak  
Representative James W. Spradling

At its initial meeting the Study Committee agreed to concentrate its efforts on a thorough study of Chapter 232 of the Code and to consider legislation designed to enhance the quality of justice provided juveniles under the Iowa juvenile justice system. Also at its initial meeting the Study Committee decided to hold meetings at the State Training School for Boys, the State Training School for Girls and the State Juvenile Home for the purpose of eliciting the opinions of the students, staff, and administration relating to the effectiveness of the Iowa juvenile justice system and recommendations for change. The remainder of the Study Committee's meetings was devoted to an examination of the current provisions of Chapter 232 and discussions of proposals intended to improve the operation of the Iowa juvenile justice system. Professor Josephine Gittler of the University of Iowa College of Law, a noted authority in the juvenile justice field, assisted the Study Committee by identifying the issues to be resolved and by preparing memoranda for the Study Committee which set forth alternative methods of resolving the issues. During its deliberations the Study Committee identified and discussed the following general topics: jurisdiction of the juvenile court; police roles and powers within the juvenile justice system; detention and shelter care alternatives, juvenile court intake procedures (for the purposes of this Report the term intake shall mean the initial contact a juvenile has with juvenile authorities and the process by which the decision is made to file a petition with the court alleging that the child is delinquent or to provide services to the juvenile on an informal basis without an adjudication by the court), adjudication and disposition. As a result of this study the Study Committee makes the following legislative recommendations to the General Assembly:

1. The current definition of a child in need of assistance is so broadly written as to permit a juvenile court judge almost total discretion to set the criteria by which to adjudicate a juvenile as a child in need of assistance. The Study Committee recommends that the term "child in need of assistance" be more specifically defined in order to more precisely set forth the criteria by which a child may come under the jurisdiction of the juvenile court as a child in need of assistance.

2. When a juvenile comes in contact with a police officer, the officer makes an initial decision as to whether to refer a juvenile to the juvenile court, and when a juvenile is referred to the juvenile court an intake officer (probation officer) makes an initial decision as to whether to file a petition. These decisions substantially effect the juvenile's rights and subsequent treatment. Since the right to counsel is fundamental to preserving the rights of juveniles at these initial stages, the Committee recommends that the juvenile be afforded the right to counsel in connection with custodial questioning by a peace officer and questioning by an intake officer (probation officer) as well as in connection with all subsequent judicial proceedings (detention hearing, adjudicatory hearing and dispositional hearing).

3. The Study Committee recommends that a juvenile shall be informed of his/her rights prior to custodial questioning by a peace officer or questioning by an intake officer (probation officer) and if interrogated without the presence of legal counsel, any statement made by the juvenile shall be inadmissible as evidence in subsequent proceedings.

4. Currently the practice of informal probation (the practice of placing a juvenile under supervision without an adjudication) is widely used throughout the state of Iowa without clear statutory authority. The Study Committee recommends that the practice of informal probation be statutorily provided with the following procedural safeguards; the juvenile's participation in an informal probation agreement must be voluntary with the advice of his or her parent, guardian, or other responsible adult and legal counsel and if an informal probation agreement is entered into a petition alleging delinquency may not be filed against the juvenile arising out of the same transaction or occurrences which initially brought the juvenile to the attention of the authorities. The Committee further recommends that informal probation agreements not be effective for longer than a six-month period.

5. The Study Committee recommends that when a decision to file a petition alleging delinquency is made during the intake process, the decision to file the petition be reviewable by the county attorney. The Study Committee also recommends that, if during the intake process the decision is made not to file a petition alleging delinquency, such a decision is not reviewable by the county attorney. In addition the Study Committee recommends that the decision to file the petition be based on the legal sufficiency of the complaint filed against the juvenile, the

competency of the evidence used to support the complaint, and the best interests of the child and of the community.

6. When a juvenile is taken into custody and cannot be released to parents, guardian, or other suitable person, a decision must be made as to the type of facility in which the juvenile may be placed. The Committee recommends differentiating between placement in detention (secure or locked) facilities, and shelter (nonsecure or unlocked) facilities, and proposes specific criteria to be applied in determining the appropriate placement in each case. One such criterion is that only juveniles alleged to be delinquent may be held in a detention facility. The Committee recommends stringent criteria establishing when and under what conditions a child may be detained in jail. These criteria include: a) that no juvenile under 14 years of age may be detained in jail, and b) that juveniles must be detained in an area separate from adult prisoners.

7. Presently a juvenile accused of being delinquent and who cannot be returned to his or her home to await an adjudicatory hearing may be held in a detention facility by an ex parte order of the court. The Study Committee recommends that within forty-eight hours of the apprehension of the juvenile an adversary hearing be held to determine whether the child should remain in custody and, if the juvenile is to remain in custody, to determine whether that custody will be in a secure or nonsecure facility.

8. Currently the practice of plea bargaining exists within the juvenile justice system, but without specific statutory authority. The Study Committee recommends that the practice of plea bargaining be acknowledged with the following procedural safeguards for the juvenile: a) that the court determine that the juvenile entered into the plea bargaining agreement voluntarily and intelligently; b) that the court finds that the juvenile was effectively represented by legal counsel; c) that sufficient evidence exists to find the juvenile a delinquent at an adjudicatory hearing; d) and that the juvenile retains the right to withdraw from the plea bargaining agreement if he or she has not been afforded procedural safeguards, or if acceptance of the plea will work an injustice on the juvenile, or if the court rejects the terms of the agreement.

9. Presently a juvenile is adjudicated and a disposition of his or her case is made at the same hearing. The Study Committee recommends that the adjudication function and the disposition function be performed in separate hearings.

10. The Study Committee recommends that at the adjudicatory hearing the rules of evidence shall be the same as those which apply in the adult criminal court.

11. The Study Committee recommends that, if because of previous contact with the juvenile or the juvenile's case the juvenile court judge cannot render an unbiased decision and another unbiased

judge is unavailable, the juvenile may request and be granted a jury trial.

12. The Study Committee recommends that the preparation of a pre-disposition report may not be commenced prior to the adjudicatory hearing, without the consent of the juvenile and his or her counsel. In addition the Study Committee recommends that the social history file may not be presented to the juvenile court judge until the adjudication hearing is completed.

13. The Study Committee recommends that all juvenile court proceedings be closed to the general public, except that the judge in his or her discretion may admit persons who have a legitimate interest in the juvenile's case or the juvenile justice system. In addition the juvenile may request and be granted permission to permit specified members of the general public to be admitted to the proceedings.

14. The Study Committee recommends that the juvenile court may make one of the following dispositions of a child adjudicated as delinquent: placement in a secure facility, placement in a nonsecure facility, placement in foster care, released on conditional freedom (probation). In addition the Study Committee recommends the establishment of criteria designed to assist the judge in selecting the dispositional alternative most appropriate for the juvenile and which is least restrictive of the juvenile's rights.

15. Because the existence of records indicating a juvenile's contact with the juvenile justice system may stigmatize the juvenile in the future, the Committee recommends that official records involving juveniles be confidential and that nontestimonial identification of a juvenile (by such means as fingerprints) may not be taken except by ex parte court order. The Committee further recommends that arrest records of juveniles not be included in any information transmission system, that arrest records in cases where no adjudication takes place be expunged, and that all other arrest records be expunged after a reasonable length of time. The Committee recommends that juvenile court records be sealed following the adjudication and that they be released only in narrowly specified circumstances. The Committee further recommends that court records be expunged two years after the adjudication if no subsequent court contact has occurred.

A bill draft incorporating these recommendations will be presented to the next session of the General Assembly.