

Appropriations 5/1/87 To Pass 5/1/87 (p. 1181)

MAY 4 1987

APPROPRIATIONS CALENDAR

HOUSE FILE 684
BY COMMITTEE ON APPROPRIATIONS

Passed House, Date 5/6/87 (p. 2013) Passed Senate, Date 5/4/87 (p. 1765)
Vote: Ayes 96 Nays 0 Vote: Ayes 43 Nays 0
Approved May 27, 1987

A BILL FOR

1 An Act relating to the county juvenile justice base costs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 684

1 Section 1. Section 232.141, Code 1987, is amended to read
2 as follows:

3 232.141 EXPENSES CHARGED TO COUNTY.

4 1. The following expenses upon certification of the judge
5 to the board of supervisors or upon such other authorization
6 as provided by law are a charge upon the county in which the
7 proceedings are held to the extent provided in subsection 4 8.

8 a. The fees and mileage of witnesses and the expenses and
9 mileage of officers serving notices and subpoenas.

10 ~~b.--The expenses of transporting a child to a place~~
11 ~~designated by a child placing agency for the care of a child~~
12 ~~if the court transfers legal custody to a child placing~~
13 ~~agency.~~

14 ~~c.--The expense of transporting a child to or from a place~~
15 ~~designated by the court.~~

16 d b. Reasonable compensation for an attorney appointed by
17 the court to serve as counsel or guardian ad litem.

18 ~~e.--The expense of treatment or care ordered by the court~~
19 ~~under an authority of subsection 2.~~

20 2. The following expenses upon certification of the judge
21 to the board of supervisors or upon such other authorization
22 as provided by law are a charge upon the county identified
23 pursuant to subsection 4 to the extent provided in subsection
24 8:

25 a. The expenses of transporting a child to a place
26 designated by a child placing agency for the care of a child
27 if the court transfers legal custody to a child placing
28 agency.

29 b. The expense of transporting a child to or from a place
30 designated by the court.

31 c. The expense of treatment or care ordered by the court
32 under an authority of subsection 3.

33 2 3. If legal custody of a minor is transferred by the
34 court, if the minor is placed by the court with someone other
35 than the parents, or if a minor is given physical or mental

1 examinations or treatment under order of the court, or if a
2 minor is given physical or mental examination or treatment
3 with the consent of the parent, guardian, or legal custodian
4 relating to a child abuse investigation, and no provision is
5 otherwise made by law for payment for the care, examination,
6 or treatment of the minor, the costs shall be charged upon the
7 funds of the county in which the proceedings are held upon
8 certification of the judge to the board of supervisors
9 identified pursuant to subsection 4.

10 4. If a minor is given physical or mental examinations or
11 treatment with the consent of the parent, guardian, or legal
12 custodian relating to a child abuse investigation and no other
13 provision is otherwise made by law for payment for the
14 examination or treatment of the minor, the costs shall be
15 charged upon the funds of the county in which the child
16 resides upon certification of the department to the board of
17 supervisors. The expenses certified under subsection 2 that
18 are the result of a court proceeding shall be a charge upon
19 the county in which the proceedings are held. The expenses
20 certified under subsection 2 that are the result of a child
21 abuse investigation and not a court proceeding shall be a
22 charge upon the county in which the child resides.

23 5. Except for court-ordered care, examination, and
24 treatment authorized by this section, except where the parent-
25 child relationship is terminated, the court may inquire into
26 the ability of the parents to support the minor and after
27 giving the parents a reasonable opportunity to be heard may
28 order the parents to pay in the manner and to whom the court
29 may direct, such sums as will cover in whole or in part the
30 cost of care, examination, or treatment of the minor. An
31 order entered under this section shall not obligate a parent
32 paying child support under a custody decree, except that any
33 part of such a monthly support payment may be used to satisfy
34 the obligations imposed by an order entered under this
35 section. If the parents fail to pay the sum without good

1 reason, the parents may be proceeded against for contempt or
2 the court may inform the county attorney who shall proceed
3 against the parents to collect the unpaid sums or both. Any
4 such sums ordered by the court shall be a judgment against
5 each of the parents and a lien as provided in section 624.23.
6 If all or any part of the sums that the parents are ordered to
7 pay is subsequently paid by the county, the judgment and lien
8 shall thereafter be against each of the parents in favor of
9 the county to the extent of the county's payments.

10 6. Upon the issuance of a court order for the care,
11 examination, or treatment of a minor, the court shall furnish
12 a copy of the court order to all providers of the care,
13 examination, or treatment.

14 3 7. The county charged with the cost and expenses under
15 subsection 1 or 2 pursuant to subsection 4 may recover the
16 costs and expenses from the county where the child has legal
17 settlement by filing verified claims which shall be payable as
18 are other claims against the county. A detailed statement of
19 the facts upon which the claim is based shall accompany the
20 claim. Any dispute involving the legal settlement of a child
21 for which the court has ordered payment under authority of
22 this section shall be settled in accordance with sections
23 252.22 and 252.23.

24 4 8. Costs incurred under this section shall be paid as
25 follows:

26 a. The costs incurred under the provisions of section
27 232.52 of prior Codes by each county for the fiscal years
28 beginning July 1, 1975, 1976 and 1977 shall be averaged. The
29 average cost for each county shall be that county's base cost
30 for the first fiscal year after July 1, 1979.

31 b. Each county shall be required to pay for the first
32 fiscal year after July 1, 1979 an amount equal to its base
33 cost plus an amount equal to the percentage rate of change in
34 the consumer price index as tabulated by the bureau of labor
35 statistics for the current fiscal year times the base cost.

1 c. A county's base cost for a fiscal year plus the
 2 percentage rate of change amount as computed in paragraph "b"
 3 ~~of this subsection~~ shall become that county's base cost for
 4 the succeeding fiscal year. The amount to be paid in the
 5 succeeding year by the county shall be computed as provided in
 6 paragraph "b".

7 d. The total amounts to be paid by a county shall be
 8 computed as provided in paragraphs "a", "b", and "c". For the
 9 fiscal year beginning July 1, 1987, and subsequent fiscal
 10 years, each county's base cost shall be divided into two
 11 separate base costs, representing the costs of witness and
 12 mileage fees and attorney fees paid pursuant to subsection 1,
 13 paragraphs "a" and "b", to be reimbursed by the judicial
 14 department, and representing the costs of transportation and
 15 treatment or care paid pursuant to subsection 2, paragraphs
 16 "a", "b", and "c", to be reimbursed by the department of human
 17 services. The ratio of the separate bases for each county
 18 shall equal the ratio of expenses identified in subsection 1
 19 to the expenses identified in subsection 2 incurred during the
 20 fiscal year beginning July 1, 1986 and ending June 30, 1987,
 21 and paid by either the county or the state. Costs incurred
 22 under provisions of this section which are not paid by the
 23 county under the provisions of paragraphs "a," "b" and "c"
 24 shall be paid by the state. The counties shall apply for
 25 reimbursement to the judicial department, which shall
 26 promulgate rules and forms to carry out the provisions of this
 27 paragraph pursuant to rules adopted by the judicial
 28 department. The counties shall apply for reimbursement to the
 29 department of human services pursuant to rules adopted by the
 30 department.

31 Sec. 2. Section 602.1302, Code 1987, is amended by adding
 32 the following new subsection:

33 NEW SUBSECTION. 5. The department shall reimburse
 34 counties for the costs of witness and mileage fees and for
 35 attorney fees paid pursuant to section 232.141, subsection 1.

EXPLANATION

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This bill splits the county juvenile justice base costs into two separate base costs, with costs above the base for attorney and witness fees to be reimbursed by the judicial department, and with costs above the base for treatment and transportation to be reimbursed by the department of human services.

HOUSE FILE 684

AN ACT

RELATING TO THE COUNTY JUVENILE JUSTICE BASE COSTS.

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

Section 1. Section 232.141, Code 1987, is amended to read as follows:

232.141 EXPENSES CHARGED TO COUNTY.

1. The following expenses upon certification of the judge to the board of supervisors or upon such other authorization as provided by law are a charge upon the county in which the proceedings are held to the extent provided in subsection 4 3.

a. The fees and mileage of witnesses and the expenses and mileage of officers serving notices and subpoenas.

~~b. The expenses of transporting a child to a place designated by a child placing agency for the care of a child if the court transfers legal custody to a child placing agency.~~

~~c. The expense of transporting a child to or from a place designated by the court.~~

d b. Reasonable compensation for an attorney appointed by the court to serve as counsel or guardian ad litem.

~~e. The expense of treatment or care ordered by the court under an authority of subsection 2.~~

2. The following expenses upon certification of the judge to the board of supervisors or upon such other authorization as provided by law are a charge upon the county identified pursuant to subsection 4 to the extent provided in subsection 8:

a. The expenses of transporting a child to a place designated by a child placing agency for the care of a child if the court transfers legal custody to a child placing agency.

b. The expense of transporting a child to or from a place designated by the court.

c. The expense of treatment or care ordered by the court under an authority of subsection 3.

3. If legal custody of a minor is transferred by the court, if the minor is placed by the court with someone other than the parents, or if a minor is given physical or mental examinations or treatment under order of the court, or if a minor is given physical or mental examination or treatment with the consent of the parent, guardian, or legal custodian relating to a child abuse investigation, and no provision is otherwise made by law for payment for the care, examination, or treatment of the minor, the costs shall be charged upon the funds of the county in which the proceedings are held upon certification of the judge to the board of supervisors identified pursuant to subsection 4.

4. If a minor is given physical or mental examinations or treatment with the consent of the parent, guardian, or legal custodian relating to a child abuse investigation and no other provision is otherwise made by law for payment for the examination or treatment of the minor, the costs shall be charged upon the funds of the county in which the child resides upon certification of the department to the board of supervisors. The expenses certified under subsection 2 that are the result of a court proceeding shall be a charge upon the county in which the proceedings are held. The expenses certified under subsection 2 that are the result of a child abuse investigation and not a court proceeding shall be a charge upon the county in which the child resides.

5. Except for court-ordered care, examination, and treatment authorized by this section, except where the parent-child relationship is terminated, the court may inquire into the ability of the parents to support the minor and after giving the parents a reasonable opportunity to be heard may order the parents to pay in the manner and to whom the court

may direct, such sums as will cover in whole or in part the cost of care, examination, or treatment of the minor. An order entered under this section shall not obligate a parent paying child support under a custody decree, except that any part of such a monthly support payment may be used to satisfy the obligations imposed by an order entered under this section. If the parents fail to pay the sum without good reason, the parents may be proceeded against for contempt or the court may inform the county attorney who shall proceed against the parents to collect the unpaid sums or both. Any such sums ordered by the court shall be a judgment against each of the parents and a lien as provided in section 624.23. If all or any part of the sums that the parents are ordered to pay is subsequently paid by the county, the judgment and lien shall thereafter be against each of the parents in favor of the county to the extent of the county's payments.

6. Upon the issuance of a court order for the care, examination, or treatment of a minor, the court shall furnish a copy of the court order to all providers of the care, examination, or treatment.

4 7. The county charged with the cost and expenses under subsection 1 or 2 pursuant to subsection 4 may recover the costs and expenses from the county where the child has legal settlement by filing verified claims which shall be payable as are other claims against the county. A detailed statement of the facts upon which the claim is based shall accompany the claim. Any dispute involving the legal settlement of a child for which the court has ordered payment under authority of this section shall be settled in accordance with sections 252.22 and 252.23.

4 8. Costs incurred under this section shall be paid as follows:

a. The costs incurred under the provisions of section 232.52 of prior Codes by each county for the fiscal years beginning July 1, 1975, 1976 and 1977 shall be averaged. The

average cost for each county shall be that county's base cost for the first fiscal year after July 1, 1979.

b. Each county shall be required to pay for the first fiscal year after July 1, 1979 an amount equal to its base cost plus an amount equal to the percentage rate of change in the consumer price index as tabulated by the bureau of labor statistics for the current fiscal year times the base cost.

c. A county's base cost for a fiscal year plus the percentage rate of change amount as computed in paragraph "b" of this subsection shall become that county's base cost for the succeeding fiscal year. The amount to be paid in the succeeding year by the county shall be computed as provided in paragraph "b".

d. The total amounts to be paid by a county shall be computed as provided in paragraphs "a", "b", and "c". For the fiscal year beginning July 1, 1987, and subsequent fiscal years, each county's base cost shall be divided into two separate base costs, representing the costs of witness and mileage fees and attorney fees paid pursuant to subsection 1, paragraphs "a" and "b", to be reimbursed by the judicial department, and representing the costs of transportation and treatment or care paid pursuant to subsection 2, paragraphs "a", "b", and "c", to be reimbursed by the department of human services. The ratio of the separate bases for each county shall equal the ratio of expenses identified in subsection 1 to the expenses identified in subsection 2 incurred during the fiscal year beginning July 1, 1986 and ending June 30, 1987, and paid by either the county or the state. Costs incurred under provisions of this section which are not paid by the county under the provisions of paragraphs "a", "b" and "c" shall be paid by the state. The counties shall apply for reimbursement to the judicial department, which shall promulgate rules and forms to carry out the provisions of this paragraph pursuant to rules adopted by the judicial department. The counties shall apply for reimbursement to the

department of human services pursuant to rules adopted by the department.

Sec. 2. Section 602.1302, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall reimburse counties for the costs of witness and mileage fees and for attorney fees paid pursuant to section 232.141, subsection 1.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 684, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 27, 1987

TERRY E. BRANSTAD
Governor

H. F. 684